CODE OF ORDINANCES

OF THE

TOWNSHIP OF UPPER SALFORD

Montgomery County, Pennsylvania

Ordinance 2016-1

Adopted January 4, 2016

As Revised by Ordinance 2016-2, adopted February 9, 2016

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OFFICIALS

OF THE

TOWNSHIP OF UPPER SALFORD

County of Montgomery, Pennsylvania

TOWNSHIP OFFICIALS

BOARD OF SUPERVISORS

Theodore F. Poatsy, Jr.	Chairman
Kevin C. O'Donnell	Vice Chairman
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Stephen P. Imms, Jr., Esq.	Solicitor
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PLANNING COMMISSION

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Robert F. Hickson	Zoning Officer
Michael C. Reinert, P.E.	Township Engineer

FOREWORD

The following Code of Ordinances of Upper Salford Township has codified all valid and pertinent ordinances and resolutions adopted by the Board of Supervisors since the adoption of the Code of Ordinances Township of Upper Salford by Ordinance No. 94-3 on December 13, 1994. As with the prior Code, this Code is comprised of twenty-seven (27) Chapters, twelve appendices, a key to the disposition of all ordinances and an index.

In the Code, each Chapter is separated by a divider tab, and is arranged by part or article and section. Each Chapter contains a table of contents located at the beginning of the Chapter. The Index may also be used to search for a subject when one is looking for general information on a particular subject, or if it is not known in which Chapter the subject might be found. The Appendix consists of several general categories containing a chronological listing of short subject descriptions along with a reference to the original ordinance and its date of enactment, if know.

The Key to disposition indicates what action has been taken by the codifiers and the Board of Supervisors with regard to ordinance enacted prior to the date of this Codification. An ordinance has either been (1) specifically repealed, (2) superseded by another ordinance, (3) is located in a Chapter of the Code book or (4) is located in the Appendix. Annual tax rate and budget ordinances are located only in the Key. The Key is a cross reference to the original ordinance books of the Township, and to the location within the Code of each ordinance by number.

TOWNSHIP OF UPPER SALFORD
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2016-1

AN ORDINANCE ADOPTING AND ESTABLISHING THE CODE OF ORDINANCES OF THE TOWNSHIP OF UPPER SALFORD, MONTGOMERY COUNTY, PENNSYLVANIA, REVISING IN PART, AMENDING IN PART, AND REPEALING IN PART THE CODE OF ORDINANCES ADOPTED BY ORDINANCE 94-3; ENACTING PROVISIONS TO BE INCLUDED IN THE CODE OF ORDINANCES; PROVIDING A PROCEDURE FOR AMENDING AND MAINTAINING THE CODE OF ORDINANCES; ESTABLISHING THE EFFECTIVE DATE OF THE CODE; SAVING CERTAIN PROVISIONS FROM REPEAL; AND PRESCRIBING PENALTIES FOR VIOLATION OF THE CODE.

WHEREAS, Section 1601(d) of the Second Class Township Code (53 P.S. §66601(d)) authorizes the consolidation or codification of the general body of township ordinances; and

WHEREAS, the Board of Supervisors adopted Ordinance 94-3 on December 13, 1994 establishing the Code of Ordinances of Upper Salford Township; and

WHEREAS, in the years intervening since the adoption of Ordinance 94-3, a number of ordinances and resolutions have been enacted and adopted which have amended, revised, and repealed various Chapters of the enacted Code, and in some instances, there have been several amendments and revisions; and

WHEREAS, in an effort to eliminate the potential of confusion arising out of the numerous changes as referenced, the Board of Supervisors is desirous of adopting a revised, amended and updated Code of Ordinances to reflect the regulations currently in force.

WHEREAS, the Board has conducted a public hearing pursuant to public notice as required by the Pennsylvania Municipalities Planning Code.

NOW THEREFORE, the Board of Supervisors of the Township of Upper Salford, hereby enacts and ordains as follows:

SECTION 1. ADOPTION

The Code of Ordinances of Upper Salford Township as prepared and published at the direction of the Board of Supervisors, is hereby adopted as a consolidation, codification and revision of the Code of Ordinances adopted by Ordinance 94-3 and those ordinances and resolutions of the Township adopted subsequent to that Ordinance. The Code of Ordinances retains Chapters 1 through 27 as established under Ordinance 94-3, and contains the test of the body of all general administrative and penal ordinances of the Township and shall be organized as follows:

Chapter 1 – Administration and Government
Chapter 2 – Animals
Chapter 3 – Bicycles
Chapter 4 – Buildings
Chapter 5 – Code Enforcement
Chapter 6 – Conduct
Chapter 7 – Fire Prevention and Fire Protection
Chapter 8 – Flood Plains
Chapter 9 – Grading and Excavating
Chapter 10 – Health and Safety
Chapter 11 – Housing
Chapter 12 – Libraries
Chapter 13 – Licenses, Permits and General Business Regulations
Chapter 14 – Mobile Homes and Mobile Home Parks
Chapter 15 – Motor Vehicles and Traffic
Chapter 16 – Parks and Recreation
Chapter 17 – Planned Residential Development
Chapter 18 – Sewage and Sewage Disposal; Stormwater Management

Chapter 19 – Signs and Billboards
Chapter 20 – Solid Waste
Chapter 21 – Streets and Sidewalks
Chapter 22 – Subdivision and Land Development
Chapter 23 – Swimming Pools
Chapter 24 – Taxation, Special
Chapter 25 – Trees
Chapter 26 – Water
Chapter 27 – Zoning

Appendix A – Annexation of Territory
Appendix B – Bond Issues and Loans
Appendix C – Franchises and Services
Appendix D – Governmental and Intergovernmental Affairs
Appendix E – Plan Approval
Appendix F – Public Property
Appendix G – Sewers
Appendix H – Streets and Sidewalks
Appendix I – Water
Appendix J – Zoning; Prior Ordinances
Appendix K – Ordinance History; Disposition
Appendix L – Official Maps and Plans

SECTION 2. CITATION

The provisions of the Code of Ordinances referred to in Section 1 of this Ordinance shall be known and cited officially as the "Code of Ordinances of the Township of Upper Salford," and all future ordinances shall make reference thereto in any amendment, revision or addition thereto, including a reference to Chapter, Part and Section, as applicable.

SECTION 3. SAVING CLAUSE

The provisions of the Code of Ordinances, to the extent that they are the same as the prior adopted Code and the ordinances and regulations in force immediately prior to the adoption of this Ordinance, are intended as a continuation of the prior adopted Code and all such ordinances and regulations and not as a new

enactment. The provisions of the Code of Ordinances of Upper Salford Township shall not affect any suit or prosecution pending or to be instituted to enforce any of the prior adopted Code, ordinances, or regulations.

SECTION 4. ENACTMENTS, AMENDMENTS, AND REPEALS

A. Enactments

Chapter 1, Part 2, Section 1-206
Chapter 1, Part 8
Chapter 5, Part 2, Section 5-204
Chapter 16, Part 1, Sections 16-101, 102, 103
Chapter 16, Part 2, Section 16-210
Chapter 16, Part 3, Sections 16-301, 302, 303
Chapter 21, Part 2
Chapter 21, Part 3
Chapter 22, Article 6, Section 22-621

B. Amendments – Chapters 1-21, 23, 24, 25, 26

Chapter 1, Part 1, Section 1-111, 1-111.A.3., 1-112.A, 1-112.B, 1-112.C
Chapter 1, Part 4, Sections 1-401, 1-402, 1-403, 1-411, 1-412, 1-413
Chapter 1, Part 7, Sections 1-701 through 1-712
Chapter 5, Part 1, Sections 5-101 through 5-104
Chapter 5, Part 2, Sections 5-201 through 5-203
Chapter 6, Part 1, Sections 6-107, 108
Chapter 7, Part 1, Section 7-104
Chapter 11, Part 1, Sections 11-101 through 11-104; 11-105 and 11-106 deleted.
Chapter 12 – Addition of Reference to Resolution 2015-1
Chapter 13, Part 1, Sections 13-102 through 13-105, 13-107 through 13-109
Chapter 13, Part 2, Section 13-209
Chapter 13, Part 3, Section 13-310
Chapter 15, Part 1, Sections 15-104 through 15-107
Chapter 15, Part 2, Sections 15-201 through 15-205
Chapter 15, Part 3, Section 15-302
Chapter 15, Part 4, Sections 15-402, 15-403, 15-406, 15-409
Chapter 15, Part 5, Section 15-504
Chapter 15, Part 6, Sections 15-601 through 16-603
Chapter 16, Part 2, Sections 16-202 though 16-209, Sections 16-211 through 16-215
Chapter 18, Part 1, Sections 18-157, 18-158, 18-164, 18-169
Chapter 18, Part 2, Sections 18-256, 18-260

Chapter 18, Part 2, Sections 201 through 210 relocated to C. Holding Tank Regulations and renumbered as Sections 2-301 through 2-310,
Chapter 21, Part 1
Chapter 24, Part 4, Section 403
Chapter 24, Part 6, Sections 24-601 and 24-602 added per Resoultion 2003-7.
The following Maps and Plans are adopted as official maps and plans of the Township of Upper Salford and incorporated into the Code of Ordinances in Appendix L:

Zoning Map
Floodplain Conservation District
Riparian Corridor District
East Branch Perkiomen Creek Watershed
Woodlands
Agricultural Security Properties
Indian Valley Regional Comprehensive Plan
Upper Salford Township Greenway Guidebook
Open Space and Recreation Plan

C. Amendments – Chapter 22, Subdivision and Land Development

1. Article I:

a., Sections 22-100 and 22-101, minor revision to substitute "Chapter" for "Ordinance."

b. Section 22-102.B. was amended to add trails and recreational facilities.

c. Section 22-102 was amended to add subsection C. adding additional direction for the consultation with other provisions of the Code.

d. Section 22-104 was amended to clarify applicable versions of referenced documents.

2. Article II:

a. Section 22-201.A. was amended to revise or add the following definitions:

7. Alluvial Soils was revised to conform to current classifications and standards.

20. Building Envelope was revised to expand and clarify the term.

36. Decorative Lighting, was added to explain the term as used in Article 6 of this Chapter, and all subsequent definitions were re-numbered to accommodate that addition.

52. Footcandle was added consistent with revisions to Article IV.

54. Fully Shielded. was added consistent with revisions to Article IV.

56. Ground Cover was added to explain the term as applicable to open space planning and the implementation of the Greenway Guidebook; all subsequent definitions were re-numbered to accommodate that addition.

61. Infiltration Soils was added to explain the term as applicable to open space planning and the implementation of the Greenway Guidebook; all subsequent definitions were re-numbered to accommodate that addition.

65. Improvements were revised to add trails.

71. Light Trespass was added consistent with revisions to Article IV.

97. Recessed Lighting was added consistent with revisions to Article IV.

109. Soil Survey was revised to refer to current regulations

114.b. Street Rights of Way/Ultimate Right of Way was revised to replace the reference to the Comprehensive Plan and insert a reference to Figure VI.1

126 Web-Soil Survey was revised to refer to current regulations.

3. Article III Resource Conservation and Greenway/Green Area Delineation Standards was deleted in its entirety and replaced with a new Article III Resource Conservation and Greenway/Green Area Delineation Standards to integrate the Upper Salford Township Greenway Guidebook into the Subdivision and Land Development Ordinance.

4. Article IV:

a. Section 22-401.A.1. was amended to read Owner and Applicant, replacing Owner/Applicant.

b. Section 22-401.A. was amended to add new subsections 7 and 14 to integrate the Greenway Guidebook into the Plan Submission Requirements and to renumber subsequent subparagraphs.

c. Section 22-401.B.4. was revised to include current Soil Mapping references.

d. Section 22-401.B. was amended to add new subsections 6 and 10 to integrate the Greenway Guidebook into the Plan Submission Requirements and to renumber subsequent subparagraphs.

e. Section 22-402.A. was amended to add a new subsection 5 to require submission of a reduced scale plan in certain circumstances and to renumber subsequent paragraphs.

f. Section 22-402.D.1. was amended to add a new subsection g. requiring the delineation of greenway areas on submitted plans and to renumber subsequent subparagraphs.

g. Section 22-402.D.1.h. was amended to delete subsection v.

h. Section 22-402.D.1. was amended to add a new subsection k. to require submission of a proposed lighting plan.

i. Section 22-403.A.2.a.i. was revised to integrate the Upper Salford Township Greenway Guidebook into the Final Plan Submission criteria.

j. Section 22-403.A.2.a. was amended to delete the words “and street lights.”

k. Section 22-403.A.2.d.i. was amended to include County permits issued in connection with a proposed final plan submission.

l. Section 22-403.B.2.f. was revised to require GPS location of all proposed monuments.

m. Section 22-404.A.1. was revised to permit a reduced scale plan for minor plan submissions.

n. Section 22-404.A.3. was revised to include standards for error of closure.

o. Section 22-404.C.2. was revised to add subsection e. requiring inclusion of tie bars on simple conveyance plan submissions.

p. Section 22-404.C.3.b.iv. was revised to require depiction of additional proposed features on minor subdivision plan submissions.

5. Article V:

a. Section 22-501 was revised to insert "diagrammatic" before "sketch plan" and to replace "design professionals" for "site designers" where these terms occur within the section.

b. Section 22-503.C.2.d. was revised to require submission of plans in .pdf format.

c. Section 22-504.A.1. was revised to require submission of plans in .pdf format.

d. Section 22-504.C. was revised to adjust the number of copies of plans required to be submitted.

e. Section 22-505A.3.d. was amended to limit the types of development which qualify as a minor subdivision.

f. Section 22-505.A.3.e. was revised to clarify the requirement that the plan comply with stormwater management and erosion and sedimentation control requirements of Chapter 22.

g. Section 22-505.A.4.a. was revised to clarify that the Board of Supervisors were to determine whether a plan submission qualified as a minor land development.

h. Section 22-505.A.4.c. was revised to insert the word "increase" after "25%."

i. Sections 22-505.B.1. and 22-505.B.2. were amended to clarify that minor plan submissions were to be considered final plan submissions and were required to comply with drafting requirements for final plans.

6. Article VI:

a. Section 22-600.E. was revised to add the word "trails."

b. Sections 22-600. H.; 22-602.H.1. and 22-602.H.2 were revised to correct the reference to codified Zoning Ordinance.

c. Section 22-604.D. was revised to add the word "trail" and to delete the reference to the Comprehensive Plan.

d. Section 22-606.I.2. was revised to add a new subsection f. relating to placement of light poles in parking lots.

e. Section 22-606.I.3. was revised to add a new subsection e. requiring the installation of street parking areas at the entrance of residential subdivisions.

f. Section 22-606.K.4. was revised to substitute "removable" for "breakaway."

g. Section 22-606.L.6. was amended to require ten foot vertical clearance.

h. Section 22-608.B. was revised to include reference to Chapter 18, Part B.

i. Section 22-608.C.1.c. was revised to clarify the procedures for the use of recharge alternatives.

j. Section 22-608.C.3.a. was revised to clarify Peak Flow Attenuation standards.

k. Section 22-608.E. was revised to replace 2006 PA Handbook of BMP for Developing Areas for the 1998 version.

l. Sections 22-608.F. 8 and 9 were revised to clarify standards for manholes and inlets.

m. Section 22-611.B.4. was amended to substitute "ICC International" for "BOCA."

n. Section 22-612.B. was amended to add a new subsection 2 to required financial security for existing vegetation proposed to meet required property buffer requirements.

o. Section 22-615.A. was amended to delete a specific dollar amount for financial security for monuments.

p. Section 22-617 was revised to delete the clause "within a mobile home park" where it appears in this Section.

q. Section 22-617.B. was revised to require anchoring as required in the building code.

r. Section 22-618.C. was amended to replace "20" with "10."

s. Section 22-618.C.1. was revised to reference the current edition of the referenced publication rather than a specific version.

t. Sections 22-619.E.5.a. and b. and 22-619.G.2. were revised to correct prior drafting omission.

u. Section 22-620 was revised to add the Open Space Plan, Regional Comprehensive Plan and Greenway Guidebook.

v. Section 22-620.D. was revised to substitute "or" for "and."

w. Section 22-620.E.1. was revised to add figures, as referenced.

x. Section 22-620.E.3.a.1. was revised to add the phrase "or pavement edge" after "curb."

y. Section 22-621. Residential Outdoor Lighting was added to provide standards for residential outdoor lighting as applicable to residential land development.

Article VII:

a. Section 22-706.A. was amended to add a new subsection 3 adding conditions on the acceptance of any street for dedication.

b. Section 22-707. was amended to add a new subsection D. to require maintenance of financial security in phased developments until the completion of all phases.

c. A new Section 22-710 was added requiring the installation of key boxes in non-residential development.

d. Sections 22-800.A. and B. were revised to correct section references.

e. Section 22-801. was amended to add a new subsection F. relating to site design requirements for mobile home parks and renumber following paragraphs.

f. Section 22-801.G. was revised to add "paths, trails, and bike lanes."

g. Section 22-802.A. was revised to increase the required open space in a mobile home park from 30 percent to 60 percent.

h. Section 22-802.B. was revised to reflect the increased open space as provided by revised Section 22-802.A.

i. Section 22-802 B.2.c.v. was revised to substitute "Stormwater and wastewater management facilities" for "Detention basins and other practices impounding areas."

j. Sections 22-804.A.2. and B.2. were revised to delete the phrase "as well as those of the servicing utility."

k. Sections 22-804.B.3. a. and b. were revised to delete the phrase "servicing utility."

l. Section 22-903 was amended to add a new subsection E. adding a new condition for waiver requests.

D. Amendments – Chapter 27, Zoning

Article I:

a. Sections 27-101 and 27-102 were revised to delete the reference to the Upper Salford Township Comprehensive Plan of 1995 and insert the Indian Valley Regional Comprehensive Plan, as revised and amended.

b. Section 27-102.D was amended to add "wooded areas and woodlands."

c. Section 27-102.G. was revised to insert "vehicular and non-vehicular" before the words "traffic" and "access."

d. Sections 27-103 and 27-104 were revised to delete reference to the Upper Salford Township Comprehensive Plan of 1995 and delete language relating to resolution of any conflict between that document and the Indian Valley Regional Comprehensive Plan, and to clarify the applicable versions of referenced documents.

Article II:

a. Article II, Definitions, was amended to add a new Section 27-205. Agriculture; Agricultural Operations, being a definition of those terms, and re-numbering all following sections through the end of Article II.

b. Sections 27-206, 27-227, and 27-235 were revised to meet current standards.

c. Section 27-219 was revised to clarify the reference.

d. Section 27- 226 was revised to clarify the definition.

e. Section 27-239 was revised to exclude the processing or composting of food waste from the definition.

f. Sections 27-240, 27-241, and 27-269 were re-formatted for consistency.

g. Section 27-244.A.1. was amended to add the words "or structure."

h. Section 27-263 was revised to correct the code reference.

i. Section 27-269.C. was revised to insert "stormwater management."

j. Section 27-270 was revised to insert "may be" in the first sentence.

Article III:

a. Section 27-302.D. was revised to insert "Principal Uses" after D.

b. Section 27-304.A.1. was revised to add the words "the agricultural use" to clarify the defined use.

c. Section 27-304.A.3.c.viii. was revised to correct the code reference.

d. Section 27-304.A.3.d. iii. was revised to insert "Zoning" before "Hearing Board" in the first sentence.

e. Section 27-304.A.8. was revised to correct the reference to the state agency as it appears.

f. Section 27-304.A.14. was amended to clarify the permitted height of residential accessory structures in subsection a. and insert "IN Institutional" in subsection e.

g. Section 27-304.A.16.g. was revised to correct the Code reference.

h. Section 27-304.A.17.d. was revised to correct the word "lighting."

i. Section 27-304.B.1.b.v.C. was revised to insert the words "with a site plan" in the first sentence.

j. Section 27-304.B.1.b.vii. was reformatted as new subsection c. and to renumber the following subsections.

k. Section 27-304.B.3. was amended to add a new subsection h. to conform to the definition of intensive agriculture.

l. Section 27-304.B.5. was revised to add "public" before "riding." This section was further amended as follows:

1. Subsection b. was amended to add the clause "or the minimum applicable yard setback, whichever is greater."

2. Subsection c. was added to address the location of fencing.

3. Subsection d. was revised to prescribe the number of horses permitted to be kept on the property.

m. Section 27-304.C.4.e. was revised to replace "service stations" with "motor vehicle repairs and motor vehicle fuel sales" where it appears.

n. Section 27-304 C.13. was revised to correct the term veterinarian.

o. Section 27-304.D.3. was revised to add the clause "as well as the composting of food waste or garbage" after junk yard in the first paragraph.

p. Section 27-304.D.3.f. was revised to correct or clarify grammatical errors or concerns.

q. Section 27-304.D.3.g. was revised to correct the code reference.

r. Section 27-304.D.3.p. was amended to require the grant of a special exception by the Zoning Hearing Board in place of conditional use approval by the Board of Supervisors. It was also revised to correct the comprehensive plan reference. It was further revised to require the submission of a traffic study in connection with a special exception application. It was further amended to add a new subsection g. requiring the operator to obtain and maintain all permits issued by the Commonwealth of Pennsylvania for the solid waste use.

s. Section 27-304.E.9. was amended to clarify that the use did not include certain electrical or power generation facilities.

t. Section 27-304.G.4. was revised to delete the term "roller ball."

Article V:

a. Section 27-502.A. was reformatted.

b. The Charts at Sections 27-502, 27-602, 27-602.C., 27-902, 27-902.C., 27-903.B., 27-1102, 27-1202, 27-1302, 27-1402, and 27-1502 were revised to add a note

addressing the potential ambiguity or conflict between the charts and the narrative text of the ordinance and the use definitions.

Article VI:

a. The Charts at Sections 27-502, 27-602, 27-602.C., 27-902, 27-902.C., 27-903.B., 27-1102, 27-1202, 27-1302, 27-1402, and 27-1502 were revised to add a note addressing the potential ambiguity or conflict between the charts and the narrative text of the ordinance and the use definitions.

b. Sections 27-600.J and 24-900.J. were revised to add reference to the Greenway Guidebook.

c. Section 27-602.B.10. was revised to substitute 15% for 10%.

d. Section 27-602.C. was revised to correct a misspelling, subsection 2.a. was revised to add Greenway Guidebook, and subsection 3 was revised to correct the code reference.

Article IX:

a. Section 27-901 was revised to move Use A-9 Home Occupations from subsection B.4. to subsection A.9. and to renumber following sections.

b. Section 27-901.B.5. was revised to correct the code reference and was reformatted.

c. The Charts at Sections 27-502, 27-602, 27-602.C., 27-902, 27-902.C., 27-903.B., 27-1102, 27-1202, 27-1302, 27-1402, and 27-1502 were revised to add a note addressing the potential ambiguity or conflict between the charts and the narrative text of the ordinance and the use definitions.

d. Footnote 4 to the Chart at Section 27-902 was revised to correct the code reference.

e. Section 27-902.B. was revised to add "/Village Commercial" to the opening paragraph.

f. Section 27-902.C.2.a. was revised to substitute "Greenway Guidebook" for "Comprehensive Plan or Open Space Plan."

g. Section 27-902.C.3. was revised to correct the code reference.

h. Section 27-903.E. was revised to correct the code reference.

Article XI:

a. The Charts at Sections 27-502, 27-602, 27-602.C., 27-902, 27-902.C., 27-903.B., 27-1102, 27-1202, 27-1302, 27-1402, and 27-1502 were revised to add a note addressing the potential ambiguity or conflict between the charts and the narrative text of the ordinance and the use definitions.

Article XII:

a. The Charts at Sections 27-502, 27-602, 27-602.C., 27-902, 27-902.C., 27-903.B., 27-1102, 27-1202, 27-1302, 27-1402, and 27-1502 were revised to add a note addressing the potential ambiguity or conflict between the charts and the narrative text of the ordinance and the use definitions.

Article XIII:

a. Section 27-1300.A. was revised to delete the word "shopping."

b. Section 27-1301.A.27. was amended to add uses A-5, A-8, A-9, A-14, A-16, and A-17.

c. The Charts at Sections 27-502, 27-602, 27-602.C., 27-902, 27-902.C., 27-903.B., 27-1102, 27-1202, 27-1302, 27-1402, and 27-1502 were revised to add a note addressing the potential ambiguity or conflict between the charts and the narrative text of the ordinance and the use definitions.

d. Sections 27-1303.C. and 27-1404.B. were revised to delete the word "bike."

e. Section 27-1305. was renumbered to 27-1304.

Article XIV:

a. The Charts at Sections 27-502, 27-602, 27-602.C., 27-902, 27-902.C., 27-903.B., 27-1102, 27-1202, 27-1302, 27-1402, and 27-1502 were revised to add a note addressing the potential ambiguity or conflict between the charts and the narrative text of the ordinance and the use definitions.

b. The Chart at Section 27-1402 was revised to delete references to "Standard' and "Class I Uses."

Article XVI:

a. Section 27-1501 was revised to move Use D-3 to subsection B.3. to be consistent with the use definition of Use D-3.

b. The Charts at Sections 27-502, 27-602, 27-602.C., 27-902, 27-902.C., 27-903.B., 27-1102, 27-1202, 27-1302, 27-1402, and 27-1502 were revised to add a note addressing the potential ambiguity or conflict between the charts and the narrative text of the ordinance and the use definitions.

Article XVI:

a. Section 27-1601.C. was revised to comply with current standards and terminology.

b. Section 27-1602 was revised to amend the definition of floodplain to comply with current standards and terminology.

c. Section 27-1603 Substantial Improvement subsection 2 was revised to correct spelling and drafting errors.

d. Sections 27-1606.D.1., 27-1608.B.1.c. and 27-1610 were revised to reflect the correct name of the federal agency as they appeared.

e. Section 27-1609.B. was amended to require elevation of structures to one foot above the applicable flood elevation.

f. Section 27-1611.A.3. was revised to correct a drafting error.

Article XVIII:

a. Footnote 1 to the Chart at Section 27-1801.A.1. was revised to reflect the correct agency and publication reference.

b. Sections 27-1802.A. and 1802.B.9. were amended to add removal of non-native vegetation as a permitted use.

Article XIX:

a. Table One at Section 27-1903.B. was revised to adjust the times listed and to delete Hotel\Motel use.

b. Sections 27-1901.H.1., 2., and 3. were revised to increase the required off street parking and the location of parking on the lots.

Article XX:

a. Section 27-2004.A. was amended to clarify the prohibition of certain signs.

b. Section 27-2004. was amended to add a new subsection I. relating to off-site signs.

c. Sections 27-2006.A.1.b., A.2.b., B.3.a. were revised to 32 square feet.

d. Section 27-2006.B.4. was deleted.

Article XXI:

a. Section 27-2102.F. was revised to correct the code reference.

Article XXII:

a. Section 27-2206.A.8. was revised to restrict the location of pastures within required and regulated greenway.

b. Section 27-2206.A.11. was revised to add the word "cumulatively."

c. Section 27-2210 was amended to add definitions, and to substantively revise outdoor lighting standards.

d. Section 27-2215 was amended to delete the text and reserve the section.

e. Section 27-2222 was revised to refer to the Uniform Construction Code.

f. Section 27-2224.B.5. was revised to correct the code reference.

Article XXIII:

a. Section 27-2301.H. was revised to delete the requirement relating to the registration of home occupational uses.

Article XXIV

a. Section 27-2406 was amended to delete the restriction on actions by the Zoning Hearing Board.

b. Sections 27-2409 and 27-2410 were re-formatted.

Article XXV:

a. Section 27-2501.C.5 was revised to extend the right of appeal to thirty days.

Appendix A – Matrix of Uses:

a. Appendix A to Chapter 27 was revised to reflect textual changes.

<u>SECTION 5.</u> PROCEDURAL CHANGES.

Minor procedural revisions have been made to various sections of the Code of Ordinances adopted by Ordinance 94-3 and those ordinances and resolutions of the Township adopted subsequent to that Ordinance, including corrections to formatting, spelling, grammar and obsolete terms and usages.

SECTION 6. AMENDMENTS TO THE CODE OF ORDINANCES

The Code of Ordinances may be amended or repealed in whole or in part in the manner provided in the Second-Class Township Code, the Pennsylvania Municipalities Planning Code and such other enabling legislation. All subsequent Ordinances amending the Code shall reference the Chapter, Part (or Article) and Section number amended or added, and these changes shall be incorporated in the Code of Ordinances once effective. The Code of Ordinances may but shall not be required to reflect the ordinance and date of amendment.

SECTION 7. OFFICIAL COPY

An official copy of the Upper Salford Township Code of Ordinances reflecting all current revisions shall be maintained at the Township offices.

SECTION 8. SEVERABILITY

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

SECTION 9. REPEALER

This Ordinance shall repeal all ordinances or code provisions of the Upper Salford Township Code of Ordinances which may be inconsistent herewith.

SECTION 10. REQUIRED TRANSMITTAL

The Township Secretary shall send a copy of this Ordinance to the Montgomery County Law Library, as may be required by law.

SECTION 11. EFFECTIVE DATE

This Ordinance shall be effective immediately as of the date of adoption or as provided by law.

ENACTED and **ORDAINED** this 4th day of January, 2016.

BOARD OF SUPERVISORS
TOWNSHIP OF UPPER SALFORD

_____
Chairman

_____
Member

_____
Member

CHAPTER 1

ADMINISTRATION AND GOVERNMENT

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PART 1

ELECTED OFFICIALS

A. TOWNSHIP SUPERVISORS

§1-101. COMPENSATION OF SUPERVISORS

Each Supervisor commencing a term of office on and after January 1, 1996, or appointed to office after that date shall receive compensation in the annual amount of one thousand eight hundred seventy-five dollars ($1,875.00).

§1-102. PAYMENT OF COMPENSATION

The annual compensation established herein shall be payable in monthly or quarterly installments.

B. TOWNSHIP TAX COLLECTOR

§1-111. COMPENSATION OF TAX COLLECTOR

A. The elected Tax Collector of the Township of Upper Salford shall receive as compensation for the collection of Township taxes the following amounts:

1. Per Capita Tax – ten (10) percent of the amount collected.
2. Amusement Tax – three (3) percent of the amount collected.
3. Real Estate Tax – four and a half (4.5) percent of the amount collected.
4. Real Estate Interim Tax – four and a half (4.5) percent of the amount collected.

§1-112. CERTIFICATION AND COLLECTION OF FEES

A. The Tax Collector is authorized to provide real estate tax certificates upon request and to charge and collect a fee of five ($5.00) dollars per year certified.

B. The Tax Collector is authorized to charge to any taxpayer, or their agent or representative, mortgagee, mortgage service company or other entity which submits tax payments on their behalf, any bank charges or chargebacks resulting from the deposit of a check presented for the payment of taxes but subsequently returned unpaid by the maker's bank. These charges shall include any chargeback fees or NSF fee, and may include an administrative fee not to exceed $25.00, which may be added to the tax bill of the taxpayer or collected separately, as determined by the Tax Collector.

C. The Tax Collector shall be authorized to include all such charges which may be outstanding as part of the cost of providing a certification of taxes paid or due and owning.

§1-113. REFUND OF REAL ESTATE TAXES

A. The Upper Salford Township Treasurer is authorized to refund real estate taxes paid upon receipt of certification by the Tax Collector that such a refund is warranted and proper. Upon receipt of such certification, which shall be submitted on a form approved by the Township Solicitor, the Township Treasurer shall be authorized to refund such taxes paid as certified by the Tax Collector. Such refunds shall be payable from the funds maintained by the Township for which the tax was assessed and paid.

B. On a monthly basis, on or before the date for the regular monthly meeting of the Board of Supervisors, the Township Treasurer shall provide to the Board of Supervisors a list of all requests for refund of taxes together with the certifications submitted by the Tax Collector.

PART 2

PLANNING COMMISSION

§1-201. MEMBERSHIP

The Upper Salford Township Planning Commission shall consist of five (5) members. The term of each of the members of the Planning Commission shall be for four (4) years.

§1-202. TERMS OF MEMBERSHIP

The terms of members of the Upper Salford Planning Commission as presently organized are hereby confirmed and established as follows:

A. The terms of members appointed prior to July 31, 1968, shall expire on December 31, 1972, in accordance with the terms of this Part and their appointments.

B. The terms of members appointed after July 31, 1968, and prior to the passage of this Part shall be reduced to four (4) years and shall expire in accordance with the terms of this Part.

C. The terms of members appointed after the passage of this Part shall be for four (4) years and shall expire in accordance with the terms of this part and their appointments.

§1-203. VACANCY

If a vacancy in office shall occur otherwise than by expiration of the terms, it shall be filled by the appointment for the unexpired term according to the provisions of this part.

§1-204. EXPIRATION OF TERMS OF OFFICE

Each member's term shall expire on the thirty-first (31st) day of December of the last year of the term for which he was appointed in accordance with the terms of this Part and in accordance with §203 of the Pennsylvania Municipalities Planning Code of 1968, 53 P.S. §10102, where "qualified" shall mean "certified by a quorum of the members."

§1-205. APPOINTMENT

All members of the Planning Commission shall be appointed by the Township Board of Supervisors.

§1-206. COMPENSATION

Members of the Planning Commission shall be compensated at the rate of Twenty-five ($25.00) Dollars per meeting attended.

PART 3

PARK AND RECREATION BOARD

§1-301. PURPOSE

For the purpose of supervising and maintaining any parks or playgrounds now established or which may hereafter be acquired or established by the Township of Upper Salford, a Park and Recreation Board is hereby established. Such Park and Recreation Board shall be appointed and constituted as provided by law, and shall possess all the authority vested in Township Recreation Boards as set forth in the Second Class Township Code, 53 P.S. §66902, as amended.

§1-302. ADOPTION OF RULES AND REGULATIONS

The Board of Supervisors of Upper Salford Township may, by resolution, from time to time adopt appropriate rules and regulations for the conduct of persons while in any park or playground within the limits of Upper Salford Township.

§1-303. PENALTIES

Any person, firm or corporation who shall violate any such rules and regulations when such rules and regulations are posted in conspicuous places in such parks, playgrounds or recreation facilities shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred ($600.00) dollars plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days.

PART 4

FIRE DEPARTMENT

A. RECOGNITION AND DUTIES OF FIRE DEPARTMENT

§1-401. FIRE COMPANY RECOGNIZED

The Upper Salford Volunteer Fire Company organized and existing in the Township of Upper Salford, Montgomery County, Pennsylvania, is hereby designated as the officially recognized fire company for the Township.

§1-402. AUTHORIZED ACTIVITIES OF THE FIRE COMPANY

A. The fire company recognized by the Township is hereby authorized to provide such services to the township as may be necessary for the protection of property and persons situate therein, which include, but not by way of limitation, the extinguishment and prevention of fires, assisting in automobile accidents, medical emergencies, hazardous material incidents and other situations and incidents requiring the services of the fire company and/or fire police.

B. The fire company and the fire police may also provide non-emergency and public service functions such as removing water from property after storms, assisting in the removal and abatement and prevention of damage or injury to persons or property whether through natural causes or manmade situations.

C. The fire company and fire police may also conduct and participate in such training activities and drills, whether within or outside of the Township, as may be deemed necessary by the officers of the fire company to maintain proficiency in providing service.

D. The fire company and fire police may also respond to calls and provide services to municipalities outside of the Township.

§1-403. APPROVAL OF OTHER ACTIVITIES

All activities of the fire company other than those specifically authorized herein shall be subject to approval, in advance, by the Board of Supervisors of Upper Salford Township, in such a manner as the Board of Supervisors may prescribe. The Upper Salford Township Volunteer Fire Company may obtain advance approval of regularly scheduled activities by submitting to the Board of Supervisors an annual schedule of planned events.

B. RECOGNITION OF FIREMEN'S RELIEF ASSOCIATION

§1-411. RECOGNITION OF VOLUNTEER FIREMEN'S RELIEF ASSOCIATION

A. The following association is hereby recognized as actively engaged in providing fire protection and/or emergency services in the Township.

Upper Salford Volunteer Fire Company Relief Association.

B. The above named association has been formed for the benefit of its members and their families in case of death, sickness, temporary or permanent disability or accident suffered in the line of duty.

C. The above named association of the Township is designated the proper association to receive such funds as are due and payable to the Township Treasurer by the Treasurer of the State of Pennsylvania from the tax on premiums from foreign fire insurance companies.

§1-412. CERTIFICATION TO AUDITOR GENERAL

The Board of Supervisors shall annually certify to the Auditor General of the Commonwealth, the name(s) of the active associations and the percentage of service they contribute to the protection of the Township. Such certification shall be on forms prescribed by the Auditor General.

§1-413. ANNUAL APPROPRIATION

There is annually appropriated from the Township Treasury all such sums of money that may hereafter be paid into the Township Treasury by the Treasurer of the State of Pennsylvania on account of taxes paid on premiums of foreign fire insurance companies in pursuance of the Act of December 18, 1984, No. 205, §701 et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania. Such monies received by the Township Treasurer from the State Treasurer shall be distributed to the duly recognized association(s) within sixty (60) days of receipt. The funds shall be distributed on the basis of the percentage of service established in the certification to the Auditor General and with other provisions of the Act.

PART 5

SHADE TREE COMMISSION

§1-501. STATEMENT OF INTENT

The intent of this Part is to establish a Township commission that plans for the ongoing beautification of public spaces and encourages good planting and landscaping of private spaces in the Township. In addition, it is intended to further the following objectives:

A. Develop a shade tree planting plan that meets the tree planting requirements of the Montgomery County Open Space Preservation Program.

B. Provide a source of expertise available to residents for private planting and landscaping activities and that assists the Township in its review of proposed land developments.

C. Encourage public/private partnerships in tree planting and similar Township beautification activities.

D. Encourage special planting programs, such as an Avenue of Trees program or designating an official tree of Upper Salford.

E. Encourage volunteerism among interested citizens.

§1-502. ESTABLISHMENT

A commission known as the Shade Tree Commission of Upper Salford is hereby established.

§1-503. MEMBERSHIP, TERMS, VACANCIES AND MEETINGS

A. The Commission shall be composed of five (5) residents of the Township who shall be appointed by the Township Board of Supervisors upon recommendation by the Township Planning Commission and shall serve without compensation. At least one (1) member should have a relevant technical background, such as a registered landscape architect, horticulturalist or arborist.

B. When first established, the Board shall appoint to the Commission two (2) members to serve for a term of three (3) years, two (2) members to serve for a term of four (4) years and one (1) member to serve for a term of five (5) years.

C. On the expiration of a term, a successor shall be appointed by the Board to serve a term of five (5) years.

D. Vacancies in the office of Shade Tree Commissioner shall be filled by the Board for the unexpired term.

E. The Commission shall meet from time to time as members determine to be necessary, such meetings being duly advertised and open to the public.

§1-504. POWERS

The Commission shall have the responsibility to plan and make recommendations for the planting, replacement, removal, protection and needed maintenance of shade trees on public roads and in public spaces in the Township and make similar recommendations for planting and landscaping of land developments in accordance with the landscaping provisions of the Township Subdivision and Land Development Ordinance (Chapter 22). It shall specifically be responsible for implementing new tree planting in accordance with the tree planting provisions of the Montgomery County Open Space Program. All plans and recommendations of the Commission shall be submitted to the Township Planning Commission for review and approval before being submitted to the Board of Commissioners.

§1-505. NOTICE OF COMMISSION ACTIVITIES

Whenever the Commission formally recommends that the Township plant, transplant or prune shade trees on any street or public area, notice of the time and place of the meeting at which work is proposed shall be given in not more than two (2) newspapers of general circulation in the Township once a week for two (2) weeks immediately preceding the time of the meeting. The notice shall specify in detail the public streets or public areas upon which the proposed action will occur.

§1-506. REPORT OF COMMISSION

The Commission shall annually report in full its transactions, expenses and related activities for the last fiscal year of the Township. This report shall be submitted to the Township Planning Commission for review and approval before being submitted to the Board of Supervisors.

§1-507. INSTALLATION, MAINTENANCE, REPLACEMENT, REMOVAL

Installation, maintenance, replacement or removal of all new and existing planting provided as part of land development or provided in public areas shall meet all applicable standards of the Township Subdivision and Land Development Ordinance (Chapter 22).

§1-508. REMOVAL OF DISEASED TREES

The Commission may recommend that the owner(s) of property be required to remove trees or parts thereof that, because of disease or similar adverse condition, threaten to injure or destroy shade trees in a public right-of-way or other public place.

§1-509. EMERGENCY SITUATIONS

The Township reserves the right, without prior notice to the property owner(s), to perform any acts necessary to abate clear, present and immediate threats to the public health, safety or welfare caused by the condition of shade trees or trees or parts thereof. The

Township reserves the right to assess the cost of such abatement against the property owner(s).

PART 6

INDIAN VALLEY INTERGOVERNMENTAL COOPERATIVE IMPLEMENTATION

§1-601. INDIAN VALLEY INTERGOVERNMENTAL COOPERATIVE IMPLEMENTATION AGREEMENT

The Agreement entitled "Indian Valley Intergovernmental Cooperative Implementation Agreement" prepared for the municipalities of Souderton Borough, Telford Borough, Franconia Township, Lower Salford Township, Salford Township and Upper Salford Township, draft dated May 17, 2005, is hereby adopted by the Upper Salford Township Board of Supervisors as the implementation agreement for the Indian Valley Regional Planning Commission and the Indian Valley Regional Comprehensive Plan. Any amendments to the Indian Valley Intergovernmental Cooperative Implementation Agreement shall be by unanimous consent of all member municipalities.

PART 7

PENSION PLAN

§1-701. DEFINITIONS

For the purposes of this Ordinance, the following definitions shall apply:

A. ACCOUNT BALANCE – The account maintained for each Participant with respect to his or her total interest in the Plan resulting from contributions made on his or her behalf, investment income or losses and distributions, if any.

B. COMPENSATION – Total W-2 compensation paid by the Employer during a calendar year.

C. EFFECTIVE DATE – The effective date of this Plan is January 1, 2005.

D. EMPLOYER – Upper Salford Township, Montgomery County, Pennsylvania, a Township of the Second Class.

E. ENTRY DATE – Date of Hire

F. FUND – Upper Salford Township Pension Plan Fund

G. GOVERNING BOARD – The Board of Supervisors of Upper Salford Township

H. PARTICIPANT – Any employee who meets the requirements set forth in §1-704 of this Ordinance.

I. PLAN – Upper Salford Township Pension Plan

J. PLAN YEAR – January 1 through December 31

K. SERVICE – A period of continuous employment with the Employer. Absence from employment due to a leave of absence authorized by the Employer pursuant to the Employer's established leave policy will be counted as continuous employment with the Employer.

§1-702. FUNDING OF PENSIONS

The Plan is to be funded and maintained by any of the following methods or combinations of each:

A. State Aid:

Funds which are received from the Commonwealth of Pennsylvania pursuant to Act 205 of 1984 which are directed to this Plan as approved by the Governing Body.

B. Township Contributions:

Contributions from Upper Salford Township with appropriate approval by the Governing Body.

C. Gifts, Grants, Devises or Bequests:
The sums which may be received by Upper Salford Township may, to the extent authorized by law, be contributed to the Fund with the approval of the Governing Body.

§1-703. ADMINISTRATION

A. The Governing Board shall have full responsibility for administration of the Plan and Fund. The Governing Board shall hold, invest, reinvest and distribute all funds and property received pursuant hereto in trust for the purposes of the Ordinance. The Governing Board shall be subject to such rules and regulations as may from time to time be adopted by the Governing Board through Ordinance or Resolution.

B. The Governing Body shall have full power and authority, in accordance with law, either directly or through their designated representatives, to do all acts, execute, acknowledge and deliver all instruments, and to exercise for the sole benefit of the participants hereunder, any and all powers and discretion necessary to implement and effectuate the purposes of this Ordinance, including, but not limited to the following:

1. To hold, invest and reinvest all funds received pursuant to this Ordinance and such investments under the laws of the Commonwealth of Pennsylvania.

2. To retain any property which may at any time become an asset of the Fund, as long as the Governing Body may deem it advisable.

3. To appoint a Trustee or Custodian to hold, invest and reinvest Plan funds in accordance with this Ordinance. Such Trustee or Custodian may be removed or may resign by giving a 60 days written notice to the other party. The Governing Body shall maintain the authority to oversee and review the performance of the Trustee or Custodian, both on an investment and administrative basis. Plan funds may be invested in pooled funds designated for employees benefit trust funds.

C. Any administrative expense which is an allowable administrative expense under Act 205 of 1948 of the Commonwealth of Pennsylvania may be paid by Upper Salford Township or from the Fund, at the discretion of the Board.

§1-704. ELIGIBILITY

Each full-time, non-uniformed employee of Upper Salford Township shall be eligible to participate in this Plan as of his Entry Date. No one will be eligible for this Plan if they are Police Officers or paid Firefighters. Anyone who is a participant who terminates their employment and is then rehired, will immediately re-enter the Plan upon re-hire, however, there shall be no duplication of benefits.

§1-705. NORMAL RETIREMENT

The Normal Retirement Date to receive benefits from the Fund shall be the first day of the month coinciding with or next following the 65th birthday of a given Participant. If a Participant is continuing in the employ of the Employer after the Normal Retirement Date, benefit payments will be postponed to the first day of the month next following the actual date of retirement and will be equal to the vested Account Balance as of the actual date of retirement.

§1-706. NORMAL RETIREMENT BENEFIT

A. Every Participant may terminate employment with the Employer and retire on the Normal Retirement Date set forth in §1-705. Upon retirement, or as soon thereafter as is practicable, Upper Salford Township shall commence distribution of benefits related to the participant's Account Balance.

B. Such pension or retirement benefit shall be payable from the assets of the Fund established pursuant to this Ordinance.

C. Upon retirement, the Account Balance will be distributed in one of the following ways, as elected, in writing, by the participant:

1. As a monthly Joint and Survivor Annuity (50%, 66.67%, 75% or 100% survivor benefit)
2. As a Certain and Continuous Period Annuity (guaranteed for 5, 10, 15 or 20 years)
3. As a Life Annuity
4. As a lump sum

D. All forms of benefit payments shall be actuarily equivalent to the Account Balance at the time benefits commence.

§1-707. DEATH BENEFITS

Upon death prior to retirement or prior to the distribution of the entire Account Balance, a benefit shall be paid to the surviving spouse equal to the full remaining value of the Account Balance. In the event that there is no surviving spouse, the benefit shall be paid to a designated beneficiary or beneficiaries. In the event that there is no designated beneficiary, the Account Balance shall be paid to the estate of the deceased.

§1-708. CONTRIBUTIONS AND ALLOCATION; VALUATION OF THE FUND

A. The Employer shall make contributions on behalf of each Participant eligible to share in allocations in an amount of five (5%) percent of annual Compensation. Only Participants who have completed five hundred (500) hours of service during the Plan Year shall be eligible to share in the allocation of contributions for the Plan Year.

B. The Plan shall be valued each year as of the last day of the Plan Year.

C. As of the last day of each Plan Year, before the current valuation period allocation of Employer contributions, any earnings or losses (net appreciation or net depreciation) of the Fund shall be allocated in the same proportion that each Participant's and Former Participant's account bears to the total of all Participant's accounts as of that date.

§1-709. TERMINATION OF BENEFITS AND VESTING

A. Upon termination of employment, the Participant shall vest in his Account Balance in accordance with the following schedule:

COMPLETED YEARS OF SERVICE	VESTED PERCENTAGE
1. 0 – 4	0%
2. After 5	100%

B. All calendar years in which a Participant is paid for 1000 or more hours with the Employer shall be counted in determining the vested percentage of the Account Balance.

C. Upon termination of employment with the Employer, a vested participant shall be eligible to receive his vested Account Balance based upon the last valuation of the Plan.

§1-710. TRANSFER OR ASSIGNMENT

A. The benefit payments herein provided for shall not be subject to attachment, execution, levy, garnishment, or other legal process, and shall be payable only to the Participant or the designated beneficiary.

B. No Participant or beneficiary shall have the right to alienate, encumber or assign any assets of the Fund on his behalf, or any of the benefits or proceeds of any contract or agreement purchased or acquired hereunder.

§1-711. PROHIBITION OF BORROWING; WITHDRAWING

Participants are prohibited from borrowing or withdrawing any portion of their Account Balance prior to termination of employment with the Employer.

§1-712. TERMINATION OF PLAN

The Plan established hereunder may be terminated at such time as determined by the Governing Body and under such conditions or terms as may be required by Act 205 of 1984 and Federal Law, as applicable. The termination of the Plan shall not affect the rights of any vested Participant or beneficiary which may have accrued during the effective period of the Plan.

PART 8

DELAWARE VALLEY HEALTH TRUST

§1---801. PARTICIPATION
The Chairman of the Board of Supervisors of Upper Salford Township is hereby authorized to execute the Trust Agreement, incorporated herein by reference, and any other documents necessary for the Township to participate in the Trust. The Trust Agreement may be subsequently modified or amended but in no event shall such amendments or modifications materially adversely affect the right of the Township to participate in the Trust.

§1---802. PURPOSE
The participation of the Township in the Trust is authorized for the purpose of obtaining high quality health benefits at the most reasonable cost to the Township, its employees, retirees and their dependents.

§1---803. CONDITIONS OF TOWNSHIP PARTICIPATION
As set forth in the Trust Agreement and as otherwise stated herein, the following conditions apply to the participation of the Township in the Trust:

A. Each Trust Participant must meet the admission and eligibility requirements set forth therein;

B. Each Trust Participant agrees to pay all contributions when due as provided in the Trust Agreement and any By---Laws adopted by the Trust;

C. Each Trust Participant uses its best efforts to provide appropriations for the payment of any contributions required to achieve the purposes and objectives of the Trust;

D. Each Trust Participant will cooperate fully in achieving the purposes and objectives of the Trust; and

E. Each Trust Participant will comply with all other terms and conditions of the Trust Agreement.

§1---804. TERM OF TOWNSHIP PARTICIPATION
The Term of the Township's participation shall be for a minimum of two years, commencing January 1, 2016. Thereafter the Township may withdraw for any reason whatsoever provided that it has fulfilled all the applicable conditions in the Trust Agreement and satisfied all outstanding or accrued financial obligations to the Trust upon withdrawal.

CHAPTER 2

ANIMALS

(Reserved)

CHAPTER 3

BICYCLES

(Reserved)

CHAPTER 4

BUILDINGS

PART 1

NUMBERING SYSTEM

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PART 1

NUMBERING SYSTEM

§4-101. PLAN FOR NUMBERING BUILDINGS AND LOTS

A certain plan or system for the numbering of buildings and lots or parcels of ground in the Township of Upper Salford, known as a grid system, a copy of which is available at the office of the Township Secretary, is hereby approved and adopted as the system which shall hereafter apply for the purpose of assigning numbers in the Township.

§4-102. ASSIGNMENT OF NUMBERS

The Zoning Officer of Upper Salford Township or such other person as the Board of Supervisors may appoint is hereby designated as the official whose duty it shall be to assign numbers to the buildings presently existing and hereafter constructed in the Township, and the said official is hereby directed to forthwith assign numbers to the buildings presently existing in the Township of Upper Salford in accordance with the plan adopted hereby.

§4-103. NONAUTHORIZED NUMBERS PROHIBITED

No person, firm or organization shall adopt or display a building number other than that number assigned to that building by the official in accordance with the plan adopted hereby; provided, however, that adopting or displaying building numbers assigned by the United States Postal Service shall not constitute a violation of this Section.

§4-104. PENALTIES

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding six hundred dollars ($600.00) and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense.

CHAPTER 5

CODE ENFORCEMENT

PART 1

BUILDING CODE

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PART 1

BUILDING CODE

§5-101. ADOPTION OF PENNSYLVANIA UNIFORM CONSTRUCTION CODE

The Township of Upper Salford hereby "opts into" the Pennsylvania Uniform Construction Code and adopts by reference, as the building codes of the Township of Upper Salford the following codes:

1. International Building Code
2. International Plumbing Code
3. International Fire Code
4. International Mechanical Code
5. International Fuel Gas Code
6. International Energy Conservation Code
7. International Urban Wild-land Interface Code
8. International Council Electrical Code
9. International Property Maintenance Code
10. International Zoning Code
11. International Existing Building Code
12. International Code Council Performance Code
13. International Private Sewage Disposal Code

§5-102. INCLUSION OF CERTAIN STRUCTURES

A. The Township hereby specifically includes those structures designated as Group H - Agricultural Buildings within the structures intended to be regulated by the adoption of the Pennsylvania Uniform Construction Code.

B. The Township further specifically includes Residential Accessory Structures in excess of 600 square feet in area within the structures intended to be regulated by this adoption of the Pennsylvania Uniform Construction Code.

§5-103. ENFORCEMENT; APPOINTMENT OF BUILDING CODE OFFICIAL

The Building Code Official as appointed annually by the Board of Supervisors, shall act as the Code Official for this Building Code. This Official shall serve at the pleasure of the Board of Supervisors, and the Board may appoint such substitute or alternate officials as deemed necessary. The appointed Code Official shall comply with all training and registration requirements under the Pennsylvania Uniform Construction Code and the Regulations promulgated thereunder.

§5-104. AMENDMENTS TO STANDARDS

The Property Maintenance Code, as in effect, is amended and revised in the following respect:

A. In §101.1, insert: "Upper Salford Township".
B. In §103.5, insert: "See Fee Schedule of Upper Salford Township".
C. In §106.4, insert: "Any person who shall violate any provision of this Code shall, upon being found liable therefore in a civil enforcement action commenced by the Township, pay a judgement of not more than $500.00 together with all court costs, and reasonable attorney fees incurred by the Township as a result thereof. Each day that a violation continues shall constitute a separate violation.
D. In §111.2, insert: "For purposes of this Section, the Board of Appeals shall consist of the Board of Supervisors."
E. In §112.4, insert: "$500.00" and "1,000.00".
F. In §302.4, insert "twelve (12") inches".
G. In §304.14, insert: "May 1", and "October 1".
H. In S602.3, insert: "October 1" and "April 15".
I. In §602.4, insert: "October 15", and "April 15".

§5-105 CONSTRUCTION HEARING BOARD

The Board of Supervisors reserves the right to appoint an appropriate construction hearing board to hear and resolve disputes which may arise under the Codes adopted hereunder, by separate resolution or ordinance.

PART 2

INDIAN VALLEY CONSTRUCTION HEARING BOARD

§5-201. PARTICIPATION IN INDIAN VALLEY CONSTRUCTION HEARING BOARD

The Board of Supervisors of Upper Salford Township approves the participation of Upper Salford Township in the Indian Valley Regional Joint Appeals Board pursuant to the authority of the Pennsylvania Uniform Construction Code and §5-104 of the Upper Salford Township Code, and agrees to the establishment of the Joint Appeals Board with five (5) members, each to serve three (3) year terms, with the members appointed by mutual agreement of the participating municipalities.

§5-202. SCOPE OF AUTHORITY

A. The Indian Valley Regional Joint Appeals Board shall hear and rule on appeals, requests for variances, and requests for extensions of time. An Application for Appeal shall be based upon a claim that the intent of the Act or Uniform Construction Code has been incorrectly interpreted, the provisions of the Act or Uniform Construction Code do not fully apply, or an equivalent form of construction is to be used

B. Appeals pertaining to the accessibility requirements of the Code shall not be heard by the Indian Valley Regional Appeals Board, but shall be filed with and considered by the Pennsylvania Department of Labor and Industry for project modification approval.

§5-203. APPOINTMENT OF MEMBERS

The initial appointment of members by the governing bodies of each of the other participating municipalities is hereby approved. Future members shall be appointed by each municipality, as necessary.

§5-204. FEES AND CHARGES

The Board of Supervisors shall, from time to time, set the fees for appeals to the Construction Hearing Board sufficient to cover administrative costs. In addition, an applicant shall be obligated and responsible for the payment of all advertising costs, stenographic costs or charges and to reimburse the Construction Hearing Board for any legal fees incurred in connection with any appeal.

CHAPTER 6

CONDUCT

PART 1

PORNOGRAPHY

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PART 1

PORNOGRAPHY

§6-101. OFFENSES DEFINED

No person, knowing the obscene character of the materials involved, shall:

A. Display or cause or permit the display of any explicit sexual materials as defined in §6-103 of this Part, in or on any window, showcase, newsstand, display rack, billboard, viewing screen, motion picture screen, marquee or similar place in such a manner that the display is visible from any public street, highway, sidewalk, transportation facility or other public thoroughfare.

B. Sell, lend, distribute, exhibit, give away or show any obscene materials to any person seventeen (17) years of age or older or offer to sell, lend, distribute, exhibit or give away or show, or have in his possession with intent to sell, lend, distribute, exhibit or give away or show any obscene materials to any person seventeen (17) years of age or older, or knowingly advertise any obscene materials in any manner.

C. Design, copy, draw, photograph, print, utter, publish or in any manner manufacture or prepare any obscene materials.

D. Write, print, publish, utter or cause to be written, printed, published or uttered any advertisement or notice or any kind giving information , directly or indirectly, stating or purporting to state where, how, from whom, or by what means any obscene materials can be purchased, obtained or had.

E. Hire, employ, use or permit any minor child to do or assist in doing any act or thing mentioned in this Section.

§6-102. DEFINITIONS

As used in this Part, the following words and phrases shall have the following meanings:

COMMUNITY – for the purpose of applying the "contemporary community standards" in this Section, community is the Township of Upper Salford, Montgomery County, Pennsylvania.

KNOWING – having general knowledge of, or reason to know or a belief or ground for belief which warrants further inspection or inquiry of the character and content of any material described therein which is reasonably susceptible of examination by the defendant.

OBSCENE MATERIALS – any literature, including any book, magazine, pamphlet, newspaper, storypaper, comic book or writing, and any figure, visual representation, or image including any drawing, photograph, picture or motion picture if:

(1) The average person applying contemporary community standards would find that the subject matter taken as a whole appeals to the prurient interest.

(2) The subject matter depicts or describes in a patently offensive way, sexual conduct of a type described in the Section.

(3) The subject matter, taken as a whole, lacks serious literary, artistic, political, educational or scientific value.

SEXUAL CONDUCT – patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, and patently offensive representations or descriptions of masturbation, excretory functions and lewd exhibition of the genitals.

TRANSPORTATION FACILITY – any conveyance, premises or place used for or in connection with public passenger transportation whether by motor vehicle or any method, Including buses, and railroad and bus terminals and stations.

§6-103. DISSEMINATION TO MINORS

No person shall knowingly disseminate by sale, loan or otherwise explicit sexual material to a minor. "Explicit sexual materials," as used in this Section, means materials which are obscene or:

A. Any picture, photograph, drawing, sculpture, motion picture film, or similar visual representation or image of a person or a portion of the human body which depicts nudity, sexual conduct, or sadomasochistic abuse and which is harmful to minors.

B. Any book, pamphlet, magazine, printed matter however reproduced, or sound recording which contains any matter enumerated in subsection (A), or explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sadomasochistic abuse and which, taken as a whole is harmful to minors.

§6-104. ADMITTING MINOR TO SHOW

It shall be unlawful for any person knowingly to exhibit for monetary consideration to a minor, or knowingly to sell to a minor, an admission ticket or pass or knowingly to admit a minor for a monetary consideration to premises whereon there is exhibited a motion picture show or other representation which, in whole or in part, depicts nudity, sexual conduct, sadomasochistic abuse and which is harmful to minors, except that the foregoing shall not apply to any minor accompanied by his parent.

§6-105. ADDITIONAL DEFINITIONS

HARMFUL TO MINORS - that quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement or sadomasochistic abuse, when it:

(1) Predominantly appeals to the prurient, shameful or morbid interest of minors.

(2) Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors.

(3) Is utterly without redeeming social importance for minors.

KNOWINGLY – having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry of both:

(1) The character and content of any material described herein which is reasonably susceptible of examination by the defendant.

(2) The age of the minor; provided, however, that an honest mistake shall constitute an excuse from liability hereunder if the defendant made a reasonable bona fide attempt to ascertain the true age of such minor.

MINOR – any person under the age of seventeen (17) years.

NUDITY – the showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

SEXUAL CONDUCT – acts of masturbation, homosexuality, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person be a female, breast.

SEXUAL EXCITEMENT – the condition of human male or female genitals in a state of sexual stimulation or arousal.

SADOMASOCHISTIC ABUSE – flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

§6-106. REQUIRING SALE AS CONDITION OF BUSINESS DEALINGS

No person shall knowingly require any distributor or retail seller, as a condition to sale or deliver for resale or consignment of any literature, book, magazine, pamphlet, newspaper, storypaper, paper, comic book, writing, drawing, photograph, figure or image, or any written or printed matter, or any article or instrument, to purchase or take by consignment for the purpose of sale, resale or distribution any obscene literature, book, magazine, pamphlet, newspaper, storypaper, paper, comic book, writing, drawing, photograph, figure or image, or any written or printed matter of an obscene nature or any article or instrument of an obscene nature.

§6-107. INJUNCTION

In addition to any rights of enforcement provided herein, the Township shall have the right to pursue such equitable relief, including, without limitation, the issuance of a temporary restraining order, temporary injunction and permanent injunction when the Township determines that any person violates or clearly is about to violate any provision of this Chapter.

§6-108. PENALTIES

Anyone violating the provisions of this shall be subject to a fine of not more than $1,000.00 for each violation, recoverable with costs. Each day that the violation continues shall be a separate offense.

CHAPTER 7

FIRE PREVENTION AND FIRE PROTECTION

PART 1

OPEN BURNING

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PART 1

OPEN BURNING

§7-101. BURNING RESTRICTED

It shall be unlawful for any person, firm, corporation or organization to cause or permit the burning of any materials on any public or private property in the Township of Upper Salford except in strict compliance with the following regulations:

A. No fire shall be started or allowed to continue to burn after sunset or prior to sunrise.

B. No fire shall be started or allowed to continue to burn without an adult person in attendance and control at said fire at all times.

C. No fire shall be closer than thirty (30) feet from any building, property line or public street.

D. No fire shall be started or allowed to burn in such a fashion or during weather conditions which will pose a hazard to neighboring properties or buildings.

E. No oil, grease, gasoline, petroleum product, tire, vehicle or vehicle part, plastic, industrial waste or chemicals, commercial refuse or any other materials, whether domestic, agricultural, commercial or industrial which are hazardous or which, when burned, produce offensive smoke, fumes or ashes, shall be burned anywhere in the Township.

F. No refuse materials resulting from or produced by any residential, agricultural, commercial or industrial activity outside of the Township of Upper Salford shall be burned within the Township of Upper Salford.

§7-102. BURNING EMERGENCY

The Board of Supervisors shall have the authority to declare a burning emergency in the Township when drought or other conditions warrant such a declaration. A declaration of burning emergency shall be published on the website maintained by the Township and shall remain in effect from the date of publication until cancellation by action of the Board of Supervisors. During a declared emergency it shall be unlawful for any person, firm, or corporation to cause or permit the burning of any materials on any public or private property in the Township of Upper Salford, except as provided in this Part.

§7-103. EXCEPTIONS

The provisions of §§7-101 and 7-102 of this Part shall not apply to:

A. Any fire contained within a building.

B. Any fire set for the purpose of instructing or training firefighting personnel under the supervision of the Fire Chief or officer in charge of the Upper Salford Township Volunteer Fire Company.

C. The use of barbecues or outside fireplaces for cooking food.

D. Any fire commonly known as a camp fire set for recreational or ceremonial purposes and constantly attended.

§7-104. PENALTIES

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding one thousand dollars ($1,000.00) plus costs and, in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days; provided, however, that when the violation also constitutes an offense under State law, the penalty provided under such State law for the violation shall be applicable.

§7-105. ENFORCEMENT

The duly appointed Zoning Officer of Upper Salford Township is hereby designated as the Township official authorized to enforce the provisions of this Part.

CHAPTER 8

FLOODPLAINS

[See Chapter 27, Zoning]

CHAPTER 9

GRADING AND EXCAVATION

[See Chapter 18 – Sewers and Sewage Disposal]

CHAPTER 10

HEALTH AND SAFETY

[Reserved to accommodate future ordinances]

CHAPTER 11

HOUSING

PART 1

USE AND OCCUPANCY REPORTING

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PART 1

USE AND OCCUPANCY REPORTING

§11-101. DEFINITIONS

As used in this Part, the following terms shall have the meaning indicated unless a different meaning clearly appears in the context.

BUSINESS UNIT – a parcel or real estate, with or without improvements located thereon, utilized by any person or persons for any non-residential activity or purpose. For the purposes of this Chapter, this definition shall not be construed to include the leasing of land for the production of agronomic crops or grains.

LANDLORD – a lessor, or person who acts as agent for the lessor, of any parcel of real estate located in the Township of Upper Salford, or a lessor, or person who acts as agent for the lessor, of any improvements on real estate or any building located in the Township of Upper Salford.

PERSON – any individual, partnership, association, firm or corporation.

TENANT – a person who has the use, either by himself or with others, of a business unit owned by a person other than himself, for a period exceeding thirty (30) days.

§11-102. REPORTS OF CHANGES IN USE OR OCCUPANCY

Every landlord of property within the Township of Upper Salford shall be required to submit a permit application to the Township Zoning Officer to report any change in the use or occupancy of any business unit owned by such landlord prior to any change in occupancy. The application shall include, among other items, the location of the property, the name, address, phone, fax and e-mail of the property owner, the name, address, phone, fax and e-mail of the business owner, a description of the portion of the structure for which the application applies, and the type of business with a description of the operation.

§11-103. DUTIES OF THE TOWNSHIP ZONING OFFICER

The Township Zoning Officer, under the authority of this Chapter, shall;

A. Collect and maintain on file at the Township Building a copy of all reports of change in the use or occupancy of any business unit within the Township of Upper Salford.

B. Maintain a supply of forms for landlords to use in making reports to the Township Zoning Officer as required under this Chapter 11, Part 1.

C. Notify the Upper Salford Volunteer Fire Company of all reports of change in the use or occupancy of any business unit within the Township of Upper Salford.

D. Confirm by site visit the information provided in all reports of change in the use or occupancy of any business unit within the Township of Upper Salford, and confirm compliance of any use of a business unit to the permitted uses under Chapter 27,

Zoning, and determine whether such change of use or occupancy constitutes a land development as provided in Chapter 22, Subdivision and Land Development, of the Code of Ordinances of Upper Salford Township.

Issue a Notice of Violation of the provisions of this Chapter (providing for a compliance period of not more than thirty (30) days) to any landlord to effect compliance with this Chapter.

§11-104. PENALTIES

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding one thousand ($1,000.00) and costs, and in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense.

CHAPTER 12

LIBRARIES

PART 1

MONTGOMERY COUNTY – NORRISTOWN PUBLIC LIBRARY

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PART 1

MONTGOMERY COUNTY – NORRISTOWN PUBLIC LIBRARY

§12-101. DESIGNATION OF PROVIDER FOR PUBLIC LIBRARY SERVICES

By the adoption of Resolution 2015-1, the Board of Supervisors of Upper Salford Township designated the Montgomery County – Norristown Public Library as the provider for public library services to the residents of Upper Salford Township and authorized the use of annually budgeted funds to support the designated library services.

CHAPTER 13

LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

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CABLE TELEVISION SERVICE

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JUNKYARDS

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PART 1

TRANSIENT RETAIL BUSINESS

§13-101. DEFINITIONS

As used in this Part, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context:

LEGAL HOLIDAY – New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

PERSON – any natural person, partnership, association, corporation or other legal entity.

TRANSIENT RETAIL BUSINESS – engaging in peddling, soliciting or taking orders, either by sample or otherwise, for any goods, wares, services or merchandise upon any street, sidewalk or public ground or from house-to-house, within the Township of Upper Salford.

§13-102. LICENSE REQUIRED; CONDITIONS OF ISSUANCE; FEE

No person shall engage in any transient retail business within the Township of Upper Salford without first having obtained from the Township Zoning Officer a license, for which a fee shall be charged pursuant to a resolution of the Board of Supervisors.

§13-103. EXCEPTIONS

A. No license fee shall be charged:

1. To farmers selling their own produce.

2. For the sale of goods, wares and merchandise donated by the owners thereof the proceeds whereof are to be applied to any charitable or philanthropic purpose.

3. To any manufacturer or producer in the sale of bread or bakery products, meat and meat products, milk or milk products.

4. To children under the age of eighteen (18) years who take orders for and deliver newspapers, greeting cards, candy, bakery products and the like or who represent schools, churches, scouts or similar organizations.

5. To any persons seeking or taking of orders for insurance policies under the insurance laws of the Commonwealth of Pennsylvania.

6. To any person who has complied with the provisions of the Charitable Organizations Reform Act, 10 P. S. §161.1 et seq, as hereafter amended, supplemented or modified.

7. To persons selling goods or merchandise from property which is owned by such person.

B. The Township Zoning Officer may exempt from payment of a license fee, but not from registration, persons working without compensation and selling goods or merchandise for the sole benefit of any nonprofit corporation; provided, further, that every license issued under the provisions of this Part shall be issued on an individual basis to any person or persons engaging in such business; every individual shall obtain a separate license issued to him in his name, and the license fee hereby imposed shall be applicable to every such individual license, except that a representative of a charitable organization may obtain a license for applicants which are soliciting for such charitable organizations.

§13-104. LICENSE APPLICATION

Every person desiring a license under this Part shall first make application to the Township Zoning Officer for such license. The applicant shall state in such application:

A. The person's name and permanent address.

B. The person's criminal record, if any.

C. The name and address of the person by whom he or she is employed.

D. Type of goods, wares, services or merchandise which the person wishes to deal with in such transient retail business.

E. Length of time for which license is to be issued, not to exceed thirty (30) days.

F. Type and license number of vehicle to be used, if any.

§13-105. ISSUANCE OF LICENSE, CUSTODY, DISPLAY AND EXHIBIT

Upon receipt of such application and the prescribed fee, the Township Zoning Officer, if such official shall find such application in order, shall issue the license required in this Part. Such license shall contain the information required to be given on the application thereof. Every license holder shall carry such license upon his or her person if engaged in transient retail business from house-to-house or upon any of the streets or roads of the Township or shall display such license at the location where such person shall engage in the business of doing so at a fixed location. The licensee shall exhibit such license upon request to all municipal officials and citizens or residents of the Township of Upper Salford.

§13-106. PROHIBITED ACTS

No person in any transient retail business shall:

A. Sell any product or type of product or service not mentioned in such person's license.

B. Engage in any business activity, except by prior appointment, at any time on a Sunday or legal holiday or at any time before 8:00 A.M. or after 6:00 P. M. on any day of the week other than a Sunday or legal holiday.

§13-107. RECORDS AND REPORTS; PUBLIC INSPECTION

The Township Zoning Officer shall keep a record of all licenses issued hereunder and shall make such record available for inspection by all residents of the Township and any other person desiring to inspect the same.

§13-108. DENIAL, SUSPENSION AND REVOCATION OF LICENSE

The Township Zoning Officer is authorized to deny, suspend or revoke any license issued under this Part when the Zoning Officer deems such denial, suspension or revocation to be beneficial to the public health, safety, morals, or for violation of any provision of this Part or for giving false information upon an application for a license hereunder. Appeals from any suspension, revocation or denial of a license may be made to the Board of Supervisors at any time within ten (10) days after such suspension, revocation or denial and a hearing shall be held within thirty (30) days of such petition. A part of a license fee shall be refunded to any person whose license shall have been suspended or revoked.

§13-109. PENALTIES

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding one thousand dollars ($1,00.00) and costs and, in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense

PART 2

CABLE TELEVISION FACILITIES

§13-201. INSTALLATION AND MAINTENANCE OF FACILITIES

Any person, partnership, firm, corporation or other group or entity installing or maintaining any cable television facilities (hereafter called "cable television company") within the Township of Upper Salford shall at all times maintain such facilities in a good and safe condition and in such a manner as to not interfere with television and radio reception by persons not using cable television service. The construction and maintenance of the cable television facilities shall be in accordance with the provisions of the National Electrical Safety Code, the National Electrical Code, the Upper Salford Township Land Subdivision Ordinance [Chapter 22], and all ordinances and regulations of the Township affecting the occupancy of public roads.

§13-202. SERVICE AREA

A. Every cable television company offering cable television service within Upper Salford Township shall file with the Township Secretary a map or plan showing:

   1. The geographic area or areas to be served by such company.

   2. The area or areas already being served by such company.

   3. The location of all cables upon public roadways.

B. The company shall also submit amendments or revisions to such plan reflecting changes in the areas serviced by said company within thirty (30) days of any such change.

§13-203. CONFIDENTIAL INFORMATION

No cable television company within Upper Salford Township shall, without the written permission of the subscriber, reveal or disclose to any person or to the public any information concerning the subscriber including, but not limited to:

A. The services which the said subscriber utilizes.

B. The channels which the subscriber watches.

C. The material which the subscriber watches.

§13-204. POLLING DEVICES

No cable television company offering cable television service within Upper Salford Township shall cause to be installed or maintained any device or other method of collecting information indicating the channel or channels which the subscriber watches, unless the

subscriber shall have consented specifically in writing. Every cable television company which does provide service which enables the collection of such information shall also offer to the public, at the same or lower rates, identical service which does not enable the collection of such information.

§13-205. NONEXCLUSIVE LICENSES

The Township shall be authorized, from time to time, to grant nonexclusive licenses to cable television companies desiring to service subscribers within Upper Salford Township. Such licenses may include additional terms and conditions as the Township and the cable television company-licensee shall mutually agree.

§13-206. NUMBER OF CHANNELS

No cable television company offering cable television service within the Township of Upper Salford shall install or maintain a system not capable of transmitting at least thirty-two (32) channels.

§13-207. SERVICES TO BE OFFERED

All services shall include, at no additional cost to the subscriber over or above the minimum charge, all broadcast television channels originating within or having a transmission antenna within a radius of fifty (50) miles of the Township.

§13-208. NONDISCRIMINATION

No cable television company offering cable television service within Upper Salford Township shall discriminate against subscribers on the basis of race, color, religion or national origin.

§13-209. PENALTIES

A. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding one thousand dollars ($1,00.00) and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense.

B. In addition to the other penalties provided in this Section, the Township may require the person, partnership, firm, corporation or, other group or entity violating the terms of this Part to remove its facilities from the Township and may initiate and prosecute such actions at law or at equity as may be permitted to accomplish such removal.

PART 3

JUNKYARDS

§13-301. SHORT TITLE

This Part shall be known and may be cited as the "Upper Salford Township Junkyard Ordinance."

§13-302. DEFINITIONS

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

BOARD – The Board of Supervisors of Upper Salford Township.

JUNK – any discarded material or article and shall include, but not be limited to, scrap metal, scrapped, abandoned or junk motor vehicles, machinery, equipment, paper, glass containers and structures. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal.

JUNK DEALER – any person, as hereinafter defined, who shall engage in the business of selling, buying, salvaging or dealing in junk and who maintains and operates a junkyard within the Township of Upper Salford.

JUNKED OR ABANDONED VEHICLE – shall include, but shall not be limited to, one (1) or more of the following:

(1) A vehicle for which a certificate of junk has been issued by the Department of Transportation or the official designated by any other state to issue such certificates.

(2) A vehicle in or on which it is found that any of the following exists:

(a) Its engine or engine parts have been removed for more than thirty (30) days.

(b) Its tires have been deflated or its wheels have been removed for more than seven (7) days.

(c) It bears no official inspection sticker or any such sticker is not current by more than thirty (30) days; provided, that a vehicle under repair which is bona fide intended for use shall not be deemed within the foregoing definition.

JUNKYARD – any place where any junk, as hereinafter defined, is stored, disposed of, or accumulated. It shall also be construed to include any place where one (1) or more junked or abandoned vehicles is stored.

PERSON – any partnership, association, firm or corporation

TOWNSHIP – Upper Salford Township, Montgomery County, Pennsylvania

LICENSE – the permit granted to a person who accumulates, stores or disposes of junk as hereinbefore defined.

§13-303. LICENSE

No person shall engage in business as a junk dealer or maintain a junkyard without first having obtained a license from the Board, for which license a fee in an amount, as established from time to time by the Board of Supervisors, shall be paid to the Township for the use of the Township each and every calendar year. Such license must be renewed annually on or before the fifteenth (15th) day of March of each year.

§13-304. APPLICATION FOR LICENSE

The license provided for in this Part shall be issued by the Board after written application shall have been made therefore by the person desiring to be licensed. The written application for license hereinbefore mentioned shall set forth in full the owner or owners of the premises used for the junkyard, the name of the junk dealer, the address of the junkyard and the size of the tract or lot upon which the junkyard is located. Applicant shall also submit therewith a survey print of the premises used or to be used in connection with such license showing clearly thereon all buildings to be used in connection with the operation of the business, the relationship in distance to each building to the setback lines as set forth in §13-309 (G), any and all buildings on all property adjoining the licensed premises, and the areas to be used for storage. The license obtained shall state the name of the person to whom such license is issued and the premises on which such business is to be conducted. Such license shall be posted conspicuously upon the premises licensed thereunder.

§13-305. ISSUANCE OF LICENSE

Upon receipt of an application by the Board, the Board shall issue a license or shall refuse to issue a license to the person applying therefore after an examination of the application and taking into consideration the suitability of the property proposed to be used for the purposes of the license, including the zoning status, the character of the properties located nearby, and the effect of the proposed use upon the Township, both economic and aesthetic. In the event the Board shall issue a license, it may impose upon the license and the person applying therefore such terms and conditions in addition to the regulations herein contained and adopted pursuant to this Part as may be deemed necessary to carry out the spirit and intent of this Part. Any person receiving a license under this Part shall be deemed to have agreed to comply with the terms of the license and any deviations therefrom shall constitute a violation of this Part.

§13-306. LICENSE LIMITATION

No person licensed under this Part shall, by virtue of one (1) license, keep more than one (1) place of business within the Township or maintain more than one (1) junkyard, for the

purpose of buying, selling and dealing in junk. No person shall engage in business as a junk dealer in any place other than the place designated upon his license, or maintain a junkyard in any place other than the place designated upon his licenses.

§13-307. TRANSFER OF LICENSE

No license issued by the board shall be transferable by the licensee to any other person unless such transfer is authorized by the Board. Any person desiring to transfer his license shall notify the Board in writing, which notification shall be accompanied by an application for a license, as described in §13-304 of this Part, by the transferee. In the event the Board shall approve the transfer of a license, the transferee shall immediately pay to the Township a transfer fee in an amount as established, from time to time, by resolution of the Board of Supervisors.

§13-308. RECORDS

Every person, licensed under this Part, shall provide and shall constantly keep a book in which shall be fairly written down in the English language at the time of the purchase of any junk, a description of every article or material purchased or received by him, the date and hour of such purchase and the person from whom such article or material was purchased or received. Such book and all junk received, purchased or handled by the person licensed shall at all times be subject to the inspection of any official of the Township.

§13-309. REGULATIONS

Every person licensed under this Part shall constantly maintain the licensed premises in accordance with any special provisions imposed by the Board and in the manner prescribed by this Section and any subsequent regulations adopted by the Board.

A. Such premises shall at all times be maintained so as not to constitute a nuisance or a menace to the health of the community or of residents nearby or a place for the breeding of rodents and vermin.

B. Whenever any motor vehicle shall be received in such premises as junk, all gasoline shall be drained and removed therefrom. Gasoline in an amount not exceeding ten (10) gallons may be stored above ground in said junkyards provided the same be placed in containers approved by the Board. All other gasoline which is kept in the premises shall be stored underground, which underground storage must be approved by the Board.

C. No garbage or other waste, and no paper, rubbish, rags or other flammable articles or materials shall be stored in such premises.

D. The manner of storage and arrangement of junk, and the drainage facilities of the premises shall be such as to prevent the accumulation of stagnant water upon the premises, and to facilitate access for firefighting purposes.

E. All junk kept, stored or arranged on the licensed premises shall at all times be kept, stored and arranged within the junkyard in a neat and orderly manner in keeping with the standards of the trade, limited under subsection (D), above, and

at no time may the hulk or body of any vehicle or machine be stacked upon the hulk or body of another vehicle or machine.

F. The burning of any material on the licensed premises is strictly prohibited except between the times of two (2) hours after sunrise and two (2) hours before sunset on the days Monday through Friday inclusive. No material that might be dangerous or tend to produce obnoxious smoke or odors shall be burned within a junkyard at any time. Burning of vehicles must be attended and controlled at all times.

G. The premises to be licensed shall be set back a minimum distance of sixty-five (65) feet from the center line of all streets or roads and a minimum distance of twenty (20) feet from all other adjoining property lines. The area between the setback line and all other property lines shall at all times be kept clear of debris and at all times neatly trimmed and mowed.

H. On any and all premises licensed under this Part, there shall be erected and maintained along all boundary lines a fence of at least ten (10) feet in height. The fence, the type of which must meet the approval of the Board and the erection of which shall be a condition to the issuance or re-issuance of the license, may be of a manufactured type such as wood or cement block with the condition that it shall be opaque or it may be a living type such as a row of evergreens. In the event the Board shall require a living type fence to effect the purpose of the Part as set forth in §13-305, there shall be planted and maintained three (3) rows of evergreens eighteen (18) feet in depth all along the property lines of the premises. In each row, the plants shall be at least three (3) feet when planted and no greater than six (6) feet from center to center. In the case of existing junk dealers, the required fence shall be erected, planted, if of the living type, and completed within six (6) months of the effective date of this Part.

§13-310. PENALTIES

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding one thousand dollars ($1,00.00) and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense.

§13-311. ABATEMENT OF NUISANCES

In addition to the remedies provided in §13-310 above, any continued violation of this Part which shall constitute a nuisance in fact, or which shall in the opinion of the Board constitute a nuisance, may be abated by proceeding against the violator in a court of equity for relief.

§13-312. CONSTRUCTION

This Part shall not be construed to conflict with the Upper Salford Township Zoning Ordinance [Chapter 27], as amended. In case of other ordinances relating to junkyards, the same are repealed to the extent necessary to give effect to this Part. As used herein, the

masculine singular shall include the plural as well the feminine and neuter, singular and plural.

CHAPTER 14

MOBILE HOMES AND MOBILE HOME PARKS

[See Chapter 22, Subdivision and Land Development, and Chapter 27, Zoning]

CHAPTER 15

MOTOR VEHICLES

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PART 1

GENERAL REGULATIONS

§15-101. DEFINITIONS AND INTERPRETATION

A. Words and phrases, when used in this Chapter, except for Sections or Parts to which different or additional definitions apply, shall have the meanings ascribed to them in the Vehicle Code (the Act of June 17, 1976, P.L. 162 No. 81), as amended, except that, in this Chapter, the word "street" may be used interchangeably with the word "highway", and shall have the same meaning as the word "highway" as defined in the Vehicle Code.

B. The term "legal holidays" as used in this Chapter shall mean and include: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

C. In this Chapter, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

§15-102. MANNER OF ADOPTING PERMANENT TRAFFIC AND PARKING REGULATIONS

All traffic and parking regulation of a permanent nature shall be enacted as ordinances, as parts of ordinances, as amendments to ordinances, or as amendments to this Chapter, except where the law specifically authorizes less formal action.

§15-103. PROVISIONS TO BE CONTINUATION OF EXISTING REGULATIONS

The provisions of this Chapter, so far as they are the same as those of ordinances and regulations in force immediately before the enactment of this Chapter, are intended as a continuation of those earlier ordinances and regulations, and not as new enactments. Nothing in this Chapter shall affect any act done or liability incurred, or any suit or prosecution pending or to be instituted under any of those repealed or superseded ordinances or regulations.

§15-104. TEMPORARY AND EMERGENCY REGULATIONS

A. The Board of Supervisors, or in case of an emergency, the Road Superintendent, shall have the following powers to regulate traffic and parking temporarily and in time of emergency:

1. In the case of fire, flood, storm or other emergency, to establish temporary traffic and/or parking regulations; and,

2. In the case of emergency or to facilitate public works, or in the conduct of parades, processions or public events, to restrict or prohibit traffic and/or

parking in limited areas for periods of not more than seventy-two (72) hours.

B. Such temporary and emergency regulations shall be enforced by the Pennsylvania State Police in the same manner as permanent regulations. Any person who shall operate or park a vehicle or tractor in violation of any such regulations, or who shall move, remove, destroy, injure or deface any sign or marking erected, posted or made to give notice of any such regulation, shall, upon conviction thereof, be subject to the penalty set forth in the law or elsewhere in this Chapter for a violation of such nature, and, in case of a violation for which no specific penalty is set forth in the law or elsewhere in this Chapter, to a fine of not more than two hundred fifty dollars ($250.00) together with costs of prosecution.

§15-105. EXPERIMENTAL REGULATIONS

The Board of Supervisors may, from time to time by resolution, designate places upon and along the highways in the Township where, for a period of not more than ninety (90) days, specific traffic and /or parking regulations, prohibitions and restrictions shall be in force and effect, and shall designate such locations by proper signs and markings. Such regulations, prohibitions and restrictions shall be effective as if they had been specified in the Chapter. No person shall operate or park a vehicle or tractor in violation of any such regulation, prohibition or restriction, and no person shall move, remove, destroy or deface any sign or marking erected, posted or made by authority of this Section. Any person who shall violate any provision of this Section shall, upon conviction thereof, be subject to the penalty set forth in the law or elsewhere in this Chapter for a violation of such nature, and in case of a violation for which no specific penalty is set forth in the law or elsewhere in this Chapter, to a fine of not more than two hundred fifty dollars ($250.00) together with costs of prosecution; provided, the purpose of this Section is to allow for the test and experimental determination of the feasibility and desirability of permanent changes in the ordinances of the Township relative to traffic and parking.

§15-106. TRAFFIC ON STREETS CLOSED OR RESTRICTED FOR CONSTRUCTION, MAINTENANCE OR SPECIAL EVENTS

A. The Board of Supervisors shall have authority to close any street or specific part of a street to vehicular traffic and to place barriers or station police officers at each end of the closed portion, while construction or maintenance work is under way or a special event is being conducted on the closed portion. It shall be unlawful for any person to drive a vehicle upon any such closed portion.

B. The Board of Supervisors shall have authority to establish a restricted traffic area upon any street where construction or maintenance work is under way and to station flagmen at each end of the restricted portion. It shall be unlawful for any person to drive a vehicle upon any such restricted traffic area at any time when the flagman is displaying a sign directing that vehicle to stop, or is signaling that vehicle, by a flag or other devise, not to proceed.

C. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of two hundred fifty dollars ($250.00) and costs.

§15-107. USE OF STREETS BY PROCESSIONS AND ASSEMBLAGES

A. For the purpose of this Section, the words "assemblage" and "procession" shall have the following meanings:

ASSEMBLAGE – a gathering of people without vehicles, which interferes with the movement of pedestrian or vehicular traffic on any street.

PROCESSION – a group of individuals, vehicles, animals and/or objects moving along a street in a way that interferes with the normal movement of traffic. A procession shall not include a funeral caravan or military convoy.

B. It shall be unlawful for any person to hold or participate in any assemblage unless the person organizing or conducting the assemblage first obtains a permit from the Township Secretary, which shall be issued without fee. Application for the permit shall be made at least one (1) week in advance of the day on which the assemblage is proposed to be held, but in any case where a state-designated highway is proposed to be used, application shall be made at least three (3) weeks in advance of the proposed date. The permit shall State the place where and the date when the assemblage is to be held, the hour when the assemblage may convene and the hour by which it shall have been completely dispersed. It shall be unlawful for any person to hold or to participate in any assemblage unless the permit has been granted, or at any time or place other than that authorized by the permit.

C. It shall be unlawful for any person to hold or participate in any procession unless the person organizing or conducting the procession first obtains a permit from the Township Secretary, which shall be issued without fee. Application for the permit shall be made at least two (2) weeks in advance of the day when the procession is proposed to be held, but in any case where a State-designated highway is proposed to be used, application shall be made at least three (3) weeks in advance of the proposed date. The permit shall specify the date on which the procession is to be held, the route to be followed by the procession, the hour when and place where participants may commence to assemble and form before the procession is under way, the time when the procession may commence to move along its route, and the time by which the end of the procession shall have reached the end of the route of the procession and the procession shall have been disbanded. It shall be unlawful for any person to hold or to participate in any procession unless the permit shall have been granted, or under any conditions as to time or route or otherwise than those stated in the permit.

D. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of two hundred fifty dollars ($250.00) and costs.

PART 2

TRAFFIC REGULATIONS

§15-201. MAXIMUM SPEED LIMITS ESTABLISHED ON CERTAIN STREETS

A. Maximum speed limits are established on portions of specified streets, as follows, and it shall be unlawful for any person to drive a vehicle, on any part of a street where a maximum speed limit applies, at a higher speed than the maximum prescribed for that part of the street:

Street	Between	Maximum Speed Limit
Baghurst Drive	Hendricks Rd. and Hendricks Rd.	15
Bittersweet Drive	Old Sumneytown Pike and dead end	25
Burton Road	Old Skippack Road and dead end	25
Cedar Road	Township boundary and end of pavement	25
Church Road	Old Skippack Road and Quarry Road	40
Clemmer Mill Road	Salford Station Rd. and a pt. north of "S" curve	40
Clemmer Mill Road	A pt. south of "S" curve and Spring Mount Rd.	35
Dieber Road	Heflin Rd. and Township boundary (curves to be posted at 20 and 25 mph)	35
Grubb Road	Schwenksville Rd. and Freeman School Rd.	35
Harmon Road	Salford Street and Salford Station Road	35
Heather Drive	Old Sumneytown Pike and Sumneytown Pike	25
Heflin Road	Schwenksville Road and Dieber Road	35
Hendricks Road	Hendricks Station and a pt. north of "S" curve	35
Hendricks Road	A pt. north of "S" curve and Old Church Road	15
Hickory Drive	Bittersweet Drive and Old Sumneytown Pike	25
Kratz Station Road	Perkiomenville Rd. and Township boundary	25
Larson Road	Salford Station Road and Lederach Road	25
Larson Road	Lederach Road and Schwenksville Road	20
Long Mill Road	Old Sumneytown Pike and Sumneytown Pike	25
Long Mill Road	Sumneytown Pike and Township boundary	40
Moyer Road	Barndt Rd. and a pt. east of "S" curve	25
Moyer Road	A pt. east of "S" curve and Township boundary	40
Oak Lane	Old Skippack Road and Bittersweet Drive	25
Old Church Road	Church Road and Salford Station Road	35
Perkiomenville Road	Old Skippack Road and Old Sumneytown Pike	40
Potato Road	Old Skippack Road and Old Sumneytown Pike	40
Quarry Road	Old Skippack Road and Salford Street	40
Rostkowski Road	Zepp Road and Township Line Road	20
Salford Station Road	Old Church Rd. and Clemmers Mill Road	25
Salford Station Road	Clemmers Mill Rd. and Grubb Road	35
Shelly Road	Sumneytown Pike and Old Skippack Road	40
Sumneytown Road	Perkiomenville Road and dead end	25
Thompson Road	Old Sumneytown Pike and Sumneytown Pike	20
Thompson Road	Sumneytown Pike and Moyer Road	40

Township Line Road	Rostkowski Road and Ridge Road	35
Woessner Road	Bergey Road and dead end	20
Wolford Road	Old Skippack Road and Salford Station Road	40
Zepp Road	Sumneytown Pike and Township boundary	20

B. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of one hundred fifty dollars ($150.00). Any person exceeding the maximum speed limit by more than five (5) miles per hour shall pay an additional fine of ten dollars ($10.00) per mile for each mile in excess of five (5) miles per hour over the maximum speed limit.

§15-202. MAXIMUM SPEED LIMITS ESTABLISHED IN PARKS

A. A speed limit of fifteen (15) miles per hour is established on all streets and roadways in the public parks maintained and operated by the Township, except in the following locations, where the lower maximum, as specified, shall apply:

Park	Location	Maximum Speed Limit
Upper Salford Park	entire roadway within park	15
Rahmer Park	entire roadway within park	15
Moyer Marks Park	entire roadway within park	15
Orchard Park	entire roadway within park	15

B. Any person who violates any provision of this Section shall, upon conviction, may be sentenced to pay a fine of one hundred fifty dollars ($150.00). Any person exceeding the maximum speed limit by more than five (5) miles per hour shall pay an additional fine of ten dollars ($10.00) per mile for each mile in excess of five (5) miles per hour over the maximum speed limit.

§15-203. STOP INTERSECTIONS ESTABLISHED

A. The following intersections are established as stop intersections, and official stop signs shall be erected (or are ratified if previously erected) in such a position as to face traffic approaching the second-named street (the intersecting or through street) on the first-named street (the stop street) in the direction or directions indicated for that intersection. Every driver of a vehicle approaching the intersection on the first name or stop street, in the direction indicated in each case, shall stop the vehicle as required by §3323(b) of the Vehicle Code, and shall not proceed into or across the second-named or intersecting or through street until he has followed all applicable requirements of that Section of the law.

Stop Street	Intersection or Through Street	Direction of Travel
Autumn Lane	Winter Lane	Northwest
Baghurst Drive	Hendricks Road	Northwest

	Hendricks Road	Southwest
Barnbridge Drive	Clemmers Mill Road	Southeast
Barndt Road	Old Sumneytown Pike	Southwest
	Sumneytown Pike	Northeast
	Sumneytown Pike	Southwest
Bergey Road	Old Skippack Road	Southwest
	Old Sumneytown Pike	Northeast
Bittersweet Drive	Old Sumneytown Pike	Northeast
Briar Ridge Lane	Burton Road	Southeast
Burton Road	Old Skippack Road	South
Cedar Road	Schwenksville Road	Southeast
Church Road	Old Skippack Road	North
	Quarry Road	South
Clemmers Mill Road	Spring Mount Road	Southwest
Cooper Lane	Old Skippack Road	Northwest
Country View Lane	Potato Road	Southeast
Diminjan Lane	Bergey Road	Northwest
Fallow Field Lane	Morwood Road	Southeast
Galen Lane	Clemmers Mill Road	Northwest
Gladys Lane	Bergey Road	Northeast
Grubb Road	Schwenksville Road	West
Haim Road	Clemmers Mill Road	Southeast
Harmon Road	Salford Street	Northeast
	Salford Station Road	Southwest
Heather Drive	Sumneytown Pike	Northeast
	Old Sumneytown Pike	Southwest
Heflin Road	Schwenksville & Laron Roads	Northeast
Hendricks Road	Hendricks Station Road	Northwest
	Old Church Road	Southeast
Hendricks Station Road	Old Skippack Road	Northeast
Hickory Drive	Bittersweet Drive	Northwest
	Old Sumneytown Pike	Northeast

Joanne Lane	Thompson Road	Northwest
Josie Lane	Mary Lane	Northwest
	Old Skippack Road	Southwest
Kratz Station Road	Perkiomenville Road	North
Larson Road	Grubb Road	Southwest
	Grubb Road	Northeast
	Lederach Road	Northeast
	Lederach Road	Southwest
	Salford Station Road	Northeast
	Schwenksville Road	West
Lederach Road	Schwenksville Road	West
Long Mill Road	Old Sumneytown Pike	Southeast
	Sumneytown Pike	Southeast
	Sumneytown Pike	Northwest
Mary Lane	Josie Lane	Southeast
Moyer Road	Barndt Road & SR 563	Northwest
Oak Lane	Bittersweet Drive	Southeast
	Old Skippack Road	Northwest
Old Church Road	Salford Station Rd & Salford St.	Southwest
	Quail Ridge & Church Rds.	Northeast
Old Skippack Road	Sumneytown Pike	Northwest
Old Sumneytown Pike	Bergey Road	West
	Bergey Road	East
	Perkiomenville Road	Southeast
	Old Skippack Road	Northwest
	Sumneytown Pike	East
Overlook Lane	Old Skippack Road	Southwest
Perkiomenville Road	Old Sumneytown Pike	East
	Old Skippack Road	Northwest
	Old Skippack Road	Southeast
Potato Road	Old Sumneytown Road	Northeast
	Old Skippack Road	Southwest
Quail Ridge Road	Church & Old Church Roads	Southeast
Quarry Road	Church Road	Southwest
	Old Skippack Road	Northeast
	Salford Street	Southwest

Ridge Road	Barndt Road & SR 563	Southeast
	Sumneytown Pike	Northwest
Rostkowski Road	Camp Green Lane/Township Line	Northeast
	Zepp Road	Northwest
Salford Station Road	Clemmers Mill Road	Northwest
	Clemmers Mill Road	Southeast
	Freemans School Road	Southeast
	Salford Street & Salford Station Rd	Northwest Southeast
	Salford Station & Old Church Rds.	Southeast
	Schwenksville Road	Northwest
	Schwenksville Road	
School Road	Perkiomenville Road	Northeast
	Hendricks Station Road	Southwest
Shelly Road	Old Skippack Road	Southwest
	Sumneytown Pike	Northeast
Skyview Lane	Perkiomenville Road	Northeast
Spring Mount Road	Schwenksville Road	East
Stone Hill Road	Sumneytown Road	West
Sumneytown Road	Perkiomenville Road	South
Thompson Road	Moyer Road	Northeast
	Old Sumneytown Pike	Southwest
	Sumneytown Pike	Northeast
	Sumneytown Pike	Southwest
Township Line Road	Ridge Road	Southeast
Winter Lane	Salford Station Road	Northeast
Woessner Road	Bergey Road	East
Wolford Road	Salford Station Road	Southwest
	Old Skippack Road	Northeast
Woodspring Lane	Old Sumneytown Pike	Northeast
Zepp Road	Rostkowski Road	Southwest
	Sumneytown Pike	West

B. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of one hundred fifty dollars ($150.00) and costs.

§15-204. YIELD INTERSECTIONS ESTABLISHED

A. The following intersections (in addition to intersections with the through highways established in §15-203) are established as yield intersections, and official yield signs shall be erected (or are ratified if previously erected) in such a position as to face traffic approaching the second-named street (the through street) on the first-named street (the yield street) in the direction or directions indicated for that intersection. Every driver of a vehicle approaching the intersection on the first-named or yield street, in the direction indicated in each case, shall slow down or stop the vehicle as required by §3323 (c) of the Vehicle Code, and then yield the right-of-way as required by that subsection of the Vehicle Code.

Yield Street	Through Street	Direction of Travel
	(reserved)	

B. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of one hundred fifty ($150.00) dollars and costs.

§15-205. RESTRICTION OF USE

A. Perkiomenville Road

1. From Perkiomenville Road's intersection with Old Sumneytown Pike to its intersection with Old Skippack Road within the township shall be closed to semi-trailer traffic. Any person who violates the provisions of this section shall be guilty of a summary offense and shall be liable for imprisonment to the extent allowed by law for the punishment of summary offenses and shall be liable for the imposition of a fine not to exceed one thousand ($1,000.00) dollars for each violation.

B. Shelly Road

1. A weight limitation of ten (10) tons is hereby imposed, established and declared for Shelly Road, Township Road 454, within the limits of Upper Salford Township, Montgomery County, Pennsylvania. No vehicle or combination exceeding this established weight limitation shall be permitted to use Shelly Road for any purpose.

2. The following vehicles are excepted from the weight limitations of Section B:

   School Buses, trash trucks, emergency vehicles, and residents of Shelly Road operating vehicles exceeding the stated weight limitation. The exception applicable to trash trucks is limited to travel on Shelly Road for the specific and limited purpose of servicing customers on Shelly Road, and shall not be construed to permit general usage of the roadway.

3. Any person operating a vehicle or combination upon Shelly Road, Township Road No. 454, within the limits of Upper Salford Township, Montgomery County,

Pennsylvania, in violation of the limitations imposed herein and hereby shall be guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of $75.00, **except that** any person convicted of operating a vehicle or combination with a gross weight in excess of the established and posted weight shall, upon conviction, shall be sentenced to pay a fine of $150.00 plus $150.00 for each 500 pounds or part thereof, in excess of 3,000 pounds over the maximum allowable weight. The penalties established hereunder shall be no less than those penalties as set forth in the Pennsylvania Motor Vehicle Code, 75 P.S. §4902(g), and no provision of this Ordinance shall be construed to limit the penalties imposed under that Statute.

C. The limitations under this Section shall be enforced by the Pennsylvania State Police.

PART 3

GENERAL PARKING REGULATIONS

§15-301. PARKING PROHIBITED AT ALL TIMES IN CERTAIN LOCATIONS

Parking shall be prohibited at all times in the following locations:

Street	Side	Between
Burton Road	East	
Old Skippack Road	Both	Perkiomenville Road and a pt. 400 ft north
Old Skippack Road	Northeast	Bergey Road and a point 250 feet east
Spring Mount Road	Both	Schwenksville Rd. and Lower Frederick Twp. Line
Sumneytown Pike west	North	Lower Salford Township Line and a pt. 400 ft (Rt. 63)

§15-302. PENALTIES

Any person violating any of the provisions of this Part shall, upon conviction, be sentenced to pay the fine or penalty provided in the Vehicle Code, Act of June 17, 1976, P. L. 162, No. 81, or any future vehicle code, together with costs and prosecution.

PART 4

REMOVAL AND IMPOUNDMENT OF ILLEGALLY PARKED VEHICLES

§15-401. APPLICABILITY AND SCOPE

This Part is enacted under authority of §6109 (a-22) of the Vehicle Code, and gives authority to the Township to remove and impound those vehicles which are parked in a tow away zone and in violation of parking regulations of this Chapter. Vehicles which have been abandoned (as defined by the Vehicle Code) or which are parked in such a manner as to interfere with traffic or pose a hazard to others, may be towed under the provisions of the Pennsylvania Vehicle Code.

§15-402. AUTHORITY TO REMOVE AND IMPOUND

The Township shall have authority to remove and impound, or to order the removal and impounding, of any vehicle parked overtime or otherwise illegally, provided that the circumstances of its parking were within the conditions stated in §15-401 of this Part. Provided, no such vehicle shall be removed or impounded except in strict adherence to the provisions of this Part, or the provisions of the Pennsylvania Vehicle Code.

§15-403. TOW AWAY ZONES DESIGNATED

The following designated streets and/or parking lots are hereby established as tow-away zones. The Board of Supervisors may also from time to time designate by resolution certain temporary tow away zones. Signs shall be posted to place the public on notice that their vehicles may be towed for violation of the Township parking regulations:

Street	Side	Between	Parking Lot

(Reserved)

§15-404. DESIGNATION OF APPROVED STORAGE GARAGES; BONDING; TOWING AND STORAGE

Removal and impounding of vehicles under this Part shall be done only by "approved storage garages" that shall be designated from time to time by the Board of Supervisors. Every such garage shall submit evidence to the Board of Supervisors that it is bonded or has acquired liability insurance in an amount satisfactory to the Board of Supervisors as sufficient to indemnify owners of impounded vehicles against loss or damage to those vehicles while in the custody of the garage keeper for the purpose of towing or storage. The approved storage garage shall submit to the Board of Supervisors its schedule of charges for towing and storage of vehicles under this Part, and, when the schedule is approved by the Board of Supervisors, those charges shall be adhered to by the approved storage garage; no different schedule of charges shall be demanded of or collected from any person whose vehicle is removed or impounded under this Part by any approved storage garage. The Board of Supervisors shall delete from its list of approved storage garages any garage that makes any unapproved charge in connection with any vehicle removed or impounded under this Part.

§15-405. PAYMENT OF TOWING AND STORAGE CHARGES
The payment of towing and storage charges shall not relieve the owner or driver of any vehicle from liability for any fine or penalty for the violation of the provision of this Part for which the vehicle was removed or impounded.

§15-406. RECLAMATION COSTS
In order to reclaim his vehicle, the owner shall pay towing and storage cost, plus a one hundred fifty dollar ($150.00) fee of which ten dollars ($10.00) shall be transferred to the Pennsylvania Department of Transportation by the garage to which the vehicle was taken.

§15-407. RECORDS OF VEHICLES REMOVED AND IMPOUNDED
The Township shall cause a record to be kept of all vehicles impounded under this Part and shall be able at all reasonable times to furnish the owners or the agents of the owners of those vehicles with information as to the place of storage of the vehicle.

§15-408. RESTRICTIONS UPON REMOVAL OF VEHICLES
No vehicle shall be removed under the authority of this Part or the Vehicle Code if, at the time of the intended removal, the owner or the person for the time being in charge of the vehicle is present and expresses a willingness and intention to remove the vehicle immediately.

§15-409. PENALTY FOR VIOLATION
Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of one hundred fifty dollars ($150.00) together with all costs of disposing of the vehicle under provisions of the Vehicle Code, 75 P.S. §7301 et seq. (1977), as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

§15-410. REPORTS AND DISPOSITION OF UNCLAIMED VEHICLES
If after a period of fifteen (15) days the vehicle in storage remains unclaimed a report shall be filed with PennDOT in accordance with §7311 of The Vehicle Code, by the person having legal custody of the vehicle. If the vehicle has not been claimed after thirty (30) days, the vehicle may be transferred to a licensed Salvor who will then be responsible for filing the proper reports and disposing of the vehicle in accordance with the provisions of Chapter 73 of the Pennsylvania Motor Vehicle Code (75.Pa C.S.A. §110 et seq., as amended).

PART 5

SNOW AND ICE EMERGENCY

§15-501. DECLARATION OF SNOW AND ICE EMERGENCY

In order to facilitate the movement of traffic and to combat the hazards of snow and ice on the snow emergency routes named in §15-503 of this Part, the Road Superintendent, in his discretion, may declare a snow and ice emergency (designated in this Part as a "snow emergency"). Information on the existence of a snow emergency shall be given by the Township through radio, newspaper or other available media, and information on the termination of the emergency may be given by use of the same media.

§15-502. PARKING PROHIBITED, DRIVING MOTOR VEHICLES RESTRICTED, ON SNOW EMERGENCY ROUTES DURING EMERGENCY

After any snow emergency is declared, it shall be unlawful, at any time during the continuance of the emergency, for any person:

A. To park a motor vehicle or to allow that vehicle to remain parked anywhere on any snow emergency route designated in §15-503 of this Part; or,

B. To drive any motor vehicle on any such snow emergency route, unless that vehicle is equipped with snow tires or chains.

§15-503. SNOW EMERGENCY ROUTES DESIGNATED

The following are designated as snow emergency routes:

Street	Between
All streets within Upper Salford Township	

§15-504. PENALTY FOR VIOLATION

A. If at any time during a period of snow emergency declared under §15-501 of this Part, a person shall park a motor vehicle or allow a motor vehicle to remain parked anywhere upon a snow emergency route, that person shall be guilty of a violation of this Part, and, upon conviction, shall be sentenced to pay a fine of not more than one hundred fifty dollars ($150.00) and costs.

B. If, at any time during a period of snow emergency declared under §15-501 of this Part, a person shall drive a motor vehicle upon a snow emergency route, without having that vehicle equipped with snow tires or chains, that person shall be guilty of a violation of this Part, and, upon conviction, shall be sentenced to pay a fine of one hundred fifty dollars ($150.00) and costs.

PART 6

REGULATION OF PEDALCYCLES AND NON-MOTORIZED VEHICLES

§15-601. RIDING AND PARKING OF PEDALCYCLES ON SIDEWALKS ALONG CERTAIN STREETS PROHIBITED

A. It shall be unlawful for any person to ride or to park a pedalcycle on the sidewalk along the following portions of the streets in the Township:

Street	Side	Between

(Reserved)

B. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of one hundred fifty dollars ($150.00) and costs.

§15-602. RESTRICTIONS ON USE OF PUSHCARTS

A. The word "pushcart", as used in this Section, shall mean a vehicle, including a pedalcycle, propelled solely by human power, and used or intended for use for the display, transport, exhibit or sale of goods, wares or merchandise.

B. It shall be unlawful for any person to propel a pushcart upon any sidewalk in any business district except as necessary to move the pushcart to a location from which it is to be loaded or unloaded or from which goods, wares or merchandise are to be sold or dispensed under permit from Board of Supervisors as provided in subsection (3) of this Sections.

C. It shall be unlawful for any person to park a pushcart upon any sidewalk except for the purpose of selling or dispensing from that pushcart goods, wares or merchandise to passersby under permit from Board of Supervisors. Every such permit shall be issued to the person making application for the permit, upon payment of a fee, which shall be for the use of the Township, set by the Board of Supervisors pursuant to resolution of the Board of Supervisors. The permit shall be granted to the applicant, upon payment of the fee, and upon his signing an agreement with the Board of Supervisors that he shall be bound by the conditions imposed by the Board of Supervisors and made a part of the permit, dealing with the following matters:

1. Restricting or limiting the parking of the pushcart to one (1) or more stated locations upon the sidewalk and to stated days and hours at each location;

2. Stating requirements to be adhered to in connection with the disposal of garbage and refuse resulting from the operations carried on;

3. Requiring that there be no violation of any law, Chapter or regulation pertaining to health, sanitation and the handling of food or drink.

D. Any person who violates any provision of this Section, or any condition of any permit granted under this Section, shall be guilty of a summary offense, and, upon conviction, shall be sentenced to pay a fine of one hundred fifty dollars ($150.00) and costs.

§15-603. SKATES, SKATEBOARDS, COASTERS, SLEDS AND OTHER TOY VEHICLES

A. It shall be unlawful for any person to ride on a sled upon any sidewalk in the Township, or upon any roadway unless that roadway is on a portion of a street blocked off for sledding by authority of §15-105 of Part 1 of this Chapter. Provided: nothing in this subsection shall prevent a pedestrian from pulling a sled, with or without a rider, upon a sidewalk.

B. It shall be unlawful for any person to engage in roller-skating, skateboarding or to ride upon or propel any coaster or other toy vehicle upon:

1. Any street except in order to cross the roadway; or,

2. Any sidewalk located in a business district, except that nothing in this paragraph shall prevent a pedestrian from pulling a coaster or other toy vehicle, with or without a rider, upon a sidewalk.

C. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of twenty-five dollars ($25.00) and costs.

CHAPTER 16

PARKS AND RECREATION

PART 1

UPPER SALFORD TOWNSHIP PARK SYSTEM

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PARK RULES AND REGULATIONS

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PART 3

OPEN SPACE RULES AND REGULATION

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PART 1
UPPER SALFORD TOWNSHIP PARK SYSTEM

§16-101. DECLARATION OF UPPER SALFORD TOWNSHIP PARK SYSTEM

The Upper Salford Township Park System shall include all Township Parks identified and established from time to time by the Board of Supervisors, together with all open space acquired by the Township for the stated purpose of providing active or passive recreational opportunities for the residents of Upper Salford Township, including, without limitation, trail access easements, trail easements or rights of way, open space dedicated in connection with any land development or subdivision and accepted by resolution or ordinance by the Board of Supervisors.

§16-102. DESIGNATION OF TOWNSHIP PARKS AND OPEN SPACE

A. TOWNSHIP PARKS:

The following is a list of township parks:

Upper Salford Township Park
William Rahmer Memorial Park
Moyer Marks Park

The Board of Supervisors may from time to time designate, establish and name other lands as township parks. Upon designation or establishment, such parks shall be deemed to be included by name in this Section without need of specific amendment to this section.

B. OPEN SPACE:

The following is a list of open space within the Upper Salford Township Park System:

Spring Mountain tract
Spring Mountain House tract
Faringer tract
Orchard Park
Salfordville
Saylor tract (not included within Upper Salford Park)
Rogers/Hiester Property
Kletzing Property

The Board of Supervisors may from time to time designate, establish and name other lands as township open space. Upon designation or establishment, such open space shall be deemed to be included in this Section without need of specific amendment to this section.

§16-103. PROPERTIES EXCLUDED

Lands owned by the Township not established, acquired or dedicated for active or passive recreational use shall not be included in the above declaration, and those lands shall not be open for or subject to public use as regulated by Part 2 of this Chapter 16 or otherwise except as specifically provided by the Board of Supervisors.

PART 2

PARK RULES AND REGULATIONS

§16-201. APPLICABILITY

The rules and regulations set forth in this Part 2 of Chapter 16 shall be applicable to the Township Parks as included in §16-102.A. of this Chapter and such other public property which the Board of Supervisors, from time to time, may designate as public parklands.

§16-202. HOURS OF OPERATION

Township parks shall be open from sunrise to sunset unless otherwise specified by the Board of Supervisors. No person shall use the park property during times other than when the park is open, without permission of the Board of Supervisors. Entry onto or use of park property from sunset to sunrise without permission of the Board of Supervisors shall constitute the offense of defiant trespass under §3503 of the Pennsylvania Crimes Code and the Township is authorized to seek prosecution for violation as provided by law.

§16-203. ALCOHOLIC BEVERAGES, SWIMMING, GLASS CONTAINERS

A. The possession and/or consumption of alcoholic beverages within the park is prohibited except by specific permission of the Board of Supervisors. The possession or consumption of alcoholic beverages by persons under twenty-one (21) years of age is prohibited at all times as provided in §6308 of the Pennsylvania Crimes Code.

B. Swimming and bathing within the park are prohibited.

§16-204. FIREARMS AND SIMILAR DEVICES PROHIBITED

The use or discharge of firearms, air rifles, bows and arrows or similar devices which impel a projectile of any kind with a force that can reasonably be expected to cause bodily harm is prohibited in the park. Discharge of a firearm or similar device in the park shall be regarded as a violation of §2508 of the Pennsylvania Game Law.

§16-205. MOTOR VEHICLES, PARKING

No motor driven vehicle shall be operated within the park except maintenance vehicles or vehicles approved in advance by the Board of Supervisors. No vehicle shall be parked within the park except in designated parking areas. No vehicle shall be parked within the park during the hours when the park is closed. Parking of vehicles in a designated no-parking area or within the park when the park is closed is a violation of §3353 of the Pennsylvania Vehicle Code and the Township is authorized to seek prosecution for violation as provided by law.

§16-206. LITTERING
No person shall dispose of any paper, cloth, glass, metal or other trash or refuse in the park except in a receptacle provided for that purpose. The depositing of litter or trash on public property is a violation of §6501 of the Pennsylvania Crimes Code.

§16-207. PROTECTION OF PROPERTY
No person shall injure, deface, cut, mutilate, pull up, remove or destroy any vegetation in the park, and shall not remove, deface, or damage any park property. The damaging of property within the park shall be regarded as a violation of §3304 of the Pennsylvania Crimes Code.

§16-208. BUILDING OF FIRES
Fires shall be permitted only in fire places, stoves or other receptacles suitable for that purpose. Such fires shall be attended at all times and fully extinguished before being abandoned.

§16-209. USE BY ORGANIZATIONS
The use of the park or particular facilities of the park by individuals, groups or organizations shall be scheduled and approved by the Board of Supervisors and the Board of Supervisors is authorized to establish a schedule of fees for the use of the park or particular facilities.

§16-210. RESTRICTIONS ON PUBLIC ACCESS
The Board of Supervisors shall have the authority to restrict public access to any portion or whole of any park regulated under this Part 2 of Chapter 16 and to contract for the lease of all or a portion of such park as determined necessary by the Board of Supervisors and in their sole discretion. Any individual who trespasses upon any area restricted by the Board of Supervisors shall be subject to the penalties under §16-215 hereof.

§16-211. RESTRAINT OF ANIMALS IN THE TOWNSHIP PARK

A. All persons having ownership, possession, custody or control of an animal in any Township park or recreational facility shall at all times have such animal under proper restraint by means of a leash, tether, harness or other means of restraint.

B. No animal shall be permitted to run loose in any Township park or recreational facility.

C. Any person having ownership, possession, custody or control of an animal in any Township park or recreational facility shall be responsible for cleaning up and disposing of their animal's bodily waste in trash receptacles, or may remove the waste from the park.

D. Horses shall not be permitted in any Township park or recreational facility except in those areas specifically designated for such use by the Board of Supervisors.

§16-212. ANIMALS RESTRICTED FROM CERTAIN AREAS

No person having possession, custody or control of an animal shall allow such animal in the following areas of the Township park:

A. Playground Areas.
B. Baseball playing field.
C. Any other area designated by official signs.

§16-213. GUIDE DOGS

The provisions of this Part shall not apply to a guide dog accompanying any blind person or dog used to assist any other physically handicapped person.

§16-214. ENFORCEMENT

The rules and regulations contained in this Chapter 16 shall be enforced by the Township Animal Control Officer as appointed and designated from time to time by the Township Board of Supervisors, any Constable within the Township, as elected and any deputy Constable as approved by the Court of Common Pleas, and the Pennsylvania State Police when such violation may also constitute a violation of the Pennsylvania Dog Law, 3 P.S. §459-101 et seq.

§16-215. PENALTIES

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding one thousand dollars ($1,00.00) and costs and, in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense. Provided, however, that when the violation constitutes an offense under State law, that the penalty provided under such State law for the particular violation shall be applicable.

PART 3

OPEN SPACE RULES AND REGULATIONS

§16-301. APPLICABLILITY

The rules and regulations set forth in this Part 2 of Chapter 16 shall be applicable to the Township Open Space as included in §16-102.B. of this Chapter and such other public property which the Board of Supervisors, from time to time, may acquire as open space.

§16-302. RESTRICTIONS ON PUBLIC ACCESS

Township Open Space shall be closed to public access or use unless and until designated as township parkland by the Board of Supervisors. The acquisition of township open space by the Township shall not be deemed or construed to permit or authorize public access to such property unless and until the Board of Supervisors shall declare such lands open to public access. The Board of Supervisors shall have the authority to restrict public access to open space regulated under this Part 2 of Chapter 16 and to contract for the lease of all or a portion of such open space as determined necessary or prudent by the Board of Supervisors and in their sole discretion. Any individual who trespasses upon any area restricted by the Board of Supervisors shall be subject to the penalties under §16-303 hereof.

§16-303. PENALTIES

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding one thousand dollars ($1,000.00) and costs and, in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense. The Board of Supervisors is further authorized to seek prosecution when any violation constitutes an offense under State law, and in such case, the penalty provided under such State law for the particular violation shall be applicable.

CHAPTER 1 7

PLANNED RESIDENTIAL DEVELOPMENTS

[See Chapter 27 Zoning and Chapter 22 Land Development and Subdivision]

CHAPTER 18

SEWERS AND SEWAGE DISPOSAL

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STORMWATER MANAGEMENT

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PART 1

STORMWATER MANAGEMENT

§18 - 101. STATEMENT OF LEGISLATIVE FINDINGS

The Board of Supervisors of Upper Salford Township finds that:

A. Inadequate management of accelerated stormwater runoff resulting from development throughout Upper Salford Township increases flood flows and velocities, contributes to erosion and sedimentation, overtaxes the carrying capacity of existing streams and storm sewers, greatly increases the cost of public facilities to convey and manage stormwater, undermines floodplain management and flood reduction efforts in upstream and downstream communities, reduces groundwater recharge, and threatens public health and safety.

B. A comprehensive program of stormwater management, including reasonable regulation of development and activities causing accelerated erosion, is fundamental to the public health, safety, welfare, and the protection of the citizens of Upper Salford Township and all the citizens of the Commonwealth, their resources, and the environment.

C. Through project design, impacts from stormwater runoff can be minimized to maintain the natural hydrologic regime, and sustain high water quality, groundwater recharge, stream baseflow, and aquatic ecosystems. The most cost effective and environmentally advantageous way to manage stormwater runoff is through nonstructural project design, minimizing impervious surfaces and sprawl, avoiding sensitive areas (i.e. stream buffers, floodplains, steep slopes), and designing to topography and soils to maintain the natural hydrologic regime.

D. Public education on the control of pollution from stormwater is an essential component in successfully addressing stormwater.

E. Federal and State regulations require certain municipalities to implement a program for stormwater controls. These municipalities are required to obtain a permit for stormwater discharges from their separate storm sewer systems under the National Pollutant Discharge Elimination System (NPDES).

F. Non-stormwater discharges to municipal separate storm sewer systems can contribute in pollution of Waters of the Commonwealth by the Township.

G. The use of green infrastructure and low impact development (LID) are intended to address the root cause of water quality impairment by using systems and practices which use or mimic natural processes to: 1) infiltrate and recharge, 2) evapotranspire, and/or 3) harvest and use precipitation near where it falls to earth. Green infrastructure practices and LID contribute to the restoration or maintenance of pre-development hydrology.

§18 - 102. PURPOSE

The purpose of this ordinance is to promote health, safety, and welfare within the East Branch Perkiomen watershed by minimizing the damages described in §18 - 101.A of this ordinance through provisions designed to:

A. Promote alternative project designs and layout that minimizes impacts to surface and ground water.

B. Promote nonstructural Best Management Practices.

C. Minimize increases in stormwater volume.

D. Minimize impervious surfaces.

E. Manage accelerated runoff and erosion and sedimentation problems at their source by regulating activities that cause these problems.

F. Utilize and preserve the existing natural drainage systems.

G. Encourage recharge of groundwater where appropriate and prevent degradation of groundwater quality.

H. Address the quality and quantity of stormwater discharges from development sites.

I. Maintain existing flows and quality of streams and watercourses in Upper Salford Township and the Commonwealth.

J. Preserve and restore the flood-carrying capacity of streams.

K. Provide proper maintenance of all permanent stormwater management facilities that are constructed in Upper Salford Township.

L. Provide performance standards and design criteria for watershed-wide stormwater management and planning.

M. Provide review procedures and performance standards for stormwater planning and management.

N. Meet legal water quality requirements and standards established under state law, including regulations at 25 Pa. Code Chapter 93.4a, 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.

O. Provide a mechanism to identify controls necessary to meet the NPDES permit requirements.

P. Implement an illegal discharge detection and elimination program to address non-stormwater discharges into the Township's separate storm sewer system.

§18 - 103. STATUTORY AUTHORITY

Upper Salford Township is empowered to regulate land use activities that affect runoff by the authority of the Act of October 4, 1978 32 P.S., P.L. 864 (Act 167) Section 680.1 et seq., as amended, the "Stormwater Management Act," Section 2704 of the Pennsylvania Second Class Township Code (53 Pa. C.S.§67701) and the Municipalities Planning Code, 53 Pa.C.S. §10101, et.seq.

§18 - 104. APPLICABILITY

A. The following activities are defined as "Regulated Activities" and shall be regulated by this Ordinance:

1. Land development.
2. Subdivision.
3. Construction of new or additional impervious or semipervious surfaces, including, without limitation driveways, parking lots, patios, tennis courts, and similar improvements.
4. Construction of new buildings or additions to existing buildings.
5. Diversion or piping of any natural or man-made stream channel.
6. Installation of BMPs and/or stormwater management facilities or appurtenances thereto.

B. For "Regulated Activities" in Upper Salford Township that are located within the East Branch Perkiomen watershed, as delineated in Appendix D, the stormwater performance standards and design criteria of this Ordinance shall apply.

C. For "Regulated Activities" located in all other areas of Upper Salford Township, the stormwater management standards and design criteria of Chapter 22, Section 608, Stormwater Management shall apply. Local stormwater management design criteria (e.g., inlet spacing, inlet type, collection system design and details, outlet structure design, etc.) shall continue to be regulated by Chapter 22, Section 608.

D. This ordinance shall only apply to permanent best management practices (BMPs) and/or stormwater management facilities constructed as part of any of the Regulated Activities listed in this section. Stormwater management and erosion and sedimentation control during construction activities are specifically not regulated by this ordinance, but shall continue to be regulated under existing laws and ordinances.

§18 - 105. COMPATIBILITY WITH OTHER ORDINANCE REQUIREMENTS

Approvals issued pursuant to this ordinance do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance**.**

§18 - 105.1 ERRONEOUS PERMIT

Any permit or authorization issued or approved based on false, misleading or erroneous information provided by an applicant is void without the necessity of any proceedings for revocation. Any work undertaken or use established pursuant to such permit or other authorization is unlawful. No action may be taken by a board, agency or employee of the Municipality purporting to validate such a violation.

§18 - 105.2 WAIVERS

A. If the Municipality determines that any requirement under this Ordinance cannot be achieved for a particular regulated activity, the Municipality may, after an evaluation of alternatives, approve measures other than those in this Ordinance, subject to §18-105.2.B & C.

B. Waivers or modifications of the requirements of this Ordinance may be approved by the Municipality if enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that the modifications will not be contrary to the public interest and that the purpose of the Ordinance is preserved. Cost or financial burden shall not be considered a hardship. Modification may be considered if an alternative standard or approach will provide equal or better achievement of the purpose of the Ordinance. A request for modifications shall be in writing and accompany the

Stormwater Management Site Plan submission. The request shall provide the facts on which the request is based, the provision(s) of the Ordinance involved and the proposed modification.

C. No waiver or modification of any regulated stormwater activity involving earth disturbance greater than or equal to one acre may by granted by the Municipality unless that action is approved in advance by the Department of Environmental Protection (DEP) or the Montgomery County Conservation District.

§18 - 106. GENERAL CONSTRUCTION

For the purposes of this chapter, certain terms and words used herein shall be interpreted as follows:

D. 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 feminine gender; and words of feminine gender include masculine gender.

E. The word "includes" or "including" shall not limit the term to the specific example but is intended to extend its meaning to all other instances of like kind and character.

F. The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other similar entity.

G. The words "shall" and "must" refer to items which are mandatory; the words "may" and "should" refer to items which are permissive.

H. The words "used or occupied" include the words "intended, designed, maintained, or arranged to be used, occupied, or maintained.

§18 - 107. DEFINITIONS

For the purposes of this chapter, the following terms and words used herein shall be accorded the meaning stated as follows:

1. **Accelerated Erosion** The removal of the surface of the land through the combined action of man's activity and the natural processes at a rate greater than would occur because of the natural process alone.

2. **Agricultural Activities** The work of producing crops and raising livestock including tillage, plowing, disking, harrowing, pasturing and installation of conservation measures. Construction of new buildings or impervious area is not considered an agricultural activity.

3. **Alteration** As applied to land, a change in topography as a result of the moving of soil and rock from one location or position to another; also the changing of surface conditions by causing the surface to be more or less impervious; land disturbance.

4. **Applicant** A landowner or applicant who has filed an application for approval to engage in any Regulated Activities as defined in Section 104 of this ordinance.
5. **As-Built Drawings** Those maintained by the contractor as he constructs the project and upon which he documents the actual locations of the building components and changes to the original contract documents. These, or a copy of the same, are turned over the Engineer at the completion of the project.

6. **Bankfull** The channel at the top of bank or point where water beings to overflow onto a floodplain.

7. **Base Flow** The portion of stream flow that is sustained by groundwater discharge.

8. **Bioretention** A stormwater retention area which utilizes woody and herbaceous plants and soils to remove pollutants before infiltration occurs.

9. **BMP (Best Management Practice)** Activities, facilities, designs, measures, or procedures used to manage stormwater impacts from regulated activities, to meet state water quality requirements, to promote groundwater recharge, and to otherwise meet the purposes of this Ordinance. Stormwater BMPs are commonly grouped into one of two broad categories or measures: "structural" or non-structural". In this Ordinance, non-structural BMPs or measures refer to operational and/or behavior-related practices that attempt to minimize the contact of pollutants with stormwater runoff, whereas structural BMPs or measures are those that consist of a physical device or practice that is installed to capture and treat stormwater runoff. Structural BMPs include, but are not limited to, a wide variety of practices and devices, from large-scale retention ponds and constructed wetlands to small-scale underground treatment systems, infiltration facilities, filter strips, low impact design, bioretention, wet ponds, permeable paving, grassed swales, riparian or forested buffers, sand filters, detention basins, and manufactured devices. Structural stormwater BMPs are permanent appurtenances to the project site.
10. **Channel Erosion** The widening, deepening, and headward cutting of small channels and waterways, due to erosion caused by moderate to large floods.

11. **Cistern** An underground reservoir or tank for storing rainwater.

12. **Conservation District** The Montgomery County Conservation District.

13. **Culvert** A structure with appurtenant works which carries a stream under or through an embankment or fill.

14. **Dam** An artificial barrier, together with its appurtenant works, constructed for the purpose of impounding or storing water or another fluid or semifluid, or a refuse bank, fill or structure for highway, railroad or other purposes which does or may impound water or another fluid or semifluid.

15. **DEP** The Pennsylvania Department of Environmental Protection.

16. **Department** The Pennsylvania Department of Environmental Protection.

17. **Designee** The agent of the Upper Salford Township Planning Commission and/or agent of the governing body involved with the administration, review or enforcement of any provisions of this ordinance by contract or memorandum of understanding.

18. **Design Professional (Qualified)** A Pennsylvania Registered Professional Engineer, Registered Landscape Architect, or a Registered Professional Land Surveyor trained to develop stormwater management plans.

19. **Design Storm** The magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrence (e.g., a 5-year storm) and duration (e.g., 24-hours), used in the design and evaluation of stormwater management systems.

20. **Detention Basin** An impoundment structure designed to manage stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate.

21. **Detention District** Those subareas in which some type of detention is required to meet the plan requirements and the goals of Act 167.

21.1 Detention Volume The volume of runoff that is captured and released into the Waters of the Commonwealth at a controlled rate.

22. **Diffused Drainage Discharge** Drainage discharge not confined to a single point location or channel, such as sheet flow or shallow concentrated flow.

23. **Disturbed Areas** Unstabilized land area where an earth disturbance activity is occurring or has occurred.

24. **Development** See "Earth Disturbance Activity." The term includes redevelopment.

25. **Development Site** The specific tract of land for which a regulated activity is proposed.

26. **Downslope Property Line** That portion of the property line of the lot, tract, or parcels of land being developed located such that all overland or pipe flow from the site would be directed towards it.

27 **Drainage Conveyance Facility** A stormwater management facility designed to transmit stormwater runoff and shall include streams, channels, swales, pipes, conduits, culverts, storm sewers, etc.

28. **Drainage Easement** A right granted by a landowner to a grantee, allowing the use of private land for stormwater management purposes.

29. **Drainage Permit** A permit issued by the Township governing body after the drainage plan has been approved. Said permit is issued prior to or with the final Township approval.

30. **Drainage Plan** The documentation of the stormwater management system, to

be used for a given development site, the contents of which are established in Section 403. Drainage plans are also referred to as SWM Site Plan in this Ordinance.

31. **Earth Disturbance Activity** A construction or other human activity which disturbs the surface of land, including, but not limited to, clearing and grubbing, grading, excavations, embankments, land development, agricultural plowing or tilling, timber harvesting activities, road maintenance activities, mineral extraction, and the moving, depositing, stockpiling, or storing of soil, rock, or earth materials.

32. **Emergency Spillway** A conveyance area that is used to pass peak discharge greater than the maximum design storm controlled by the stormwater facility.

33. **Encroachment** A structure or activity that changes, expands or diminishes the course, current or cross section of a watercourse, floodway or body of water.

34. **Erosion** The movement of soil particles by the action of water, wind, ice, or other natural forces.

35. **Erosion and Sediment Pollution Control Plan** A plan that is designed to minimize accelerated erosion and sedimentation.

36. **ERSAM** Existing Resource and Site Analysis Map.

37. **Exceptional Value Waters** Surface waters of high quality which satisfy Pennsylvania Code Title 25 Environmental Protection, Chapter 93 Water Quality Standards, §93.4b(b) (relating to antidegredation).

38. **Existing Conditions** The dominant land cover during the 5-year period immediately preceding a proposed regulated activity. 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 lower curve numbers or Rational C values.

38.1 FEMA Federal Emergency Management Agency

39. **Flood** A general but temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers, and other waters of this Commonwealth.

40. **Floodplain** Any land area susceptible to inundation by water from any natural source or delineated as a special flood hazard area on the applicable National Flood Insurance Program Flood Insurance Rate Map (FIRM) prepared by the Federal Emergency Management Agency (FEMA). Also included are areas that comprise Group 13 Soils, as listed in Appendix A of the Pennsylvania DEP of Environmental Protection (DEP) Technical Manual for Sewage Enforcement Officers (as amended or replaced from time to time by DEP).

41. **Floodway** The channel of the watercourse and those portions of the adjoining floodplains that are reasonably required to carry and discharge the 100-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 100-year frequency floodway, it is assumedBBabsent evidence to the contraryBBthat the

floodway extends from the stream to 50 feet from the top of the bank of the stream.

42. **Forest Management/Timber Operations** Planning and activities necessary for the management of forest land. These include timber inventory and preparation of forest management plans, silvicultural treatment, cutting budgets, logging road design and construction, timber harvesting, site preparation, and reforestation.

43. **Freeboard** A vertical distance between the elevation of the design high-water and the top of a dam, levee, tank, basin, or diversion ridge. The space is required as a safety margin in a pond or basin.

44. **Grade** A slope, usually of a road, channel, or natural ground specified in percent and shown on plans as specified herein.

45. **(To) Grade** to finish the surface of a roadbed, top of embankment, or bottom of excavation.

46. **Grassed Waterway** A natural or constructed waterway, usually broad and shallow, covered with erosion-resistant grasses, used to conduct surface water.

46.1 **Green Infrastructure** Systems and practices that use or mimic natural processes to infiltrate, evapotranspire, or reuse stormwater on the site where it is generated.

47. **Groundwater Recharge** Replenishment of existing natural underground water supplies.

48. **HEC-HMS** The U.S. Army Corps of Engineers, Hydrologic Engineering Center (HEC) - Hydrologic Modeling System (HMS) adapted to the East Branch Perkiomen Creek watershed.

49. **High Quality Waters** Surface waters having quality which exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water by satisfying Pennsylvania Code Title 25 Environmental Protection, Chapter 93, Water Quality Standards, §93.4b(a).

50. **Hydrologic Regime (natural)** The hydrologic cycle or balance that sustains quality and quantity of storm water, baseflow, storage, and groundwater supplies under natural conditions.

51. **Hydrologic Soil Group** A classification of soils by the Natural Resources Conservation Service, formerly the Soil Conservation Service, into four runoff potential groups. The groups range from A soils, which are very permeable and produce little runoff, to D soils, which are not very permeable and produce much more runoff.

52. **Hyetograph** A graphical representation of average rainfall, rainfall excess rates, or volumes over specified areas during successive units of time during a storm.

53. **Impervious Surface** A surface that prevents the percolation of water into the ground such as building rooftops, pavement, sidewalks, driveways and compacted earth or turf. Any surface areas designed to initially be gravel or crushed stone shall be assumed impervious surfaces.

54. Impoundment A retention or detention basin designed to retain stormwater runoff and release it at a controlled rate.

55. Infill Development that occurs on smaller parcels that remain undeveloped but are within or very close proximity to urban areas. The development relies on existing infrastructure and does not require an extension of water, sewer, or other public utilities.

56. Infiltration The passing of stormwater through the soil from the surface.

57. Infiltration Structures A structure designed to direct runoff into the ground (e.g., french drains, seepage pits, seepage trench).

58. Inlet A surface connection to a closed drain. A structure at the diversion end of a conduit. The upstream end of any structure through which water may flow.

58.1 KARST A type of typography or landscape characterized by surface depressions, sinkholes, rock pinnacles/uneven bedrock surface, underground drainage, and caves. Karst is formed on carbonate rocks, such as limestone or dolomite.

59. Land Development (1) The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving: (i) a group of two or more residential or nonresidential buildings, whether initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or (ii) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features. (2) A subdivision of land. (3) Development in accordance with Section 503(1.1) of the Pennsylvania Municipalities Planning Code Act of 1968 (Act 247).

60. Land Earth Disturbance Any activity involving grading, tilling, digging, or filling of ground or stripping of vegetation or any other activity that causes an alteration to the natural condition of the land.

61. Limiting zone A soil horizon or condition in the soil profile or underlying strata which includes one of the following:

(i) A seasonal high water table, whether perched or regional, determined by direct observation of the water table or indicated by soil mottling.

(ii) A rock with open joints, fracture or solution channels, or masses of loose rock fragments, including gravel, with insufficient fine soil to fill the voids between the fragments.

(iii) A rock formation, other stratum or soil condition which is so slowly permeable that it effectively limits downward passage of effluent.

61.1 LOW IMPACT DEVELOPMENT (LID) Site design approaches and small-scale stormwater management practices that promote the use of natural systems for infiltration, evapotranspiration, and reuse of rainwater. LID can be applied to new development, urban retrofits, and revitalization projects. LID utilizes design techniques that infiltrate, filter, evaporate, and store runoff close to its source. Rather than rely on costly large-scale conveyance and treatment systems, LID addresses stormwater through a variety of small, cost-effective landscape features

located on-site.

62. Main Stem (Main Channel) Any stream segment or other runoff conveyance facility used as a reach in the East Branch Perkiomen Creek hydrologic model.

63. Manning Equation in (Manning formula) A method for calculation of velocity of flow (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. AOpen channels@ may include closed conduits so long as the flow is not under pressure.

63.1 MUNICIPALITY Upper Salford Township, Montgomery County, Pa.

64. Township Upper Salford Township, Montgomery County, Pennsylvania.

65. Natural Hydrologic Regime (see hydrologic regime)

66. Nonpoint Source Pollution Pollution that enters a body of water from diffuse origins in the watershed and does not result from confined or discrete conveyances.

67. NRCS Natural Resources Conservation Service (previously SCS).

68. 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 in Pennsylvania.

69. Open Channel A drainage element in which stormwater flows with an open surface. Open channels include, but shall not be limited to, natural and man-made drainageways, swales, streams, ditches, canals, and pipes flowing partly full.

70. Outfall "Point source" as described in 40 CFR §122.2 at the point where the Township's storm sewer system discharges to surface Waters of the Commonwealth.

71. Outlet Points of water disposal from a stream, river, lake, tidewater or artificial drain.

72. Parent Tract The parcel of land from which a land development or subdivision originates as of the date of adoption of this Ordinance.

73. Parking Lot Storage Involves the use of impervious parking areas as temporary impoundments with controlled release rates during rainstorms.

74. Peak Discharge The maximum rate of stormwater runoff from a specific storm event.

75. Penn State Runoff Model (calibrated) The computer based hydrologic modeling technique adapted to the East Branch Perkiomen Creek watershed for the Act 167 plan. The model has been calibrated to reflect actual recorded flow values by adjoining key model input parameters.

76. Person An individual, partnership, public or private association or corporation, limited liability company or limited liability partnership, or a governmental unit, public utility, or any other legal entity whatsoever which is recognized by

law as the subject of rights and duties.

76.1 Pervious Area Any area not defined as impervious.

77. Pipe A culvert, closed conduit, or similar structure (including appurtenances) that conveys stormwater.

78. Planning Commission The planning commission of Upper Salford Township.

79. 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.

80. PMF - Probable Maximum Flood The flood that may be expected from the most severe combination of critical meteorological and hydrologic conditions that are reasonably possible in any area. The PMF is derived from the probable maximum precipitation (PMP) as determined based on data obtained from the National Oceanographic and Atmospheric Administration (NOAA).

81. Predevelopment Undeveloped/Natural Condition.

82. Pretreatment Techniques employed in stormwater BMPs to provide storage or filtering to help trap coarse materials and other pollutants before they enter the system.

83. Project Site The specific area of land where any Regulated Earth Disturbance activities in the Township are planned, conducted or maintained.

83.1 Qualified Professional Any person licensed by the Pennsylvania Department of State or otherwise qualified by law to perform the work required by this Ordinance.

84. Rational Formula or Rational Method A rainfall-runoff relation used to estimate peak flow.

85. Recharge Area Undisturbed surface area or depression where stormwater collects, and a portion of which infiltrates and replenishes the underground and groundwater.

85. Reconstruction The process by which existing developed area is adaptively reused, rehabilitated, restored, renovated, and/or expanded. The development relies on existing infrastructure and does not require an extension of water, sewer, or other public utilities.

86. Record Drawings Original documents revised to suit the as-built conditional and subsequently provided by the Engineer to the client. The Engineer takes the contractor=s as-builts, reviews them in detail with his/her own records for completeness, then either turns these over to the client or transfers the information to a set or reproducibles, in both cases for the client=s permanent records.

87. Redevelopment The construction, alteration, or improvement exceeding 5,000 square feet of land disturbance performed on sites where existing land use is commercial, industrial, institutional, or multifamily residential.

88. Regulated Activities Actions or proposed actions that have an impact on stormwater runoff and that are specified in Section 104 of this ordinance.

89. Regulated Earth Disturbance Earth disturbance activity of one acre or more with a point source discharge to surface waters of the Commonwealth or the Township's storm sewer system, or five acres or more regardless of the planned runoff. This includes earth disturbance on any portion of; part, 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.

90. Release Rate The percentage of existing conditions peak rate of runoff from a site or subarea to which the proposed conditions peak rate of runoff must be reduced to protect downstream areas.

91. Retention Basin An impoundment in which stormwater is stored and not released during a storm event. Stored water may be released from the basin at some time after the end of the storm.

91.1 Retention Volume/Removed Runoff The volume of runoff that is captured and not released directly into the surface Waters of the Commonwealth during or after a storm event.

92. Return Period The average interval, in years, within which a storm event of a given magnitude can be expected to recur. For example, the 25-year return period rainfall would be expected to recur on the average of once every 25 years.

92.1 Riparian Buffer A permanent area of trees and shrubs located adjacent to streams, lakes, ponds, and wetlands.

93. Riser A vertical pipe extending from the bottom of a pond that is used to control the discharge rate from the pond for a specified design storm.

94. Road Maintenance Earth disturbance activities within the existing road cross-section, such as grading and repairing existing unpaved road surfaces, cutting road banks, cleaning or clearing drainage ditches and other similar activities.

95. Rooftop Detention Temporary ponding and gradual release of stormwater falling directly onto flat roof surfaces by incorporating controlled-flow roof drains into building designs.

96. Runoff Any part of precipitation that flows over the land surface.

97. SALDO Upper Salford Township Subdivision and Land Development Ordinance.

98. Sediment Basin A barrier, dam, or retention or detention basin located and designed to retain rock, sand, gravel, silt, or other material transported by water.

99. 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 the DEP Erosion and Sediment Pollution Control Program manual.

100. Sedimentation The process by which mineral or organic matter is accumulated

or deposited by the movement of water.

101 Seepage Pit/Seepage Trench An area of excavated earth filled with loose stone or similar coarse material, into which surface water is directed for infiltration into the ground.

102. Separate Storm Sewer System A conveyance or system of conveyances (including roads with drainage systems, Township streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains) primarily used for collecting and conveying stormwater runoff.

103. State Water Quality Requirements As defined under state regulations – protection of designated and existing uses (See, 25 Pa. Code Chapters 93 and 96) – including

A. Each stream segment in Pennsylvania has a "designated use", such as "cold water fishery" or "potable water supply", which are listed in 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 Chapter 93. Regulated 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 involves 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, stream bed, and structural integrity of the waterway, to prevent these impacts.

104. Sheet Flow Runoff that flows over the ground surface as a thin, even layer, not concentrated in a channel.

105. Soil-Cover Complex Method A method of runoff computation developed by the NRCS that is based on relating soil type and land use/cover to a runoff parameter called Curve Number (CN).

106. Source Water Protection Area (SWPA) The zone through which contaminants are likely to migrate and reach a drinking water well or surface water intake.

107. Special Protection Subwatersheds Watersheds for which the receiving waters are exceptional value (EV) or high quality (HQ) waters.

108. Spillway A conveyance that is used to pass the peak discharge of the maximum design storm controlled by the stormwater facility.

109. Storage Indication Method A reservoir routing procedure based on solution of the continuity equation (inflow minus outflow equals the change in storage) with outflow defined as a function of storage volume and depth.

110. Storm Frequency The number of times that a given storm event occurs or is

exceeded on the average in a stated period of years. See Return Period.

111. Storm Sewer A system of pipes and/or open channels that convey intercepted runoff and stormwater from other sources, but excludes domestic sewage and industrial wastes.

112. Stormwater The surface runoff generated by precipitation reaching the ground surface.

113. Stormwater Management Facility Any structure, natural or man-made, that, due to its condition, design, or construction conveys, stores, or otherwise affects stormwater runoff. Typical stormwater management facilities include, but are not limited to, detention and retention basins, open channels, storm sewers, pipes, and infiltration structures.

114. Stormwater Management Plan The plan for managing stormwater runoff in the East Branch Perkiomen Creek Watershed adopted by Montgomery County as required by the Act of October 4, 1978, P.L. 864, (Act 167), and known as the AEast Branch Perkiomen Creek Watershed Act 167 Stormwater Management Plan.@

115. Stormwater Management Site Plan The plan prepared by the applicant or his representative indicating how stormwater runoff will be managed at the particular site of interest according to this ordinance.

116. Stream A natural watercourse.

117. Stream Buffer The land area adjacent to each side of a stream, essential to maintaining water quality measured 150 feet from the top of the bank.

118. Stream Enclosure A bridge, culvert or other structure in excess of 100 feet in length upstream to downstream which encloses a regulated water of this Commonwealth.

119. Subarea The smallest drainage unit of a watershed for which stormwater management criteria have been established in the stormwater management plan.

120. 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 of 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 proposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

121. Swale A low lying stretch of land which gathers or carries surface water runoff.

122. Timber Operations See Forest Management.

123. Time-of-Concentration (Tc) The time for surface runoff to travel from the hydraulically most distant point of 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.

123.1 USDA United States Department of Agriculture

124. Watercourse A channel or conveyance of surface water, such as a stream or creek, having defined bed and banks, whether natural or man-made, with perennial or intermittent flow.

125. 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.

126. Watershed Region or area drained by a watercourse.

127. Wellhead The point at which a groundwater well bore hole meets the surface of the ground.

128. Wellhead Protection Area The surface and subsurface area surrounding a water supply well, well field, spring, or infiltration gallery supplying a public water system, through which contaminants are reasonably likely to move towards and reach the water source.

129. Wetland Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, ferns, and similar areas.

§18 - 108. REQUIREMENTS APPLICABLE TO ALL STORMWATER MANAGEMENT SYSTEMS

A. All Regulated Activities in Upper Salford Township that do not fall under the exemption criteria shown in Section 402 shall submit a drainage plan consistent with this Ordinance to Upper Salford Township for review. This criterion shall apply to the total proposed development even if development is to take place in stages. Impervious cover shall include, but not be limited to, any roof, parking or driveway areas and any new streets and sidewalks. Any areas designed to initially be gravel or crushed stone shall be assumed to be impervious.

B. Stormwater drainage systems shall be provided in order to permit unimpeded flow along natural watercourses, except as modified by stormwater management facilities or open channels consistent with this ordinance.

C. The Drainage plan must be designed consistent with the sequencing provisions of Section 302 to ensure maintenance of the natural hydrologic regime and to promote groundwater recharge and protect groundwater and surface water quality and quantity. The Drainage plan designer must proceed sequentially in accordance with Article III of this ordinance.

D. The existing points of concentrated drainage that discharge onto adjacent property shall not be altered without permission of the affected property owner(s) and shall

be subject to any applicable discharge criteria specified in this ordinance.

E. Areas of existing diffused drainage discharge shall be subject to any applicable discharge criteria in the general direction of existing discharge, whether proposed to be concentrated or maintained as diffused drainage areas, except as otherwise provided by this ordinance. If diffused flow is proposed to be concentrated and discharged onto adjacent property, the applicant 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.

F. Whenever a watercourse is located within a development site, it shall remain open in its natural state and location and should not be piped, impeded, or altered (except for road crossings). It is the responsibility of the developer to stabilize existing eroded stream/channel banks.

G. Where a development site is traversed by watercourses drainage easements shall be provided conforming to the line of such watercourses. The terms of the easement shall prohibit excavation, the placing of fill or structures, and any alterations that may adversely affect the flow of stormwater within any portion of the easement.

H. When it can be shown that, due to topographic conditions, natural drainageways on the site cannot adequately provide for drainage, open channels may be constructed conforming substantially to the line and grade of such natural drainageways. Work within natural drainageways shall be subject to approval by Upper Salford Township and the DEP through the Joint Permit Application process, or, where deemed appropriate by DEP, through the General Permit process.

I. Any stormwater management facilities regulated by this ordinance that would be located in or adjacent to waters of the Commonwealth or wetlands shall be subject to approval by DEP through the Joint Permit Application process, or, where deemed appropriate by DEP, the General Permit process. When there is a question whether wetlands may be involved, it is the responsibility of the applicant or his agent to show that the land in question cannot be classified as wetlands; otherwise approval to work in the area must be obtained from DEP.

J. Any stormwater management facilities regulated by this ordinance that would be located on or discharge into state highway rights-of-way shall be subject to approval by the Pennsylvania Department of Transportation (PennDOT).

K. Minimization of impervious surfaces and infiltration of runoff through seepage beds, infiltration trenches, etc., are required to reduce the size or eliminate the need for detention facilities.

L. Roof drains must not be discharged to streets or roadside ditches or connected to sanitary or storm sewers. Overland flow and infiltration/percolation of stormwater shall be promoted where site conditions allow. If a developer wishes to connect directly to streets or storm sewers, it shall it be permitted on a case-by-case basis only after review and approval by Upper Salford Township.

M. Special requirements for watersheds draining to high quality (HQ) and exceptional value (EV) waters: The temperature and quality of water and streams that have been declared as exceptional value and high quality are to be maintained as defined in Chapter 93, Water Quality Standards, Title 25 of Pennsylvania Department of Environmental Protection Rules and Regulations. Temperature sensitive BMPs and stormwater conveyance systems are to be used and designed with storage pool areas

and supply outflow channels and should be shaded with trees. This will require modification of berms for permanent ponds and the relaxation of restrictions on planting vegetation within the facilities, provided that capacity for volumes and rate control is maintained. At a minimum, the southern half on pond shorelines shall be planted with shade or canopy trees within 10 feet of the pond shoreline. In conjunction with this requirement, the maximum slope allowed on the berm area to be planted is 10 to 1. This will lessen the destabilization of berm soils due to root growth. A long-term maintenance schedule and management plan for the thermal control BMPs is to be established and recorded for all development sites.

a. All stormwater runoff shall be pretreated for water quality prior to discharge to surface or groundwater as required by section 18-110 of this ordinance.

§18-109. NONSTRUCTURAL PROJECT DESIGN (SEQUENCING TO MINIMIZE STORMWATER IMPACTS)

A. The design of all Regulated Activities shall include the following steps in sequence to minimize stormwater impacts.

1 The applicant is required to find practicable alternatives to the surface discharge of stormwater, the creation of impervious surfaces and the degradation of waters of the Commonwealth, and must maintain as much as possible the natural hydrologic regime of the site.

2 An alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology and logistics in light of overall project purposes, and other township requirements.

3 All practicable alternatives to the discharge of stormwater are presumed to have less adverse impact on quantity and quality of waters of the Commonwealth unless otherwise demonstrated.

B. The applicant shall demonstrate that they designed the Regulated Activities in the following sequence to minimize the increases in stormwater runoff and impacts to water quality:

1 Prepare an Existing Resource and Site Analysis Map (ERSAM), showing environmentally sensitive areas including, but not limited to, steep slopes, ponds, lakes, streams, wetlands, hydric soils, vernal pools, flood plains, stream buffer zones, hydrologic soil groups A, B, C, and D, any existing recharge areas and any other requirements outlined in the township Subdivision and Land Development ordinance. Establish stream buffer according to recommended criteria or applicable ordinances.

2 Prepare a draft project layout avoiding sensitive areas identified in §18 - 109.B.1 and minimizing total site earth disturbance as much as possible. The ratio of disturbed area to the entire site area and measures taken to minimize earth disturbance shall be included in the ERSAM.

3 Identify site specific existing conditions drainage areas, discharge points,

recharge areas, and hydrologic soil groups A and B.

4 Evaluate Nonstructural Stormwater Management Alternatives (See Appendix B, Table B-6).
   a. Minimize earth disturbance
   b. Minimize impervious surfaces
   c. Break up large impervious surfaces.

5 Satisfy water quality objective (§18 - 110).

6 Satisfy groundwater recharge (infiltration) objective (§18 - 111) and provide for stormwater treatment prior to infiltration.

7 Satisfy streambank erosion protection objective (§18 - 112)

8 Determine what Management District the site falls into (Appendix D) and conduct a predevelopment runoff analysis.

9 Prepare final project design to maintain predevelopment drainage areas and discharge points, to minimize earth disturbance and impervious surfaces, and to reduce runoff to the maximum extent possible, the use of surface or point discharges.

10 Conduct a proposed conditions runoff analysis based on the final design and to meet the release rate and in turn the overbank flow and extreme event requirements (§18-113).

11 Manage any remaining runoff through treatment prior to discharge, as part of detention, bioretention, direct discharge or other structural control.

§18 - 110. WATER QUALITY

A. In addition to the performance standards and design criteria requirements of this Article, the applicant shall comply with the following water quality requirements of this Article.

Adequate storage and treatment facilities will be provided to capture and treat stormwater runoff from developed or disturbed areas. The Recharge Volume computed under §18 - 111 may be a component of the Water Quality Volume if the applicant chooses to manage both components in a single facility. If the Recharge Volume is less than the Water Quality Volume, the remaining Water Quality Volume may be captured and treated by methods other than recharge/infiltration

BMPs. The required Water Quality Volume (WQv) is the storage capacity needed to capture and to treat a portion of stormwater runoff from the developed areas of the site produced from 90 percent of the average annual rainfall (P).

To achieve this goal, the following criterion is established:

The following calculation formula is to be used to determine the water quality storage volume, (WQv), in acre-feet of storage for the East Branch Perkiomen Creek watershed:

WQv = [(P)(Rv)(A)]/12 Equation: §18 - 110.1

WQv = Water Quality Volume (acre-feet)
P = Rainfall Amount equal to 90% of events producing this rainfall (in)
A = Area of the project contributing to the water quality BMP (acres)
Rv = 0.05 + 0.009(I) where I is the percent of the area that is impervious surface (impervious area/A*100)

The P value for the five PennDOT rainfall regions is shown in Figure B-2 in Appendix B of the Model Ordinance within this plan and as shown in Appendix Table B-5. Since the East Branch Perkiomen Creek is in PennDOT Region 4, the P value to be utilized to meet this requirement is 1.95 inches.

B. Design of BMPs used for water quality control shall be in accordance with design specifications outlined in the *Pennsylvania Handbook of Best Management Practices for Developing Areas* or other applicable manuals. The following factors SHALL be considered when evaluating the suitability of BMPs used to control water quality at a given development site:

1. Total contributing drainage area.
2. Permeability and infiltration rate of the site soils.
3. Slope and depth to bedrock.
4. Seasonal high water table.
5. Proximity to building foundations and well heads.
6. Erodibility of soils.
7. Land availability and configuration of the topography.
8. Peak discharge and required volume control.
9. Stream bank erosion.
10. Efficiency of the BMPs to mitigate potential water quality problems.
11. The volume of runoff that will be effectively treated.
12. The nature of the pollutant being removed.
13. Maintenance requirements.
14. Creation/protection of aquatic and wildlife habitat.
15. Recreational value.
16. Enhancement of aesthetic and property value.
17. Presence of karst formations.

C. To accomplish the above, the applicant shall submit original and innovative designs to Upper Salford Township for review and approval. Such designs may achieve the water quality objectives through a combination of BMPs (best management practices).

§18 - 111. GROUNDWATER RECHARGE (INFILTRATION)

A. Infiltration BMPs shall meet the following minimum requirements:

Regulated activities will be required to recharge (infiltrate) a portion of the runoff

created by the development as part of an overall stormwater management plan designed for the site. The volume of runoff to be recharged shall be determined from §18-111.A.2.a. or §18-111.A.2.b. depending upon demonstrated site conditions.

1. Infiltration BMPs intended to receive runoff from developed areas shall be selected based on suitability of soils and site conditions and shall be constructed on soils that have the following characteristics:

    a. A minimum depth of 24 inches between the bottom of the BMP and the limiting zone.

    b. An infiltration and/or percolation rate sufficient to accept the additional stormwater load and drain completely as determined by field tests conducted by the applicant's design professional.

    c. The recharge facility shall be capable of completely infiltrating the recharge volume within four days (96 hours).

    d. Pretreatment shall be provided prior to infiltration.

    e. The requirements for recharge are applied to all *disturbed areas*, even if they are ultimately to be an undeveloped land use such as grass, since studies have found that compaction of the soils during disturbance reduces their infiltrative capacity.

2. The recharge volume (Re) shall be computed by first obtaining the infiltration requirement using methods in either §18-111.A.2.a. or §18-111.A.2.b. then multiplying by the total proposed impervious area. The overall required recharge volume for a site is computed by multiplying total impervious area by the infiltration requirement.

    a. NRCS Curve Number equation.

    The following criteria shall apply.

    The NRCS runoff shall be utilized to calculate infiltration requirements (P) in inches.

    For zero runoff: P = I (Infiltration) = (200 / CN) B 2 **Equation: 18 - 111.1**

    where: P = I = infiltration requirement (inches)
    CN = SCS(NRCS) curve number of the existing conditions contributing to the recharge facility

    This equation can be displayed graphically in, and the infiltration requirement can also be determined from Figure 18 - 111-1.
    The recharge volume (Re_v) required would therefore be computed as:

    Re_v = I * impervious area (SF) / 12 = Cubic Feet (CF) **Equation: §18 - 111.2**

    b. Annual Recharge Water Budget Approach.

It has been determined that infiltrating 0.6 inches of runoff from the impervious areas will aid in maintaining the hydrologic regime of the watershed. If the goals of §18 - 111.A.2.a cannot be achieved, then 0.6 inches of rainfall shall be infiltrated from all impervious areas, up to an existing site conditions curve number of 77. Above a curve number of 77, Equation §18 - 111.1 or the curve in Figure §18 - 111.1 should be used to determine the Infiltration requirement.

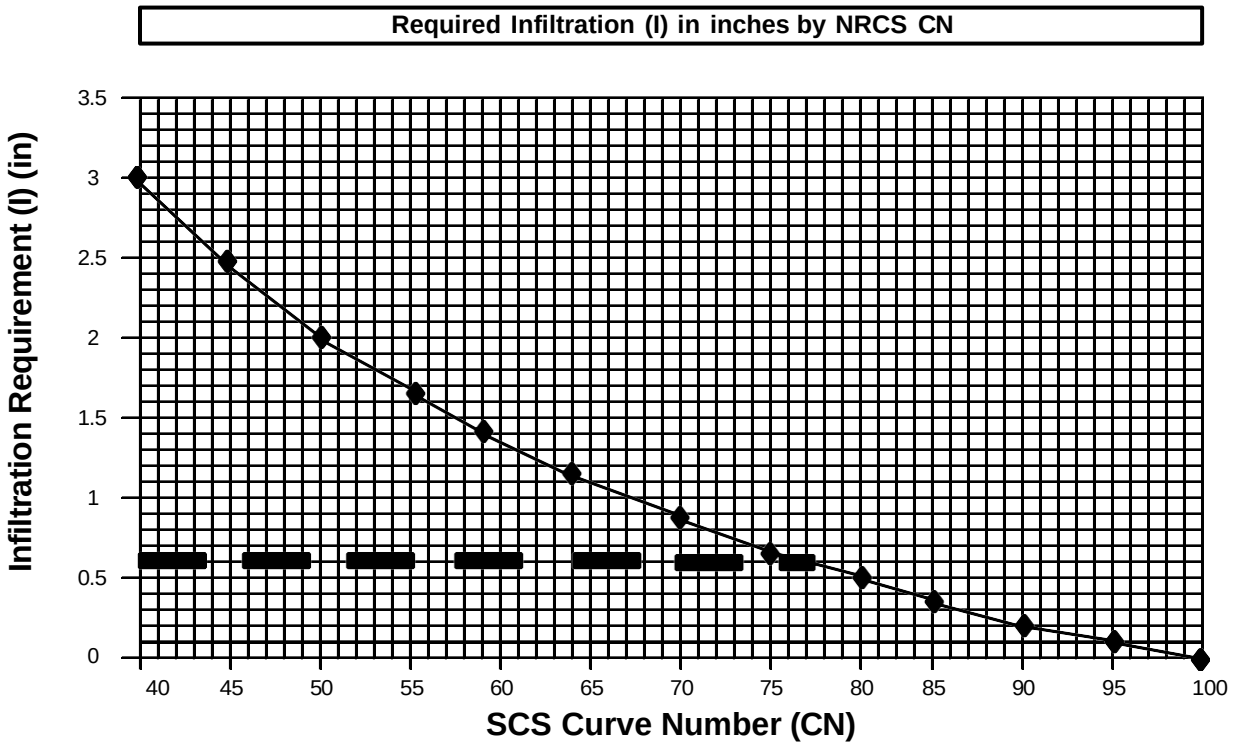
Where: I = 0.6 inches

The recharge volume (Re_v) required would therefore be computed as:

Re_v = I * percent impervious area (SF) / 12 = (CF)

The recharge values derived from these methods are the minimum volumes the Applicant must control through an infiltration/recharge BMP facility. However, if a site has areas of soils where additional volume of infiltration can be achieved, the applicant is encouraged to recharge as much of the stormwater runoff from the site as possible.

Figure §18 - 111-1. Infiltration Requirement Based upon NRCS Curve Number.



§18-111.B.

The general process for designing the infiltration BMP shall be:

A detailed soils evaluation of the project site shall be required to determine the suitability of recharge facilities. The evaluation shall be performed by a qualified applicant and, at a minimum, address soil permeability, depth to bedrock, and subgrade stability.

1. Analyze hydrologic soil groups as well as natural and man-made features within the watershed to determine general areas of suitability for infiltration practices.

2. Provide field tests, such as double ring infiltration tests at the level of the proposed infiltration surface to determine the appropriate hydraulic conductivity rate.

3. Design the infiltration structure for the required storm volume based on field determined capacity at the level of the proposed infiltration surface.

4. Where the recharge volume requirement cannot be physically accomplished due to the results of the field soils testing, supporting documentation and justification shall be supplied to Upper Salford Township with the drainage plan.

5. If on-lot infiltration structures are proposed by the applicant=s design professional, it must be demonstrated to Upper Salford Township that the soils are conducive to infiltrate on the lots identified.

6. The design of all facilities over karst shall include an evaluation of measures to minimize adverse effects.

§18-111.C.
Extreme caution shall be exercised where infiltration is proposed in geologically susceptible areas such as strip mine or limestone areas. Extreme caution shall also be exercised where salt or chloride would be a pollutant since soils do little to filter this pollutant and it may contaminate the groundwater. Extreme caution shall be exercised where infiltration is proposed in source water protection areas. The qualified design professional shall evaluate the possibility of groundwater contamination from the proposed infiltration/recharge facility and perform a hydrogeologic justification study if necessary. The infiltration requirement in High Quality/Exceptional Value waters shall be subject to the DEP=s Title 25: Chapter 93 Antidegradation Regulations. Upper Salford Township may require the installation of an impermeable liner in BMP and/or detention basins where the possibility of groundwater contamination exists. A detailed hydrogeologic investigation may be required by Upper Salford Township.

§18-111.D.
Upper Salford Township shall require the applicant to provide safeguards against groundwater contamination for uses which may cause groundwater contamination, should there be a mishap or spill.

§18-111.E.
Recharge/infiltration facilities shall be used in conjunction with other innovative or traditional BMPs, stormwater control facilities, and nonstructural stormwater management alternatives.

§18 - 112. STREAM BANK EROSION REQUIREMENTS
In addition to the water quality volume, to minimize the impact of stormwater runoff on downstream streambank erosion, the requirement is to design a BMP to detain the proposed conditions 2-year, 24-hour design storm to the existing conditions 1-year flow using the SCS Type II distribution. Additionally, provisions shall be made (such as adding a small orifice at the bottom of the outlet structure) so that the proposed conditions 1-year storm takes a minimum of 24 hours to drain from the facility from a point where the maximum volume of water from the 1-year storm is captured. (i.e., the maximum water surface elevation is achieved in the facility.)

Release of water can begin at the start of the storm (i.e., the invert of the water quality orifice is at the invert of the facility). The design of the facility shall consider and minimize the chances of clogging and sedimentation. Orifices smaller than 3 inches diameter are not recommended. However, if the Design Engineer can provide proof that the smaller orifices are protected from clogging by use of trash racks, etc., smaller orifices may be permitted. Trash racks are required for any primary orifice.

In no "detention" areas (District C) only, the objective is not to attenuate the larger storms. This can be accomplished by configuration of the outlet structure not to control the larger storms, or by a bypass or channel to divert only the 2-year flood into the basin or divert flows in excess of the 2-year storm away from the basin.

§18 - 113. STORMWATER MANAGEMENT DISTRICTS

A. The East Branch Perkiomen Creek watershed has been divided into stormwater management districts as shown on the Watershed Map in Appendix D.

In addition to the requirements specified below, the water quality (§18-110) ground water recharge (§18-111) and streambank erosion (§18-112) requirements shall be implemented.

Standards for managing runoff from each subarea in the East Branch Perkiomen Creek watershed is shown below. Development sites located in each of the A, B, or C Districts must control proposed conditions runoff rates to existing conditions runoff rates for the design storms as follows:

District	**Design Storm Proposed conditions**	**Design Storm Existing conditions**
A	2-year	1-year
	5-year	5-year
	10-year	10-year
	25-year	25-year
	100-year	100-year
B	2-year	1-year
	5-year	2-year
	10-year	5-year
	25-year	10-year
	100-year	50-year
C-1	2-year	1-year
	5-year	2-year
	10-year	10-year
C-2*	2-year	1-year
	5-year	2-year

* EXPLANATION OF DISTRICT C-2: Development sites which can discharge directly to the East Branch Perkiomen Creek main channel or major tributaries or indirectly to the main channel through an existing stormwater drainage system (i.e., storm sewer or tributary) may do so without control of proposed conditions peak rate of runoff greater than the 5-year storm. Sites in District C will still have to comply with the water quality criteria (Ord. §18 - 110), the groundwater recharge criteria (Ord. § 18 - 111), and streambank erosion criteria (Ord. § 18 - 112). If the proposed conditions runoff is intended to be conveyed by an existing stormwater drainage system to the main channel, assurance must be provided that such system has adequate capacity to convey the increased peak flows or will be provided with improvements to furnish the required capacity. If storms greater than the 2-year storm cannot be conveyed to the stream or watercourse is a safe manner, the proposed conditions peak rate of runoff must be controlled to the existing conditions peak rate as required in District C-1 provisions (i.e., 25-year proposed conditions flows to 25-year existing conditions flows) for the specified design storms.

§18 - 114. STORMWATER MANAGEMENT DISTRICT IMPLEMENTATION PROVISIONS *(Performance Standards)*

A. General - Proposed conditions peak rates of runoff from any regulated activity shall meet the peak release rates of runoff prior to development for the design storms specified on the Stormwater Management District Watershed Map (Ordinance Appendix D) and §18-113, of the Ordinance.

B. District Boundaries - The boundaries of the stormwater management districts are shown on an official stormwater district map that is available for inspections at the township office. A copy of the map at a reduced scale is included in the Ordinance Appendix D. The exact location of the Stormwater Management District boundaries, as they apply to a given development site, shall be determined by mapping the boundaries using the two-foot topographic contours (or most accurate data required) provided as part of the Drainage plan.

C. Sites Located in More Than One District - For a proposed development site located within two or more stormwater management district category subareas, the peak discharge rate from any subarea shall be the existing conditions peak discharge for that subarea as indicated in §18-113. The calculated peak discharges shall apply regardless of whether the grading plan changes the drainage area by subarea. An exception to the above may be granted if discharges from multiple subareas recombine in proximity to the site. In this case, peak discharge in any direction may be a 100 percent release rate provided that the overall site discharge meets the weighted average release rate.

D. Off-Site Areas - Off-site areas that drain through a proposed development site are not subject to release rate criteria when determining allowable peak runoff rates. However, on-site drainage facilities shall be designed to safely convey off-site flows through the development site.

E. Site Areas - Where the area of a site being impacted by a proposed development activity differs significantly from the total site area, only the proposed disturbed area utilizing stormwater management measures shall be subject to the management district criteria. Unimpacted or undisturbed areas that do flow into or are bypassing the stormwater management facilities would not be subject to the management district criteria.

F. "No Harm" Option - For any proposed development site not located in District C1 or C2, the applicant has the option of using a less restrictive runoff control (including no detention) if the applicant can prove that "no harm would be caused by discharging at a higher runoff rate than that specified by the Plan. The "no harm" option is used when a applicant can prove that the proposed conditions hydrographs can match existing conditions hydrographs, or if it can be proved that the proposed conditions will not cause increases in peaks at all points downstream. Proof of "no harm" would have to be shown based upon the following "Downstream Impact Evaluation" which shall include a "downstream hydraulic capacity analysis" consistent with §18 - 114.G to determine if adequate hydraulic capacity exists. The applicant shall submit to Upper Salford Township this evaluation of the impacts due to increased downstream stormwater flows in the watershed.

1. The "Downstream Impact Evaluation" shall include hydrologic and hydraulic calculations necessary to determine the impact of hydrograph timing modifications due to the proposed development upon a dam, highway, structure, natural point of restricted streamflow, or any stream channel section, established with the concurrence of Upper Salford Township.

2. The evaluation shall continue downstream until the increase in flow diminishes due to additional flow from tributaries and/or stream attenuation.

3. The peak flow values to be used for downstream areas for the design return period storms (2-, 5-, 10-, 25-, 50-, and 100-year) shall be the values from the calibrated model for the East Branch Perkiomen Creek watershed. These flow values can be obtained from the watershed plan.

4. Applicant-proposed runoff controls that would generate increased peak flow rates at storm drainage problem areas would, by definition, be precluded from successful attempts to prove "no-harm," except in conjunction with proposed capacity improvements for the problem areas consistent with this Article.

5. Financial considerations shall not constitute grounds for granting a no-harm exemption.

6. Capacity improvements may be provided as necessary to implement the "no harm" option which proposes specific capacity improvements to provide that a less stringent discharge control would not create any harm downstream.

7. Any "no harm" justifications shall be submitted by the applicant as part of the Drainage plan submission per §§18-113 to 18-124.

G. "Downstream Hydraulic Capacity Analysis" - Any downstream capacity hydraulic analysis conducted in accordance with this ordinance shall use the following criteria for determining adequacy for accepting increased peak flow rates:

1. Natural or man-made channels or swales must be able to convey the increased runoff associated with a 2-year return period event within their banks at velocities consistent with protection of the channels from erosion. Acceptable velocities shall be based upon criteria included in the Department of Environmental Protection=s *Erosion and Sediment Pollution Control Program Manual*.

2. Natural or man-made channels or swales must be able to convey increased 25-year return period runoff without creating any hazard to persons or property.

3. Culverts, bridges, storm sewers or any other facilities which must pass or convey flows from the tributary area must be designed in accordance with the Department of Environmental Protection's Chapter 105 regulations (if applicable) and, at minimum, pass the increased 25-year return period runoff.

H. Regional Stormwater Management Facilities Alternatives - For certain areas within the study area, it may be more cost-effective to provide one control facility for more than one development site than to provide an individual control facility for each development site. The initiative and funding for any regional runoff control alternatives are the responsibility of prospective applicants. The design of any regional control facility must incorporate reasonable development of the entire upstream watershed. The peak outflow of a regional control facility would be determined on a case-by-case basis using the hydrologic model of the watershed consistent with protection of the downstream watershed areas. "Hydrologic model" refers to the calibrated model as developed for the stormwater management plan. It is a requirement that, even if regional facilities are proposed for the water quantity control, that the water quality, streambank erosion, and recharge criteria be accomplished on-site, or as close to the source of the runoff as possible.

§18 - 115. DESIGN CRITERIA FOR STORMWATER MANAGEMENT FACILITIES

A. Any stormwater facility located on state highway rights-of-way shall be subject to approval by the Pennsylvania Department of Transportation (PennDOT).

B. Any stormwater management facility (i.e., detention basin BMP) designed to store runoff and requiring a berm or earthen embankment required or regulated by this ordinance shall be designed to provide an emergency spillway to handle flow up to and including the 100-year proposed conditions conditions. The height of embankment must be set as to provide a minimum 1.0 foot of freeboard above the maximum pool elevation computed when the facility functions for the 100-year proposed conditions peak inflow. Should any stormwater management facility require a dam safety permit under Title 25, Environmental Protection, Chapter 105,

Dam Safety and waterway management, the facility shall be designed in accordance with Chapter 105 and meet the regulations of Chapter 105 concerning dam safety which may be required to pass storms larger than 100-year event.

C. Any facilities that constitute water obstructions (e.g., culverts, bridges, outfalls, or stream enclosures), and any work involving wetlands as directed in DEP Chapter 105 regulations (as amended or replaced by DEP), shall be designed in accordance with Chapter 105 and will require a permit from DEP. Any other drainage conveyance facility that does not fall under Chapter 105 regulations must be able to convey, without damage to the drainage structure or roadway, runoff from the 25-year design storm with a minimum 1.0 foot of freeboard measured below the lowest point along the top of the roadway. Roadway crossings located within designated floodplain areas must be able to convey runoff from a 100-year design storm with a minimum 1.0 foot of freeboard measured below the lowest point along the top of the roadway. Any facility that constitutes a dam as defined in DEP chapter 105 regulations may require a permit under dam safety regulations. Any facility located within a PennDOT right of way must meet PennDOT minimum design standards and permit submission requirements.

D. Any drainage/conveyance facility and/or channel that does not fall under Chapter 105 Regulations, must be able to convey, without damage to the drainage structure or roadway, runoff from the 10-year design storm. Conveyance facilities to or exiting from stormwater management facilities (i.e., detention basins) shall be designed to convey the design flow to or from that structure. Roadway crossings located within designated floodplain areas must be able to convey runoff from a 100-year design storm. Any facility located within a PennDOT right-of-way must meet PennDOT minimum design standards and permit submission requirements.

E. Storm sewers must be able to convey proposed conditions runoff from a ten (10) year design storm without surcharging inlets, where appropriate.

F. Adequate erosion protection shall be provided along all open channels, and at all points of discharge.

G. The design of all stormwater management facilities shall incorporate sound engineering principles and practices. Upper Salford Township shall reserve the right to disapprove any design that would result in the creation of, exacerbation or continuation of an adverse hydrologic or hydraulic condition within the watershed.

§18 - 116. CALCULATION METHODOLOGY

Stormwater runoff from all development sites shall be calculated using either the rational method or a soil cover complex methodology.

A. Any stormwater runoff calculations shall use generally accepted calculation technique that is based on the NRCS soil cover complex method. Table §18 - 116-1 summarizes acceptable computation methods. It is assumed that all methods will be selected by the applicant based on the individual limitations and suitability of each method for a particular site.

Upper Salford Township may allow the use of the Rational Method to estimate peak discharges from drainage areas that contain less than 200 acres. The Rational Method is recommended for drainage areas under 100 acres.

B. All calculations consistent with this ordinance using the soil cover complex method shall use the appropriate design rainfall depths for the various return period storms according to the region for which they are located as presented in Table B-1 in Appendix B of this ordinance. If a hydrologic computer model such as HEC-1 or HEC-HMS is used for stormwater runoff calculations, then the duration of rainfall shall be 24 hours. The SCS "S" curve shown in Figure B-1, Appendix B of this ordinance shall be used for the rainfall distribution.

C. Runoff Curve Numbers (CN) for both existing and proposed conditions to be used in the soil cover complex method shall be obtained from Table B-2 in Appendix B of this Ordinance. For the purposes of existing conditions 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 (i.e., forest), as listed in Table B-2 or B-3 in Appendix B of this ordinance. For areas of prior mining disturbance (i.e. strip mining, mine spoil areas, etc.), the designer must first locate in which of mining affect area the site is located, using the Management District Map in Appendix D. The appropriate curve number or Rational 'C' value from Table B-2 or Table B-3 should then be used.

D. All calculations using the Rational Method shall use rainfall intensities consistent with appropriate times of concentration for overland flow and return periods from the Design Storm Curves from PA Department of Transportation Design Rainfall Curves (1986) (Figures B-2 to B-3). Times of concentration for overland flow shall be calculated using the methodology presented in Chapter 3 of *Urban Hydrology for Small Watersheds*, NRCS, TR-55 (as amended or replaced from time to time by NRCS). Times of concentration for channel and pipe flow shall be computed using Manning's equation.

E. The designer shall consider that the runoff from proposed sites graded to the subsoil will not have the same runoff conditions as the site under existing conditions even if topsoiled and seeded. The designer may increase their proposed condition CN or C value to reflect proposed soil conditions.

F. Runoff coefficients (c) for both existing and proposed conditions for use in the Rational method shall be obtained from Table B-3 in Appendix B of this ordinance.

G. Where uniform flow is anticipated, the Manning equation shall be used for hydraulic computations, and to determine the capacity of open channels, pipes, and storm sewers. Values for Manning's roughness coefficient (n) shall be consistent with Table B-4 in Appendix B of the ordinance.

   Outlet structures for stormwater management facilities shall be designed to meet the performance standards of this ordinance using any generally accepted hydraulic analysis technique or method.

H. The design of any stormwater detention facilities intended to meet the performance standards of this ordinance shall be verified by routing the design storm hydrograph through these facilities using the Storage-Indication Method. For drainage areas greater than 200 acres in size, the design storm hydrograph shall be computed using a calculation method that produces a full hydrograph. Upper Salford Township may approve the use of any generally accepted full hydrograph approximation technique that shall use a total runoff volume that is consistent with the volume from a method that produces a full hydrograph.

Table §18-116-1. Acceptable Computation Methodologies For Stormwater Management Plans

METHOD	METHOD DEVELOPED BY	APPLICABILITY
TR-20 (or commercial computer Package based on TR-20	USDA NRCS	Applicable where use of full hydrology computer model is desirable or necessary.
TR-55 (or commercial computer package based on TR-55)	USDA NRCS	Applicable for land development plans within limitations described in TR-55.
HEC-1, HEC-HMS	U.S. Army Corps of Engineers	Applicable where use of full hydrologic computer model is desirable or necessary.
PSRM	Penn State University	Applicable where use of a Hydrologic computer model is desirable or necessary; simpler than TR-20 or HEC-1.
Rational Method (or commercial computer package based on Rational Method)	Emil Kuichling (1889)	For sites less than 200 acres, or as approved by Upper Salford Township and/or Township Engineer
Other Methods	Varies	Other computation methodologies approved by Upper Salford Township and/or Township Engineer

§18 – 116.1. RIPARIAN BUFFERS

A. In order to protect and improve water quality, a Riparian Buffer Easement shall be created and recorded as part of any subdivision or land development that encompasses a Riparian Buffer.

B. Except as required by Chapter 102 or the Township Zoning Ordinance, the Riparian Buffer Easement shall be measured to be the greater of the limit of the 100 year floodplain or a minimum of 35 feet from the top of the streambank (on each side).

C. Minimum Management Requirements for Riparian Buffers.

(i) Existing native vegetation shall be protected and maintained within the Riparian Buffer Easement.

(ii) Whenever practicable invasive vegetation shall be actively removed and the Riparian Buffer Easement shall be planted with native trees, shrubs, and other vegetation to create a diverse native plant community appropriate to the intended ecological context of the site.

D. The Riparian Buffer Easement shall be enforceable by the municipality and shall be recorded in the Montgomery County Recorder of Deeds Office, so that it shall run with the land and shall limit the use of the property located therein. The easement shall allow for the continued private ownership and shall count toward the minimum lot area as required by Zoning, unless otherwise specified in the Township Ordinance.

E. Any permitted use within the Riparian Buffer Easement shall be conducted in a manner that will maintain the extent of the existing 100-year floodplain, improve or maintain the stream stability, and preserve and protect the ecological function of the floodplain.

F. The following conditions shall apply when public and/or private recreation trails are permitted within Riparian Buffers:

1. Trails shall be for non-motorized use only.
2. Trails shall be designed to have the least impact on native plant species and other sensitive environmental features.

G. Septic drainfields and sewage disposal systems shall not be permitted within the Riparian Buffer Easement and shall comply with setback requirements established under 25 Pa. Code Chapter 73.

§18 - 117. EROSION AND SEDIMENTATION REQUIREMENTS

A. Whenever the vegetation and topography are to be disturbed, such activity must be in conformance with Chapter 102, Title 25, Rules and Regulations, Part I, Commonwealth of Pennsylvania, Department of Environmental Protection, Subpart C, Protection of Natural Resources, Article II, Water Resources, Chapter 102, "Erosion Control," and in accordance with the Montgomery County Conservation District.

B. Additional erosion and sedimentation control design standards and criteria that must be applied where infiltration BMPs are proposed shall include the following:

1. Areas proposed for infiltration BMPs shall be protected from sedimentation and compaction during the construction phase, so as to maintain their maximum infiltration capacity.

2. Infiltration BMPs shall not be constructed nor receive runoff until the entire contributory drainage area to the infiltration BMP has received final stabilization.

C. The applicant shall submit evidence to Upper Salford Township that they have received Montgomery County Conservation District approval for any project in which the earth disturbance will exceed 5,000 square feet. For those projects with one acre or more of earth disturbance, the approved NPDES permits shall also be submitted along with the MCCD E&S approval. Any other approved permits and outside agency approvals related to the project shall be submitted, such as DEP general or joint permits.

D. A copy of the Erosion and Sediment Control plan and any required permits, as required by DEP regulations, shall be available at the project site at all times.

§18 - 118. GENERAL REQUIREMENTS

For any of the activities regulated by this ordinance, the preliminary or final approval of subdivision and/or land development plans, the issuance of any building or occupancy permit, or the commencement of any land disturbance activity may not proceed until the applicant or his/her agent has received written approval of a drainage plan from Upper Salford Township.

§18 - 119. EXEMPTIONS

A. The following regulated activities are specifically exempt from the SWM Site Plan preparation and submission requirements articulated in this Ordinance:

1. The cumulative installation of 1,000 or fewer square feet of Impervious Surface coverage proposed after the adoption date of this Ordinance; provided that the activities meet the requirements of subsection B below.

2. Agricultural activity (see definition) provided the activities are performed according to the requirements of 25 Pa. Code Chapter 102. The construction of new buildings or impervious areas is not considered an agricultural activity.

3. Forest management and timber operations (see definitions) provided the activities are performed according to the requirements of 25 Pa. Code Chapter 102.

4. Conservation practices being installed as part of the implementation of a Conservation Plan written by an NRCS certified planner.

5. Use of land for domestic gardening and landscaping of the property.

B. Exemption Requirements

1. An applicant proposing the cumulative installation of 1,000 square feet or less of Impervious Surface coverage since the adoption of this Ordinance, may be exempt from the design, plan submittal and processing requirements of this Ordinance. Exemptions 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. Exemption shall not relieve an applicant from implementing such measures as necessary to meet compliance with any NPDES

Permit requirements. Any exemption based on false, misleading, or erroneous information provided by an applicant is void without the necessary of any proceedings for revocation. Any work undertaken or use established pursuant to such permit or other authorization is unlawful.

2. The determination of whether a project qualifies for an exemption will be made by the Township Engineer at the time a building permit, zoning permit, land development or other permit application is submitted to the Township.

3. Impervious areas shall include all impervious and semi-impervious areas as defined by this Ordinance.

4. No Impervious Surface coverage shall be installed, and no Earth Disturbance Activity shall be conducted within any existing drainage or Stormwater easement created by or shown on any recorded plan.

5. Existing, unimproved lots of record in the Township shall not be eligible to qualify for an exemption as specified under this Ordinance.

6. The Township may recommend imposing additional conditions to the approval of an exemption under this section where he or she feels it is necessary to protect a downgradient property owner, the public health, safety or welfare of Township residents or where an existing drainage problem is located in the vicinity of the proposed project. For projects under this scenario, the Township Engineer shall forward a report of the recommendations to the Township Board of Supervisors who shall make the final decision in these situations.

7. All cumulative new impervious areas will be tracked by the Township. If a permit application is submitted that proposes new impervious areas which exceed the maximum allowed for an exemption to be approved, the applicant must provide stormwater management controls to address the entire impervious area proposed within that application."

C. Small Projects

1. Regulated activities that, measured on a cumulative basis from the adoption date of this Ordinance, create additional impervious areas of more than 1,000 sq. ft. and less than 5,000 SF, or involve earth disturbance activity of an area less than 5,000 sq. ft. and do not involve the alteration of stormwater facilities or watercourses are considered Small Projects and shall follow the process herein, provided the following criteria are met:

   a. Impervious area shall include all impervious and semi-impervious areas as defined by this Chapter.

   b. No Impervious Surface coverage shall be installed and no Earth Disturbance Activity shall be conducted within any existing drainage or Stormwater easement created by or shown on any recorded plan.

   c. Existing, unimproved lots of record in the Township shall not be eligible to be considered a Small Project as specified under this Chapter.

   d. The Township may recommend imposing additional conditions to the approval of a Small Project application under this section where he or she feels it is necessary to protect a downgradient property owner, the public health, safety or welfare of Township residents or where an existing drainage problem is located in the vicinity of the proposed

project. For projects under this scenario, the Township Engineer shall forward a report of the recommendations to the Township Board of Supervisors who shall make the final decision in these situations.

e. All cumulative new impervious areas will be tracked by the Township. If a permit application is submitted that proposes new impervious areas which exceed the maximum allowed for the project to be considered a Small Project, the applicant must provide a SWM Site Plan compliant with all requirements of this Ordinance.

2. Anyone proposing a Small Project shall submit three (3) copies of the Small Project Application to the Township.

3. The Small Project Application shall be submitted in a format that is clear, concise, legible, neat and well organized and shall include:

   a. Small Project Application Form (Appendix E)

   b. Small Project Sketch Plan including the following:
      (i) Name and address of landowner (and/or developer).
      (ii) Date of submission.
      (iii) Name of individual and/or firm that prepared the sketch if different than landowner/developer.
      (iv) Location and square footage of proposed impervious area or land disturbance.
      (v) Approximate footprint and location of all structures on the subject property and structures on adjacent properties located within 50 feet of the proposed impervious area or land disturbance.
      (vi) Approximate location of existing stormwater management facilities, if present.
      (vii) Location and description of proposed stormwater management facilities.
      (viii) Direction of proposed stormwater discharge (e.g. with arrows)
      (ix) Indication of how the property is graded (e.g. with arrows pointing downslope)
      (x) Scale and north arrow

   c. Filing fee per current fee schedule adopted by resolution.

§18 - 120. DRAINAGE PLAN CONTENTS

The drainage plan shall consist of all applicable calculations, maps, and plans. A note on the maps shall refer to the associated computations and erosion and sedimentation control plan by title and date. The cover sheet of the computations and erosion and sedimentation control plan shall refer to the associated maps by title and date. All drainage plan materials shall be submitted to Upper Salford Township in a format that is clear, concise, legible, neat, and well organized; otherwise, the drainage plan shall be disapproved and returned to the applicant.

The following items shall be included in the drainage plan:

A. General

1. General description of project.

2. General description of permanent stormwater management techniques,

including construction specifications of the materials to be used for stormwater management facilities.

3. Complete hydrologic, hydraulic, and structural computations for all stormwater management facilities.

4. An erosion and sediment control plan, including all reviews and approvals by the Conservation District.

5. A general description of nonpoint source pollution controls.

6. Incorporate methods described in the *Pennsylvania Stormwater Best Management Practices Manual* (BMP Manual). The green infrastructure and low impact development practices provided in the BMP Manual shall be utilized for all regulated activities wherever possible.

B. Maps

Map(s) of the project area shall be submitted on 24-inch x 36-inch sheets and shall be prepared in a form that meets the requirements for recording at the offices of the Recorder of Deeds of Montgomery County. The contents of the maps(s) shall include, but not be limited to:

1. The location of the project relative to highways, townships, or other identifiable landmarks.

2. Existing contours at intervals of 2 feet. In areas of steep slopes (greater than 10 percent), 5-foot contour intervals may be used.

3. Existing streams, lakes, ponds, or other bodies of water within the project area.

4. Other physical features including flood hazard boundaries, sinkholes, streams, existing drainage courses, areas of natural vegetation to be preserved, and the total extent of the upstream area draining through the site.

5. The locations of all existing and proposed utilities, sanitary sewers, and water lines within 50 feet of property lines.

6. An overlay showing soil names and boundaries.

7. Proposed changes to the land surface and vegetative cover, including limits of earth disturbance and the type and amount of impervious area that would be added.

8. Proposed structures, roads, paved areas, and buildings.

9. Final contours at intervals of 2 feet. In areas of steep slopes (greater than 10 percent), 5-foot contour intervals may be used.

10. The name of the development, the name and address of the owner of the property, and the name of the individual or firm preparing the plan.

11. The date of submission.

12. A graphic and written scale of one (1) inch equals no more than fifty (50) feet; for tracts of twenty (20) acres or more, the scale shall be one (1) inch equals no more than one hundred (100) feet.

13. A north arrow.

14. The total tract boundary and size with distances marked to the nearest foot and bearings to the nearest degree.

10. Existing and proposed land use(s).

11. A key map showing all existing man-made features beyond the property boundary that would be affected by the project.

12. Location of all open channels.

13. Overland drainage paths.

19. A minimum 10-foot-wide access easement around all stormwater management facilities that would provide ingress to and egress from a public right-of-way

20. The location of all erosion and sedimentation control facilities.

21. A note on the plan indicating the location and responsibility for maintenance of stormwater management facilities that would be located off-site. All off-site facilities shall meet the performance standards and design criteria specified in this ordinance.

22. A statement, signed by the landowner, acknowledging the stormwater management system to be a permanent fixture that can be altered or removed only after approval of a revised plan by Upper Salford Township, which shall be recorded with the record plan and which shall be applicable to all future landowners.

23. The following signature block for the design engineer:

    (Design Engineer), on this date (date of signature), has reviewed and hereby certify that the drainage plan meets all design standards and criteria of the East Branch Perkiomen Creek Watershed Act 167 Stormwater Management Ordinance.

24. The following signature block shall be provided for the Township: _____, on this date _____, has reviewed and hereby certifies that the SWM Site Plan meets all design standards and criteria of the Upper Salford Township Stormwater Management Ordinance.

C. Supplemental Information

1. A written description of the following information shall be submitted.

   a. The overall stormwater management concept for the project designed in accordance with §18 - 109.
   b. Stormwater runoff computations as specified in this ordinance.
   c. Stormwater management techniques to be applied both during and after development.
   d. Expected project time schedule.
   e. Development stages (project phases) if so proposed.
   f. An operation and maintenance plan in accordance with §18 - 130 of this ordinance.

2. A soil erosion and sedimentation control plan, where applicable, including all

reviews and approvals, as required by DEP.

3. A geologic assessment of the effects of runoff on karst formations and sinkholes as specified in this Ordinance.

4. The effect of the project (in terms of runoff volumes and peak flows) on adjacent properties and on any existing township stormwater collection system that may receive runoff from the project site.

5. Declaration of Adequacy and Highway Occupancy Permit from the PennDOT District Office when the use of a PennDOT storm drainage system is proposed.

D. Stormwater Management Facilities

1. All stormwater management facilities must be located on a plan and described in detail.

2. When groundwater recharge methods such as seepage pits, beds, or trenches are used, the locations of existing and proposed septic tank infiltration areas and wells must be shown.

3. All calculations, assumptions, and criteria used in the design of the stormwater management facilities must be shown.

§18 - 121. PLAN SUBMISSION

For all activities regulated by this ordinance, the steps below shall be followed for submission. For any activities that require a DEP Joint Permit Application and regulated under Chapter 105 (Dam Safety and Waterway Management) or Chapter 106 (Floodplain Management) of DEP's Rules and Regulations, require a PennDOT Highway Occupancy Permit, or require any other permit under applicable state or federal regulations, the proof of application for that, the permit(s) shall be part of the plan. The plan shall be coordinated with the state and federal permit process.

A. The SWM Site Plan shall be submitted by the applicant as part of a subdivision or land development plan submission as required by the SALDO or for those regulated activities not part of a subdivision or land development plan submission.

B. A minimum of three (3) copies of the SWM Site Plan shall be submitted based on the distribution provided by this Ordinance. Additional copies may be required as indicated in this Ordinance.

C. Distribution of the SWM Site Plan shall be as follows:

1. Two (2) copies to Upper Salford Township accompanied by the requisite Township application forms, review fee/deposit as adopted by resolution.

2. One (1) copy to the Township Engineer.

3. One (1) copy to the Township Zoning Officer (if requested).

4. One (1) copy to the Montgomery County Conservation District (if applicable).

5. One (1) copy to the Montgomery County Planning Commission (if applicable).

§18 - 122. DRAINAGE PLAN REVIEW

A. The Township Engineer shall review the drainage plan for consistency with the adopted East Branch Perkiomen Creek Watershed Act 167 Stormwater Management Plan. Upper Salford Township shall require receipt of a complete plan, as specified in this ordinance.

B. The Township Engineer shall determine whether the drainage plan submitted is complete and shall review the drainage plan for any subdivision or land development against the township subdivision and land development ordinance provisions not superseded by this ordinance.

B.1. The Township shall review and notify the applicant in writing within 45 days whether the SWM Site Plan is approved or disapproved. If the SWM Site Plan involves a subdivision or land development plan, the notification shall occur within the time period allowed by the Municipalities Planning Code (90 days).

C. For activities regulated by this ordinance, the Township Engineer shall notify Upper Salford Township in writing, whether the drainage plan is consistent with the Stormwater Management Plan. Should the drainage plan be determined to be consistent with the Stormwater Management Plan, the Township Engineer will forward a review letter to the applicant with a copy to Upper Salford Township.

D. Should the drainage plan be determined to be inconsistent or noncompliant with the Stormwater Management Plan, the Township Engineer will forward a letter to Upper Salford Township with a copy to the applicant citing the reason(s) for the inconsistency or noncompliance. Any drainage plans receiving this decision may be revised by the Applicant and resubmitted for reevaluation. Upper Salford Township will not grant approval to the proposal until its drainage plan is deemed consistent with this ordinance.

E. For regulated activities specified in §18 - 104 of this ordinance, the Township Engineer shall notify the person in Upper Salford Township responsible for administering building permits in writing, within a time frame consistent with the Township building code and/or Township subdivision ordinance, whether the drainage plan is consistent with the Stormwater Management Plan and forward a copy of the approval/disapproval letter to the applicant. Any disapproved drainage plan may be revised by the applicant and resubmitted consistent with this ordinance.

F. For regulated activities requiring a DEP Joint Permit Application, the Township Engineer shall notify DEP whether the drainage plan is consistent with the Stormwater Management Plan and forward a copy of the review letter to Upper Salford Township and the applicant. DEP may consider the Township Engineer's review comments in determining whether to issue a permit.

G. Upper Salford Township shall not approve any subdivision or land development for regulated activities specified in §18 - 104 of this ordinance if the drainage plan has been found to be inconsistent with the Stormwater Management Plan, as determined by the Township Engineer. All required permits from DEP must be obtained prior to approval of any subdivision or land development.

H. The person in Upper Salford Township responsible for administering building permits shall not issue a building permit for any regulated activity specified in §18 - 104 of this ordinance if the drainage plan has been found to be inconsistent with the Stormwater Management Plan, as determined by the Township Engineer, or

without considering the comments of the Township Engineer. All required permits from DEP must be obtained prior to issuance of a building permit.

I. The applicant shall be responsible for completing record drawings of all stormwater management facilities included in the approved Drainage plan. The record drawings and an explanation of any discrepancies with the design plans shall be submitted to the Township Engineer for final approval. In no case shall Upper Salford Township approve the record drawings until Upper Salford Township receives a copy of an approved Declaration of Adequacy, highway occupancy permit from the PennDOT District Office, and any applicable permits from DEP.

J. Upper Salford Township's approval of a drainage plan shall be valid for a period not to exceed two (2) years. This two year time period shall commence on the date that Upper Salford Township signs the approved drainage plan. If stormwater management facilities included in the approved drainage plan have not been constructed, or if constructed, and record drawings of these facilities have not been approved within this two year time period, then Upper Salford Township may consider the drainage plan withdrawn and may revoke any and all permits. Drainage plans that are considered disapproved by Upper Salford Township shall be resubmitted in accordance with §18 - 124 of this ordinance.

§18 - 123. MODIFICATION OF PLANS

A modification to a submitted drainage plan for a development site that involves a change in stormwater management facilities or techniques, or that involves the relocation or redesign of stormwater management facilities, or that is necessary because soil or other conditions are not as stated on the drainage plan as determined by the Township Engineer, shall require a resubmission of the modified drainage plan consistent with §18 - 121 of this ordinance and be subject to review as specified in §18 - 122 of this ordinance.

A modification to an already approved or disapproved drainage plan shall be submitted to Upper Salford Township, accompanied by the applicable fee. A modification to a drainage plan for which a formal action has not been taken by Upper Salford Township shall be submitted to Upper Salford Township, accompanied by the applicable Township review fee.

§18 - 124. RESUBMISSION OF DISAPPROVED DRAINAGE PLANS

A disapproved drainage plan may be resubmitted, with the revisions addressing the Township Engineer's concerns documented in writing addressed to Upper Salford Township in accordance with §18 - 121 of this ordinance and distributed accordingly and be subject to review as specified in §18 - 122 of this ordinance. The applicable Township review fee must accompany a resubmission of a disapproved drainage plan.

§18 - 125. SCHEDULE OF INSPECTIONS

A. The Township Engineer or designee shall observe all phases of the installation of the permanent stormwater management facilities as deemed appropriate by the Township Engineer.

B. During any stage of the work, if the Township Engineer determines that the permanent stormwater management facilities are not being installed in accordance with the approved Stormwater Management Plan, Upper Salford Township shall revoke any existing permits until a revised drainage plan is submitted and approved, as specified in this ordinance.

§18 - 126. FEES AND EXPENSES - GENERAL

The fee required by this ordinance is the Township review fee. The Township review fee shall be established by Upper Salford Township to defray review costs incurred by Upper Salford Township and the Township Engineer. All fees shall be paid by the applicant.

§18 - 127. TOWNSHIP DRAINAGE PLAN REVIEW FEE

Upper Salford Township shall establish a review fee schedule by resolution of the Township governing body based on the size of the regulated activity and based on Upper Salford Township's costs for reviewing drainage plans. Upper Salford Township shall periodically update the review fee schedule to ensure that review costs are adequately reimbursed.

§18 - 128. EXPENSES COVERED BY FEES

The fees required by this ordinance shall at a minimum cover:

A. Administrative costs.

B. The review of the drainage plan by Upper Salford Township and the Township Engineer.

C. The site inspections.

D. The inspection of stormwater management facilities and drainage improvements during construction.

E. The final inspection upon completion of the stormwater management facilities and drainage improvements presented in the drainage plan.

F. Any additional work required to enforce any permit provisions regulated by this ordinance, correct violations, and ensure proper completion of stipulated remedial actions.

§18 - 129. PERFORMANCE GUARANTEE

The applicant shall be obligated to provide a financial guarantee to Upper Salford Township in the form of an "evergreen" letter of credit acceptable to the Township Solicitor or a deposit of funds with the Township to cover the timely installation and proper construction of all stormwater management controls as required by the approved plan and this ordinance equal to the full construction cost of the required controls, as confirmed or established by the Township Engineer.

§18 - 130. MAINTENANCE RESPONSIBILITIES

A. The drainage plan for the development site shall contain an operation and maintenance plan prepared and approved by the Township Engineer and Township Solicitor. The operation and maintenance plan shall outline required routine maintenance actions and schedules necessary to insure proper operation of the facility(ies).

B. The drainage plan for the development site shall establish responsibilities for the continuing operating and maintenance of all proposed stormwater control facilities, consistent with the following principals:

1. If a development consists of structures or lots which are to be separately owned and in which streets, sewers and other public improvements are to be dedicated to Upper Salford Township, stormwater control facilities may also be dedicated to and maintained by Upper Salford Township, however, the designated owner(s) of the facility(ies) must be recorded on the final development plan.

2. In the instance of developments which include public improvements that are to be dedicated to Upper Salford Township, stormwater control facilities may be owned and maintained by an appropriately established Homeowners Association in lieu of township ownership/maintenance, however, the designated owner(s) of the facility(ies) must be recorded on the final development plan.

3. If a development site is to be maintained in a single ownership or if sewers and other public improvements are to be privately owned and maintained, then the ownership and maintenance of stormwater control facilities may be the responsibility of the owner or private management entity, however, the designated owner(s) of the facility(ies) must be recorded on the final development plan.

C. Upper Salford Township, upon recommendation of the Township Engineer, shall make the final determination on the continuing maintenance responsibilities prior to final approval of the drainage plan. Upper Salford Township reserves the right to accept the ownership and operating responsibility for any or all of the stormwater management controls.

§18 - 131. MAINTENANCE AGREEMENT FOR PRIVATELY OWNED STORMWATER FACILITIES

A. Prior to final approval of the site's stormwater management plan, the applicant shall sign and record the maintenance agreement contained in Appendix A which is attached and made part hereof, covering all stormwater control facilities that are to be privately owned.

B. Other items may be included in the agreement where determined necessary to guarantee the satisfactory maintenance of all facilities. The maintenance agreement shall be subject to the review and approval of Upper Salford Township.

§18 - 132. TOWNSHIP STORMWATER MAINTENANCE FUND

A. Persons installing stormwater management facilities and best management practices shall be required to pay a specified amount to the Township Stormwater Maintenance Fund to help defray costs of periodic inspections and maintenance expenses. The amount of the deposit shall be determined as follows:

1. If the stormwater management facilities and best management practices is to be privately owned and maintained, the deposit shall cover the cost of periodic inspections performed by Upper Salford Township for a period of ten (10) years, as estimated by the Township Engineer. After that period of time, inspections will be performed at the expense of Upper Salford Township.

2. If the stormwater management facilities and best management practices facility is to be owned and maintained by Upper Salford Township, the deposit shall cover the estimated costs for maintenance and inspections for ten (10) years. The township engineer will establish the estimated costs utilizing information submitted by the applicant.

3. The amount of the deposit to the fund shall be converted to present worth of the annual series values. The Township Engineer shall determine the present worth equivalents, which shall be subject to the review and approval of the governing body.

B. If a stormwater management facilities and/or best management practices facility is proposed that also serves as a recreation facility (e.g., ballfield, lake), Upper Salford Township may reduce or waive the amount of the maintenance fund deposit based upon the value of the land for public recreation purpose.

§18 - 133. PLAN REQUIREMENTS

A. All plans shall include a plan note stating that Upper Salford Township shall be granted an irrevocable license and right to enter private property to inspect and repair, if necessary, any stormwater management facility.

B. All plans shall note that the stormwater management facilities are a permanent part of the development and shall not be removed, altered, or modified.

§18 - 134. RIGHT-OF-ENTRY

Duly authorized representatives of Upper Salford Township may enter at reasonable times upon any property within Upper Salford Township to inspect the condition of the stormwater structures and facilities in regard to any aspect regulated by this ordinance.

§18 - 135. NOTIFICATION

In the event that a person fails to comply with the requirements of this ordinance, or fails to conform to the requirements of any permit issued hereunder, Upper Salford Township shall provide written notification of the violation. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of these violation(s). Failure to comply within the time specified shall subject such person to the penalty provisions of this ordinance. All such penalties shall be deemed cumulative and present by Upper Salford Township from pursuing any and all remedies. It shall be the responsibility of the owner of the real property on which any regulated activity is proposed to occur, is occurring, or has occurred, to comply with the terms and conditions of this ordinance.

§18 – 135.1 INSPECTION

The landowner or the owner's designee (including the Municipality for dedicated and owned facilities) shall inspect SWM BMPs, facilities and/or structures installed under this Ordinance according to the following frequencies, at a minimum, to ensure the BMPs, facilities and/or structures continue to function as intended:

1. Annually for the first 5 years.
2. Once every 3 years thereafter.
3. During or immediately after the cessation of a 10-year or greater storm.

Inspections should be conducted during or immediately following precipitation events. A written inspection report shall be created to document each inspection. The inspection report shall

contain the date and time of the inspection, the individual(s) who completed the inspection, the location of the BMP, facility or structure inspected, observations on performance, and recommendations for improving performance, if applicable. Inspection reports shall be submitted to the Municipality within 30 days following completion of the inspection.

§18 - 136. ENFORCEMENT

Upper Salford Township is hereby authorized and directed to enforce all of the provisions of this ordinance. All inspections regarding compliance with the drainage plan shall be the responsibility of the Township Engineer or other qualified persons designated by Upper Salford Township.

A. A set of design plans approved by Upper Salford Township shall be on file at the site throughout the duration of the construction activity. Periodic inspections may be made by Upper Salford Township or designee during construction.

B. It shall be unlawful for any person, firm or corporation to undertake any regulated activity under §18 - 104 on any property except as provided for in the approved drainage plan and pursuant to the requirements of this ordinance. It shall be unlawful to alter or remove any control structure required by the drainage plan pursuant to this ordinance or to allow the property to remain in a condition which does not conform to the approved drainage plan.

C. At the completion of the project, and as a prerequisite for the release of the performance guarantee, applicant shall:

1. Provide a certification of completion from an engineer, surveyor or other qualified person verifying that all permanent facilities have been constructed according to the plans and specifications and approved revisions thereto.

2. Provide a set of as-built (record) drawings.

3. After receipt of the certification by Upper Salford Township, a final inspection shall be conducted by the Township Engineer or designated representative to certify compliance with this ordinance.

D. Suspension and Revocation of Permits

1. Any approval or permit issued under this ordinance may be suspended or revoked by the Township for:

   a. Noncompliance with or failure to implement any provision of the permit.

   b. A violation of any provision of this ordinance 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, pollution or which endangers the life or property of others.

2. A suspended permit shall be reinstated by the governing body when:

   a. The Township Engineer or a designee has inspected and approved the corrections to the stormwater management and erosion and sediment pollution control measure(s), or the elimination of the hazard or nuisance, and/or;

b. The governing body is satisfied that the violation of the ordinance, law, or rule and regulation has been corrected.

c. A permit that has been revoked by the governing body cannot be reinstated. The applicant may apply for a new permit under the procedures outlined in this ordinance.

d. Prior to revocation or suspension of a permit, the governing body will schedule a hearing to discuss the non-compliance if there is no immediate danger to life, public health or property.

E. An occupancy permit shall not be issued unless the certification of compliance has been secured. The occupancy permit shall be required for each lot owner and/or applicant for all subdivisions and land development in Upper Salford Township.

F. Inspections regarding compliance with the SWM Site Plan are a responsibility of the Township. The Township is authorized to establish such fees as necessary to cover the expense of all inspections requires by this Chapter 18, Part 1, Stormwater Management, as may be set from time to time by resolution. The failure of any property owner of any approved stormwater facility as designated on the SWM Site Plan to pay such fees shall constitute a violation of Chapter 18, Part 1, and subject to such penalties as set forth in §18-142 of Chapter 18, Part 1.

§18 - 137. PUBLIC NUISANCE

A. The violation of any provision of this ordinance is hereby deemed a public nuisance.

B. Each day that a violation continues shall constitute a separate violation.

C. Whenever the Township finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, 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 stormwater 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 BMP's; and
7. Operation and maintenance of stormwater BMP's.

D. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of these violation(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 or designee and the expense thereof shall be charged to the violator.

E. Failure to comply within the time specified shall also subject such person to the penalty provisions of this Ordinance. 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.

§18 - 138. PROHIBITED DISCHARGES

A. No person in the Township shall allow, or cause to allow, stormwater discharges into the Township's separate storm sewer system which are not composed entirely of stormwater, except as provided by subsection B below, and discharges allowed under State or Federal permit.

B. Discharges which may be allowed, based on a finding by the Township that the discharge(s) do not significantly contribute to pollution to surface waters of the Commonwealth, are:

1. Discharges from firefighting activities
2. Potable water sources including dechlorinated water line and fire hydrant flushings
3. Irrigation drainage
4. Routine external building washdown (which does not use detergents or other compounds)
5. Air conditioning condensate
6. Water from individual residential car washing
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 spills material has been removed) and where detergents are not used
13. Dechlorinated swimming pool discharges
14. Uncontaminated groundwater

C. In the event 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, but not to exceed ninety (90) days, 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 state law.

§18 - 139. PROHIBITED CONNECTIONS

The following connections are prohibited, except as provided otherwise in this Article:

A. Any drain or conveyance, whether on the surface or subsurface, which allows any non-stormwater discharge including sewage, process wastewater, and wash water, to enter the separate storm sewer system, and any connections to the storm drain system from indoor drains and sinks.
B. Any drain or conveyance connected from a commercial or industrial land use to the separate storm sewer system which has not been documented in plans, maps, or equivalent records, and approved by the Township.

§18 - 140. ROOF DRAINS

A. Roof drains shall not be connected to streets, sanitary or storm sewers or roadside ditches, except where specifically permitted by the Township under subsection B below.

B. When it is more advantageous to connect directly to the streets or storm sewers, connections of roof drains to streets or roadside ditches may be permitted by the Township.

C. For all lots created from the effective date of this Ordinance, roof drains shall discharge to infiltration areas or vegetative BMP's, except when specifically permitted by the Board of Supervisors upon recommendation of the Township Engineer.

§18 - 141. ALTERATION OF BMP'S

A. No person shall modify, remove, fill, landscape or alter any existing stormwater BMP, unless it is part of an approved maintenance program, without the written approval of the Township.

B. No person shall place any structure, fill, landscaping, or vegetation into a stormwater BMP or within a drainage easement, which would limit or alter the functioning of the BMP, without the written approval of the Township.

§18 - 142. PENALTIES

A. Anyone violating the provisions of this shall be subject to a fine of not more than $1,000.00 for each violation, recoverable with costs. Each day that the violation continues shall be a separate offense.

B. In addition, Upper Salford Township, through its solicitor may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this ordinance. 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.

C. The remedies set forth hereunder shall not be exclusive, and shall be in addition to such other remedies as the Municipality may have under law or under any applicable agreement, including the right to enter the municipal claim as a lien against the property.

§18 - 143. APPEALS

A. Any person aggrieved by any action of Upper Salford Township or its designee may appeal to the Board of Supervisors of Upper Salford Township within thirty (30) days of that action.

B. Any person aggrieved by any decision of the Board of Supervisors of Upper Salford Township may appeal to the Court of Common Pleas of Montgomery County within thirty (30) days of the Township decision.

Appendix A

STANDARD STORMWATER FACILITIES MAINTENANCE AND MONITORING AGREEMENT

THIS AGREEMENT, made and entered into this _____day of _____, 20__, by and between _____ (hereinafter the "landowner") and _____ County; Pennsylvania, (hereinafter "Municipality");

WITNESSETH

WHEREAS, the Landowner is the owner of certain real property as recorded by deed in the land records of _____ County, Pennsylvania, Deed Book _____ at Page _____, (hereinafter "Property").

WHEREAS, the Landowner is proceeding to build and develop the Property; and

WHEREAS, the Subdivision/Land Management Plan (hereinafter "Plan") for the _____ Subdivision which is expressly made a part hereof, as approved or to be approved by the Municipality, provides for detention or retention of stormwater within the confines of the Property; and

WHEREAS, the Municipality and the Landowner, his successors and assigns agree that the health, safety, and welfare of the residents of the Municipality require that on-site stormwater management facilities be constructed and maintained on the Property; and

WHEREAS, the Municipality requires, through the implementation of the _____ Watershed Stormwater Management Plan, that stormwater management facilities as shown on the Plan be constructed and adequately maintained by the Landowner, his successors and assigns.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The on-site stormwater management facilities shall be constructed by the Landowner, his successors and assigns, in accordance with the terms and conditions and specifications identified in the Plan.

2. The Landowner, his successors and assigns, shall maintain the stormwater management facilities in good working condition, acceptable to the Municipality so that they are performing their design functions.

3. The Landowner, his successors and assigns, hereby grants permission to the Municipality, his authorized agents and employees, upon presentation of proper identification, to enter upon the Property at reasonable times, such as following a storm of the intensity for which the facility was designed to control, and to inspect the stormwater management facilities whenever the Municipality deems necessary. The purpose of the inspection is to ensure safe and proper functioning of the facilities. The inspection shall cover the entire facilities, berms, outlet structures, pond areas, access roads, etc. When inspections are conducted, the Municipality shall give the Landowner, his successors and assigns, copies of the inspection report with findings and evaluations. At a minimum, maintenance inspections shall be performed in accordance with the following schedule:
    - Annually for the first 5 years after the construction of the stormwater facilities,
    - Once every 2 years thereafter, or
    - During or immediately upon the cessation of a 100-year or greater precipitation event.

4. All reasonable costs for said inspections shall be born by the Landowner and payable to the Municipality.

5. The owner shall convey to the municipality easements and/or rights-of-way to ensure access for periodic inspections by the Municipality and maintenance, if required.

6. In the event the Landowner, his successors and assigns, fails to maintain the stormwater management facilities in good working condition acceptable to the Municipality, the Municipality may enter upon the property and take such necessary and prudent action to maintain said stormwater management facilities and to charge the costs of the maintenance and/or repairs to the Landowner, his successors and assigns. This provision shall not be construed as to allow the Municipality to erect any structure of a permanent nature on the land of the Landowner, outside of any easement belong to the Municipality. It is expressly understood and agreed that the Municipality is under no obligation to maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on the Municipality.

7. The Landowner, his successors and assigns, will perform maintenance in accordance with the maintenance schedule for the stormwater management

facilities including sediment removal as outlined on the approved schedule and/or drainage plan.

8. In the event the Municipality, pursuant to this Agreement, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like on account of the Landowner's or his successors' and assigns' failure to perform such work, the Landowner, his successors and assigns, shall reimburse the Municipality upon demand, within 30 days of receipt of invoice thereof, for all costs incurred by the Municipality hereunder. If not paid within said 30-day period, the Municipality may enter a lien against the property in the amount of such costs, or may proceed to recover his costs through proceedings in equity or at law as authorized under the provisions of the Second Class Township Code, including the filin of a lien against the real property on which the work was performed..

9. The Landowner, his successors and assigns, shall indemnify the Municipality and its agents and employees against any and all damages, accidents, casualties, occurrences or claims that might arise or be asserted against the Municipality for the construction, presence, existence or maintenance of the stormwater management facilities by the Landowner and his successors and assigns.

10. In the event a claim is asserted against the Municipality, its agents, or employees, the Municipality shall promptly notify the Landowner and his successors and assigns, and they shall defend, at their own expense, any suit based on such claim. If any judgment or claims against the Municipality, his agents or employees shall be allowed, the Landowner and his successors and assigns shall pay all costs and expenses in connection therewith.

11. In the advent of an emergency or the occurrence of special or unusual circumstances or situations, the Municipality may enter the property, if the Landowner is not immediately available, without notification or identification, to inspect and perform necessary maintenance and repairs, if needed, when the health, safety or welfare of the citizens is at jeopardy. However, the Municipality shall notify the Landowner of an inspection, maintenance, or repair undertaken within five days of the activity. The Landowner shall reimburse the Municipality for its costs.

This Agreement shall be recorded among the land records of Montgomery County, Pennsylvania and shall constitute a covenant running with the Property and/or equitable servitude, and shall be binding on the Landowner, his administrators, executors, assigns, heirs, and any other successors in interests, in perpetuity.

ATTEST:

WITNESS the following signatures and seals:

(SEAL) For the Municipality:

_____

(SEAL) For the Landowner:

_____

ATTEST:

_____ (City, Borough, Township)

County of Montgomery, Pennsylvania

_____, a Notary Public in and for the County and State aforesaid, whose commission expires on the _____ day of _____, 20__, do hereby certify that _____ whose name(s) is/are signed to the foregoing Agreement bearing date of the _____ day of _____, 20_____, has acknowledged the same before me in my said county and state.

GIVEN UNDER MY HAND THIS _____ day of _____, 20_____.

_____

NOTARY PUBLIC

Note: This Appendix is illustrative. All specific Maintenance Agreement must be prepared and recorded by the Township Solicitor.

APPENDIX B

Stormwater Management Design Criteria

- Table B-1. Design Storm Rainfall Amount (inches)
- Figure B-1. Alternating Block Method for Rainfall Distribution
- Figure B-2. PennDOT Delineated Regions
- Figure B-3. PennDOT Storm Intensity-Duration-Frequency Curve Region 4
- Table B-2. Runoff Curve Numbers
- Table B-3. Rational Runoff Coefficients
- Table B-4. Manning Roughness Coefficients
- Table B-5. 24-Hour Storm Values Representing 90 Percent of Annual Rainfall
- Table B-6. Stormwater Credits for Computing Proposed Conditions Hydrograph.

Table B-1
Design Storm Rainfall Amount (Inches)

The design storm rainfall amount chosen for design should be obtained from the PennDOT region for which the site is located according to Figure B-2.

Source: Field Manual of Pennsylvania Department of Transportation

Region 4
Precipitation Depth (in)

Duration	1 Yr.	2 Yr.	5 Yr.	10 Yr.	25 Yr.	50 Yr.	100 Yr.
5 min.	0.30	0.35	0.41	0.45	0.50	0.55	0.61
10 min.	0.58	0.68	0.80	0.93	1.03	1.13	1.25
1 hr.	1.01	1.22	1.48	1.70	1.91	2.11	2.41
2 hrs.	1.24	1.50	1.84	2.14	2.46	2.80	3.13
3 hrs.	1.38	1.71	2.10	2.43	2.82	3.24	3.69
6 hrs.	1.68	2.04	2.52	3.06	3.60	4.14	4.74
12 hrs.	2.04	2.52	3.00	3.84	4.56	5.11	6.00
24 hrs.	2.40	2.88	3.60	4.56	5.76	6.48	7.44

FIGURE B-1
ALTERNATING BLOCK METHOD FOR
RAINFALL DISTRIBUTION

The Alternating Block Method can be utilized by to develop design hyetographs from the PennDOT Storm Intensity-Duration-Frequency (PDT-IDF) curves. This method redistributes the incremental rainfall values developed from the PDT-IDF curves in a quasi-symmetrical form, where the block of maximum incremental depth is positioned at the middle of the required duration and the remaining blocks of rainfall are arranged in descending order, alternately to the right and to the left of the central block. Example B-1 below shows this method for a 100-year, 2-hour duration storm with 20-minute time intervals.

Example B-1
100-Year, 2-Hour Duration Storm Hyetograph Development
Region 4

(1)	(2)	(3)	(4)	(5)
Time (min)	100-Yr. Rainfall Intensity (Inches/hr)	100-Yr. Accumulated Rainfall Depth (Inches)	100-Yr. Incremental Rainfall Depth (Inches)	100-Yr. Rainfall Distribution (Inches)
0	0.00	0.00	0.00	0.00
10	5.90	0.98	0.98	0.08
20	4.39	1.46	0.48	0.14
30	3.58	1.79	0.33	0.12
40	3.05	2.03	0.24	0.21
50	2.69	2.24	0.21	0.33
60	2.41	2.41	0.12	0.98
70	2.24	2.61	0.20	0.48
80	2.06	2.75	0.14	0.24
90	1.89	2.84	0.08	0.20
100	1.79	2.98	0.10	0.10
110	1.69	3.10	0.12	0.12
120	1.59	3.13	0.08	0.08

Notes:

Values from Column (2) are derived from the appropriate rainfall chart based on the location of the site under analysis. (Region 4 in this example, therefore use Figure B-3)

Column (3) = Column (2) * Column (1) / 60 minutes (i.e. 5.9 inches / hr * 10 min / 60 = 0.98).

Column (4) = Difference in Column (3) for each time interval (i.e. 1.46 – 0.98 = 0.48).

Column (5) is Column (4) rearranged with the maximum increment from column (4) placed at the middle of the event (Time = 60 minutes, in this example), then rearranging the remaining values from Column (4) in descending order, alternately right and left (below and above) the central block.

FIGURE B-2
PENNDOT DELINEATED REGIONS
Source: Field Manual of Pennsylvania Department of Transportation May 1986

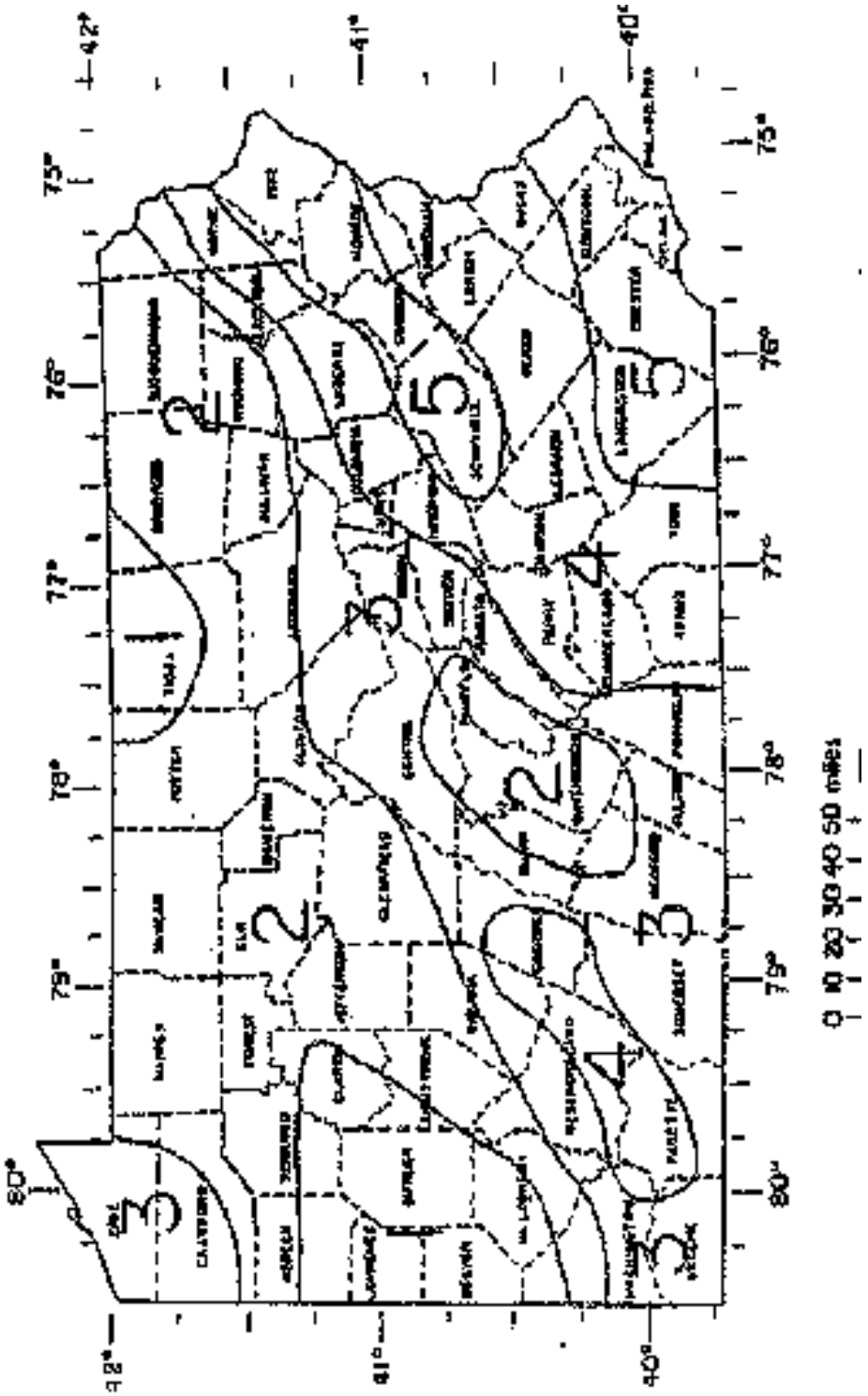


Table B-2. Runoff Curve Numbers
Source: NRCS (SCS) TR-55

GROUP LAND USE DESCRIPTION		HYDROLOGIC SOIL A	B	C	D
Open Space		44	65	77	82
Orchard		44	65	77	82
Meadow		30	58	71	78
Agriculture		59	71	79	83
Forest		36	60	73	79
Commercial	(85% Impervious)	89	92	94	95
Industrial	(72% Impervious)	81	88	91	93
Institutional	(50% Impervious)	71	82	88	90
Residential					
Average Lot Size	% Impervious				
1/8 acre or less*	65	77	85	90	92
1/8 – 1/3 acre	34	59	74	82	87
1/3 – 1 acre	23	53	69	80	85
1-4 acres	12	46	66	78	82
Farmstead		59	74	82	86
Smooth Surfaces (Concrete, Asphalt, Gravel or Bare Compacted Soil)		98	98	98	98
Water		98	98	98	98
Forest/Mining Mix		75	75	75	75

* Includes Multifamily Housing unless justified lower density can be provided.

Note: Existing site conditions of bare earth or fallow shall be considered as meadow when choosing a CN value. Existing conditions should be assumed to be meadow in good condition, unless the actual existing conditions result in a lower runoff curve number, in which case the lower number will be used.

FIGURE B-3

PENNDOT STORM INTENSITY-DURATION-FREQUENCY CURVE
REGION 4

Source: Field Manual of Pennsylvania Department of Transportation, May 1986

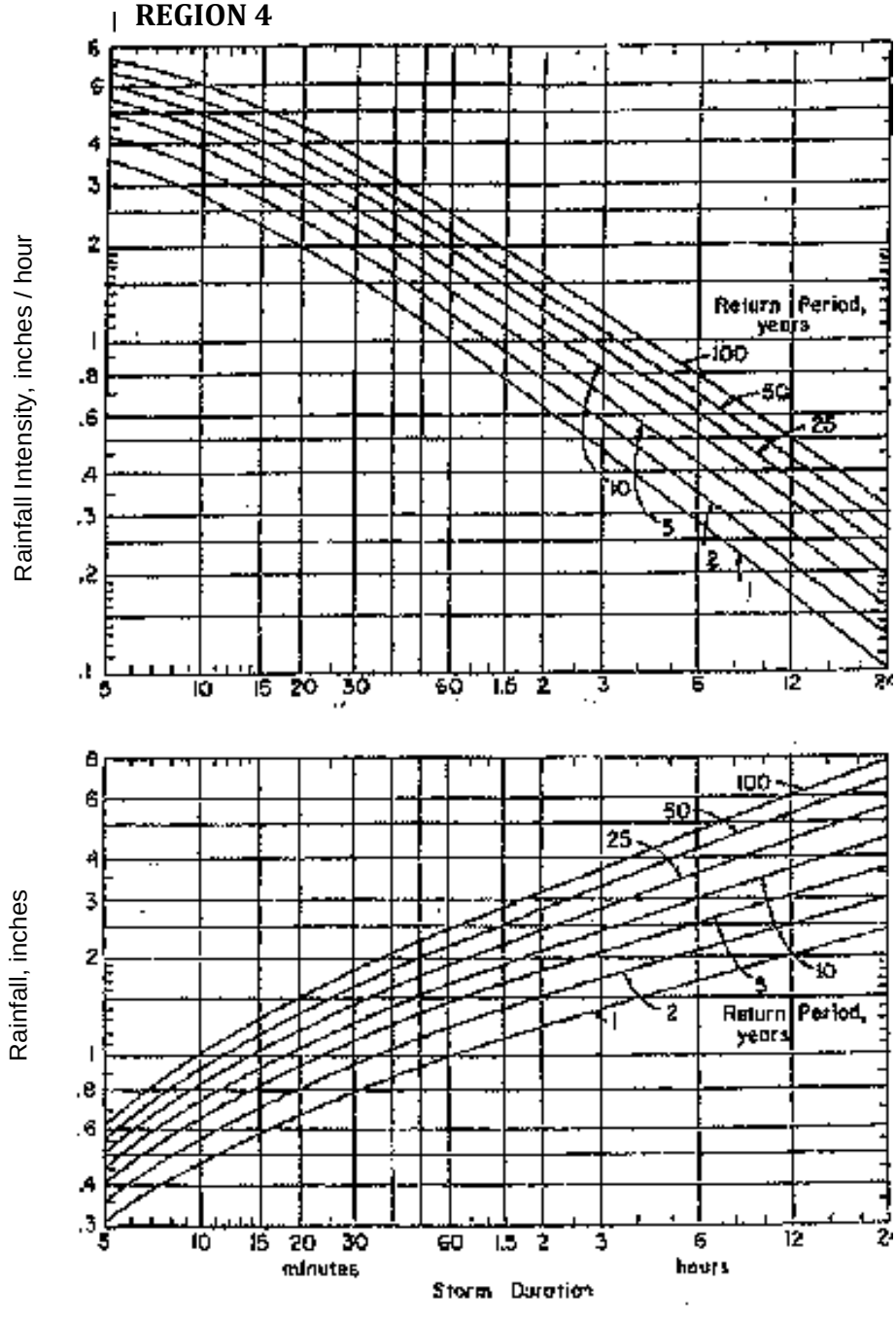


Table B-3. Rational Runoff Coefficients (AMC II)

LAND USE DESCRIPTION	HYDROLOGIC SOIL GROUP A	B	C	D
Cultivated Land : without conservation treatment	.49	.67	.81	.88
: with conservation treatment	.27	.43	.61	.67
Pasture or range land : poor condition	.38	.63	.78	.84
: good conditions	---*	.25	.51	.65
Meadow : good conditions	---*	---*	.44	.61
Wood or Forest Land : thin stand, poor cover, no mulch .70		---*	.34	.59
: good cover	---*	---*	.45	.59
Open Spaces, lawns, parks, golf courses, cemeteries				
Good conditions : grass cover on 75% or more of the area	---*	.25	.51	.65
Fair conditions : grass cover on 50% to 75% of the area	---*	.45	.63	.74
Commercial and business areas (85% impervious)	.84	.90	.93	.96
Industrial districts (72% impervious)	.67	.81	.88	.92
Residential:				
Average lot sizeAverage % Impervious				
1/8 acre or less 65	.59	.76	.86	.90
1/4 acre 38	.25	.49	.67	.78
1/3 acre 30	---*	.49	.67	.78
1/2 acre 25	---*	.45	.65	.76
1 acre 20	---*	.41	.63	.74
Paved parking lots, roofs, driveways, etc.	.99	.99	.99	.99
Streets and roads:				
Paved with curbs and storm sewers	.99	.99	.99	.99
Gravel	.57	.76	.84	.88
Dirt	.49	.69	.80	.84

Notes: Values are based on S.C.S. definitions and are average values.

Values indicated by "---" should be determined by the design engineer based on site characteristics.

Source: New Jersey Department of Environmental Protection, *Technical Manual for Stream Encroachment*,
August 1984, revised 1995

Table B-4. Roughness Coefficients (Manning's "n") For Overland Flow
Source: U.S. Army Corps of Engineers, HEC-1 Users Manual

Surface Description	n		
Dense Growth	.04	-	.05
Pasture	.03	-	.04
Lawns	.02	-	.03
Bluegrass Sod	.02	-	.05
Short Grass Prairie	.01	-	.02
Sparse Vegetation	0.05	-	0.13
Bare Clay-Loam Soil (eroded)	0.01	-	0.03
Concrete/Asphalt – very shallow depths (less than ¼ inch)	0.10	-	0.10
– small depths (¼ inch to several inches)	0.05	-	0.10

Roughness Coefficients (Manning's "n") For Channel Flow

Reach Description	n
Natural stream, clean, straight, no rifts or pool	0.03
Natural stream, clean, winding, some pools or shoals	0.04
Natural stream, winding, pools, shoals, stony with some weeds	0.05
Natural stream, sluggish deep pools and weeds	0.07
Natural stream or swale, very weedy or with timber underbrush	0.10
Concrete pipe, culvert or channel	0.012
Corrugated metal pipe	0.012-0.027(1)
High Density Polyethylene (HDPE) Pipe	
Corrugate	0.021-0.029(2)
Smooth Lined	0.012-0.020(2)

(1) Depending upon type, coating and diameter
(2) Values recommended by the American Concrete Pipe Association, check Manufacturer's recommended value.

Table B-5, 24-Hour Storm Values Representing 90% of Annual Rainfall

PennDOT Rainfall Region	P Inches
1	1.13
2	1.48
3	1.60
4	1.95
5	2.04

Source: Field Manual Pennsylvania Department of Transportation, May 1986

The developer may, subject to approval of the Municipal Engineer, use the stormwater credits, described in the following table, in computing proposed conditions hydrograph:

Table B-6. Nonstructural Stormwater Management Measures

Stormwater Measure	Description
Natural Area Conservation	Conservation of natural areas such as forest, wetlands, or other sensitive areas in a protected easement thereby retaining their existing conditions hydrologic and water quality characteristics.
Disconnection of Rooftop Runoff	Rooftop runoff is disconnected and then directed over a pervious area where it may either infiltrate into the soil or filter over it. This is typically obtained by grading the site to promote overland flow or by providing bioretention on single-family residential lots.
Disconnection of Non-Rooftop Runoff	Disconnect surface impervious cover by directing it to pervious areas where it is either infiltrated or filtered through the soil.
Stream Buffers	Stream buffer effectively treats stormwater runoff. Effective treatment constitutes capturing runoff from pervious and impervious areas adjacent to the buffer and treating the runoff through overland flow across a grass or forested area.
Grass Channel (Open Section Roads)	Open grass channels are used to reduce the volume of runoff and pollutants during smaller storms.
Environmentally Sensitive Rural Development	Environmental site design techniques are applied to low density or rural residential development.

Source: Modified from *Maryland Best Management Practices Manual*, 2000

ORDINANCE APPENDIX C
Sample Drainage Plan Application and Fee Schedule

(To be attached to the land subdivision plan or development plan review application or minor land subdivision plan review application)

Application is hereby made for review of the Stormwater Management and Erosion and Sedimentation Control Plan and related data as submitted herein in accordance with the _____ Township Stormwater management and Earth Disturbance Ordinance.

_____ Final Plan _____ Preliminary Plan_____Sketch Plan

Date of Submission _____ Submission No._____

1. Name of subdivision or development _____
2. Name of applicant _____Telephone No. _____
   (if corporation, list the corporation's name and the names of two officers of the corporation)
   _____
   Officer 1
   _____
   Officer 2

   Address_____
   Zip _____

   Applicant's interest in subdivision or development _____
   (if other than property owner give owners name and address)

3. Name of property owner _____
4. Telephone No. _____

   Address_____
   Zip _____

5. Name of engineer or surveyor _____ Telephone No._____

   Address_____
   Zip _____

6. Type of subdivision or development proposed:
   _____ Single-Family Lots _____Townhouses _____ Commercial (Multilot)

_____ Two Family Lots _____ Garden Apartments _____ Commercial (One lot)
_____ Multifamily Lots _____ Mobile-Home Park _____ Industrial (Multilot)
_____ Cluster Type Lots _____ Campground _____ Industrial (One Lot)
_____ Planned Residential Development _____ Other (_____)

7. Linear feet of new road proposed?_____L.F.

8. Area of proposed and existing impervious area on entire tract.
   a. Existing (to remain) _____ S.F. _____ % of property
   b. Proposed _____ S.F. _____ % of property

9. Stormwater
   a. Does the peak rate of runoff from proposed conditions exceed that flow that occurred for existing conditions for the designated design storm?
   _____
   _____
   _____

   b. Design storm used (on-site conveyance systems) (24-hr.)_____
      No. of Subarea _____
      Watershed Name _____

   Explain:_____

   _____

   c. Does the submission and/or district meet the release rate criteria for the applicable subarea?_____

   d. Number of subarea(s) from Ordinance Appendix D of the East Branch Perkiomen Watershed Stormwater Management Plan_____

   e. Type of proposed runoff control:_____

   _____

   f. Does the proposed stormwater control criteria meet the requirement /guide-lines of the stormwater ordinance(s)?_____
   If not, what variances/waivers are requested? _____
   g. Does the plan meet the requirements of Article III of the stormwater ordinance?
   _____

   If not, what variances/waivers are requested? _____

Reasons

h. Was TR-55, June 1986, utilized in determining the time of concentration?

i. What hydrologic method was used in the stormwater computations?

j. Is a hydraulic routing through the stormwater control structure submitted?

k. Is a construction or staging schedule attached? _____

l. Is a recommended maintenance program attached? _____

10. Erosion and Sediment Pollution Control (E&S):

a. Has the stormwater management and E&S plan, supporting documentation and narrative been submitted to the Montgomery County Conservation District? _____

b. Date of Submission _____
c. Total area of earth disturbance _____S.F.

11. Wetlands

a. Have the wetlands been delineated by someone trained in wetland delineation?

b. Have the wetland lines been verified by a state or federal permitting authority?

c. Have the wetland lines been surveyed? _____

d. Total acreage of wetland within the property _____

e. Total acreage of wetland disturbed _____

f. Supporting documentation _____

12. Filing

a. Has the required fee been submitted? _____

Amount_____

b. Has the proposed schedule of construction inspection to be performed by the applicant's engineer been submitted? _____

c. Name of individual who will be making the inspections _____

d. General comments about stormwater management at development:

_____

_____

CERTIFICATION OF OWNERSHIP AND ACKNOWLEDGMENT OF APPLICATION:
COMMONWEALTH OF PENNSYLVANIA
COUNTY OF _____

On this the day , 20 , before me, the undersigned officer, personally appeared _____ who being duly sworn, according to law, deposes and says that _____ owners of the property described in this application and that the application was made with knowledge and/or direction and does hereby agree with the said application and to the submission of the same.

_____
Property Owner

My Commission Expires _____, 20_____
Notary Public _____

THE UNDERSIGNED HEREBY CERTIFIES THAT TO THE BEST OF HIS KNOWLEDGE AND BELIEF THE INFORMATION AND STATEMENTS GIVEN ABOVE ARE TRUE AND CORRECT.

SIGNATURE OF APPLICANT _____

//

(Information Below This Line To Be Completed By The Municipality)

Township official submission receipt:

Date complete application received _____
Plan Number _____

Fees _____ date fees paid _____
Received by _____

Official submission receipt date _____

Received by _____

_____
Upper Salford Township

Drainage Plan
Proposed Schedule of Fees

Subdivision name _____

Submittal No. _____

Owner _____

Date _____

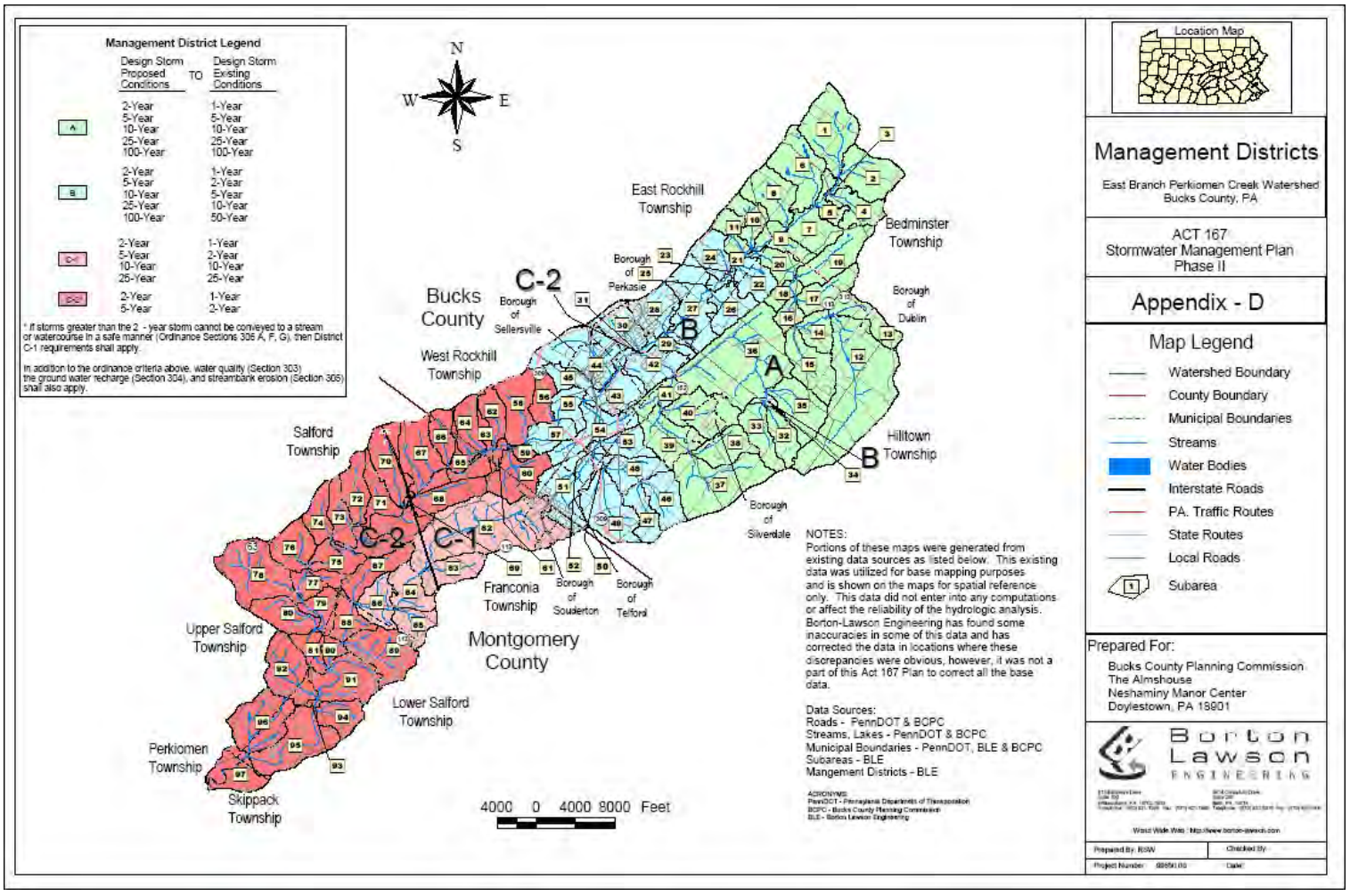
Engineer _____

1. Filing Fee $ _____
2. Land use
   - 2a. Subdivision, campgrounds, mobile home parks, multifamily dwelling where the units are located in the same local watershed. $ _____
   - 2b. Multifamily dwelling where the designated open space is located in a different local watershed from the proposed units. $ _____
   - 2c. Commercial/industrial. $ _____
3. Relative amount of earth disturbance
   - 3a. Residential
     - road < 500 l.f. $ _____
     - road 500 – 2,640 l.f. $ _____
     - road > 2,640 l.f. $ _____
   - 3b. Commercial/industrial and other
     - impervious area < 3,5000 s.f. $ _____
     - impervious area 3,500 – 43,560 s.f. $ _____
     - impervious area > 43,560 s.f. $ _____
4. Relative size of project
   - 4a. Total tract area < 1 ac $ _____
     - 1 – ac $ _____
     - 5 – 5 ac $ _____
     - 25 – 00 ac $ _____
     - 100 - 00 ac $ _____
     - > 200 ac $ _____
5. Stormwater control measures
   - 5a. Detention basins and other controls that require a review of hydraulic routings ($ per control). $ _____
   - 5b. Other control facilities which require Storage volume calculations but no hydraulic Routings. ($ per inspection) $ _____
6. Site inspection ($ per inspection) $ _____

Total $ _____

All subsequent reviews shall be 25% of the amount of the initial review fee unless a new application is required Per §18-123 of this Chapter 18, Part A. A new fee shall be submitted with each revision in accordance with this schedule.

Appendix – D Part 1B Management Districts East Branch Perkiomen Creek Watershed



PART 2

WASTEWATER DISPOSAL

A. SPRAY IRRIGATION WASTEWATER DISPOSAL SYSTEMS

§18 - 201. INSTALLATION OF INDIVIDUAL RESIDENTIAL SPRAY IRRIGATION SYSTEMS

No person, firm or corporation shall install, operate or maintain an individual residential spray irrigation sewage disposal system [IRSIS] within the Township of Upper Salford [hereinafter Township] without having first obtained a permit from the Township Sewage Enforcement Officer [hereinafter SEO] or the Montgomery County Health Department [hereinafter MCHD], as applicable, and without having executed and recorded an operation and maintenance agreement with the Township as authorized in this Part for the maintenance, operation and inspection of the system and without having paid all fees and costs, including the posting of financial security required under the operation and maintenance agreement as provided in this Part.

§18 - 202. DESIGN STANDARDS

All IRSIS systems constructed and installed in the Township shall be designed and installed in strict conformity with the design standards as set forth in Pa.Code, Title 25, Chapter 73, as amended and then in effect.

§18 - 203. APPLICATION AND SUBMISSIONS

In addition to obtaining a permit to install an IRSIS system from the Township SEO or the MCHD, a property owner or their contractor shall, prior to construction of any IRSIS system, submit an application to the Township on the form provided by the Township, together with the following information:

A. Where applicable, a Planning Module to revise the Township's Act 537 Sewage Facilities Plan.

B. Logs and analysis of soils in the proposed spray area.

C. A site review and analysis report prepared by a licensed SEO or a qualified soil scientist.

D. A site plan drawn to a minimum scale of fifty (50) feet to the inch and extending to a distance of four hundred (400) feet from the perimeter edge of the system's boundaries (including the proposed spray field), prepared by a registered engineer or land surveyor depicting existing and proposed contours at two (2) foot intervals within the spray field area and five (5) foot intervals outside the spray field area, wooded areas, buildings, wells, streams, on-lot sewage systems, plantings, grading, fences and other pertinent topographical features.

E. System design report and operation and maintenance manual.

F. An executed Operation and Maintenance Agreement in the form provided by the Township.

§18 - 204. OPERATION AND MAINTENANCE AGREEMENT; FINANCIAL SECURITY

Any property owner proposing the installation and use of an IRSIS system on any property within the Township shall be required to enter into an Operation and Maintenance Agreement in the form as provided in the Appendix to this Part. Upon issuance of a sewage facilities permit by the Montgomery County Health Department, the property owner shall deposit financial security in the amount as imposed by the Board of Supervisors. The Operation and Maintenance Agreement shall be recorded in the Office of the Recorder of Deeds.

§18 - 205. PENALTIES

Any person, firm or organization that shall install an IRSIS system without having first complied with the requirements of §§18-201 through 18-204 of this Part shall, upon conviction thereof, be sentenced to pay a fine of One Thousand ($1,000.00) Dollars, or in default of such payment thereof, be subject to imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense.

Disposition Note: Appendix consisting of §111 through §111 (inclusive) deleted. Ordinance 2010-2, 5/11/2010, §6.

Appendix – Form of Operations and Maintenance Agreement

Prepared By: Stephen P. Imms, Jr., Esquire
396 Main Street
Harleysville, PA 19438

Return To: Stephen P. Imms, Jr., Esquire
396 Main Street
Harleysville, PA 19438

Tax Parcel No. 62--*****-**-***

MAINTENANCE AGREEMENT FOR INDIVIDUAL RESIDENTIAL SPRAY IRRIGATION SEWAGE DISPOSAL SYSTEM

AN AGREEMENT, made this day of , 20**, by and between **THE TOWNSHIP OF UPPER SALFORD**, Montgomery County, Pennsylvania, (hereinafter referred to as "Township") and ********** (hereinafter referred to as "Property Owner").

WITNESSETH:

WHEREAS, the Property Owner is presently the owner, in fee simple, of a tract of land located and known as ******, Upper Salford Township, Montgomery County, Pennsylvania, Tax Parcel No. 62-**-*****-**-*; and

WHEREAS, Property Owner has applied for a permit from the Montgomery County Department of Health, incorporated herein by reference as though set forth at length, to permit the construction and installation of an Individual Residential Spray Irrigation Sewage Disposal System (hereinafter referred to as System) in order to address the long term sewage disposal needs on the property; and,

WHEREAS, as a condition of the operation of the System, the Montgomery County Department of Health and the Pennsylvania Department of Environmental Protection require that the applicant have in place an agreement with the Township providing for the maintenance of the System, and the Township requires such a maintenance agreement as a condition to the grant of a use and occupancy permit; and,

WHEREAS, the Township and Property Owners desire to memorialize the Agreements reached between them with respect to the installation, operation and maintenance of the aforesaid System so as to insure safe and orderly operation of same.

NOW, THEREFORE, for and in consideration of the covenants contained herein, the parties hereto agree as follows:

1. DESIGN, INSTALLATION AND OPERATION .

The System to be designed, installed, operated, and maintained by the Property Owners or their contracted operator upon the property shall be in accordance with the design considerations contained in the Sewage Facilities Permit, which is incorporated herein as though set forth at length herein, and in accordance with the requirements of the Department of Environmental Protection (hereinafter referred to as "DEP") and the Montgomery County Health Department.

2. DESIGN APPROVAL; CERTIFICATION.

The System design shall be submitted to and approved by Montgomery County Health Department and, if necessary, DEP, and the Property Owners shall certify to the Township and the Montgomery County Health Department and, if necessary, DEP, that the design, construction, and installation of the facility and its "start up" have been completed for said property in accordance with the permits granted by the Montgomery County Health Department or DEP, as applicable. The following design and performance criteria shall be met:

A. Prior to initial start-up of the System or within one month of occupancy of the dwelling the current Owner of the Property shall meet with the installation contractor and review the operation and maintenance of the System and the installer shall provide the Owner with the following:

1. Verbal and detailed written operation and maintenance instructions.

2. A detailed drawing showing the location, size, material type, and depth of all components of the System. A copy of the detailed drawing shall also be sent to the Township.

3. A complete review of the system indicating the location of all buried components of the System including provision of a caution notice regarding disturbance near and within the spray area that would cause damage to the System, such as surface compaction, or excavation for trees and fencing.

4. A complete explanation of the System's automatic alarm system and who to contact in the event the alarm would be activated.

B. Prior to the transfer of the Property or within one month of transfer of the Property to a new owner, the current Owner of the Property shall meet with the new Owner and review the operation and maintenance of the System and the Inspector shall provide the Owner with the following:

1. Verbal and detailed written operation and maintenance instructions.

2. A detailed drawing showing the location, size, material type, and depth of all components of the System. A copy of the detailed drawing shall also be sent to the Township.

3. A complete review of the system indicating the location of all buried components of the System including provision of a caution notice regarding disturbance near and within the spray area that would cause damage to the System, such as surface compaction, or excavation for trees and fencing.

4. A complete explanation of the System's automatic alarm system and who to contact in the event the alarm would be activated.

C. The Owner shall provide an adequate supply of electrical power with the proper phase, frequency, voltage as recommended by the equipment manufacturers of the various components of the system.

D. The Owner agrees to not plant trees or shrubs in the spray area or to otherwise compact, excavate or damage the spray area. The Owner agrees to protect the spray area from vehicle traffic and to divert from the spray area and System components all stormwater runoff from gutters and downspouts, driveways, swales and sump pump discharges.

E. The Owner agrees not to build any structures, including swimming pools and sprinkler systems, on or within 10 feet of the spray area, any components of the system, or within 10 feet of any replacement area test sites on the property.

F. The Owner agrees to use water conservation devices (such as low flow toilets, showerheads, dishwashers, and front-loading clothes washers) and to promptly repair leaking plumbing fixtures.

G. The Owner agrees to not introduce into the System harmful chemicals (oils and grease, gasoline, antifreeze, pesticides, paints and thinners, industrial soaps and detergents, harsh drain and toilet bowl cleaners) and clogging bulky items (sanitary napkins, diapers, paper towels, cigarette filters, cat litter, plastics, egg shells, bones, coffee grounds, latex products). The Owner also agrees to minimize garbage disposal use and to limit garbage disposal use to ordinary waste.

3. INSPECTION OF SYSTEM.

A. Within six (6) months date of the date of issuance of a use and occupancy to the Property Owner, and semi-annually thereafter, the Property Owner shall obtain an inspection of
the Systems by a registered sanitary engineer (who shall be a licensed professional engineer), (hereinafter referred to as "Engineer") or registered Sewage Enforcement Officer (hereinafter “SEO”) retained by Property Owner at their sole expense, who shall certify to the Property Owner
and the Township, in writing, that the system is operating in a satisfactory manner in accordance with the issued permit and all applicable regulations relating to the System. All certifications shall be sent to the Township Secretary at the address listed in Paragraph 11, hereof. Failure to provide
written certifications as required hereunder within ten days of the required inspection date shall be deemed to constitute an event of default and the Township shall be authorized to conduct such inspection as further provided herein and to take such actions as are necessary to secure the compliance with this Agreement.

B. At the direction of the Township Engineer or an official designated by the Board of Supervisors from time to time, but no less than annually, the inspection shall include the testing of any wells on the Lot and any well and/or body of water within one hundred (100') feet of any property boundary of the Lot, to confirm that the water supply provided by any tested well meets or exceeds the standards for residential potability as determined by DEP, the Montgomery County Health Department, or the Township, as applicable, and/or that the tested body of water remains unpolluted by the discharged effluent. The testing required by this Paragraph shall be conducted by an approved water testing laboratory.

C. Property Owner shall contract for the pumping of the solids from the septic tank and the cleaning of the septic tank once every three (3) years, at a minimum, or as the manufacturer’s system specifications shall provide. Property Owner shall provide the Township with a copy of the pumping slip from a registered hauler within ten (10) days of the date of the pumping.

D. Septic tanks, dosing tanks, lift pump tanks, chlorine contact/storage tanks and filters shall be inspected for structural integrity, inlet and outlet baffles, electrical connections, operation of pumps and inspection of the filter for ponding.

E. Aerobic tanks shall be inspected for structural integrity of the tank, inlet and outlet baffles, buoyed solids retainer, pumps, siphons and electrical connections. The inspection and concurrent pumping of excess solids shall be conducted in accordance with manufacturer's and NSF requirements.

F. The free access sand filter, buried sand filter, chlorinators, the pressurized spray irrigation plumbing, spray nozzles and the spray field shall be inspected periodically by the property owner and every 6 months by the Engineer or SEO identified above. Each component shall be inspected by the Engineer or SEO for compliance with the following standards:

1. Chlorine residual sampled after the contact/retention tank shall be maintained at a concentration of at least 0.2 PPM.

2. The chlorinator shall be functioning within the specifications of the manufacturer. Bridging of chlorine tablets may not be occurring.

3. Solids may not be accumulated on the surface of the sand in the free access sand filter nor may 12 inches of effluent be ponded over the sand. The high water alarm must be functional.

4. The surface of the free access sand filter shall be raked and porous, and any sand removed must be replaced with sufficient clean sand to maintain the depth at a minimum of 24 inches.

5. The plumbing in the free access sand filter tank shall be functional and free of leaks, and the splash plates must be in place.

6. The sand filter tank and cover shall be structurally sound and secured to inhibit unauthorized access. Any insulation must be in place and in good condition.

7. The area around the sand filter shall be free of ponded effluent and downgradient seepage.

8. The plumbing to the spray field shall be functional and free of leaks.

9. The spray nozzles shall be functioning within the design specifications and the extent of the designed wetted perimeter and each nozzle.

10. A laboratory shall test the discharge to the system for fecal coliforms, carbonaceous biological oxygen demand (CBOD), suspended solids and chlorine residual to determine compliance with Chapter 72 (relating to the administration of the sewage facilities permitting program). The sample must be taken following the disinfection unit. At least annually, a copy of these test results, along with documentation of the most recent inspection of the system by the Engineer or SEO shall be sent to the Township.

4. <u>TOWNSHIP'S RIGHT TO INSPECT; GRANT OF IRREVOCABLE LICENSE</u>.

The Township shall be provided a copy of all written test reports and required certifications prepared by the Property Owner's Engineer. The System may be inspected by the Township at such times as the Township, in its sole discretion, shall elect, to ensure it is being properly maintained and all components are in good working order. For purposes of this Agreement, Property Owners grant to the Township an irrevocable license to enter upon their premises for the limited purpose of conducting any such inspection.

5. REPAIR OF SYSTEM .

In the event the report or certification prepared by the Property Owners' Engineer or inspections by the Montgomery County Health Department, DEP or by the Township, indicate the need for repair and/or replacement of any component part or all of the System in order to bring the System into compliance with Montgomery County Health Department regulations or DEP regulations, the Property Owners shall complete such repairs and obtain certification from the Engineer that the repairs have been made in accordance with his specifications, within thirty (30) days of the date the report is issued.

6. FAILURE TO COMPLETE NECESSARY REPAIRS; NOTICE .

In the event that the Property Owners fail or refuse to conduct the repairs and/or replacement required by Paragraph 5 hereof, or otherwise by the Montgomery County Health Department, Upper Salford Township or DEP, or to comply with the recommendations of their Engineer, factory representative, Township, Montgomery County Health Department, or DEP with respect to the repair and/or replacement of the System, or any part thereof, the Township shall have the right to enter upon the premises, conduct said inspections and to perform any repairs or replacements with respect to the System, all of which shall be made at the sole cost and expense of the Property Owners. Prior to entering upon the premises and conducting its own inspection or performing any repairs or replacements of the System or its component parts, the Township shall provide Property Owners ten (10) days written notice of its intentions to enter upon the premises for these purposes. The Property Owners shall have the right to comply with the terms of this Agreement within that ten (10) day period. Any notice required by the terms of this Agreement shall in accordance with Paragraph 11 hereof, and shall be effective upon such notice being placed in the U.S. Mail.

7. REMOVAL AND DISPOSAL OF EFFLUENT DURING MALFUNCTION .

During the period of time the System is inoperable or incapable of treating the discharged effluent such to meet or exceed the applicable water quality standards then in effect and applicable, Property Owners shall make such arrangements as are necessary to effect the removal and appropriate disposal of the effluent at a properly certified and licensed sewage disposal facility, at the sole cost and expense of the Property Owners. In the event that the Property Owners shall fail to make the necessary arrangements for the removal and disposal of the effluent, as aforesaid, the Township shall have the right, upon forty-eight (48) hours written notice to Property Owners, to enter upon the premises and cause the effluent to be removed and disposed of, at the sole cost and expense of the Property Owners. The Property Owners agree to continue this removal and disposal of effluent until such time as the System has been properly certified as operable by the Township Engineer or DEP, and shall, upon the request of the Township, provide the Township with such receipts evincing the removal and appropriate disposal of all effluent.

8. RECORDING OF MAINTENANCE AGREEMENT It is expressly understood and agreed that this Agreement, or a copy thereof, shall be recorded in the Office of Recorder of Deeds in and for the County of Montgomery, at the sole expense of the Property Owners, and that this Agreement shall be binding upon the Property Owners, their heirs, administrators, executors, successors and assigns, including any and all successors in title to the aforesaid premises which are the subject of this Agreement. It is further expressly understood and agreed that any and all duties and obligations of Property Owners with respect to the provisions of this Agreement and the operation of the System as provided herein, shall be a covenant to the land and will also run with the land and remain the obligation of the Property Owners and all successors in title.

9. MAINTENANCE GUARANTEE ACCOUNT; DEPOSIT WITH TOWNSHIP.

Prior to the issuance of any Building Permit or Certificate of Occupancy, it is hereby agreed by and between the Property Owners and Township that the Property Owners shall, concurrent with the execution of this Agreement, deposit with the Township, in the general fund accounts maintained by the Township (and not in an escrow account), the sum of **$2,500.00** to insure that the Property Owners shall complete and maintain the System as shown on the Plan, and in accordance with the specifications set forth by the Township or DEP. The Property Owner understands that this financial security may exceed the minimum requirements of the Pennsylvania Code, and specifically agrees that this amount is reasonable and necessary for the Township to secure its obligations under the Pennsylvania Sewage Facilities Act. The amount of the account balance shall be subject to review on the first and each subsequent anniversary of this Agreement by the Board of Supervisors of Upper Salford Township, which shall determine, in its sole discretion, whether the amount of the account shall be increased or decreased. The decision of the Board shall be final. If, at any time, the account balance shall fall below $2,500.00, or such revised amount as set by the Board of Supervisors, the Property Owners agree to tender the difference within thirty (30) days after written notice is provided to them by the Township. In the event that the Property Owners fail to tender the difference within thirty (30) days from the date of such written notice, the Township shall be entitled to such remedies for the breach of this agreement and, without limitation, authorized to take such steps as are necessary to place a municipal lien on the subject property in an amount sufficient to satisfy the deficiency. The Account may be attached or disbursed at the discretion of the Township to satisfy any and all costs, expenses or fees under the terms of this Agreement, including, without limitation, such costs, expenses or fees, including attorneys fees, incurred in connection with the enforcement of any portion of this Agreement.

The Property Owners understand and agree that the funds deposited with the Township pursuant to this Agreement shall not be maintained in a separate escrow account, and all interest earned thereon shall be the property of the Township. The Property Owners further understand and agree that upon sale or other conveyance of the property served by the system, the funds held by the Township shall not be returned to the Property Owners, and it shall be the responsibility of the Property Owners to obtain reimbursement of any funds balance from the purchaser or party acquiring title.

10. WITHDRAWAL FROM MAINTENANCE GUARANTEE ACCOUNT; LIEN.

The Property Owners agree to pay any and all fees, including attorneys fees, costs and expenses for the inspection, maintenance, operation and repair of the System or the enforcement of this Agreement, incurred by the Township, and the Property Owners hereby irrevocably authorize the Township to withdraw such funds as deposited with the Township to satisfy such fees and costs incurred. It is also agreed by the parties that any costs incurred by the Township for inspections, repairs, maintenance or removal of effluent in accordance with the terms of this Agreement shall be recoverable by the Township from the Property Owners, and the Property Owners hereby irrevocably authorize the Township to withdraw and apply such funds to satisfy such costs incurred. In the event that the Property Owners, their heirs, assigns or successors in interest, shall fail to pay the Township for all such costs or expenses, the Township shall have the absolute right to commence a civil action against the Property Owners for all costs and expenses incurred, including legal fees, or the Township may, at its option, cause a Municipal Lien to be filed and placed against said property pursuant to the Pennsylvania Municipal Lien Law in an amount equal to said costs and expenses, including, but not limited to, legal fees, or to

recover the balance from the fund created by the Property Owners under Paragraph 9 hereof.

11. CONNECTION WITH MUNICIPAL SANITARY SEWER SYSTEM .

The Property Owners further agree that should the Upper Salford Township Municipal Sanitary Sewer Collection System be expanded so that a collector main, force main or lateral is installed or constructed on, over or through Owner's property or through any cartway, roadbed, street or right-of-way immediately adjacent to Owner's property, Property Owners shall, upon receiving notice from the Township of Upper Salford, disconnect and decommission the System which is the subject of this Agreement, and shall connect any occupied structure on said property to the Municipal System without regard to the distance from the structure to the nearest point of said Municipal Collection System at Property Owners' sole cost and expenses. Upon certification of the satisfactory disconnection and decommissioning of the System by the Township Engineer, and after payment of all fees, costs and other expenses, including attorneys fees, the balance of the fund account, if any, shall be returned to the Property Owners, their successors or assigns.

12. LAND DEVELOPMENT; SUBDIVISION APPROVAL .

It is expressly understood and agreed that nothing contained herein shall be construed to waive, effect or alter any requirements of the Zoning, Land Development and Subdivision or other Ordinances of the Township or Employee to waive any requirements of such Ordinances. It is expressly understood and agreed that installation of the System upon the property does not constitute approval for any land development of the property.

13. INDEMNIFICATION AND HOLD HARMLESS.

Property Owners, for themselves, their heirs, administrators, executors, successors and assigns, shall, at all times, indemnify and save harmless the Township from any and all claims, suits, costs, legal expenses and/or judgments which may be brought against the Township for any damage, injury or for any adverse conditions causally or directly related to the installation, operation and maintenance of the said individual System by the Property Owners, including any appeals which may arise from the appeal of any permits issued by any jurisdiction in connection with this System, and shall include, without limitation, any claims arising out of any claims under environmental statutes or regulations. The Property Owners shall have the affirmative duty and obligation to defend the Township, its officials and employees, by any person or persons who allege damages, injuries or expenses sustained by them or having occurred by reason of the conditions, causes whether indirectly or directly related to the installation, operation and maintenance of the said individual System by the Property Owners. The aforesaid indemnification and hold harmless obligations shall be unconditional and perpetual. If the Property Owners fail to undertake the defense of the Township as to any such claim, and the Township is required to enter upon its own defense, Property Owners shall reimburse the Township for any expenses it may incur, including legal fees, engineering fees and other expert witness fees, and shall pay any judgment rendered against the Township as a result of such suit. In the event the Property Owners (or their heirs or assigns) shall fail to pay the costs, legal fees, other expenses or damages as herein provided, and the Township is required to pay same, the Township shall have the right to recover the monies it has expended either by suing the Property Owners (their heirs or assigns) by civil action or by causing a Municipal Lien to be placed on the property in an amount equal to the sums required to be expended by the Township. The certification of the Township Secretary as to the sums expended by the Township shall be conclusively binding on the Property Owners in ascertaining the amount of the lien.

14. "AS BUILT" PLANS .

Property Owners shall provide Township a complete set of "as-built" plans for the aforesaid System as finally approved by DEP or any other governmental agency having jurisdiction thereof.

15. REIMBURSEMENT FOR ENGINEERING; LEGAL FEES .

The Property Owners agree to reimburse the Township in such amounts as are determined necessary and appropriate by the Board of Supervisors for the engineering fees incurred in reviewing this Application for the amendment of the 537 Plan, as well as legal fees incurred for the review and preparation of this Agreement.

16. NOTICES.

All notices or other communications required to be given under the terms of this Agreement shall be in writing and shall be sent certified mail, postage prepaid, addressed as follows:

A: If to the Owner, addressed to:
****
****
****

B. If to the Township, addressed to:
Upper Salford Township
P.O. Box 100
Salfordville, PA 18958
With a copy to:
Stephen P. Imms, Jr., Esquire
396 Main Street
Harleysville, PA 19438

Notice may also be sent to such other address or address and to the attention of such other persons as any of the parties may notify the other in accordance with the provisions of this Agreement.

17. GENERAL PROVISIONS.

A. The remedies given to the Township under this Agreement are cumulative and the Township shall have in addition all other available remedies, including self-help and also those remedies allowed by law and in equity.

B. No delay in exercising or omission of the right to exercise any right or power by the Township shall impair any such right or power or shall be construed as a waiver of any breach or default, or as acquiescence thereto. One or more waivers of any term or condition of this Agreement by the Township shall not be construed by the Owner as a waiver of a continuing or subsequent breach of the same or any other term or condition of this Agreement.

C. All rights and obligations given herein to or imposed upon the respective parties hereto shall extend to and bind the several and respective successors and assigns, heirs, executors and administrators of the parties, provided, however, that Owner may not transfer, convey or assign their respective rights and obligations under this Agreement without the prior written consent of the Township.

D. All of the parties to this Agreement hereby consent to the exclusive jurisdiction of the Court of Common Pleas of Montgomery County, Pennsylvania, with respect to any dispute arising in connection with this Agreement or the enforcement thereof.

E. This Agreement shall be construed in accordance with the laws of the Commonwealth of Pennsylvania.

F. This document contains the entire agreement made between the parties on the matters covered by this Agreement. This Agreement may not be amended, altered, revoked, waived or clarified orally or by any action other than by a signed writing.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

UPPER SALFORD TOWNSHIP:

ATTEST: _____ BY: _____
SECRETARY , Chairman

PROPERTY OWNERS:

_____

_____
****

ACKNOWLEDGEMENT

COMMONWEALTH OF PENNSYLVANIA :
: ss.
COUNTY OF MONTGOMERY :

On this day of , 20XX, before me, the subscribed, a Notary Public for the Commonwealth of Pennsylvania, residing in the County of Montgomery, personally appeared , known to me to be the Chairman of the Board of Supervisors and Secretary, respectively of the Township of Upper Salford, and in due form of law acknowledged the above agreement to be their act and deed, and desired the same might be recorded as such.

_____
Notary Public

COMMONWEALTH OF PENNSYLVANIA :
: ss.
COUNTY OF MONTGOMERY :

On this day of , 20XX, before me, the subscribed, a Notary Public for the Commonwealth of Pennsylvania, residing in the County of Montgomery, personally appeared the above named **********and **********, and in due form of law acknowledged the above agreement to be their act and deed, and desired the same might be recorded a such.

_____
Notary Public

Note: This Appendix is intended as informational only. All specific Maintenance Agreement must be prepared and recorded by the Township Solicitor.

B. INDIVIDUAL ON-LOT SEWAGE SYSTEM MANAGEMENT

§18 - 251. SHORT TITLE

This Ordinance shall be known as and may be referred to as, the Upper Salford Township Individual On-lot Sewage Disposal System Management Ordinance.

§18 - 252. PURPOSES

A. To provide for the inventory, regulation, maintenance and rehabilitation of individual on-lot sewage disposal systems; to further permit intervention in situations which may constitute a public nuisance or hazard to the public health; and to establish penalties and appeal procedures necessary for the proper administration of a sewage management program.

B. To establish minimum standards for the periodic pumping of treatment, dosing and lift-pump tanks which are components of on-lot systems permitted by the SEO; and,

C. To adopt standards for the installation and subsequent pumping of systems and tanks.

D. To provide standards for lot area adjustment and replacement testing for all lots proposed to be created by land development or subdivision.

§18 - 253. TERMS AND DEFINITIONS

The following words and terms when used in this Part 2B of Chapter 18 shall have the following meanings when used in this Chapter:

Absorption Area - a component of an individual or community sewage system where liquid from a treatment tank seeps into the soil; it consists of an aggregate-filled area containing piping for the distribution of liquid and the soil or sand/soil combination located beneath the aggregate.

Act - The Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. (1965) 1035, No. 537, as amended, 35 P.S. § 750.1 et. seq.

Authorized Agent - A Certified Sewage Enforcement Officer (SEO), professional engineer or sanitarian, plumbing inspector, soils scientist, water quality coordinator, or any other person who is designated to carry out the provisions of this Ordinance as the agent of the Board.

Board - The Board of Supervisors of Upper Salford Township, Montgomery County, Pennsylvania.

Bonded Disposal System - An individual sewage system located on a single lot serving a single family residence, where soil mottling is within 20 inches of the mineral soil surface,

and the installation, operation and replacement of which is guaranteed by the property owner.

Montgomery County Health Department (MCHD) – The designated Sewage Enforcement Officer (SEO) for Upper Salford Township for permitting of individual on-lot sewage facilities and for enforcement of on-lot sewage disposal regulations.

Community Sewage System - A system, whether publicly or privately owned, for the collection of sewage of a liquid nature from two or more lots, and for the treatment or disposal of the sewage on one or more of the lots or at any other site.
DEP/the Department - The Department of Environmental Protection of the Commonwealth of Pennsylvania.

Developer - Any person, partnership or corporation which erects or contracts to erect a building on property owned by it, with the intent to sell the building to some other party upon its full or partial completion, or upon the conveyance of property on which the building is to be built.

Equivalent Dwelling Unit (EDU) - For the purpose of determining the number of lots in a subdivision or land development, that part of a multiple-family dwelling, commercial, industrial, or institutional establishment with sewage flows equal to four hundred (400) gallons per day.

Gray Water - Domestically generated liquid wastes including kitchen and laundry wastes and water softener backwash.

Individual On-lot Sewage System (OLDS) – A sewage disposal system which uses a system of piping, tanks and an absorption area for soil absorption of sewage effluent either on the lot being served or in an easement onto another lot.

Individual Residential Spray Irrigation System (IRSIS) - A sewage disposal system which uses a system of piping, tanks, treatment modules and the spraying of treated effluent either on the lot being served or in an easement onto another lot. See Upper Salford Township Code, Chapter 18, Sewers and Sewage Disposal, Part 2A, Spray Irrigation Wastewater Disposal Systems.

Individual sewerage system - An individual sewage system, which uses a method of sewage collection, conveyance, treatment and disposal other than renovation in a soil absorption area, or retention in a retaining tank.

Malfunction - The condition, which occurs when an on-lot system causes pollution to the ground or surface waters, contamination of private or public drinking water supplies, nuisance problems or hazard to public health.

Owner - Any person, corporation, partnership, etc. holding deed or title to lands within the Township.

Planning Module for Land Development - A revision to, or exception to, the revision of the Official Plan, submitted in accordance with DEP regulations and in connection with the request for approval of a subdivision or land development plan.

Primary Area - An area on a lot, tract or parcel of land that has been tested by the SEO and found suitable, based upon the then current DEP site requirements for the installation of an on-lot sewage disposal system, and which will be preserved and protected from alteration for installation of the initial on-lot sewage disposal system for sewage generated on that lot, tract, or parcel. (see Replacement Area)

Pumper/Hauler Business - Any sole proprietor, company, partnership or corporation which engages in cleaning any or all components of a community or individual on-lot system and evacuates and transports the septage cleaned therefrom, whether for a fee or free of charge. For the purposes of this Article, pumper/hauler business which shall operate within Upper Salford Township shall be required to register with the Township of Upper Salford.

Pumper/Hauler Truck Operator - A natural person who engages in cleaning any or all components of a community or individual on-lot sewage system and evacuates and transports the septage cleaned therefrom, whether for a fee or free of charge. For purposes of this Article, all pumper/hauler truck operators shall be employed with a business registered with the Township.

Regulations - The Pennsylvania Code, Title 25, Chapters 71, 72 and 73.

Repair - Work done to modify, alter, rehabilitate or enlarge an existing on-lot system.

Replacement Area - An area on a lot, tract or parcel of land, separate from the Primary Area, that has been tested by the SEO and found suitable, based upon the then current DEP site requirements, for the installation of an on-lot system and which will be preserved and protected from alteration for potential future use if the Primary Area on the same lot, tract, or parcel shall fail for any reason. (see Primary Area)

Retaining Tank - A watertight receptacle, which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. The term includes, but is not limited to, the following:

> **Chemical toilet** - A permanent or portable nonflushing toilet using chemical treatment in the retaining tank for odor control.
>
> **Holding tank** - A tank, whether permanent or temporary, to which sewage is conveyed by a water-carrying system. See specific regulations of Chapter 18, Part 2C.
>
> **Privy** - A tank designed to receive sewage where no piped water under pressure and no piped wastewater is available.
>
> **Incinerating toilet** - A device capable of reducing waste materials to ashes.

Composting toilet - A device for holding and processing human and organic kitchen waste, employing the process of biological degradation through the action of micro-organisms to produce a stable, humus-like material.

Recycling toilet - A device in which the flushing medium is restored to a condition suitable for reuse in flushing.

Septage - The residual scum, sludge and other materials pumped from septic or aerobic treatment tanks and the systems they serve.

Sewage - Any substance that contains any waste products, or excrement, or other discharge from the bodies of human beings or animals; a substance harmful to the public health, animal or aquatic life, or the use of water for domestic water supply or for recreation, or a substance which constitutes pollution to the waters of the Commonwealth under the Clean Streams Law (35 P.S. 691.1 - 691.1001).

Sewage Enforcement Officer (SEO) - Any person certified by the State Board for the Certification of Sewage Enforcement Officers. As applicable to the permitting of on-lot sewage disposal systems, such definition shall include any person certified as above and who is employed by the Montgomery County Health Department (MCHD) to administer the provisions of this Ordinance, the provisions of the Act, and the regulations in PA Code Title 25, Chapters 71, 72, and 73.

Sewage Facilities - Any method of sewage collection, conveyance, treatment, and disposal, which will prevent the discharge of untreated or inadequately treated sewage into the waters of this Commonwealth, or otherwise provide for the safe treatment and disposal of sewage or other waste.

Sewage Management Program - A comprehensive set of legal and administrative requirements encompassing the requirements of this Article and other administrative requirements adopted by the Township to effectively enforce and administer this Article.

Single and Separate Ownership - The ownership of a lot by one or more persons, which ownership is separate and distinct from that of any abutting or adjoining lot.

Soil Absorption System - An on-lot system that uses the renovative capacity of the soil for final treatment of the effluent. All SEO permitted systems, except retention tank systems, are soil absorption systems.

Subdivision - The division or redivision of a lot, tract or other parcel of land into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines. The enumerating of lots shall include as a lot that portion of the original tract or tracts remaining after other lots have been subdivided therefrom.

Township – Upper Salford Township, Montgomery County, Pennsylvania.

Treatment Tank - A watertight tank designed to retain sewage long enough for satisfactory bacterial decomposition of the solids to take place. The term includes the following:

Septic tank - A treatment tank that provides for anaerobic decomposition of sewage prior to its discharge to an absorption area.

Aerobic sewage treatment tank - A mechanically aerated treatment tank that provides aerobic biochemical stabilization of sewage prior to its discharge to an absorption area.

§18 - 254. APPLICABILITY: PERMITS REQUIRED

A. The provisions of this Article shall apply to all existing on-lot sewage disposal systems, as well as all new systems proposed and permitted within the Township.

B. All individual or community on-lot systems, regardless of the size of the lot, tract, or parcel on which they are proposed to be constructed, are subject to issuance of a permit by the SEO pursuant to the requirements of this Ordinance, the Act and Regulations.

C. Building or zoning permits will not be issued for any building, or improvement to real property to be serviced by an on-lot system, without submission of a permit for the installation of the on-lot system from the SEO. Additionally, a registration form shall be filed with the Township for all new systems prior to the issuance of a building or zoning permit for the use of any structure being served by the on-lot sanitary sewage disposal system.

D. All system components including absorption areas shall be located on the same lot, tract, or parcel as the structure they will serve. Systems or components cannot be located on a separately deeded parcel, regardless of the parcel's ownership, or through means of an easement, right-of-way or other instrument, unless approved by the SEO and the Upper Salford Township Board of Supervisors.

E. All planning modules proposing individual or community sewage systems which require a DEP permit shall include a provision granting the Township and its agents the right to enter the premises to inspect the construction and/ or operation of the DEP permitted system, and if the system is not being constructed or operated according to the permitted design, issue a stop work order or revoke the occupancy permit until construction or operation is brought into compliance with the permit.

F. No on-lot system shall be altered, extended, augmented, modified or repaired without the issuance of a repair permit by the SEO.

G. No on-lot system shall be used or loaded in a manner which is inconsistent with the permit that was issued to authorize that system's installation.

H. Permit applications for on-lot systems which include electronically, mechanically, hydraulically or pneumatically operated or controlled devices shall be accompanied by the respective manufacturer's recommended maintenance schedule and product specifications.

I. Permit applications for which the provisions of §18 - 256 of this Part 2B of Chapter 18 apply shall include a fully executed maintenance contract indicating the person or company responsible to carry out the required maintenance, the maintenance schedule, and a provision that if the contract is terminated the owner shall provide the Township with the new maintenance contract within thirty (30) days.

§18 - 255. REPLACEMENT AREAS; LOT AREA ENLARGEMENT

A. A replacement area shall be required for all proposed or existing lots on which a dwelling or structure providing sanitary facilities is proposed to be constructed which are intended to be serviced by a soil absorption system, except an IRSIS. All replacement areas shall be subject to testing and confirmation by soils testing that the replacement area meets the minimum standards established in PA DEP Regulations for soil absorption systems. When required, testing for a replacement area shall be conducted and the results provided to the Township prior to the approval of any plan of subdivision or land development. No replacement area shall be required for any application involving the replacement of an existing, malfunctioning system.

B. In the absence of verification of the suitability of any land allocated for use as a replacement area, provision of open land for the replacement area shall not constitute compliance with the requirements of this section, §18 - 255.

C. The location of the primary and replacement areas shall be delineated and identified as an absorption area on the plot plans, maps or diagrams submitted as part of the permit application and subdivision or land development plan.

D. The description, including metes and bounds, of every primary and replacement absorption area shall be recorded as part of the deed for each lot created as part of a subdivision or land development and shall contain language reflecting the following:

1. No improvements, whether permanent or temporary, shall be constructed upon or within the primary or replacement absorption area or any setback areas required for the issuance of a sewage facility permit.

2. No permanent or temporary alterations, grading, excavation, stockpiling of any soil or any other material shall take place on or in the primary or replacement absorption area or any required setback area.

3. During any construction or other activities, the primary or replacement absorption area shall be so marked to prevent equipment with greater wheel loadings than a common garden tractor/riding mower from traveling over or operating upon the surface of the absorption area.

4. The final cover or improvement to every primary or replacement absorption area shall be limited to shallow-rooted plant matter.

E. A landowner wishing to alter the use of the primary or replacement absorption area shall document through a site evaluation by the SEO, that an additional area

suitable for the installation of an on-lot system exists. Upon confirmation and acceptance of the alternate replacement area, the landowner shall execute a declaration which shall meet the requirements of subsection D of this section, §18–255, and shall describe by metes and bounds the area to be abandoned, to be recorded in the Office of the Recorder of Deeds of Montgomery County. The recording of the required declaration shall be completed by the Township at the sole cost of the landowner.

§18 - 256. INDIVIDUAL RESIDENTIAL SPRAY IRRIGATION AND ADVANCED TECHNOLOGY SYSTEMS

A. Individual Residential Spray Irrigation Systems.

1. All applications for on-lot systems which propose to use an Individual Residential Spray Irrigation System as the treatment method, shall comply with the requirements of Chapter 18, Part 2, §§18-201 through 18-205, inclusive. All applications shall include an Operation and Maintenance Agreement as provided by the Township.

2. Upon obtaining a permit for the construction of an on-lot system utilizing an Individual Residential Spray Irrigation Systems, and prior to the commencement of any construction, the landowner shall deposit with the Township the sum of $2,500.00, or such amount as has been established by the Township by resolution, whichever is greater.

B. Advanced Technology Systems

1. Those systems listed on Table V-3 at D, E, F and G in the Act 537 Sewage Facilities Plan of Upper Salford Township shall be included within this classification, as well as such systems classified as alternate or experimental by the DEP alternate or experimental technical guidance manual. No system which is not included in Table V-3 shall be permitted to be installed unless an amendment to the official Act 537 Sewage Facilities Plan is approved by the Township and only upon such conditions as may be imposed by the Township relating to its operation and maintenance.

2. Where required by applicable PA DEP permitting regulations as a condition for the issuance of a Sewage Facilities Permit, all applications for advance technology systems shall be required to include an Operation and Maintenance Agreement as provided by the Township.

3. Upon obtaining a permit for the construction of an on-lot system utilizing an Advanced Technology System, and prior to the commencement of any construction, the landowner shall deposit with the Township the sum of $2,500.00, or such amount as has been established by the Township by resolution, whichever is greater. Provided, however, that this requirement shall only apply to those on-lot systems where the applicable PA DEP permitting regulations require that a property owner enter into an operation

and maintenance agreement with the Township as a condition of the issuance of a Sewage Facilities Permit.

§18 - 257 - MAINTENANCE OF SYSTEMS

A. The owner of a property upon which an on-lot system is constructed shall at all times operate and maintain the on-lot system in such condition as will permit it to function in the manner in which it was designed and to prevent the unlawful discharge of sewage.

B. The owner of a property upon which an on-lot system is constructed shall maintain the area around such system so as to provide convenient access for maintenance and pumping, and divert surface water and downspouts away from the absorption area and system components.

C. All gray water shall be required to be discharged into the on-lot sanitary sewage disposal system. Any property with a gray water discharge to the ground surface shall correct such discharges and route the gray water into the treatment tank (i.e. septic tank, cesspool, etc.) All re-routing and connections of gray water discharge to the on-lot sanitary sewage disposal system shall require a permit from the MCHD.

D. In the event a landowner or authorized entity detects conditions that indicate or could reasonably be interpreted to indicate a malfunction, the landowner shall contact the SEO and if repair or replacement is necessary, apply for a permit to repair or replace the malfunctioning system.

E. Every aerobic or septic treatment tank which discharges effluent to a soil absorption area or to an individual residential spray irrigation system shall be pumped out according to the schedule in §18-260 of this Part 2B of Chapter 18. If a component's manufacturer requires a more frequent pumping interval than contained in this ordinance, that interval shall be deemed the minimum interval for pumping.

F. When an on-lot system's treatment tank is pumped out, all dosing tanks, lift tanks and other tanks associated with the system shall also be pumped out.

G. Retaining tanks and privies shall be pumped out at such intervals as will prevent overflow, leakage, backup, other malfunction, or a public health hazard or nuisance, but no less frequently than one time per year.

H. Upon completion of each required pumping, the property owner shall provide the required information to the Township.

I. Initial and periodic tank pumping shall be performed to these minimum standards unless other standards are specified by an equipment manufacturer:

   1. Tanks shall ONLY be pumped from/through the manhole/access port, i.e., the largest tank opening.

2. Tanks shall NOT be pumped from/through the observation port.

3. Every pump-out shall include a visual inspection of the interior of the tank including a determination regarding the presence of baffles and their condition, as well as the physical condition of the treatment tank and the presence and condition of observation port(s).

4. At all times, and in all phases of operations, pumper businesses and equipment operators shall comply with all laws and regulations regarding the activities associated with on-lot wastewater system maintenance and disposal of materials removed therefrom.

5. The pumper/hauler business shall provide a pumping receipt to the landowner.

J. Any person owning a building served by an aerobic treatment tank or an on-lot system, which includes any electrically, mechanically, hydraulically or pneumatically operated or controlled device shall follow the maintenance recommendations of the equipment's manufacturer.

1. A copy of the manufacturer's recommendations and owner's manual shall be on file with the Township after the effective date of this Ordinance.

2. Landowners of systems with components requiring periodic maintenance shall be required to submit reports of maintenance performed to the Township documenting maintenance/service was performed at the intervals called for and in a manner consistent with the various components' manufacturers.

3. In no case may the service or pumping intervals exceed those established in §18-260 of this Part 2B of Chapter 18.

K. Where a system is permitted pursuant to §18 - 256 of this Part 2B of Chapter 18, the maintenance requirements shall be as required by the Operation and Maintenance Agreement except where the provisions of this Ordinance are more stringent, in which case the requirements of this Ordinance shall prevail.

§18 - 258 - OPERATION OF SYSTEMS

A. All systems shall be operated by the user in a manner that is in full compliance with the terms of this Ordinance, the Act and Regulations, and the system's permit.

B. Only sewage and normal domestic wastes shall be discharged into any sewage facilities.

C. The following **SHALL NOT** be discharged into the sewage facilities:

1 Industrial waste
2 Fats and grease
3 Motor oil

4 Hazardous waste
5 Chemicals including, but not limited to:
    a. Pesticides and herbicides
    b. Acids
    c. Paint, paint thinner and solvents, including latex or water based paints
    d. Wallpaper pastes and adhesives
    e. Photo processing chemicals
6 Down spout and/or roof drain discharges
7 Sump pump and basement drain discharges

D. All water used within a residence, including kitchen and laundry wastes and water softener backwash, and all sewage, including water used in hot tubs or saunas, shall be discharged into a treatment tank.

E. The Township may require the on-site pretreatment of effluents prior to their discharge to any sewage facilities operated or owned by the Township or any other entity, to assure that the effluent's chemical or biological constituents are compatible with the renovative methods employed by the receiving facilities.

F. No sewage system shall discharge untreated or partially treated sewage to the surface of the ground, or into the waters of the Commonwealth of Pennsylvania, unless a permit to discharge has been obtained from the DEP.

§18 - 259 - REGISTRATION

All pumper/hauler businesses shall be registered with Upper Salford Township and no pumper/hauler business shall conduct business or perform services within Upper Salford Township without being first registered with the Township. A pumper/hauler business registering with the Township shall be obligated to provide a copy of its current, valid license from the Pa.DEP, a list of treatment facilities to which waste is transported for treatment and a Certificate of Insurance.

§18 - 260 - SCHEDULE OF MAINTENANCE

A. Every on-lot system in the Township shall be required to be pumped out at a minimum of at least every three years in accordance with §18 – 257 of this Part 2B of Chapter 18 and in accordance with the schedule of compliance as adopted by the Township. The schedule for pumping shall be in accordance with that established by the Township.

B. Compliance with this section shall be established by providing a pumping receipt dated after the effective date of this Ordinance and during the schedule of compliance as referenced in subsection A hereof.

C. After the initial pumping as required under subsection A. of this section, §18 - 260, tanks in all systems shall be pumped out at a minimum regular interval of once every three (3) years from the year of either the initial pumping or a subsequent

pumping. Compliance with this section shall be established by the property owner submitting a pumping receipt dated within 30 days of the date of the work. Tanks that have been subjected to more frequent pumping, by the nature of their size, loading rate or other system characteristics, should continue to receive that frequency of pumping. This Ordinance shall not be construed in any manner as direction or authorization to reduce the frequency of pumping. This Ordinance establishes the minimum pump out requirement for all treatment tanks that do not exhibit characteristics that indicate more frequent pumping is required. Landowners, at their discretion, may choose to have tanks pumped out more frequently. When more frequent pump-outs are undertaken in a manner consistent with §18 - 257 of this Part 2B of Chapter 18, the date of the subsequent regular pump-out shall be deemed to be the last day of the last month three years following the year of the voluntary pump-out. In the event that on-lot sewage disposal is no longer used to serve a property, whether on that property or on another lot pursuant to a recorded easement, any right of entry reserved to the Township under this ordinance shall cease.

D. The Township reserves the right to modify this operation and maintenance program as the Township, in its exercise of its authority under applicable law, shall determine appropriate. In the event that a report of a failure or malfunction of such system is received by the Township, the Township shall be authorized to refer the alleged malfunction to the Montgomery County Health Department and/or conduct an inspection of any on-lot system The Township shall not be obligated to investigate anonymous reports of failure or malfunction.

E. Prior to entry for any purpose in connection with the enforcement of the provisions of this Part 2B, the Township shall give advance written notice to the occupant of a property to enable the occupant to be personally present or be represented by an agent at the time of such entry. Any adult occupant present on the property at the time a request to enter is made by an Authorized Agent may waive their right of advance notice. Advance notice shall be given at least twenty-four hours prior to entry, unless waived, and shall be by telephone, First Class Mail or posting of the property. If notice is provided by mail, the date of the proposed entry shall not be less than three (3) days from the date of the postmark of the letter.

§18 - 261 - SYSTEM REHABILITATION

The Township shall be authorized to refer to the SEO any conditions of an on-site sewage disposal system which, in the opinion of the Township represent an imminent public health hazard or environmental threat.

§18 - 262. - HEARING PROCEDURES FOR APPEALS AND VARIANCES

A. A party may request a hearing to appeal the decision and/or interpretation of a provision of this Ordinance by the Code Enforcement Officer or Authorized Agent or to seek a variance from the strict provisions of this Ordinance due to hardship.

Hearing applications shall be on forms prescribed by the Township, and shall be accompanied by a fee set from time to time by resolution of the Board of Supervisors.

1. Hearing applications shall be reviewed by the Township Secretary for completeness. Incomplete applications shall be returned to the applicant without action.

2. Hearings shall be held in accordance with the Local Agency Law.

3. The initial hearing shall be scheduled within thirty (30) days of a perfected application.

4. The Board of Supervisors may conduct the hearing and shall have the right to appoint a Hearing Officer to conduct the hearing in lieu of conducting the hearing before the whole Board.

5. A written decision shall be issued within twenty (20) business days of closing the record.

B. Applications for an appeal shall not be accepted after thirty (30) days from a written decision by the Code Enforcement Officer or Authorized Agent. Appeals shall be granted only where an appellant establishes by clear and convincing evidence that the purpose contained in §18-252 of this Ordinance is met, and there is no adverse impact on the health, safety and welfare of the community.

C. Variances. Applications for a variance shall not be accepted after thirty (30) days from the date of required compliance. The applicant bears the burden of proof that a hardship exists which warrants the grant of a variance. The Board shall have the authority to impose conditions upon any grant of a variance when it determines that such conditions are necessary to effect the purposes contained in §18-252 of this Part 2B of Chapter 18. A claimed inability to pay shall not be the sole basis for determining a hardship.

1. Relief from replacement area testing required under §18-255 of this Part 2B, Chapter 18 may be granted if the applicant presents credible evidence of each of the following;

    a. The lot was held in single and separate ownership on the effective date of the Ordinance by which this Chapter was enacted;

    b. Lot size of at least one acre;

    c. The results of a soil evaluation and testing that were conducted and which determine that the soil conditions on the lot are of an extent or nature that only a primary area exists on the lot;

    d. The inability of the applicant to acquire adjacent land, or the unsuitability of adjacent land which may provide a suitable replacement area.

2 The Board of Supervisors or Hearing Officer may condition relief on a more frequent pumping schedule, use of water conservation measures or other appropriate management techniques.

3 No lot shall be completely exempted from the requirements of this Ordinance regarding periodic tank pumping.

4 The required pump out frequency may be increased to assure proper operation of the system based on loading rates greater than described in the permit for the system or for other good cause.

5 The required pump out frequency may be decreased where the owner can demonstrate the system can operate properly without the need for pump-out every three years, provided the applicant presents credible evidence supporting each of the following:

a. Reduced system loading;

b. Accumulation of sludge, scum or other residual materials to a level less than one-third (1/3) the liquid capacity of the tank since the last pump out;

c. For aerobic tanks, the manufacturer's recommendations indicating a greater interval is appropriate;

d. A site investigation report from a qualified SEO indicating no malfunction appears on the lot;

e. The system is pumped out consistently with a permit issued for the lot.

6 An applicant requesting a decreased tank pumping frequency shall bear the cost of any inspection undertaken by the Township to verify information.

7 In no case shall the cumulative pump-out interval exceed five (5) years.

8 Any pumping frequency other than three (3) years shall automatically end when the factors predicated on the interval are no longer applicable.

9 No variance shall be available for any lot created after the effective date of the Ordinance by which this Chapter was enacted.

§18 - 263 - FEES

The Board may, by resolution, establish a fee schedule and collect fees as the Township determines necessary to offset the Township's costs of administering this Ordinance.

§18 - 264 - ABATING HEALTH HAZARDS – LIENS

A. Upon written notice from the SEO that an imminent health hazard exists due to failure of a property owner to properly operate, maintain, repair or replace an on-lot system as provided under the terms of this Ordinance, the Board shall have the authority but not the obligation to perform, or contract to have performed, any repairs as may be directed by the SEO to abate the health hazard.

B. The costs for the actual repair, repair permit and site investigations in support of the permit shall be borne by the property owner.

C. The Township may take whatever action necessary to recover these costs in accordance with law, including entering a lien against the property.

D. The Township may seek injunctive relief to prevent continued use of a malfunctioning on-lot system.

§18 - 265 - VIOLATIONS - PENALTIES – SUSPENSIONS

A. It shall be illegal to commence construction of a structure which will be served by an on-lot system without first obtaining a permit for the system.

B. It shall be illegal to construct, alter or repair an on-lot system without first obtaining a permit for the installation or repair from the SEO.

C. It shall be illegal to fail to maintain the components of an on-lot system at the intervals specified in this ordinance, or those specified by the equipment manufacturer.

D. It shall be illegal for a pumper/hauler business or property owner to fail to file the necessary reports in a timely manner.

E. Any person who commits a summary offense and violates any of the provisions of this Ordinance shall be subject to prosecution by the Township and, upon conviction before a District Justice, shall be subject to a fine of not less than three hundred dollars ($300) nor more than one thousand dollars ($1,000), plus costs of prosecution.

F. Each day of a continuing violation shall be considered a new and separate violation of this Ordinance and shall be subject to separate penalty.

G. In addition to any other actions to obtain compliance, the Township may assess civil penalties as described in the PA Sewage Facilities Act.

C. HOLDING TANK REGULATIONS

§18 - 301. PURPOSE

The purpose of this Ordinance is to establish procedures for the installation, use and maintenance of holding tanks designed to receive and retain sewage from improved municipal recreational uses, and it is hereby declared that the enactment of this Ordinance is necessary for the protection, benefit and preservation for the health, safety and welfare of the inhabitants of this Township.

§18 - 302. DEFINITIONS

Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

A. "Governing Body" shall mean the Board of Supervisors of the Township of Upper Salford, Montgomery County, Pennsylvania.

B. "DEP" shall mean the Pennsylvania Department of Environmental Protection.

C. "Holding Tank" shall mean a watertight receptacle which receives and retains sewage conveyed by a water carrying system and is designed and constructed to facilitate the ultimate disposal of the sewage at another site. "Holding Tank" shall not include Chemical Toilet or Privy as defined by the DEP.

D. "Improved Municipal Recreational Property" shall mean any property owned by the Township of Upper Salford Township which is dedicated to a public recreational use, whether or not there are structures erected thereon, and which requires sewage facilities.

E. "Owner" shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.

F. "Person" shall mean any individual, partnership, company, association, corporation or other group or entity.

G. "Sewage" shall mean any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substance, being harmful or inimical to the public health, or to animal or aquatic life or to the use of water from domestic water supply or for recreation.

H. "Township" shall mean the Township of Upper Salford, Montgomery County, Pennsylvania.

§18 - 303. RIGHTS AND PRIVILEGES GRANTED
The Governing Body is hereby authorized and empowered to undertake within the Township the control and methods of holding tank sewage disposal and the collection and transportation thereof.

§18 - 304. RULES AND REGULATIONS
The Governing body is hereby authorized and empowered to adopt such rules and regulations concerning sewage which it may deem necessary from time to time to affect the purposes of this Ordinance.

§18 - 305. RULES AND REGULATIONS TO BE IN CONFORMITY WITH APPLICABLE LAW
All rules and regulations adopted by the Governing Body pursuant to this Ordinance shall be in conformity with the provisions hereof, all other ordinances of the township, all applicable laws and all applicable rules and regulations of the Commonwealth of Pennsylvania and its departments and agencies.

§18 - 306. RATES AND CHARGES
The Governing Body shall have the right and power to fix, alter, charge and collect rates, assessments, and other charges in the area served by its facilities at reasonable and uniform rates as authorized by applicable laws and regulations.

§18 - 307. EXCLUSIVENESS OF RIGHTS AND PRIVILEGES
The collection and transportation of all sewage from any property utilizing a holding tank under the provisions of this Ordinance shall be by or under the direction and control of the Governing Body, and the disposal thereof shall be made only at such site or sites as may be approved by DEP.

§18 - 308. ELIGIBILITY
The only improved properties eligible for sewage disposal by holding tanks are properties owned by the Township intended for use for recreational purposes, which are not serviced by public sewers or suitable for an on-lot sewage disposal system.

§18 - 309. DUTIES OF PROPERTY OWNER
The owner of an improved municipal recreational property that utilizes a holding tank shall:

A. Maintain the holding tank in conformance with this or any Ordinances of the Township, all applicable laws and all applicable rules and regulations of the Commonwealth of Pennsylvania and its departments and agencies.

B. Conduct periodic inspections of the holding tank facility, but in no event less than annually, and maintain written inspection reports for each permitted tank.

C. Ensure that such defects or malfunctions as identified in the course of any inspection or which come to the knowledge of the Township are repaired as necessary to maintain the integrity of the holding tank and sewage disposal system.

D. Ensure that the collection and transportation of all sewage from any holding tank permitted under this Ordinance shall be done in compliance with the regulations of DEP as set forth in 25 Pa. Code §71.63, as amended from time to time.

E. Receive and maintain in its records all pumping receipts for each permitted holding tank.

F. Discontinue the use of such holding tank upon extension of public sewers to the improved municipal recreational property, and fill or remove any holding tank which is abandoned.

§18 - 310. FINANCIAL SECURITY

The obligations and performance of the Township as required by §18-309 of this Ordinance shall be secured by the general funds of the Township. The Governing Body shall be authorized to provide such additional financial security as required by DEP.

CHAPTER 19

SIGNS AND BILLBOARDS

[See Chapter 27, Zoning]

CHAPTER 20

SOLID WASTE

[Deleted and reserved per Ordinance 2016-1, 1/4/16]

CHAPTER 21

STREETS AND SIDEWALKS

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PART 1

DRIVEWAY AND ROAD OCCUPANCY

§21-101. SHORT TITLE
This Part shall be known and shall be cited as the "Upper Salford Township Driveway and Road Occupancy Ordinance."

§21-102. DEFINITIONS
The following words and phrases, when used in this Part, shall be construed to mean the appropriate listed definitions unless otherwise clearly indicated in the text.

ACI – American Concrete Institute.

DRIVEWAY – every entrance or exit used by vehicular traffic to or from properties abutting a highway. The term includes proposed streets, lanes, alleys, courts, and ways.

1. HIGH VOLUME DRIVEWAY – A driveway normally used by more than one thousand five hundred (1,500) vehicles per day which often requires traffic signalization.

2. LOW VOLUME DRIVEWAY – a driveway normally used by more than twenty-five (25) vehicles but less than seven hundred fifty (750) vehicles per day, such as schools and offices.

3. MEDIUM VOLUME DRIVEWAY – a driveway normally used by more than seven hundred fifty (750) vehicles but less than one thousand five hundred (1,500) vehicles per day which does not normally require traffic signalization.

4. MINIMUM USE DRIVEWAY – a driveway normally used by not more than twenty-five (25) vehicles per day such as houses and small apartments.

5. SHARED DRIVEWAY – a driveway shared by two or more lots or parcels, whether by agreement, easement, license or other means or arrangements. Shared driveways for residential uses are not permitted.

DRIVEWAY WIDTH – the narrowest width of a driveway, measured perpendicularly to the centerline of the driveway.

EGRESS – the exit of vehicular traffic from abutting properties to a highway.

FRONTAGE WIDTH – the distance along the right-of-way line in front of an abutting property.

HIGHWAY – a highway or bridge on the system of Township roads and bridges, including the entire width between right-of-way lines, over which the Township has assumed or has been legislatively given jurisdiction.

IMPROVED AREA – the area within the right-of-way which has been constructed for highway purposes, including roadbed, pavement, shoulders, slope, sidewalks, drainage facilities, and other appurtenances.

INGRESS – the entrance of vehicular traffic to abutting properties from a highway.

INSPECTOR – the Township's authorized representative assigned to inspect permit conditions.

PAVEMENT EDGE – the edge of the main traveled portion of any highway, exclusive of shoulder.

PENNDOT – Pennsylvania Department of Transportation.

PERMANENT CURBING – plain or reinforced cement concrete curb which meets Township standards.

PERMIT – a highway occupancy permit issued by the Township pursuant to this Part.

PLANS – drawings which show the location, character, and dimensions of the proposed occupancy and related highway features, including layouts, profiles, cross-sections, drainage, and other details.

PROPERTY LINE CLEARANCE – the distance measured along the pavement edge or curb between the property frontage boundary line and the near edge of the driveway.

RIGHT-OF-WAY – the area that has been acquired by the Township for highway purposes.

ROADWAY – that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the sidewalk or shoulder. Includes any road, street, alley or way accepted by the Township.

SHOULDER – the portion of the roadway, contiguous to traffic lanes for accommodation of stopped vehicles, emergency use, and for lateral support of base and surface courses and pavements.

SHOULDER LINE – the intersection of the shoulder slope with the side slope or ditch slope.

SIDEWALK – a paved walkway, continuous for a reasonable distance, and an integral part of the highway, constructed solely for use by pedestrians.

STABILIZED MATERIAL – any aggregate such as aggregate cement, aggregate bituminous, or lime pozzolan, placed in such a manner as to provide a smooth, stable, all-weather surface, not subject to undue raveling.

STATE or COUNTY ROAD – every public highway other than a Township road.

STOPPING SIGHT DISTANCE – the distance required by a driver traveling at a given speed to stop the vehicle after an object on the roadway becomes visible to the driver.

TRAVELED WAY – the portion of the roadway for movement of vehicles, exclusive of shoulders and auxiliary lanes.

TRAFFIC CONTROL DEVICE – any sign, signal, marking, or device placed or erected for purposes of regulating, warning, or guiding vehicular traffic or pedestrians, or both.

§21-103. INTENT

It is the intent of this Part to regulate the construction, improvement, design, maintenance, location and drainage of all private accesses and other property on Township rights-of-way and ultimate rights-of-way for the purposes of security, economy of public maintenance, preservation of proper drainage, and safe and reasonable traffic flow. It is further intended to regulate all work performed within the right of way of the Township and on any roadway of the Township, as defined, including road opening for any purpose, including, without limitation the location of any utilities, conduit, or pipes or pipelines. Nothing contained in this Part is intended to relax safety requirements as may be set forth by PennDOT, which are incorporated herein by reference.

§21-104. APPLICATION

A. General Rule. . No drain, culvert, footpath, drive or driveway, or other means of ingress or egress shall be graded, constructed, reconstructed, installed or erected onto or in, nor any gas pipe, electric conduit or other piping laid upon or in, nor any telephone, telegraph, electric light or power pole, or any other obstruction be erected upon or in, nor shall any railroad or street railway or street railway crossing be, hereafter, constructed within any Township right-of-way, and no work shall be completed within any Township right-of-way or on, beneath or within any roadway, without a Township road occupancy permit.

B. Other Requirements.

1. Every owner of private access to a Township right-of-way shall, within ninety (90) days of the date of a written notice from the Upper Salford Township Board of Supervisors or an authorized representative of the Board, install or reconstruct such drainage pipes, conduits, gutters and drains, as are required by either the Township Road Superintendent or Township Engineer and set forth in the notice, to facilitate storm drainage.

2. If any owner of a private access shall fail to construct or reconstruct drainage pipes, conduits, gutters, drains, or such other drainage improvements in accordance with the specifications contained in said notice within ninety (90) days of receipt of written notice to do so, the Township shall construct or cause the same to be constructed or reconstructed, and shall charge the cost thereof to the owner of the access along with any additional penalty authorized by law. Such lien shall be filed in the manner provided by law for the filing and collection of municipal liens.

3. Issuance of a permit under the regulations of this Part does not relieve the permittee from obtaining any additional necessary Federal, State, or local permits or approvals as may be required by law. Nor does the permit intend to relax existing safety requirements.

4. Shared or joint driveways serving two or more residential properties or lots shall not be permitted. Shared or joint driveways for non-residential uses shall be permitted only in accordance with the provisions of Chapter 27, Zoning.

§21-105. PERMIT APPLICATION PROCEDURE - DRIVEWAY

A. Application Submission Procedure.

1. Application for a permit to grade, construct, reconstruct, install or erect such improvements as are set forth in §21-104 of this Part shall be made to an authorized representative of the Board of Supervisors.
2. Permit applications shall be submitted prior to the construction of any building which the proposed driveway will serve to assure that the driveway can be constructed in accordance with this Part.
3. Application is to be submitted at least thirty (30) days prior to commencement of work.
4. The application shall be accompanied by a fee, established in accordance with the current Fee Resolution for Highway Occupancy/Driveway Permits set forth by the Upper Salford Board of Supervisors.

B. Required Information. Applications shall be on a form supplied by the Township and shall include the following:

1. A signed, dated notorized application, submitted by the owner of the property to the Township office.
2. Proof of ownership.
3. Four (4) copies of the application and all supporting documentation and drawings including hydrologic and hydraulic analysis, when deemed necessary by the Township.
4. General plans showing (See Figure I for example.);

a. Proposed location of and dimensions of facilities to be constructed or installed.
b. Widths of the cartway within the Township right-of-way and of the private accessway.
c. Township right-of-way lines.
d. Description of materials to be used and detail, or profile, of any paving courses to be laid.
e. Driveway grade, radii, points of curvature, and angle relative to Township cartway.
f. Distance to nearest street intersection.
g. Distance to nearest driveway adjacent to property, and opposite to property.
h. Features of the land opposite the site, including buildings and appurtenances.
i. Sight distance triangle for each proposed driveway.
j. Any relevant property lines.
k. Driveway grades or profile view of drive.
l. Location of all traffic control devices.
m. A statement of the number of vehicles per day that are expected to utilize the proposed driveway.
n. Soil erosion and sedimentation control facilities plan, if construction exceeds fifteen (15) days.
o. Compliance to §21-108 (12).
p. Such other information as the Township shall require.

5. Drainage Control Plans or Calculations for Other than Minimum Use Driveways.

a. If there can reasonably be anticipated that there will be increase in the flow of water onto the highway or into highway drainage facilities as a result of any action authorized by the permit, a drainage control plan shall be submitted with the application. The drainage control plan shall contain the following:

i. Source of water.
ii. Existing flow in cubic feet per second.
iii. Predicted flow in cubic feet per second.
iv. Where drainage currently flows.
v. Where drainage ultimately outlets.
vi. Hydraulic computations showing effect of additional flow on existing highway drainage system.

b. Issuance of a permit shall be conditioned upon the Township's approval of the drainage control plan.

6. Traffic Control Plan. Submission of a traffic control plan shall be as follows:

a. When the applicant anticipates that it will be necessary to close a portion of a lane to vehicular traffic in order to perform the permitted work, the applicant shall submit a traffic control plan with the application.

b. The Township may require the applicant to submit a traffic control plan if it is anticipated that a potential hazard or interference to vehicular or pedestrian traffic will result from performance of the work.

c. The traffic control plan, prepared in accordance with PennDOT Bulletin 203, shall be either a detailed drawing, showing all traffic control devices or a reference to a standard drawing provided the referenced drawing properly depicts the work area and completely addresses the needed traffic control.

§21-106. PERMIT APPLICATION PROCEDURE – ROAD OPENING

A. Application Submission Process

1. Applicability – In accordance with the provisions of Section 2322 of the Second Class Township Code, as amended, no gas pipe, water pipe, electric conduits, cable TV, sewer pipe, drainage or stormwater management pipe or device or other piping, shall be laid upon or in nor shall any telephone, telegraph, or electric light or power poles or any other obstructions be erected upon or in any portion of a township Road except under such conditions, restrictions, and regulations relating to the installation and maintenance thereof, as may be prescribed in Road Occupancy Permits granted by the Township for such purpose.

2. Permit - The application for a Permit shall be on a form prescribed by the Township, and shall be accompanied by:

   a. A fee in accordance with the Schedule of Fees for Road Occupancy Permits;

   b. Three (3) copies of a sketch showing such dimensions as the location of the intended facility, width of the traveled Roadway, right-of-way lines and the distance to the nearest intersecting public street, road or highway; and

   c. The Restoration and Maintenance Security required under Section C. herein below.

   d. A Permit shall be issued to the applicant after all the aforementioned requirements have been filed and reviewed by Township Roadmaster.

e. Upon completion of the Work, the applicant shall give written notice thereof to the Township, and the Township Roadmaster shall inspect the Work and, when necessary, enforce compliance with the conditions, restrictions and regulations prescribed by the Permit. Where any settlement or defect in the Work occurs, if the applicant shall fail to rectify any such settlement or other defect within thirty (30) days after written notice from the Township to do so, the Township may do the work and shall impose upon the applicant the costs thereof, together with an additional twenty (20%) per centum of such costs for administrative fees.

B. Restoration And Maintenance Security - Any person seeking a Permit to do Work on a Road shall provide Restoration and Maintenance Security pursuant to the following standards and rules:

1. The amount of security shall be determined by the Township Roadmaster to ensure restoration of the Road and maintenance of the restored area for a period of 6 months in the event of permittee's default to so restore or maintain the Work area as required in this Ordinance.

2. The security shall be submitted in the name of the Township in the form of cash, or a letter of credit issued by a bank maintaining an office in the Commonwealth of Pennsylvania, , all such instruments to be in form and substance acceptable to Township.

3. Cash security shall be held by the Township in a non-interest-bearing escrow bank account, and shall be returned to the permittee upon successful fulfillment of all restoration and maintenance obligations without interest.

4. The Board of Township Supervisors shall have the power to forfeit or otherwise seize and use the Restoration and Maintenance Security upon satisfactory proof of the permittee's default to be supplied by the Township Engineer. Said Board shall also have authority to reduce the amount of security upon successful completion of initial restoration on the recommendation of the Township Engineer.

5. The Board of Supervisors shall have the authority to waive the posting of Restoration and Maintenance Security hereunder where adequate provisions have been made otherwise for restoration and maintenance of the Work area.

C. Trenching Across Improved Area

1. Trenching shall not be permitted across the improved area of a Road unless specifically authorized by the Permit.

2. Trenching across the improved area of a Road may be authorized by the Permit where drilling, boring, driving or tunneling are not feasible because:

a. The subsurface is solid rock.

b. There are other facilities located longitudinally under the improved area and their location precludes methods other than trenching.

c. Adjacent development in a very congested urban area makes the construction of a tunneling or boring shaft impossible.

d. Upon completion of any trenching, the roadway shall be restored in accordance with the conditions of the Permit, or as recommended by the Township Engineer after inspection. Where circumstances preclude immediate permanent restoration, the Township Roadmaster may authorize temporary restoration of the roadway. All permanent restoration shall be completed within thirty (30) days after substantial completion of the work, subject to extension as authorized by the Township Roadmaster.

3. If more than one (1) cross cut is made in a road, within five hundred (500') feet, the permit holder shall overlay the entire section between the cuts for the full roadway width.

D. Traffic Control Plan. Submission of a traffic control plan shall be as follows:

1. When the applicant anticipates that it will be necessary to close a portion of a lane to vehicular traffic in order to perform the permitted work, the applicant shall submit a traffic control plan with the application.

2. The Township may require the applicant to submit a traffic control plan if it is anticipated that a potential hazard or interference to vehicular or pedestrian traffic will result from performance of the work.

3. The traffic control plan, prepared in accordance with PennDOT Bulletin 203, shall be either a detailed drawing, showing all traffic control devices or a reference to a standard drawing provided the referenced drawing properly depicts the work area and completely addresses the needed traffic control

§21-107. ISSUANCE, REJECTION, AND REVOCATION OF PERMITS

A. General.

1. Upon receipt of an application for Township road occupancy, the Board of Supervisors or its agent shall direct either the Township Roadmaster or the Township Engineer, or both, or such other agent as the Board may authorize to inspect the location where grading, construction, reconstruction, installation or erection has been proposed for the purpose of determining what facilities are suited to the location.

2. Upon receipt of a report from the inspecting officer, the Board of Supervisors or its agent shall issue a permit to the applicant. The permit shall be subject to this Chapter and the conditions contained on the permit and its

attachments and supplements. The permit will be the authority of the applicant to proceed with the work and will also serve as a receipt for the fees accompanying the application.

B. Permit Ownership. Permits will be issued only to the owners of the property. Permits will not be issued to contractors of the property owner nor to any person other than the owner of the property.

C. Waiver of Design Requirements. If any design requirement set forth in this Part cannot be met, the Board of Supervisors may waive the requirement if the following conditions are satisfied:

1. No other reasonable access is available.

2. The applicant has done all that can be reasonably done to satisfy the design requirements.

3. If additional land is required, the applicant provides satisfactory evidence that it cannot be purchased at a current market value certified by a licensed appraiser.

4. No traffic problem will be created.

D. Permit Time Limit and Extension. A permit shall be valid for a six (6) month period or multiples thereof as specified on the permit. If the permittee has not completed all authorized work by the completion date specified on the permit, an application shall be submitted requesting a time extension. If approved, a supplement may be issued, authorizing work to continue for an additional six (6) month period. A maximum of three (3) renewals may be granted after which the permit shall bevoid.

E. Work Completion Notification. When all permitted work has been completed, the permit owner shall notify, in writing, the Board of Supervisors or its agent.

F. Rejection of Application. The Township Board of Supervisors or its authorized agent will examine and determine the genuineness, regularity, and legality of every application, and may reject any application if not satisfied of its genuineness, regularity, or legality, or the truth of any statement contained in the application. The Township may also make such investigations and require such additional information as it deems necessary.

G. Revocation of Permit. Any violation of this Part or Township road occupancy permit requirements shall constitute grounds for the revocation of a Township road occupancy permit.

§21-108. GENERAL CONDITIONS

The following conditions shall apply to issued permits:

A. The permit shall be binding upon the permittee, its agents, contractors, successors, and assigns. The permittee shall be responsible for causing compliance with all terms and conditions of the permit by its employees, agents and contractors.

B. The permit shall be maintained by the permittee as a permanent record and remain in effect, subject to the permit conditions and this Part, as long as the driveway or the facility authorized by the permit exists.

C. To protect the pavement and shoulders of existing Road surface, all equipment shall have rubber wheels or runners and shall have rubber, wood or similar protective pads between the outriggers and the surface unless otherwise authorized by the permit. In the event that other than rubber-equipped machinery is authorized for use, the pavement and shoulders shall be protected by the use of matting, wood or other suitable protective material having a minimum thickness of four (4) inches, unless the permit requires the permittee to repave the roadway full width. If the equipment damages the pavement or shoulders of the Roadway, the permittee shall restore the pavement or shoulders to their former condition, at the permittee's expense.

D. Responsibility for compliance with the terms of the permit shall remain with the owner of the property.

E. In granting a permit, the Board of Supervisors, or its authorized agent, will waive none of its power or rights to require the future change in operation, removal, relocation, or property maintenance of any access within the Township right-of-way.

F. The permit shall be subject to any other applicable ordinances enacted by the Township which contain more stringent requirements than outlined in this Part.

G. Permittee shall be principally liable to the Township for any failure to comply with the permit and this Part. Principal liability of permittee to the Township shall not preclude the permittee or the Township from bringing any action against the permittee's contractor, subcontractor, engineer, architect, or any other person.

H. Maintenance and protection of traffic shall be carried out in accordance with the requirements of PennDOT publication §203.

I. All disturbed portions of the highway, including slopes and all appurtenances and structures such as guard rails or drain pipes, shall be restored by permittee to a condition at least equal to that which existed before the start of any work authorized by the permit and in accordance with PennDOT 408 as last revised.

J. Unless specifically authorized by the permit, permittee shall not:

1. Alter the existing drainage pattern or the existing flow of drainage water.

2. Direct additional drainage of surface water onto or into the highway right-of-way or highway facilities in a way which would have a detrimental effect on the highway or highway facilities.

K. Disposition of materials shall comply with the following:

1. Permittee shall keep the improved area free of all material which may be deposited by vehicles traveling upon or entering onto the highway during the performance of work authorized by the permit.

2. Permittee shall be responsible for controlling dust conditions created by its operations.

3. All excess material and material that is not suitable for backfill shall be removed and disposed of outside the right-of-way as the work progresses.

L. Maintenance. All driveways, driveway pipes, drains, swales or other drainage facilities and adjacent areas within the highway right-of-way shall be continuously maintained and kept open by the property owner, his successors, and assigns, so as to conform to the permit and so as not to interfere or be inconsistent with the design, maintenance, and drainage of the highway, or the safe and convenient passage of traffic upon the highway.

M. Indemnification. Permittee shall fully indemnify and save harmless and defend the Township, its agents and employees, of and from all liability for damages or injury occurring to any person or persons or property through or in consequence of any act or omission of any contractor, agent, servant, employee, or persons engaged or employed , about, or upon the work, by, at the instance, or with the approval or consent of the permittee; from any failure of the permittee or any such person to comply with the permit or this Part; and, for a period of two (2) years after completion of the permitted work, from the failure of the highway in the immediate area of the work performed under the permit where there is no similar failure of the highway beyond the area adjacent to the area of the permitted work.

§21-109. DRIVEWAY DESIGN REQUIREMENTS

A. General Location Restrictions.

1. All driveways shall be located, designed, constructed, and maintained in such a manner as not to interfere or be inconsistent with the design, maintenance and drainage of the highway.

2. Accessways to Township rights-of-way will be permitted at locations in which:

a. Sight distance is adequate to safely allow each permitted movement to be made into or out of the access driveway.

b. The driveway will not create a hazard.

c. The driveway will not create an area of undue traffic congestion on the highway.

B. Driveway Design Requirements.

1. Traffic Control Interference. Driveways shall not be permitted at locations that would interfere with the placement and property functioning of roadway signs, signals, detectors, lighting or other devices that affect traffic control.

2. Access to a property which abuts two (2) or more intersecting streets may be restricted to only that roadway which can more safely accommodate its traffic.

3. Driveways shall have a minimum entrance radius of ten (10) feet.

C. Numbers of Driveways.

1. Normally, only one (1) driveway will be permitted for a residential property and not more than two (2) driveways will be permitted for a non-residential property.

2. If the property frontage exceeds three hundred (300) feet, the permit may authorize an additional driveway.

D. Angle of Access. Access driveway approaches used for two (2)-way operation shall be positioned at right angles, that is, ninety (90) degrees, to the highway or as near thereto as site conditions permit, except as authorized in Figure II.

E. Driveway Adjacent to Intersections. Driveways serving properties located adjacent to a highway intersection shall be subject to the following:

1. The distance from the edge of pavement of the intersecting highway to the radius of the first permitted driveway shall be a minimum of forty (40) feet on curbed highways and fifty (50) feet on uncurbed highways.

2. Subsections (1) and (2) of this Section may be waived only if the intersecting highway radius extends along the property frontage to the extent that compliance is physically impossible.

F. Property Line Clearance. Except for joint-use driveways, no portion of any access shall be located outside of the property frontage boundary line.

G. Curbing.

1. The permit may require the installation of curbing wherever it is required to control access or drainage, or both. All curbing must be permanent curbing, as defined in the Upper Salford Township Subdivision Ordinance [Chapter 22].

2. Where property abutting the right-of-way line could be used as parking area, the permit may require curbing, permanent guide rail, or fencing to be constructed along the right-of-way line in order to prohibit vehicle encroachment upon the sidewalk or shoulder area.

3. If, in the opinion of the Board of Supervisors, there is a high probability that vehicles would otherwise utilize a portion of the property frontage other than the approved driveway to gain access to the property, the permit may require curbing or other physical barriers to be constructed.

4. When curb exists adjacent to the proposed driveway, the line and grade of the existing curb shall be matched, unless otherwise authorized by the permit.

H. Sight Distance. Conditions for sight distance shall be as follows:

1. Access driveways shall be located at a point within the property frontage limits which provides at least the minimum sight distance as derived using the following formula:

$$SSSD = 1.47\ Vt = \frac{V^2}{30\ (f+g)}$$

SSSD = Minimum safe stopping sight distance (feet). Measured ten (10) feet back of the pavement edge and three and one-half (3 ½) feet above finished grade.

V = Velocity of vehicle (miles per hour).

t = Perception time of motorist (average – 2.5 seconds).

f = Wet friction of pavement (average – 0.30).

g = Percent grade of roadway divided by one hundred (100).

For level roadways and driveways, this formula calculates as follows:

Posted Speed	Safe Sight Distance
25 mph	162’
30 mph	211’
35 mph	265’
40 mph	325’
45 mph	391’

50 mph	462’
55 mph	539’

2. The sight distances listed in the preceding table apply only when highway grades are zero to three (3) percent, either up or down.

    a. When the highway grade in the section to be used for acceleration after leaving the driveway, ascents at three and one-half (3 ½) percent, the sight distance in the direction of approaching ascending traffic may be increased by a factor of one and four-tenths (1 4/10).

    b. When the highway grade ascends to greater than five (5) percent, sight distance may be increased by a factor of one and seven-tenths (1 7/10).

    c. When the highway grade in the section to be used for acceleration after leaving the driveway descents and three and one-half (3 ½ percent), sight distance in the direction of approaching descending highway traffic may be reduced by a factor of six-tenths (6/10).

    d. When the road descends at greater than five (5%) percent, sight distance may be reduced by a factor of five-tenths (5/10) percent.

3. If sight distance requirements cannot be met, the Township may:

    a. Prohibit left turns by exiting vehicles.

    b. Restrict turning movements to right turns in and out of a driveway.

    c. Require installation of a right turn acceleration lane or deceleration lane.
    d. Require installation of a separate left turn standby lane.

    e. Alter the horizontal or vertical geometry of the cartway.

    f. Deny access to the Township right-of-way.

I. Driveway Grade.

1. All driveways shall be constructed so as not to impair drainage within the Township right-of-way, alter the stability of the area or change the drainage of adjacent areas.

2. The side slopes for driveway embankments within a Township right-of-way shall not be steeper than ten (10) to one (1). (See Figure III).

3. Grade requirements in uncurbed shoulders within a Township right-of-way shall conform to Figure IV.

4. Grade requirements where curbs and/or sidewalks are present are as follows:

    a. The driveway approaches shall be installed one and one-half (1 ½) inch above the adjacent roadway or the gutter grade to maintain proper drainage.

    b. The difference between the cross slope of the roadway and the upward grade of the driveway approach shall not exceed eight (8) percent.

    c. Sidewalk grade requirements shall conform to the most recent PennDOT regulations governing access to and occupancy of highways by driveways and local roads.

J. Driveway Drainage.

1. Driveways shall be installed such that all surface water flowing along the driveway toward a Township right-of-way shall enter the gutter system. It shall be a violation of this Part to create a flow of surface water onto a Township roadway.

2. No driveway shall be designed or installed such as to direct toward a right-of-way any surface water which, previously, had been directed away from the right-of-way.

3. Stormwater drainage shall pass the driveway at a level consistent with that of the existing gutter system.

4. Swale or pipe size, location and configuration shall be sufficient to carry surface water runoff conducted by the existing roadside gutter system in addition to any runoff that can be anticipated to be reasonable.

    a. No pipe shall be installed with a diameter or less than fifteen (15) inches unless approved by the Township Road Superintendent.

    b. No pipe shall be longer than that which meets with the approval of the Township Road Superintendent.

    c. Any steel culverts installed beneath a driveway shall be a minimum sixty-four one-hundredths (0.64) inches in thickness and have a minimum of twelve (12) inches of cover. If the pipe is aluminum, thickness shall be increased to a minimum seventy-nine one-hundredths (.079) inch in thickness.

K. Paving Driveway Entrances.

1. Every driveway shall be paved from the point where it joins with the Township cartway to the Township right-of-way line.

2. Paving materials shall consist of PennDOT specified materials and may be as follows:

    a. Four (4) -inch 2A modified stone base, four (4) -inch bituminous concrete base, one and one-half (1 ½) -inch ID-2 wearing surface.

    b. Six (6) -inch 2A stone base, one and one-half (1 ½) -inch ID-2 binder, one (1) -inch wearing surface.

    c. Brick precast concrete slab, or concrete of dimensions as specified by ACI for appropriate design conditions and as approved by the Township or its agent.

3. Sub-grade should be prepared with consideration of soil type.

L. Turnaround Area. An apron turnaround shall be provided along a driveway so that vehicles can enter the Township right-of-way front-first.

M. Recommendations for Emergency Vehicles. It is recommended that in order to assure access for emergency vehicles and equipment, all new driveway installation shall comply with the following:

1. No curves in the drive shall have less than a thirty-five (35) -inch radius arc.

2. No tree limbs or other obstruction should overhang a driveway unless such overhanging obstruction is greater than twelve (12) –feet in height.

N. Additional Driveway Requirements. When it will serve to protect and preserve the Township road system, and is therefore in the public interest, the Township Road Superintendent or the Township Board of Supervisors may specify standards for construction or reconstruction of the following:

1. The angle at which a driveway approach is positioned with respect to a Township right-of-way.

2. Curbing.

3. Auxiliary lanes.

4. Shoulder upgrading.

5. Traffic control devices.

6. Hydraulic and hydrologic analysis for stormwater handling including details for devices which will provide water from existing driveways onto roadway system.

§21-110. INSPECTION

Upon completion of work authorized by a Township road occupancy permit, an applicant shall give written notice thereof to the Township, and an authorized representative of the Board of Supervisors shall inspect the work for compliance with the conditions, restrictions and regulations set forth by the permit.

§21-111. PENALTIES

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than one thousand ($1,000.00) dollars plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. Each day a violation of this Part shall continue shall be deemed a separate offense.

Figure I – Typical Application Sketch

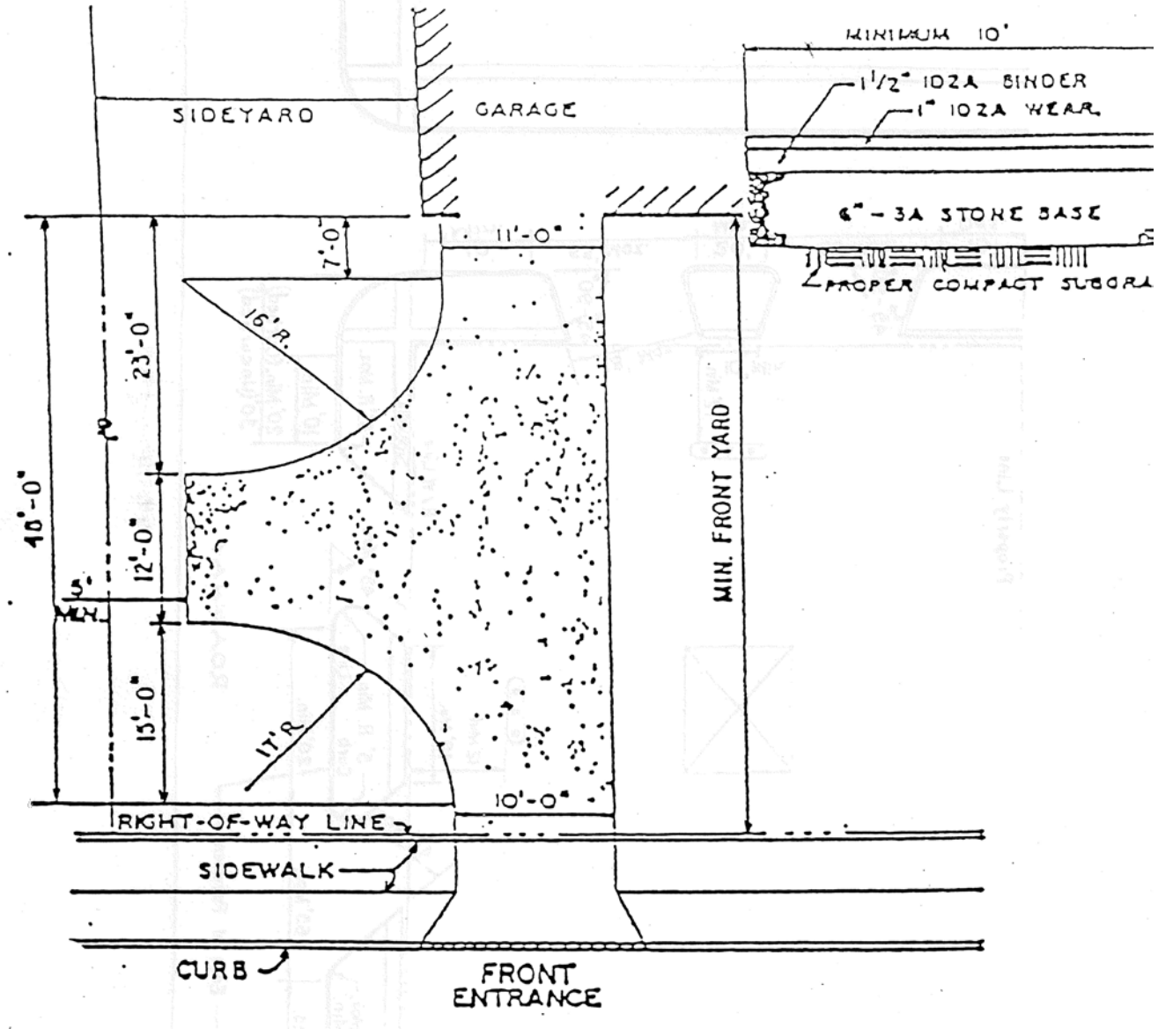


Figure 21

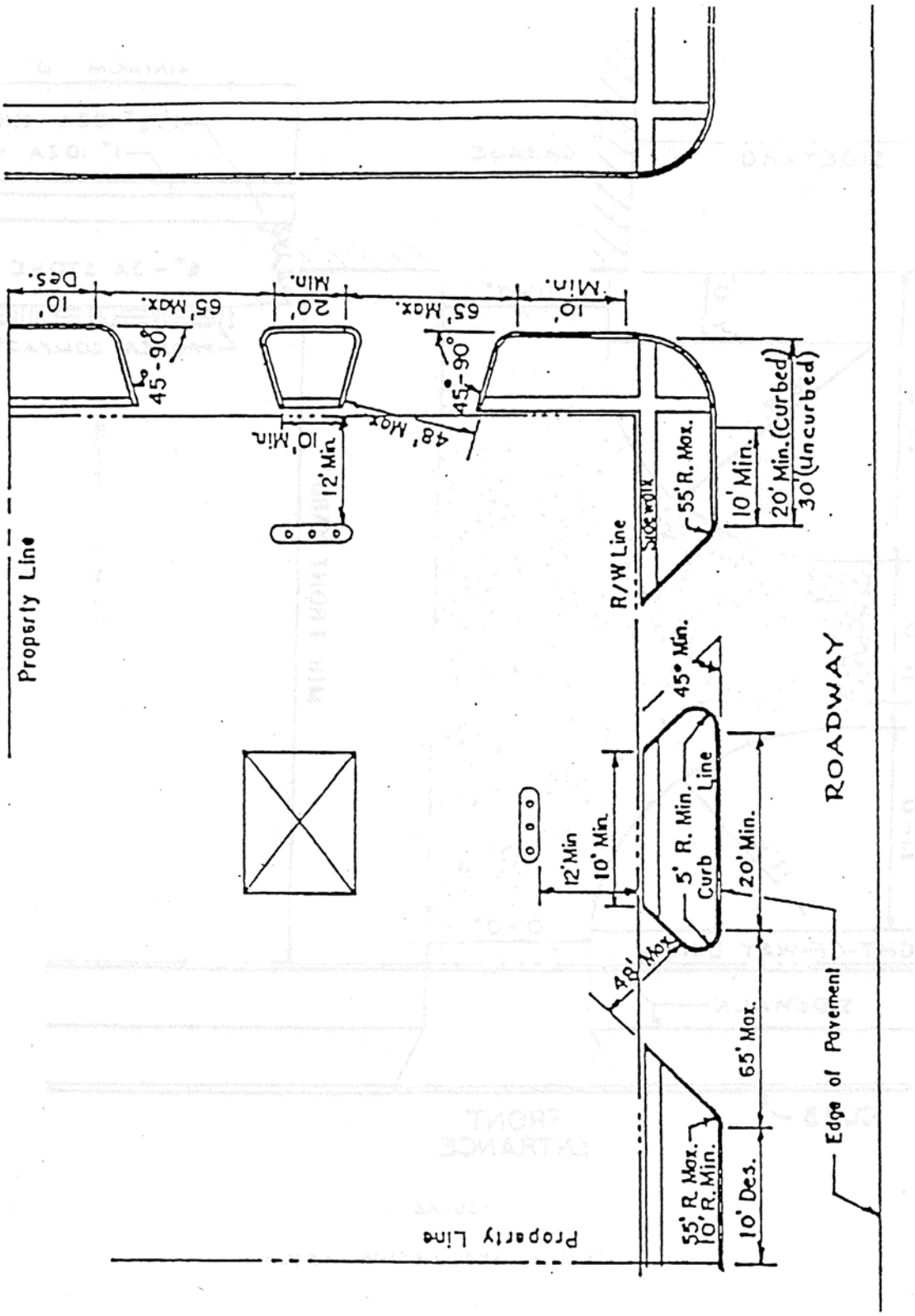
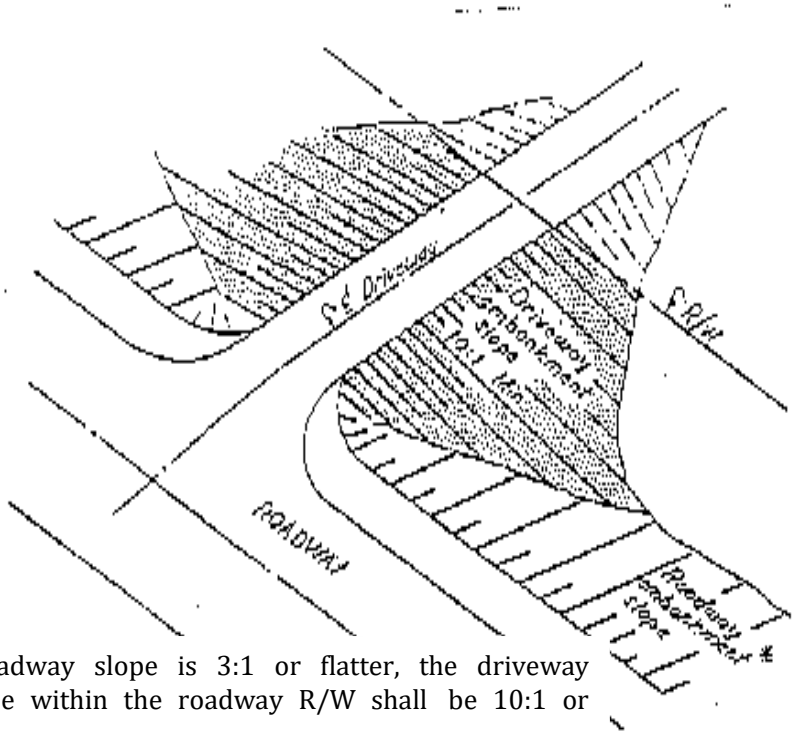
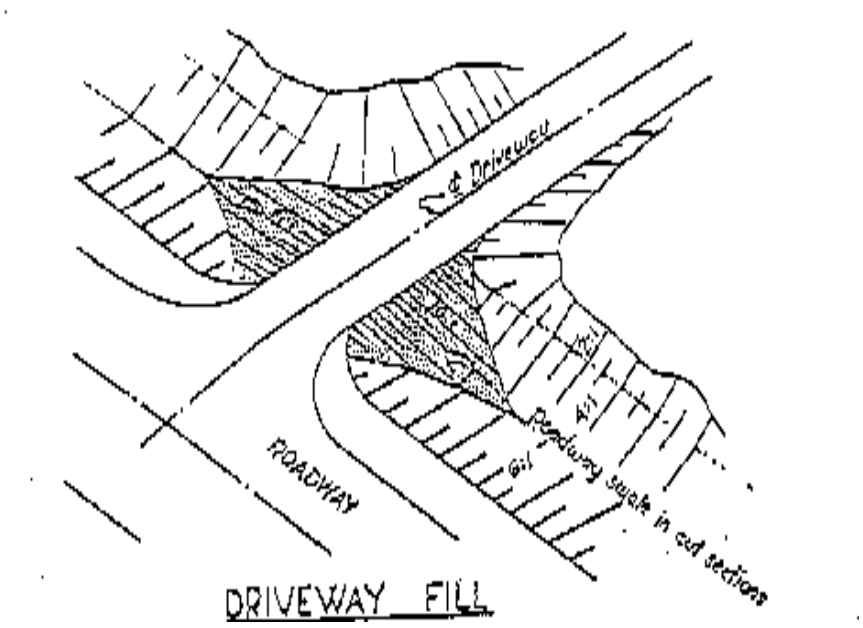

10' Min.
65' Max.
20' Min.
65' Max.
10' Des.
45°-90°
45°-90°
10' Min.
12' Min
48' Max.
Property Line
R/W Line
Sidewalk
55' R. Max.
10' Min.
20' Min. (Curbed)
30' (Uncurbed)
45° Min.
12' Min
10' Min.
5' R. Min.
Curb Line
20' Min.
48' Max.
65' Max.
55' R. Max.
10' R. Min.
10' Des.
Property Line
Edge of Pavement
ROADWAY

Figure 22



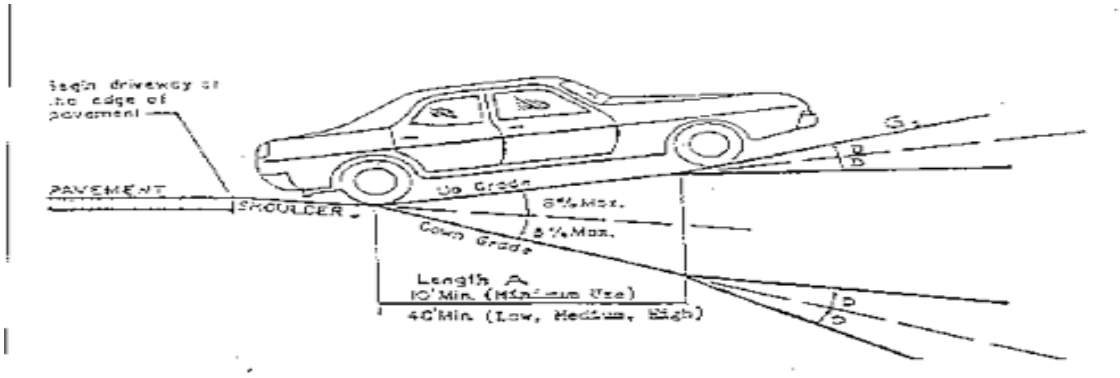
Where the roadway slope is 3:1 or flatter, the driveway embankment slope within the roadway R/W shall be 10:1 or flatter.

Where the roadway slope is steeper than 3:1, guardrail is usually installed at the top of the roadway slope and steeper slopes are permissible on the driveway within the R/W.



DRIVEWAY FILL

Figure 23



- The shoulder slope usually varies from ½ feet (4%) to ¾ feet (6%). However, the
- shoulder slope should be maintained when constructing the driveway.

For grade changes greater than those shown in Figure I, vertical curves at least 10 feet long shall be constructed and length "A" shall be increased.

Grades (G2) shall be permitted to 15% for minimum use driveways and from 5% to 8% for low, medium or high volume driveways within the right-of-way.

		Maximum Grade Change (D)
	Desirable	Maximum
High Volume Driveway	0%	+/- 3%
Medium Volume Driveway	+/-3%	+/-6%
Low Volume Driveway	+/-6%	Controlled by Vehicle Clearance

PART

REPAIR AND MAINTENANCE OF SIDEWALKS, CURBS AND DRIVEWAY ENTRANCES

§21-201. MAINTENANCE AND REPAIR OF SIDEWALKS, CURBS AND DRIVEWAY ENTRANCES

The responsibility of maintaining and repairing sidewalks and curbs installed within any public right of way shall be the responsibility of the property owner.

§21-202. NOTICE OF REPAIR

Should a sidewalk, curb or driveway entrance become a dangerous condition, in the opinion of the Township Roadmaster or Township Engineer, notice shall be given to the owner or owners of the lot or lots abutting thereon to repair the sidewalk, curb and/or driveway entrance in accordance with the standards as provided in this Chapter 21 (for driveway entrances) or Chapter 22 (for sidewalks and curbs). All repairs shall be completed within sixty (60) days of the notice to repair. Upon failure of said owner or owners to comply with the notice to repair, the Township may complete the required repairs and shall collect the costs thereof from the owner or owners of the lot or lots as provided in Article XXIV of the Second Class Township Code.

PART

SNOW AND ICE REMOVAL

§21-301. THROWING OF SNOW ONTO ROADS UNLAWFUL

It shall be unlawful to throw, shovel or plow snow into or upon any roads and streets within the Township from adjoining property.

§21-302. REMOVAL OF SNOW AND ICE

A. The owner, occupant or tenant of any property fronting upon or alongside any of the streets in the Township shall remove or cause to be removed from the sidewalks in front of or alongside his or her property all snow and ice thereon fallen or formed, within 10 hours after such snow and ice have ceased to fall or form. However, snow or ice that has ceased to fall or form after 6:00 p.m. may be removed at any time before 11:00 a.m. of the next day. Responsibility for compliance with this section shall lie with the owner of property where such property is occupied by such owner or is unoccupied; with the tenant or occupier thereof where the property is a multiple-business or multifamily dwelling property occupied by more than one tenant or occupier.

B. If such owner, occupant or tenant fails, neglects or refuses to comply with Subsection A hereof within the time limits prescribed therein, the Township may proceed immediately to clear all snow and/or ice from the sidewalk of such delinquent and to collect the expense thereof, with any additional amount allowed by law, from such owner, occupant or tenant, which may be in addition to any fine or penalty imposed under this chapter.

§21.303. PENALTIES

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than one thousand ($1,000.00) dollars plus cost and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. Each day a violation of this Part shall continue shall be deemed a separate offense.

CHAPTER 22

SUBDIVISION AND LAND DEVELOPMENT

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ARTICLE I

GENERAL PROVISIONS

§22-100. TITLE

Chapter 22 of the Code of Ordinances of Upper Salford Township shall be known and may be cited as the Upper Salford Township Subdivision and Land Development Ordinance.

§ 22-101. ENACTMENT

This Chapter was enacted in conformance with the provisions of the Pennsylvania Municipalities Planning Code, Act No. 247 of 1968 as reenacted and amended by Act No. 170 of 1988, and Act 167, the Stormwater Management Act of 1978.

§ 22-102. CONTENTS

This Ordinance contains regulations which include, but are not limited to the following:

A. Provisions for the submittal and processing of plats for subdivisions and land developments, and specifications for such plats, including provisions for Sketch, Preliminary, Conceptual and Detailed Preliminary, and Final Plan processing and approvals, and for processing of final approval by stages or sections of development.

B. Provisions for governing the standards by which streets shall be graded and improved, and walkways, trails, curbs, gutters, fire hydrants, water, sewage, storm drainage and stormwater management facilities, recreational facilities, and other improvements to be installed as conditions precedent to formal approval of plats.

C. The provisions of this Ordinance are intended to provide conceptual and technical guidance to professionals engaged in the preparation of land development submissions regulated under this Ordinance. It should be understood that there may be more specific definitions and regulations which also address issues addressed in this Ordinance, particularly Chapter 18 – Sewers and Sewage Disposal and Chapter 27- Zoning, and professionals are encouraged to consult those ordinances and all ordinances of the Township to determine their impact. Where they apply, a more specific provision will control the disposition of any issues.

§ 22-103. PURPOSES

The following are the purposes of this Ordinance:

A. To insure that development within the Township will be orderly, efficient, integrated, and harmonious.

B. To insure that the layout and arrangement of subdivisions or land developments shall conform to the Upper Salford Township Comprehensive Plan and to any regulations, maps, studies, and reports adopted in furtherance thereof.

C. To insure that streets in and bordering a subdivision or land development shall be coordinated, and be of such design, and in such locations as deemed necessary to accommodate prospective traffic and parking, and to facilitate fire protection and other emergency services.

D. To require adequate, appropriately located easements or rights-of-way for utilities and storm drainage facilities.

E. To insure that any lands offered for dedication or otherwise reserved for use as public or common grounds shall be of suitable size, configuration, and topographic character for their designated uses.

F. To ensure conformance of subdivision and land development proposals with the availability of municipal services and public facilities, and the coordination of intermunicipal programs.

G. To preserve lands subject to inundation or flooding from subdivision or land development which would endanger life or property or further aggravate or increase the existing flooding or inundation conditions.

H. To encourage and promote flexibility, economy, and ingenuity in the layout and design of subdivisions and land developments, including provisions authorizing the municipality to modify the requirements of this Ordinance in accordance with concepts and practices consistent with the modern and evolving, generally accepted principles of site planning and land development.

I. To provide equitable and expeditious handling of all subdivision and land development proposals by providing uniform procedures and standards.

J. To encourage subdivision and land development in accordance with principles and practices which conserve energy, both during and after construction, and which encourage the use of alternative energy sources by the layout of the proposal and the siting of buildings.

K. To provide the beneficial relationship between the uses of land and buildings and the circulation of traffic throughout Township, having particular regard to the avoidance of vehicular congestion and the pedestrian movements appropriate to the various uses of land and buildings.

L. To ensure conformance of subdivision and land development plans with the public improvements of the township, and coordination of Inter-Municipal, County, and Commonwealth improvement plans and programs.

M. To preserve and protect natural resources such as, but not limited to, wetland areas and groundwater reserves so as to maintain the quality of life within the Township and adjacent lands.

N. To provide for the buffering of certain types of land uses to minimize their impact upon their surroundings.

§22-104. INTERPRETATION

The provisions of this Ordinance shall be the minimum requirements to meet the above-stated purposes. Where the provisions of this Ordinance impose greater restrictions than those of any other statute, ordinance, or regulations, then the provisions of this Ordinance shall prevail. Where the provisions of any other statute, ordinance, or regulations impose greater restrictions than those of this Ordinance, the provisions of such statute, ordinance, or regulations shall take precedence. No portion of this Ordinance grants any form of relief from any state or federal statute unless specifically granted by such statute. Where this Ordinance makes reference to or incorporates by reference any published standards or publications, it is intended, unless specifically stated otherwise, that the standards or publications referenced or incorporated are the standards or publications as amended or revised as of the date of filing of any application under this Chapter 22. It is further intended that any reference to any official Maps, Studies, or Plans of the Township of Upper Salford or other Chapters of this Code of Ordinances shall be to the provisions or versions of such maps, studies, or plans, or other Chapters of this Code of Ordinances as amended or revised as of the date of filing of any application under this Chapter 22.

§ 22-105. JURISDICTION

The Board of Supervisors shall, with the recommendation of the Planning Commission, review all subdivision and land development plans as defined below and in §§ 22-201.A.109 and 22-201.A.64 of this Chapter which are located in whole or in part of the Township, and the following activities in accordance with this Chapter:

A. Subdivision and Land Development. No subdivision or land development of any lot, tract, or parcel of land as defined in Article II, shall be made, and no street, alley, sanitary sewer, storm drain, water main, gas, oil or electric line, or other improvements in connection therewith, shall be laid out, constructed, or dedicated for public use, or travel, or for the common use of occupants of a building abutting thereon, except in strict accordance with this Ordinance.

B. Sale of Lots, Issuance of Building Permits or Erection of Buildings. No lot in a subdivision or land development may be sold, and no permit to erect, alter, or repair any building upon land in a subdivision or land development will be issued unless and until a subdivision and/or land development plan has been approved, and where required, recorded, and until the required improvements in connection therewith have either been constructed or guaranteed for construction in the form of a bond, escrow, or other means approved by the Board of Supervisors under the advice of the Township Engineer and Solicitor, in accordance with the laws of the Commonwealth of Pennsylvania.

C. Condominiums. No provision of this Ordinance shall be construed to prohibit condominium ownership as permitted by Uniform Condominium Act.

ARTICLE II

DEFINITIONS

§22-200. INTERPRETATION AND CONSTRUCTION

For purposes of this Ordinance, words shall be interpreted and construed as follows:

A. Words used in the present tense include the future.

B. The singular number includes the plural and the plural includes the singular.

C. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

D. The word "person" includes an individual, corporation, partnership, incorporated association, and/or any other similar entity.

E. The words "include" or "including" shall not limit the term to the specified examples, but are intended to extend the meaning to all other instances of like kind and character.

F. The word "building" shall always be construed as if followed by the words "or part thereof".

G. The word "may" is permissive, and the words "shall" and "will" are always mandatory.

H. The words: "he" or "she" or "they" are to be used interchangeably with the word person.

I. The word "street" includes road, highway, avenue, boulevard, or expressway.

J. The word "stream" includes watercourse, creek or river, and, where referenced, a seasonal stream.

§ 22-201. DEFINITION OF TERMS

A Words and terms used in this Ordinance shall have the meanings given in this Article. Unless expressly stated otherwise, any pertinent word or term not a part of this listing, but vital to the interpretation of this Ordinance, shall be construed to have its legal definition, or in absence of a legal definition, its meaning as commonly accepted by practitioners including civil engineers, surveyors, architects, landscape architects, and planners.

1. Accepted Engineering Practice. That which conforms to accepted principles, tests or standards of nationally recognized technical, scientific, and/or engineering authorities.

2. Act 247. The Municipalities Planning Code of July 31, 1968, 53 P.S. "10101,et seq., as amended from time to time.

3. Accelerated Erosion. The removal of the surface of the land through the combination of man's activities and natural processes at a rate greater than would occur from natural processes alone.

4. Acceleration Lane. The portion of a roadway adjoining the traffic lane constructed for the purpose of enabling a vehicle entering a roadway to increase its speed to a rate at which it can safely merge with traffic.

5. Aisle. The traveled way by which cars enter and depart parking spaces.

6. Alley. Limited roads that provide secondary access to homes or businesses, provide off-street parking, and are used by service vehicles.

7. Alluvial Soil. Areas of land which are subject to periodic flooding and are classified as having "components of alluvium" by the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS) Web Soil Survey. The following soils, found in Upper Salford Township, have been designated as containing "components of alluvium":

   Bo-Bowmansville – Knauers Silt Loams
   BwA – Cuckingham Silt Loam
   BwB – Buckingham Silt Loam
   CrB – Croton Silt Loam
   CsB – Cronton Silt Loam
   RaA – Raritan Silt Loam
   RaB – Raritan Silt Loam
   Rt – Rowland Silt Loam
   RwA – Rowland Silt Loam
   RwB – Rowland Silt Loam

8. Anchoring. The fastening of a mobile home to its mobile home stand in order to prevent upset or damage due to wind, erosion, flooding or other natural forces.

9. Applicant. A landowner, lessee (with the specific consent of the owner) agent for a landowner, executor of an estate, purchaser of a property, builder or developer, as hereinafter defined, who has filed an application for subdivision or land development, including his heirs, successors, and assigns. This term may also include an equitable owner, as provided within the Municipalities Planning Code.

10. Application for Subdivision or Land Development. Every application, whether preliminary or final, required to be filed and approved prior to start of construction or development, including but not limited to an application for a building permit, for the approval of a subdivision plan, or for the approval of development plan.

11. Authority. A public organization created pursuant to the Municipal Authorities Act of 1945 (P.L. 382, No.164).

12. Average Vehicle Occupancy. A numerical value calculated by dividing the number of employees scheduled to start work between the hours of 6:00 A.M. and 10:00 A.M. by the number of vehicles arriving between those hours.

13. Base Flood. See definition under Floodplain.

14. Block. An area bounded by streets or streets and natural or man-made features.

15. Board of Supervisors. The elected governing body of the Township of Upper Salford.

16. Bond. A form of surety in an amount under terms satisfactory to the Board of Supervisors, providing security for the completion of improvements required in a subdivision or land development. All bonds shall be subject to the approval by the Board of Supervisors after review for form and content by the Township Solicitor whenever a bond is required by the regulations contained herein.

17. Buffer. An area designed to separate zoning districts and the uses of land permitted from the districts and uses which abut it. A buffer functions to ease the transition between districts and uses. Unless otherwise specified, buffers may be included as part of the required setbacks and yard areas. Buffers may be divided into two or more types as explained in the Design Standards of this Ordinance.

18. Builder. See Applicant.

19. Building. Any structure, whether built conventionally or in a manner generally referred to as "Mobile," "Modular," or "Manufactured," and having enclosed walls and roof, permanently located on the land, the ordinary use of which require people to enter the structure. This term shall also be construed to include any non-residential structure
placed on the land, whether enclosed or open, and whether intended or proposed for the housing or enclosure of persons, animals or chattels.

20. Building Envelope. The area of a lot within which the buildings and structures which service the permitted use of the property should be located. This area is defined by the limits of the minimum front, side, and rear yard setback areas, and encompasses the area of the lot not found in the yard areas and rights-of-way. The building envelope may also be

affected by the natural features on and the physical constraints of a given lot. In addition, the building envelope may be impacted by decisions made by the developer in the course of the land development process as to the location of certain improvements such as stormwater management facilities, trails, open space, public utility location and other public and non-public improvements

21. Caliper.

    a. Where this term is used in connection with the measurement of existing trees on a site, it shall be construed to be a measurement of the diameter of the main trunk of a tree taken at a point on the trunk four and one-half (4 1/2) feet above natural grade.

    b. Where this term is used in connection with the installation of new or replacement trees, it shall be construed to be a measurement of the diameter of the main trunk measured twelve (12") inches from the ground level, or the top of the root ball.

22. Capital Improvement Plan. A plan setting forth, by category of public facility, those public improvements and that portion of their costs that are attributable to servicing new development within a designated service area for such public facilities over a period of specified years.

23. Cartway. The portion of a street, alley, or driveway intended for vehicular use.

24. Community Sewerage System. A centralized sewerage system including collection and treatment facilities which was created to service a specific development independent of other sewerage systems. The permitted sewage treatment systems shall be in conformity with the Township's Sewage Facilities Plan.

25. Common Open Space. A parcel or parcels of land, or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities. Also referred to as Open Space.

26. Comprehensive Plan. The current, officially adopted Comprehensive Plan for the Township of Upper Salford including various background studies reports and elements.

27. Concurrency. The requirement that development applications demonstrate that adequate public services be available at prescribed levels of service concurrent with the impact or occupancy of the developed property.

28. Condominium. A form of ownership of real property, as defined in the Pennsylvania Uniform Condominium Act, which includes an undivided interest in a portion of a parcel, together with a separate interest in a space within a structure.

29. Contiguous. Lots are contiguous when at least one boundary line of one lot touches a boundary line or lines of another lot.

30. Construction. The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of mobile homes.

31. Cul-de-Sac. A street with a single means of access and egress which culminates in a turnaround.

32. Culvert. A structure designed to convey stormwater not incorporated into a closed pipe system under a road or pedestrian pathway.

33. Curbline. A line formed by the face of the existing curb or in its absence, the outer edge of the shoulder, along which a curb would be other wise located.

34. Curb Return. The connecting link between a street curb and the curb of a driveway.

35. Cut. An excavation; the difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, the material removed in an excavation.

36. Decorative Lighting. Lighting that is used to enhance the appearance or aesthetics of a building or property, e.g., façade lighting, rather than supporting safety or a task that requires light.

37. Design Storm. The magnitude of precipitation from a storm event measured in probability of occurrence (i.e. a 50 yr. storm) and duration (24 hr. storm) and used in computing storm water control devices.

38. Developer. Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

39. Development. Any manmade 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, mining, dredging, filling, grading, excavation, or drilling operations.

40. Development Plan. The provisions for development, including a planned residential development, a plan of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, parking facilities, ways, common open space, and public

facilities. The phrase "provisions of the development plan" shall mean the written and graphic materials referred to in this definition.

41. Drainage. The flow of water or liquid waste; the natural or manmade features of land that are specifically designed to store or carry surface water runoff.

42. Driveway. A private way providing for vehicular and pedestrian access between a public street and a parking area within a lot or property.

43. Dry Basin. A naturalized impoundment basin designed to retard stormwater runoff by temporarily storing the runoff and releasing it over a pre-determined rate. Naturalized dry basins shall be integrated into the surrounding topography by maximizing flow length and perimeter length, and including appropriate landscaping to achieve water quality benefits. Standards for dry basins are contained in §22-608.E.2

44. Dwelling Unit. One or more rooms designed, occupied or intended for occupancy as a separate living quarter with cooking, sleeping and sanitary facilities provided in the dwelling unit for the exclusive use of a single family maintaining a household.

45. Easement. A right-of-way or other right granted by a property owner for the use of a designated part of his/her property for public, quasi-public, or private purposes, including utilities, drainageways, and access.

46. Engineer. A professional engineer licensed as such in the Commonwealth of Pennsylvania, and competent in the profession encompassed by these regulations.

47. Equivalent Development Unit. A standardized measurement of the consumption, use or generation equivalent to that of a new single family residential development unit.

48. Escrow. A deposit of cash with the Township of Upper Salford or escrow agent to secure the promise to perform some future act.

49. Excavation. Any act by which natural materials are dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed, as well as the conditions resulting therefrom.

50. Fill. Any act by which natural materials are placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface, as well as the conditions resulting therefrom.

51. Floodplain Related Terms

    a. Base Flood. The flood which has been selected to serve as the basis upon which the floodplain management provisions of this and other ordinances have been prepared. For the purposes of this ordinance, it shall be the

100-year flood as referenced in the current Flood Insurance Study and delineated on the Flood Insurance Rate Map of the Federal Insurance Administration.

b. Base Flood Elevation. The 100-year flood elevation as referenced in the Flood Insurance Study. Within the approximated floodplain, alluvial soils floodplain, or other similarly documented areas, the 100-year flood elevation shall be established as a point on the boundary of the floodplain nearest to the construction site in question.

c. FEMA and FIA. The Federal Emergency Management Agency and the Federal Insurance Administration who have jurisdiction over the National Flood Insurance Program and its related studies and regulations. FEMA is the parent agency of the FIA.

d. Flood. A temporary condition of partial or complete inundation of normally dry land areas.

e. Flood Insurance Rate Map. The official FIA map which shows special hazard zones and risk areas for insurance rating purposes. For the purposes of this ordinance, it also delineates floodplain areas.

f. Flood Insurance Study. The examination and determination of flood hazards by the FIA. The flood elevations contained in this study are used for floodplain management purposes as related to this and other ordinances.

g. Floodplain. A relatively flat or low land area adjoining a stream, river, or watercourse, which is subject to partial or complete inundation during a 100-year flood, or any area subject to the unusual and rapid accumulation of surface water from any source; also referred to as flood-prone area.

h. Floodplain Management. The application of a program or activities which may consist of both corrective and preventive measures for reducing flood damages.

i. Flood Proofing. Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. Such measures are set forth in Flood Proofing Regulations published by the Office of the Chief Engineers, U.S. Army, publication number E 1165 2 314 (June, 1972 and as subsequently amended). Flood proofing measures for all new construction and substantial improvements of structures shall satisfy the requirements of the Completely Dry Spaces (W1) and Essentially Dry Spaces (W2) classes referenced in these regulations. In said publication where reference is made to "below" (or above) the "BFD" (Base Flood Datum) it shall be interpreted as meaning below (or above) the Base Flood Elevation.

j. One Hundred Year Flood. A flood that has one chance in one hundred or a 1 percent chance of being equaled or exceeded in any one year. For the purposes of this ordinance, the one hundred year flood (base flood) as defined by the Federal Insurance Administration in the Flood Insurance Study.

k. Regulatory Flood Elevation. The 100-year flood elevation plus a freeboard safety factor of one foot.

l. Substantial Improvement.

i. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

a. Before the improvement or repair is started;

b. Or, if the structure has been damaged, and is being restored, before the damage occurred.

ii. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

a. any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions;

b. Or, any alteration of a structure listed on a National Register of Historic Places or a State Inventory of Historic Places.

52. Footcandle. The unit of measure of the amount of light being received on a surface, measured with a light meter.

53. Frontage. That side of a lot abutting on a street or right-of-way and ordinarily regarded as the front of the lot, but it should not be considered the ordinary side of a corner lot, or rear of a double frontage lot.

54. Fully Shielded. The description of a light fixture that shields the light source (bulb) from a horizontal direct view and allows no light to be emitted above a horizontal plane.

55. Grade. The slope of a street, parcel of land, utility lines, drainageways, etc., specified in percent (%) and shown on plans as required herein.

56. Greenway or Greenway Area. Parcels, or a portion of a parcel, or an area of water, or a combination of land and water designed and intended for the preservation of the natural, cultural, agricultural, and historic resources of the

designated area and which may allow public enjoyment of none, all, or certain parts of the area.

57. Ground Cover. Low growing plant materials planted in a manner to provide continuous plant cover of the ground surface; lawn, ivy, and other low plant materials are included. Non-plant ground cover may also include bark or wood chips, gravel, and stone provided they are maintained as a continuous pervious cover.

58. Guarantee, Maintenance. Any security which may be required from the developer by the Township of Upper Salford after final acceptance by the Township of Upper Salford of improvements installed by the developer. Such security may include irrevocable letter of credit, escrow account or surety bond with a bonding company or commonwealth or federally chartered financial institution.

59. Guarantee, Performance. Any security which may be required from the developer by the Township of Upper Salford in lieu of the requirement that certain improvements be completed prior to the recording of the record plan of development by the Township of Upper Salford. Such security may include irrevocable letter of credit, escrow account or surety bond providing that the Township can certify a breach of the bond, with a bonding company or commonwealth or federally chartered financial institution.

60. Height of Building. A building's vertical measurement from the mean level of the finished lot grade surrounding the building to a point midway between the highest and lowest points of the roof, provided that chimneys, spires, towers, elevator penthouses, heating, ventilation and air conditioning equipment, tanks and other similar projections shall not be included in calculating height.

61. Infiltration Soils. Soils having infiltration even when thoroughly wetted. These soils have a rate of water transmission greater than 0.05 inches/hour.

62. Impact Fee. A fee imposed on new development to help finance the cost of new improvements or services. Impact fees do not include the dedication of rights-of-way or easements for such new facilities or construction of such improvements.

63. Impervious Surface. Material which is impenetrable and unable to absorb water, including but not limited to buildings, structures, and paved areas.

64. Impoundment. A body of water, such as a pond, confined by dam, dike, floodgate or other barrier.

65. Improvements. Buildings for public use or quasi-public use, streets, curbs, gutters, sidewalks, streetlights and signs, water and sewer mains, stormwater management systems, open space, trails, and recreation facilities, shade trees, buffer or screen plantings and all other additions to the tract that are required by the ordinance or necessary to result in a complete subdivision or land development.

66. Improvements, Public. Improvements, including but not limited to those contained in the definition of "improvements," that are intended for dedication to the Township of Upper Salford, or other municipal body or authority, either in fee or in easement.

67. Improvements, On-site. Improvements, including but not limited to those contained in the definition of "improvements," that are constructed on the applicant's property or along the road frontage of the tract being developed up to the centerline of the road.

68. Individual Sewage Disposal Systems. A septic tank and drainage field or other type of sewage disposal system located on a single lot and serving one equivalent development unit.

69. Land Development. Any of the following activities:

    a. The improvement of one (1) lot or two (2) or more contiguous lots, tracts, or parcels of land for any purpose involving:

        i. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively or a single nonresidential building or structure on a lot or lots regardless of the number of occupants or tenure; or

        ii. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

    b. A subdivision of land.

    c. Development in accordance with Section 503 (1.1) of the Pennsylvania Municipalities Planning Code.

70. Landowner. The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having proprietary interest in land.

71. Light Trespass. Light from one property shining onto an adjacent property and causing annoyance or glare on the receiving property.

72. Lot.

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

    b. A contiguous tract, parcel, or unit of land held by a land- owner and/or intended for use, development, lease, or transfer of ownership, and for which a deed description is recorded or is intended to be recorded at the Office of the Recorder of Deeds for Montgomery County.

73. Lot Area. The area contained within the property lines of the individual parcels of land shown on a subdivision plan or required by the terms of this Chapter, excluding any area within the existing or designated future street rights of way, or any area required as open space under this Chapter, or the area of any easements, whether existing or proposed. As applicable to flag lots, no area within the access strip shall be included in the lot for purposes of determining compliance with the lot area requirements of this Chapter. Further defined as follows:

    a. Gross Lot Area. The total horizontal land area lying within the lot or tract boundaries.

    b. Net Lot Area. Gross lot area minus:

        i. The area lying between the street centerline and the ultimate right-of-way or equivalent right-of-way line.

        ii. The land area of the access strip to rear, flag, or interior lots.

74. Lot, Corner. A parcel of land situate at the junction of and fronting on two or more intersecting streets.

75. Lot, Flag (interior). A lot completely surrounded by adjacent lots except for a strip of land, being part of the same parcel and defined as an access strip, which provides the lot with access to a public street, or the potential of access to a public street. Minimum lot area and dimensional standards shall be those of the applicable zoning district, and shall be met on that portion of the lot exclusive of the access strip.

76. Maintenance Guarantee. Any security which may be required and accepted by the Board of Supervisors of the Township of Upper Salford to ensure that the necessary improvements will function over a specific amount of time.

77. Marginal Access Street. A street parallel to and adjacent to a collector or arterial street which provides access to abutting properties and separation from traffic.

78. Mature Tree. Any tree of six (6) inches or more in caliper, whether standing alone or in a tree mass or woodlands. A mature tree shall be a desirable species as determined by the Shade Tree Commission or landscape architect.

79. Mobile Home. A transportable single family dwelling intended for permanent occupancy in one unit or two units designed to be joined into an integral unit, which arrives at the site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. A mobile home need not meet local building codes, but shall meet the standards of the U.S. Department of Housing and Urban Development, as indicated in the Structural Engineering Bulletin(s) which shall be provided to the Township of Upper Salford by the Applicant.

80. Mobile Home Lot. A parcel of land in a mobile home park with the necessary utility connections and other appurtenances necessary for the placement thereon of a single family mobile home.

81. Mobile Home Park. A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement of mobile homes.

82. Mobile Home Stand. That part of a mobile home lot which has been reserved and prepared for the placement of a mobile home.

83. Modular Home. A single family residence or multi-family dwelling intended for permanent occupancy, made by assembling one or more factory built three dimensional sections into an integral living unit whose construction materials and specifications conform to those of conventionally-built homes.

84 Monument. A tapered, permanent survey reference point of stone or concrete having a top 4 inches on each side and a length of 24 inches.

85. Off-site. Located outside the boundary lines of the lot or tract which is being subdivided or developed but within the right-of-way of a contiguous street.

86. Official Map. The map adopted by the Township of Upper Salford pursuant to Article IV of the Municipalities Planning Code.

87. Open Space. See Common Open Space.

88. Peak Discharge. The maximum rate of flow of stormwater runoff at given point and time resulting from a particular magnitude storm.

89. Percolation Test. One of the tests required to identify a suitable area for the location of an on-site septic system. The test measures the ability of the soil to absorb water.

90. Plan. A graphic representation of a proposal for subdivision and/or land development, including necessary written notes. The requirements for plan submission are set forth in Article V, hereof, and include the following types of plans:

a. Conceptual Preliminary Plan. Applicability and criteria are contained in §§22-503 and 22-401, respectively.

b. Detailed Preliminary Plan. Applicability and criteria are contained in §§22-503 and 22-402, respectively.

c. Final Plan. Applicability and criteria are contained in §§22-504 and 22-403, respectively.

d. Minor Plan. Applicability and criteria are contained in §§22-505 and 22-404, respectively.

e. Preliminary Plan. Applicability and criteria are contained in §§22-502 and 22-402, respectively.

f. Sketch Plan. Applicability and criteria are contained in §§22-501 and 22-401, respectively.

91. Planning Commission. Shall mean the Planning Commission of Upper Salford Township.

92. Plan Revision. Criteria for Plan Revisions are contained in §22-506.

93. Plat. The map or plan or a subdivision or land development, whether preliminary or final.

94. Public Hearing. A formal meeting held pursuant to public notice by the Board of Supervisors of Upper Salford Township or the Upper Salford Township Planning Commission, intended to inform or obtain information, prior to taking action in accordance with this ordinance.

95. Public Meeting. A forum held pursuant to notice under the Act of July 3, 1986, P.L.388, No. 84, known as the Sunshine Act.

96. Public Notice. Notice published once each week for two successive weeks in a newspaper of general circulation in Upper Salford Township, which shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall be not less than seven days from the date of the hearing.

97. Recessed Lighting. Lighting that is recessed into a soffit or ceiling and has no light emitting elements projected below ceiling or soffit surface.

98. Release Rate. The level of control of the post-development peak rate of runoff to be achieved for a particular site, expressed as a percentage of the pre-development peak rate of runoff.

99. Reserve Strip. A parcel of land whose primary function is to separate a street from adjacent properties, while not being used or capable of being used as a building lot, open space or recreation area, or legitimate environmental protection purposes.

100. Reverse Frontage Lotting. Lotting which extends between two streets of differing classifications, with vehicular access provided from the lesser street, in order to promote traffic flow and safety on the greater street.

101. Right-of-Way. A strip of land over which are provided rights for various purposes including vehicular access and travel, storm drainage, and utilities. Also see "Street Rights-of-Way."

102. Security. A letter of credit, surety bond, or cash escrow provided by the applicant to secure its promises regarding public improvements associated with an approved subdivision or land development.

103. Sewage Enforcement Officer. A licensed employee of the Montgomery County Health Department who issues permits, reviews permit applications, and sewage facilities planning modules, and conducts inspections and investigations necessary to implement the Pennsylvania Sewage Facilities Act and regulations promulgated under it.

104. Sewage Facilities Plan. A comprehensive plan for the provision of adequate sewage facilities which was adopted by the Board of Supervisors of Upper Salford Township and approved by the Department of Environmental Protection.

105. Sewage Facilities Planning Module. Completed forms submitted to the Sewage Enforcement Officer and the Department of Environmental Protection for the purposes of revising the sewage facilities plan resulting from a proposed land development or subdivision.

106. Sight Distance, Stopping. The distance of unobstructed view along the centerline of a street from the driver's eye-height of 3.5 feet to the furthest visible point six inches above the street surface.

107. Sight Triangle. A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the site distance of motorists entering or leaving the intersection.

108. Specimen Tree. Any tree with a caliper that is 75% or more of the record tree of the same species in the Commonwealth of Pennsylvania

109. Soil Survey. See “Web Soil Survey”.

110. Stormwater Management Plan. A plan prepared and adopted by Montgomery County pursuant to Act 167 of 1978.

111. Street or Road. A public or private right-of-way serving primarily as a means of vehicular and pedestrian travel, furnishing access to abutting properties, and which may also be used for utilities, shade trees, and stormwater control. 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.

    a. Arterial. A street serving a large volume of comparatively high speed and long distance traffic.

        i. Principal: An arterial serving the heaviest volumes of traffic in municipality, providing the highest degree of vehicular mobility and involving controls on access.

        ii. Minor: An arterial serving high volumes, providing a high degree of mobility, and some limits on access.

    b. Collector. A street designed and located to provide a means to accommodate traffic between neighboring communities and to interconnect arterial streets with local roads.

        i Major: A collector serving moderate levels of traffic within Upper Salford Township, providing a mix of mobility and access and linking adjacent communities.

        ii Minor: A collector serving lower amounts of traffic, providing relatively more access than mobility, and serving as a major road through identifiable neighborhoods.

    c. Local Road. A road intended to provide access to other roads from individual properties.

    d. Cul-de-Sac Street. A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic.

    e. Private Street. A local street, serving only abutting lots that is not offered or required to be offered for dedication.

    f. Alley. A public or privately owned right-of-way, on which no new dwellings, stores, or other principal buildings are intended to front, serving as the secondary means of access to two or more properties whose principle frontage is some other street.

112. Stormwater Basin. A structure which provides for the storage and slow release of stormwater runoff during and after a storm, including without limitation, a sediment, retention, detention, dry or wet basin.

113. Street Line. The dividing line between a lot and a street, identical to the ultimate right-of-way line.

114. Street Rights-of-Way. Rights-of-way for street purposes are defined as follows:

    a. Legal Right-of-Way. The street right-of-way legally in the public domain at the time a development plan is submitted.

    b. Ultimate Right-of-Way. The street right-of-way projected as necessary for adequate handling of anticipated maximum traffic volumes, according to the Ultimate Right-of-Way Map (See Figure. VI-1). The ultimate right-of-way is the legal right-of-way where it has been offered for dedication and accepted by the Township of Upper Salford.

    c. Equivalent Right-of-Way. A street right-of-way required to be reserved where private streets are permitted. The width shall be determined by the street's function, in accordance with the street classifications contained in this Ordinance.

115. Structure.

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

    b. Any form or arrangement of building material involving the necessity of providing proper support, bracing, tying, anchoring, or other protection against the forces of the elements. Also see Building definition.

116. Subdivision. The division or re-division 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 devisee, 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 exempted.

117. Surveyor. A land surveyor, licensed as such in the Commonwealth of Pennsylvania, and competent in the skills needed to conduct the surveys, lay out the subdivision plans and install all markers required by the terms of this Ordinance.

118. Topsoil. The original upper layer of soil material to a depth of six inches which is usually darker and richer than subsoil.

119. Traffic Impact Study. A technical evaluation of the traffic impacts associated with a proposed subdivision or land development. Criteria for a traffic impact study are contained in §22-618.

120. Trip. A single or one way vehicle movement to or from a property or study area. "Trips" can be added together to calculate the total number of vehicles expected to enter or leave a specific land use or site over a designated period of time.

121. Ultimate Right-of-Way Line. The dividing line between a lot and the outside limit of a street ultimate right-of-way.

122. Visual Screen. A barrier whose purpose is to obscure a view; generally comprised of plant materials suitable for the purpose.

123. Watercourse. A place intended or used for the directed surface flow of water, including permanent and intermittent streams, brooks, creeks, channels, ditches, swales, and rivers.

124. Water Resources Impact Study. A technical evaluation of the impact of the expected water use resulting from a subdivision or land development. Criteria for such a study is provided in §22-619.

125. Water Supply.

    a. Individual System. A safe, healthful and adequate supply of water to a single user from a private well located on a single lot.

    b. Central Water Supply System. A system for supplying water from a common source or sources to dwellings and other buildings within a subdivision or land development. A centralized water system can be further described in the following manner:

        i. Public Water Supply System: A system which is owned by a municipality, municipal authority, public company or private company which services more than a single community or subdivision and may be interconnected with other water supply systems.

        ii. Community Water System: A centralized water system created to service a particular development independent of other public or private centralized water systems. The system includes facilities to withdraw, treat and distribute potable water.

126. Web Soil Survey. A national on-line database of soils and soil features produced by the U.S. Department of Agriculture Natural Resources Conservation Service and available at http://websoilsurvey.nrcs.usda.gov.

127. Wet Basin. An impoundment basin designed to retain stormwater runoff within a permanent pool of water or existing pond. Standards for wet basins are contained in §22-608.E.3.

128. Wetland. Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted

for life in saturated soil conditions. Wetlands are delineated in accordance to manuals and procedures adopted by the Department of Environmental Resources and United States Army Corps of Engineers, among others.

129. Wooded Area. Land containing predominately mature trees with six (6) inch or greater caliper every 320 square feet such that the branches of each tree form a continuous canopy.

130. Yard. An open, generally unoccupied area of a lot which must remain free of buildings, but which may contain lawn or planted areas, parking and/or driveways, walks, walls, fences, easements, and similar appurtenances.

    a. Front Yard - An open, unoccupied space extending across the full width of a lot and lying between the street line and the nearest point of the building. In the case of a corner lot, both yard areas abutting streets shall be construed as front yards.

    b. Rear Yard - An open, unoccupied space extending across the full width of a lot and lying between the rear lot line, or the corner of a triangular lot furthermost from the front lot line, and the nearest point of the building. In the case of a corner lot, there shall be no rear yard.

    c. Side Yard - An open, unoccupied space between the side lot line of a lot and the nearest point of the building and extending from the front yard to the rear yard.

ARTICLE III

RESOURCE CONSERVATION AND GREENWAY/GREEN AREA DELINEATION STANDARDS

§22-300. APPLICABILITY

The following standards shall apply for the delineation of resource conservation or greenway land, including greenway land for all residential conservation subdivisions.

§22-301. GREENWAY GUIDEBOOK AND GREENWAY DELINEATION

A. The Greenway Guidebook referred to herein shall be the Upper Salford Township Greenway Guidebook, adopted by the Upper Salford Township Board of Supervisors, as amended.

B. For all parcels in the Greenway Guidebook, the greenway delineated in the Greenway Guidebook for those parcels shall be the greenway area provided by the applicant.

C. For parcels, which are not in the Greenway Guidebook but are required to provide a greenway, or for parcels in the Greenway Guidebook which have changed in size or have changed in configuration or for which new or more accurate information is provided, the following principles, guidelines and design procedure, as utilized in the Greenway Guidebook, shall be used to guide the plan design and review process beginning with Existing Resources and Site Analysis Map (§22-401.B), the Diagrammatic Sketch Plan (§22-401.A), and the Site Inspection (§22-501.A.2. and B.2.) to determine the greenway area to be provided.

1. Primary and Secondary Resources and General Standards.

a. Primary Resources. Every parcel shall protect the following resources in their entirety until the minimum required greenway area has been achieved.

i. Steep slopes. Slopes of 10% or steeper shall have the highest priority as greenway land.

ii. Floodplains. Floodplains shall have the highest priority as greenway land.

iii. Wetlands. Officially designated wetlands shall have the highest priority as greenway land.

iv. The Board of Supervisors reserves the right to upgrade a secondary resource, Subsection b., to the priority of a primary resource.

b. Secondary Resources. If the resources in C.1.a. above are included in the greenway in their entirety and the minimum greenway area has not yet been achieved, the greenway areas shall:

i. Provide preservation areas along adjoining parks or other protected lands. The depth of this preservation area shall not be less than 75 feet.

ii. Preserve historic resources. Historic resources are indicated as "Historic Places" in the Greenway Guidebook. The township, local historic societies, or the state may also indicate additional resources as historic and these, too, shall be preserved. The preservation of historic resources will involve preserving a certain amount of the land around the resource in order to preserve some of the historic context.

iii. Preserve resources according to the priorities of the following Landscape Character Zones, which are delineated in the Greenway Guidebook;

a) The Unami Creek Landscape

i. Woodlands or Wooded Areas

ii. Infiltration soils.

b) The Vaughn Run/East Branch Perkiomen Landscape

i. Floodplains and floodplain buffers, including the preservation of woodlands and areas for their restoration.

ii. Riparian buffers as defined and delineated in the Zoning Ordinance. The riparian buffers for greenway delineation are preferred to be 300 feet from the bank of the water body.

iii. Rural character of Sumneytown Pike, as discussed and illustrated in the Greenway Guidebook.

iv. Farm Fields, of size and shape to remain suitable for agricultural purposes.

c) The Salford Village Landscape

i. Riparian buffers as defined and delineated in the Zoning Ordinance. The riparian buffers for

greenway delineation are preferred to be 300 feet from the bank of the water body.

ii. Buffers to the Old Goshenhoppen Church lands at least 75 feet wide.

d) The Agricultural Heritage Landscape

i. Agricultural land of size and shape to remain suitable for agricultural purposes. Adjacency to other agricultural land shall be maintained or provided where possible. Farm field areas along roads also contribute to the township's rural character and therefore, after the previous considerations, are preferred for greenway delineation over field areas not seen from roads.

ii. Resources of the Old Pool Farm, particularly the steep slopes, riparian corridor, and viable farming fields along the roads.

iii. Farmstead homes. The preservation of existing farmstead homes need not involve preserving a certain amount of the land around the home. At least the footprint of the existing farmstead home would count towards the required greenway area.

iv. Hedgerows, rock outcrops, and other farmland features as identified on the Existing Resources and Site Analysis Map or as a result of the Site Inspection.

v. Use of roadway connection opportunities identified before or as a result of the Site Inspection or Sketch Plan Review process.

vi. Riparian buffers as defined and delineated in the Zoning Ordinance and since this Landscape Zone is valuable for its headwater areas, these buffers shall also apply to perennial and intermittent streams and the swales that lead to these streams. The riparian buffers for greenway delineation are preferred to be 300 feet from the bank of the water body, headwater stream and swales.

e) The Spring Mountain Landscape

i. Woodlands and fields around Spring Mountain.

ii. Connect to public properties through adjacency and with trails.

iii. Riparian buffers as defined and delineated in the Zoning Ordinance. The riparian buffers for greenway delineation are preferred to be 300 feet from the bank of the water body.

iv. Rural views along the roads. This includes preserving or creating hedgerows, wooded areas, farm fields, and scenic views.

D. General Standards. These aspects shall be used to define the configuration of the greenway area:

1. Limit the bisection of the greenway land by internal streets. If an applicant proposes an internal road that bisects the greenway in any way, the applicant may be required to present alternative street layouts.

2. Maintain adequate length-to-width ratios in its configuration. In only unusual circumstances or for neighborhood greens or trails shall the greenway have areas that are greater than a 4:1or 1:4 length-to-width ratio.

3. Provide trails indicated in the Greenway Guidebook and public access easements along the trails.

4. Provide for developed areas on the subject parcel to relate or connect to existing, allowed, or expected developed areas or streets on adjacent properties.

5. Greenway land shall be connected to as much greenway land on adjacent parcels as possible.

§22-302. DESIGN REVIEW STANDARDS.

A. Design Considerations. The configuration of resource conservation land, greenway land, or green areas shall comply with the following standards:

1. The delineation of land for resource conservation land, greenway land, or green areas shall be allowed to overlap the minimum area required to satisfy the landscape requirements of §22-612 of this chapter.

2. When a portion of the site is underlain by more than one resource (i.e. woodlands and wetlands) that acreage shall be counted toward the highest priority resource (wetlands).

3. They shall generally not have a length-to-width ration of less than 4:1, or be less than 75 feet in width, except for such lands specifically designed as neighborhood greens, or trails.

4. They shall be interconnected wherever possible to provide a continuous network of resource conservation land, greenway land, or green areas within and adjoin the subdivision or land development.

5. Their areas shall be calculated and delineated according to the requirements of §22-301.

B. Ownership and Maintenance. Applicants proposing greenway land as part of a conservation subdivision shall demonstrate compliance with Greenway ownership and maintenance standards in §27-2208 of the Zoning Ordinance.

ARTICLE IV

PLAN CONTENT REQUIREMENTS

§22-400. APPLICABILITY

The provisions of this Article shall apply to all subdivision and land development applications in this municipality. All submitted plans shall conform with the following requirements, unless otherwise permitted herein.

§22-401. SKETCH PLAN SUBMISSION REQUIREMENTS

To provide a full understanding of the site's potential and to facilitate the most effective exchange with the Planning Commission, the following two elements shall be required to satisfy the submission requirements of §22-501.B, Diagrammatic Sketch Plan and Existing Resources and Site Analysis Map, and §22-503.B, Conceptual Preliminary Plan. §22-401.A, below, shall be followed to the greatest extent possible when submitting a Sketch Plan in accordance with §22-501.A.

A. Diagrammatic Sketch Plan. A Diagrammatic Sketch Plan or Conceptual Preliminary Plan shall include, at a minimum, the following information:

1. Name and address of the owner and applicant.

2. Name and address of the professional engineer, surveyor, planner, architect, landscape architect, or site designer responsible for preparing the plan.

3. Graphic scale and north arrow. While dimensions on the plan need not be exact at this stage a scale not greater then 1" = 200 feet is preferred.

4. The entire tract boundary and total acreage.

5. Location plan showing the relationship of the subject tract to the surrounding road network and major physical features.

6. Zoning district.

7. The greenway area as shown in the Upper Salford Township Greenway Guidebook for the subject property, if any. Also, any existing greenway area on, or any greenway area indicated by the Greenway Guidebook for, any adjacent properties for a distance of at least 100 feet from the property boundary shall be shown and labeled.

8. Existing and proposed streets, rights-of-way, easements, lots, buildings, and approximate building envelopes.

9. Approximate location of 100-year floodplain limits, steep slopes as regulated by Article XVII of the Upper Salford Township Zoning Ordinance, generalized soil types, and wetlands, if any.

10. Physical features, including existing structures, wooded areas, hedgerows, and other significant vegetation, ponds, streams within 200 feet of the tract. May be provided by existing aerial photography at a scale of 1 inch equals 400 feet.

11. Contour lines at 5 to 10 foot intervals, based on U.S.G.S. datum. May be provided by U.S.G.S 7.5 minute quadrangles, enlarged to an approximate scale of 1 inch equals 200 feet.

12. Approximate locations for stormwater control facilities, if necessary.

13. Schematic layout indicating a general concept for land conservation and development, including proposed general street layout, building locations, parking lots, and open space.

14. Greenway area as depicted in the Upper Salford Township Greenway Guidebook for the subject property and any adjacent property for a minimum distance of 100 feet.

15. Any additional information which the applicant believes will help explain the proposal.

B. Existing Resources and Site Analysis Map. The Existing Resources and Site Analysis Map shall provide the developer and municipality with a comprehensive analysis of existing conditions, both on the proposed development site and within 400 feet of the site.

The municipality shall review the map to assess its accuracy and thoroughness. Unless otherwise specified by the Planning Commission, such plans shall be prepared at the scale of 1 inch = 100 feet or 1 inch = 200 feet, whichever would best fit on a single standard size sheet (24" X 36"). At a minimum, the following information shall be included on the map(s).

1. Topography, the contour lines of which shall generally be at two-foot intervals, determined by photogrammetry (although 10 foot intervals are permitted beyond the parcel boundaries, interpolated from U.S.G.S published maps). The determination of appropriate contour intervals shall be made by the Planning Commission, which may specify greater or lesser intervals on exceptionally steep or flat sites. Slopes between 15 and 24 percent and 25 percent or greater shall be clearly indicated. Topography for major subdivisions shall be prepared by a professional land surveyor or professional engineer from an actual field survey of the site or from stereoscopic aerial photography and shall be coordinated with official U.S.G.S. benchmarks.

2. The location and delineation of ponds, streams, and natural drainage swales, as well as the 100-year floodplains and wetlands, as defined in the Zoning Ordinance. Additional areas of wetlands on the proposed development parcel shall also be indicated, as evident from testing, visual inspection, or from the presence of wetland vegetation.

3. Vegetative cover conditions on the property according to general cover type including cultivated land, permanent grass land, old field, hedgerow, woodland and wetland, trees with a caliper in excess of eighteen inches, the actual canopy line of the existing trees and woodlands. Vegetative types shall be described by plant community, relative age and condition.

4. Soil names and map units, as mapped by the U.S. Department of Agriculture, Natural Resources Conservation Service and shown on the Web Soil Survey, and accompanying data for each soil relating to its suitability for construction (and, in unsewered areas, for septic suitability) and hydrologic group.

5. Ridge line and watershed boundaries.

6. The greenway area as shown in the Upper Salford Township Greenway Guidebook for the subject property, if any. Also, any existing greenway area on, or any greenway area indicated by the Greenway Guidebook for, any adjacent properties for a distance of at least 100 feet from the property boundary shall be shown and labeled.

7. A viewshed analysis showing the location and extent of views into the property from public roads and from public parks, public forests, and state game lands.

8. Geologic formations on the proposed development parcel, based on available published information or more detailed data obtained by the applicant.

9. The location and dimensions of all existing streets, roads, buildings, utilities, rights-of-way, curbs and sidewalks and other man-made improvements.

10. Greenway area as depicted in the Upper Salford Township Greenway Guidebook for the subject property and any adjacent property for a minimum distance of 100 fee.

11. Locations of all historically significant sites or structures on the tract and on any abutting tract.

12. Location of trails that have been in public use (pedestrian, equestrian, bicycle, etc.).

12. All easements and other encumbrances of the property which are or have been filed of record with the Recorder of Deeds of Montgomery County shall be shown on the plan.

§22-402. PRELIMINARY PLAN SUBMISSION REQUIREMENTS

This section contains the requirements for Preliminary Plans and Detailed Preliminary Plans for subdivisions and/or land developments in terms of Drafting Standards, Basic Information, Existing Features, and Proposed Features, and is written in a checklist format.

A. Drafting Standards. Plans shall be professionally prepared in compliance with the following:

1. The plan shall be drawn to a standard engineering scale not exceeding 50 feet to the inch.

2. Sheet size shall be 15" X 18", 18" X 30", or 24" X 36", appropriately related to the scale of the drawing.

3. All sheets shall be the same size, and be numbered relative to the total number of sheets (ie., 1 of 5, etc.)

4. Where two or more sheets are needed to show the entire tract, a reduced scale key plan shall be provided to show how the sheets fit together.

5. Where two or more sheets are needed to show the entire tract, a reduced scale plan of the entire site, at a scale greater than fifty (50) feet to the inch shall be provided to facilitate the review and approval process.

6. Property lines shall be drawn and labeled in conformance with the act of May 23, 1945 (P.L. 913, No. 367), known as the "Professional Engineers Registration Law," and accepted surveying and civil engineering practices, including dimensions shown in feet and decimal fractions thereof, and bearings shown in degrees, minutes, and seconds.

   a. Tract boundary lines shall be the heaviest property lines.

   b. Proposed lot lines shall be the next heaviest.

   c. Possible future lots, if shown, shall be the lightest line weight, and may be shown as dashed lines.

   d Property lines to be eliminated where two (2) lots are proposed to be joined in common deed should be properly noted and depicted on the boundary to be removed.

B. Basic Information. All preliminary plans shall show the following basic information:

1. Name of the subdivision or land development.

2. Name, address and phone number of applicant.

3. Name, address and phone number of the firm which prepared the plan and professional seal of the individual certifying its accuracy and compliance with applicable standards.

4. Date of preparation of the plan and a descriptive list of revisions to the plan, and the revision dates.

5. North point and graphic and written scale.

6. Location plan showing the relationship of the subject tract to the surrounding road network and major physical features.

7. The entire tract boundary with bearings and distances and total tract acreage.

8. A list of the basic dimensional and density requirements of the applicable zoning district and proposed use, compared to the applicant's proposal including, if applicable, an explanation of the calculation of the area set aside for open space, impervious coverage, net buildable area, and any other design or dimension requirements spelled out in the zoning ordinance.

9. Zoning classification(s) of all lands abutting the proposal.

10. Names of all current owners of immediately adjacent lands.

11. A statement showing:

    a. Number of acres under proposal (net and gross acreage should be indicated in accordance with the zoning ordinance).

    b. Number of lots and/or dwelling units, or gross leasable area.

12. Description of variances or special exceptions and the dates they were granted, if any.

13. Description of any deed restrictions or other covenants affecting development of the tract.

14. The requirements of any other local ordinance which may affect the proposal.

15. Legend sufficient to indicate clearly between existing and proposed conditions.

16. Name and address of the owner of record.

17. Tax block and unit number of all parcels being subdivided or developed.

18. Deed book and page numbers for all parcels being subdivided or developed.

C. Existing Features Plan. In addition to the requirements for an Existing Resources and Site Analysis Map, as identified in §22-401.B, the following information shall be shown on the Preliminary Plan:

1. Sanitary Sewers, including:

    a. Pipe locations.

b. Pipe sizes and materials.

c. Direction of flow.

d. Gradient of flow.

e. Manholes.

f. Invert Elevations.

2. Storm sewers, including:

a. Pipe locations.

b. Pipe sizes and materials.

c. Direction of flow.

d. Gradient of flow.

e. Inlets, catch basins, and manholes.

f. Invert elevations.

3. Other existing stormwater and/or erosion control facilities, including:

a. Basins.

b. Swales.

c. Diffusion devices.

d. Velocity Controls.

e. Related technical data for those facilities.

4. Other man-made features, including:

a. Location, size, character, and configuration of existing buildings, labeled "To Remain" or "To Be Removed" as applicable.

b. Location and description of existing buildings and other structures, and on-site sewage disposal systems and water supply wells less than one hundred (100) feet beyond the tract boundaries.

c. Location, type, and ownership of utilities, both above and below ground, with notes to describe:

i. Easement or right-of-way dimensions.

ii. Additional setback or development restrictions imposed by the utility company.

iii. Specific type of product transported with pipelines.

D. Proposed Features and Lotting Plan. Within the tract proposed for subdivision and/or land development, the following information shall be shown on the Preliminary Plan:

1. Subdivision and/or Land Development Layout

a. Proposed streets, alleys, driveways, and parking areas, including:

i. Names or other identification.

ii. Right-of-way widths and lines.

iii. Cartway widths.

iv. Centerline courses, distances, and curve data.

v. Curb lines.

vi. Radii at intersections.

vii. Street location tie-ins by courses and distances.

viii. Capacity of parking areas.

ix. Sight distance at proposed intersections with existing streets.

b. Layout and dimensions of all lots, including the net and lot area as defined within the zoning ordinance.

c. All building setback lines.

d. All parking setback lines where applicable.

e. Proposed sidewalk or other walkway locations.

f. Proposed non-residential buildings, semi-detached and attached single-family dwellings, and multifamily structures, including:

i. Locations.

ii. Configurations.

iii. Sizes (ground level floor area, total floor area, and height).

iv. Total building coverage (square feet and percentage of site).

v. Locations and types of accessory structures.

vi. Ground floor elevations.

g. Greenway areas, including :

i. Greenway area to be dedicated to the township or another agency.

a) Locations.

b) Configurations.

c) Size.

d) Name of the designated owner.

e) Uses of the greenway area. Either a full description or a brief description with reference to the recorded document that contains the full description.

ii. The Homeowner Association areas.

a) Locations.

b) Configurations.

c) Size.

d) Name of the ultimately designated Homeowner Association or its interim owner(s).

e) Uses of the Homeowner Association area(s). Either a full description or a brief description with reference to the recorded document that contains the full description.

f) Responsibilities of the Homeowner Association or its interim owner(s). Either a full description or a brief description with reference to the recorded document that contains the full description.

iii. Access, Conservation, or Other Easements.

a) Locations.

b) Configurations.

c) Size.

d) Name of the designated easement holder(s).

e) Uses of the easement area. Either a full description or a brief description with reference to the recorded document that contains the full description.

h. Common use areas, including:

i. Open Space Areas.

a) Locations.

b) Configurations.

c) Size.

d) Use of common area.

ii. Recreation facilities.

a) Locations.

b) Types of facilities

iii. Parking, driveway, or road areas when privately owned for common use.

iv. Walkways or pathways.

i. Areas for future uses, including:

i. Road extensions.

ii. Stormwater management facilities.

iii. Additional subdivision or land development in sketch form, in accordance with the requirements of §22-401, Sketch Plan Submission Requirements, and in accordance with the intent of §22-501, Sketch Plan Submission and Review Procedure.

iv. Explanatory notes for such future uses.

j. Proposed Landscaping Plan including:

i. Street trees.

ii. Planting screens.

iii. Buffer areas.

iv. Other related landscape features such as mounding and water features.

v. Managed meadow.

k. Proposed Lighting Plan including:

i. Lighting layout, including, but not limited to, driveway and parking lighting, sidewalk and walkway lighting, building-mounted outdoor lighting, soffit lighting, under-canopy lighting, outdoor security lighting, landscaping lighting, building façade lighting, and sign lighting.

ii. Plot of proposed maintained footcandles at grade. Values shall be carried out to property boundaries to demonstrate compliance with light-trespass requirements. A statistical area summary that lists minimum, average and maximum footcandle values shall also be provided.

iii. Light fixture specifications and illustrations.

iv. Aiming angle of all fixtures.

v. Light timing devices, proposed time of shutoff and switch-on, and which specific fixtures, if any, are proposed to remain on all night for safety and/or security.

2. Grading and Drainage Plan. The following information shall be shown on the preliminary plan:

a. Proposed contours for the entire site at the contour interval of the plan.

b. Approximate limits of site disturbance, including a clear delineation of existing vegetation including trees, hedge rows, wooded areas, scrub growth, meadow, and actively farmed land:

i. To be removed.

ii. To be preserved including method of preservation.

c. Stormwater management and erosion control and sedimentation facilities, including:

i. Basins.

ii. Swales.

iii. Diffusion devices.

iv. Velocity Controls.

v. Pipe Locations.

vi. Pipe sizes and materials.

vii. Direction of flow.

viii. Gradient of flow.

ix. Inlets, catch basins, and manholes.

x. Invert elevations.

d. Design calculations for these facilities shall be submitted in report form with a note on the plan referencing the report.

3. Infrastructure Plan

a. Sanitary sewer line locations, clearly identifying the following:

i. Pipe sizes and materials.

ii. Direction of flow.

iii. Gradient of flow.

iv. Manholes.

v. Invert elevations.

b. Sanitary Sewage Pumping Stations.

c. Approved on-site disposal locations.

d. Sewage treatment plant locations.

e. Water supply facilities, including:

i. Central water supply lines.

ii. Pipe sizes and materials.

iii. Fire hydrant locations.

iv. Well locations when on lot, including the 100 foot radius clear zone separating wells from sewage disposal locations.

f. Finished floor elevations of proposed buildings.

g. Municipal waste disposal facilities.

4. Cross Sections, Profiles, Structural Designs. The following shall be provided:

a. Cross section and centerline profile for each proposed or widened cartway, driveway, or parking area shown on the preliminary plan including:

i. Road centerline grades and vertical curvature including road centerline elevations shown at horizontal intervals of twenty five (25) feet along vertical curves and fifty (50) feet for straight grades.

ii. Profiles for sanitary sewers, water mains, storm drains, including locations of manholes, inlets, and catch basins.

b. Preliminary design of any bridges, culverts, or other structures and appurtenances which may be required.

E. Deposits for Review Fees.

1. At the time of filing of a subdivision or land development application, in addition to those fees required for administrative and review of the subdivision or land development plan, the applicant shall be required to deposit with the Township such escrow accounts as are established by Resolution authorized by §22-902.C. Until such time as all applicable fees and required escrow deposits have been received by the Township, the application shall not be deemed complete nor officially received for review. It shall not be necessary for the escrow amount to be deposited by the Township in an interest bearing account, but any unused portions of the escrow shall be returned to the applicant within sixty (60) days of the date of recording of the final record plan or denial or withdrawal of a preliminary plan of subdivision or land development. In the alternative, the applicant may request that the funds be retained by the Township to meet the requirements of §22-403.A.3.

2. In all cases, the applicant shall be responsible for 100% of all professional fees incurred in the course of reviewing a subdivision or land development plan and may be required to post additional escrow deposits as a condition for further review of such plans in the event the initial deposits are exhausted. In the event that the applicant shall fail to make payment of all professional fees as required hereunder or fails to post the additional escrow deposits with the Township, all work related to the subdivision or land development will cease until any unpaid amounts are paid and an escrow posted sufficient to ensure payment of any estimated additional fees. Outstanding professional fees will be recovered in accordance with the MPC.

§22-403. FINAL PLAN SUBMISSION REQUIREMENTS

All Final Plans for subdivisions and/or land developments shall consist of two basic parts, the Improvements Construction Plan and the Record Plan, and shall comply with the requirements of this section.

A. Improvement Construction Plan.

1. Drafting Standards. The same standards shall be required for an Improvements Construction Plan as for a Preliminary Plan, except that the horizontal scale of the plan and profile shall not exceed 50 feet to the inch and the vertical scale of the plan shall be 2, 4, or 5 feet to the inch, whichever is most appropriate.

2. Information to be Shown. The plan shall contain sufficient information needed for the construction of the proposed streets, or any portion thereof, including all appurtenances,
sewers and utilities, as shown on the approved Preliminary Plan. This information shall include:

a. Horizontal Plan. The horizontal plan shall show details of the horizontal layout as follows:

i. Information shown on the approved preliminary plan, however the greenway area as shown in the Upper Salford Township Greenway Guidebook for the subject property, if any, and any greenway area indicated on any adjacent properties need not be shown. Nevertheless, the proposed greenway area for the subject property shall be shown.

ii. The beginning and end of proposed immediate and future construction.

iii. Stations corresponding to those shown on the profiles.

iv. The curb elevation at tangent points of horizontal curves, at road or alley intersections, and at the projected intersections of the curb lines.

v. The location and size of sanitary sewers and lateral connections and water mains with distances between manholes, gas, electric and other utility pipes or conduits and of storm drains, inlets and manholes.

vi. The location, type and size of curbs and all paving widths.

vii. The location of fire hydrants.

b. Profiles. The profiles shall show details as follows:

i. Profiles and elevations of the ground along the centerlines of proposed streets.

ii. Profiles of sanitary sewers with a profile over the sewer of the existing and finished ground surface showing manhole locations beginning at the lowest manhole.

iii. Profiles of storm drains showing catch basins, inlet, and manhole locations, swales, ditches, etc.

iv. Profiles of water mains.

c. Cross Sections. The cross section for each classification of street 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:

i. The ultimate right-of-way width and the location and width of the cartway.

ii. The type, depth and crown of paving.

iii. The type and size of curb.

iv. When sidewalks are required, grading of the sidewalk area should be carried to the full width of the ultimate right-of-way.

v. The location, width, type and depth of sidewalks, when required.

vi. The typical locations, size and depths of sewers and utilities.

vii. Proposed grading to the ultimate right-of-way line.

d. Additional Information. The following additional information shall be submitted with the Final Plan.

i. All required Local, County, State, and Federal permits shall be submitted. These permits may include: Montgomery County, Pennsylvania Department of Transportation (PADOT), or (municipal) road access permits; Pennsylvania Department of Environmental Protection (DEP) permits for drainage, stream alteration, wetlands encroachment, water quality discharge, dams, erosion, and sedimentation control, air pollution, or sanitary sewage facilities.

ii. The following statements shall be required on the Final Plan:

a) "The Approved Improvement Construction Plan, a copy of which may be inspected at the township Office, has been made a part of the Approved Final Plan."

b) "For access to a highway under the jurisdiction of PADOT, a highway occupancy permit is required, pursuant to § 420 of the act of June 1,

1945 (P.L. 1242, No. 428) known as the "State Highway Law." Access to the State highway shall be only as authorized by the highway occupancy permit."

iii. All engineering calculations which support the proposed improvements such as drainage calculations, sanitary facility design calculations, or structural calculations.

iv. Certification of inspection and satisfactory functioning of any on-lot sewage disposal system which will remain in use, in accordance with current industry and DEP standards.

v. Developments utilizing public water or sewer facilities should provide proof that those services will be provided.

vi. Sewage facilities plan approval from DEP.

vii. Recommendation of approval of the erosion and sediment control plan from the Conservation District.

3. Deposits for Review Fees. In the event that an applicant has not previously established an escrow account pursuant to §22-402.E., at the time of filing of a final plan of subdivision or land development shall comply with the requirements of §22-402.E.

B. Record Plan.

1. Drafting Standards. The same standards shall be required for a Record Plan as for a Preliminary Plan, and in addition, for recording purposes, the plans shall be placed on mylar sheet sizes of 15" x 18", 18" X 30", or 24" X 36". All lettering and lines should be drawn to be legible if the plan is reduced to half size. A 2 inch border on the left side of the plan should be free of information.

2. Information to be Shown. The plan, which shall include all portions of an approved Preliminary Plan, shall also show:

a. Basic Information, as required for a Preliminary Plan, §22-402.B.

b. Courses and distances sufficient for the legal description of all the lines shown on the plan. The error of closure shall not be greater than one (1) part in 5,000.

c. Names or identification of the following:

i. Abutting owners.

ii. All dimensional and technical descriptions of roads.

iii. Easements.

iv. Rights-of-way.

v. Open space, recreation, and/or other common use areas.

vi. Other public improvements.

vii. For land development plans, all additional information pertinent to the location and construction of site improvements, including buildings, walks, parking, driveways, etc.

viii. Block and unit numbers.

ix. Montgomery County Planning Commission file number.

d. All lots deeded to the ultimate right-of-way so that a single deed may be drawn to the appropriate body having jurisdiction for the dedication of streets by the applicant.

e. Evidence that the plans are in conformance with the zoning ordinance and other applicable township ordinances and regulations. In any instance where such plans do not conform, evidence shall be presented that an exception, waiver, or variance has been officially authorized.

f. The GPS location, material and size of all existing and proposed monuments with reference to them.

g. Building setback lines with distances from the ultimate right-of-way line, and property lines.

h. Appropriate notes and conditions governing the use or development of the proposed property.

C. Certifications. When approved, the Record Plan must show:

1. The signature and seal of the registered Engineer and Surveyor certifying that the plan represents his/her work; that the monuments shown thereon exist as located; that the dimensional and geodetic details are correct and that the survey has been prepared in accordance with the "Pennsylvania Engineers Registration Law," PL 913, No. 367.

2. The signature of the applicant certifying his adoption of the plan.

3. The signature of the township Secretary, certifying that the Board of Supervisors approved the Final Plan on the date shown.

a. Spaces shall be provided for the signatures of the Board of Supervisors whose signatures are required.

b. Space shall be provided for the signature of the Township Engineer.

4. A blank space shall be provided for the stamp and seal of the Montgomery County Planning Commission, located along the right-hand edge of the plan, measuring 3 ½ inches wide and 2 ½ inches tall.

D. Acceptance/Release of Record Plan. No Record Plan shall be accepted for execution by the Township Engineer or Township Board of Supervisors nor shall any record plan be released for recording until the applicant has satisfied all outstanding obligations for review fees as required by §§22-402 and 22-403 hereof.

§22-404. MINOR PLAN SUBMISSION REQUIREMENTS

Plans for Lot Line Adjustment, Simple Conveyance, Minor Subdivision and Minor Land Developments shall comply with the following submission requirements:

A. Drafting Standards.

1. The scale shall be one inch = 50 feet or less, except that, where proposed lots are to be greater than five acres in size, the scale may be one inch = 100 feet.

2. Sheet size shall be 15" X 18", 18" X 30", or 24" X 36", appropriately related to the scale of the drawing; only one sheet shall be permitted.

3. Property lines shall be drawn and labeled in conformance with accepted surveying and civil engineering practices, including dimensions shown in feet and decimals, and bearings shown in degrees, minutes and seconds with an error of closure no greater than one (1) foot in ten thousand (10,000) feet.

B. Basic Information to be Shown on the Plan.

1. Name, address and phone number of the applicant.

2. Name, address and phone number of any other property owner involved in the proposal.

3. Name, address, phone number and professional seal of the individual that prepared the plan.

4. Date of preparation of the plan and a descriptive list of revisions to the plan, and the revision dates.

5. North point and graphic and written scale.

6. Location plan showing the relationship of the subject tract to the surrounding road network and major physical features.

7. The entire boundary lines of all lots involved in the proposal, with bearings and distances and lot areas.

8. A list of the basic dimensional requirements of the applicable zoning district.

9. Legend sufficient to indicate clearly between existing and proposed conditions.

10. Notes sufficient to describe what is being proposed and which land areas are to be transferred as a result of the proposal.

C. Existing and Proposed Features to be Shown on the Plan.

1. For Lot Line Adjustments:

   a. The lot line proposed to be adjusted, as it currently exists, shown as a dashed line, labeled "Lot Line to be Removed."

   b. The lot line as it is proposed to be after adjustment, drawn using the standard lot line delineation at a heavier line weight than the other lot lines, and labeled "Proposed New Lot Line."

   c. Any existing physical features of the site which are involved in the decision to adjust the line.

   d. Any existing and/or proposed features which will be directly affected by the lot line adjustment.

2. For Simple Conveyances:

   a. The land area to be conveyed, drawn in a manner which makes it readily identifiable.

      i. The lot lines defining this area shall be drawn using the standard lot line delineation at a heavier line weight than the other lot lines.

      ii. This area shall be labeled "This area to be conveyed to (name) and is not a separate building lot."

   b. The area of the parcel being conveyed.

   c. The areas of the previously existing lots and their areas following conveyance.

   d. Any existing and/or proposed site features which will be directly affected by the conveyance.

   e. Tie Bars shall be shown on the plans indicating the parcels to be joined.

3. For Minor Subdivisions:

a. Existing Features:

i. Streets bordering or crossing the tract, showing names, right-of-way and cartway widths, and surface conditions.

ii. Locations of sanitary and/or storm sewer lines, and water supply lines.

iii. Location of all watercourses and limits of any flood prone areas, based on FEMA studies or engineering determination.

iv. Contours obtained from U.S.G.S. 7.5 min. quad maps, or more accurate methods.

v. Location and description of existing buildings and other structures, labeled "To Remain" or To be Removed" as applicable, and location and description of existing buildings and other structures less than 50 feet beyond the tract boundaries.

vi. Outer limits of tree masses.

vii. Locations of any natural or man-made features which may affect the developability of the land, such as quarries, wetlands, etc., within the property and up to 100 feet beyond the tract boundaries.

viii. Location, type, and ownership of major utilities, such as pipelines and electric transmission lines, both above and below ground, with notes describing:

a. Easement or right-of-way dimensions.

b. Additional setback or development restrictions imposed by the utility company.

c. Specific type of product using pipelines.

ix. Areas subject to deed restrictions or easements.

b. Proposed Features:

i. Layout and dimensions of both lots, including net lot areas and ultimate rights-of-way.

ii. All building setback lines.

iii. Locations of on-site water supply and sewage disposal, if applicable.

iv. The location and configuration of all proposed structures or buildings, grading and land disturbances, parking areas, driveways, landscaping,

and all other significant facilities including stormwater management facilities and erosion and sediment control where required.

4. For Minor Land Developments:

   a. The existing and proposed features for Minor Subdivisions above should be used for Minor Land Developments. In addition to these requirements, the following shall be shown:

      i. Parking lot locations

      ii. New buildings or additions to existing structures.

ARTICLE V

PLAN PROCESSING PROCEDURES

§22-500. APPLICABILITY

All preliminary and final subdivision and land development plans shall be referred to and reviewed by the Planning Commission and shall be approved or disapproved by the Board of Supervisors in accordance with the procedures specified in this Article and in other sections of this ordinance. Any application not processed as required hereafter shall be null and void unless it was made prior to the adoption of these regulations.

§22-501. SKETCH PLANS

Sketch Plans, as described in §22-401, shall be submitted to the Board of Supervisors for review by the Planning Commission. Such plans are for informal discussion only. Submission of a sketch plan does not constitute formal filing of a plan with the Planning Commission, and shall not commence the statutory review period as required by the Municipalities Planning Code. The procedures for submission of sketch plans are described in §22-501.A and B, below, and may be altered only at the discretion of the municipality.

A. Diagrammatic Sketch Plan. Sketch plans are very strongly encouraged for all proposed subdivisions and land developments, regardless of the number of lots or tract size. It is recommended that the sketch plan conform, to the greatest extent possible, with the requirements of §22-401.A.

1. Plan Submission. 15 copies of the diagrammatic sketch plan shall be submitted to the Township Secretary during regular business hours at least 14 days prior to the Planning Commission meeting at which the sketch plan is to be reviewed. Copies of the plans will be distributed to the Board of Supervisors and Planning Commission.

2. Site Inspection. After submitting the diagrammatic sketch plan applicants shall allow for site inspections of the property by the Planning Commission and other municipal officials prior to the meeting at which the diagrammatic sketch plan is to be reviewed. Applicants, their design professionals, and the landowner are encouraged to accompany the Planning Commission.

B. Diagrammatic Sketch Plan and Existing Resources and Site Analysis Map. Subdivisions and land developments involving non-residential lots or uses and residential proposals 10 acres or more in size or proposing more than 4 lots are encouraged to comply with the following:

1. Plan Submission. 15 copies of a Diagrammatic Sketch Plan, in accordance with §22- 401.A, and 15 copies of an Existing Resources and Site Analysis Map, in accordance with §22-401.B, shall be submitted to the Township Secretary during regular business hours at least 14 days prior to the Planning Commission

meeting at which the diagrammatic sketch plan is to be reviewed. Copies of the plans will be distributed to the Board of Supervisors and Planning Commission.

2. Site Inspection. After submitting the Existing Resources and Site Analysis Map and Diagrammatic Sketch Plan, applicants shall allow for site inspections of the property by the Planning Commission and other municipal officials prior to the meeting at which they will be reviewed. Applicants, their design professionals, and the landowner are encouraged to accompany members of the Planning Commission.

C. Sketch Plan Review. The Planning Commission shall review sketch plans in accordance with the criteria contained in this ordinance and with other applicable ordinances. It shall provide informal dialogue with the applicant and advise them as promptly as possible of the extent to which the proposed subdivision or land development conforms to the relevant standards of this ordinance, and will discuss possible plan modifications that would increase its degree of conformity. Aspects of the sketch plan that shall be specifically evaluated include but are not limited to:

1. The location of all areas proposed for disturbance (streets, foundations, yards, septic disposal systems, stormwater management areas etc.) with respect to notable features of natural or cultural significance as identified on the applicant's Existing Resources and Site Analysis Plan.

2. The potential for street connections with existing streets, other proposed streets, or potential developments on adjoining parcels.

3. The location of proposed access points along the existing road network.

4. The proposed building density and imperious coverage.

5. The compatibility of the proposal with respect to the objectives and policy recommendations of the Comprehensive Plan and the Open Space and Environmental Resource Protection Plan.

6. Consistency with the zoning ordinance.

§22-502. PRELIMINARY PLAN SUBMISSION AND REVIEW

A. Applicability. The procedure contained in this section shall regulate the submission and review of Preliminary Plans for subdivisions and land developments meeting one of the following criteria:

1. A residential subdivision involving less than 5 lots and less than 10 acres.

2. The applicant has voluntarily conformed with the Diagrammatic Sketch Plan and Existing Resources and Site Analysis Map process requirements of §22-501.B, above.

Subdivisions and land developments not meeting one of the above criteria shall be required to conform with §22-503, Conceptual and Detailed Preliminary Plan Process. Applicants may also voluntarily comply with the Diagrammatic Sketch Plan and Existing Resources and Site Analysis Map process requirements of §22-501.

B. Plan Submission. 15 copies of the Preliminary Plan in accordance with §22-402 shall be submitted to the Township Secretary during regular business hours at least 14 days prior to the Planning Commission meeting at which the Preliminary Plan is to be reviewed.

C. Plans must be accompanied by:

1. Township filing fee.

2. Montgomery County Planning Commission review fee.

3. Completed township application and administrative forms.

4. All initial preliminary plan submissions and revisions submitted for review to the Planning Commission shall be provided in Auto CAD file .dwg or .dxf of the most current Auto CAD version or such format or version as may be required by the Township Engineer. Submission shall be provided on CD-RW media or in such form as requested by the Township Engineer. In addition, all initial preliminary plan submissions shall include GIS location designation for all tracts or parcels which are subject to the application.

D. The Township Secretary will conduct a review of the application, administrative forms, and Preliminary Plans, to ensure that the submission appears to be complete, and will then stamp the plans with the Plan Submission Date.

E. The Township Secretary shall distribute copies of the plan to the following for review and recommendations:

1. Planning Commission.

2. Board of Supervisors.

3. Township Engineer.

4. Montgomery County Planning Commission, along with the required review fee and completed review request form.

5. Solicitor, Roadmaster, Public Works Director, Fire Marshall, Police Chief, other township boards or officials, sewer and/or water authorities, and/or other technical consultants as needed.

F. The application for approval of the Preliminary Plan shall be placed on the agenda of the next regularly scheduled meeting of the Township Planning Commission

following the Plan Submission Date provided that plans are received 14 days prior to that date.

G. Upon completion of its review of the Preliminary Plan, which should include consideration of the timely recommendations of the township Engineer, Montgomery County Planning Commission, and other technical advisors when requested, the Township Planning Commission shall communicate its recommendations to the Board of Supervisors.

H. The Board of Supervisors shall have a 90 day time period to act on the plan unless the applicant has agreed in writing to an extension of the time period.

1. The 90 day time period shall be measured from the date of the next regularly scheduled township Planning Commission meeting following the Plan Submission Date.

2. If an extension of the 90 day time period is applied, it shall be measured from the expiration of the original 90 day period. A time extension shall postpone the deadline and effects of the 90 day time period for the additional number of days agreed to in writing prior to the last scheduled Board of Supervisors meeting within the 90 day plan review period.

I. The Board of Supervisors shall consider the Preliminary Plan application at one or more of its public meetings during the 90 day time period, and/or extension thereof if applicable, and shall render a decision on the plan following receipt of the recommendations of the township Planning Commission, township Engineer, Montgomery County Planning Commission, and/or other technical advisors as requested.

1. Provided, in accordance with the "Pennsylvania Municipalities Planning Code," that the Board of Supervisors shall not approve an application until the Montgomery County Planning Commission report of its recommendations is received, or until the expiration of 30 days from the date the application was forwarded to the County.

2. In accordance with the policies of the Montgomery County Planning Commission, the date the application was forwarded to the county shall be considered to be:

a. The date noted on the Township's request for review, or;

b. Two days prior to the county's receipt of the request if no date is noted on the request, except that in no instance will the date be earlier than 5 days prior to the county's receipt of the request.

J. Procedure Following the Board of Supervisors Decision. When the Board of Supervisors make a decision on a Preliminary Plan, one of following procedures will be followed, depending on the type of decision:

1. Denial. If the Board of Supervisors deny approval of a Preliminary Plan, then the written notification to the applicant shall specify the defects found in the application and describe the requirements which have not been met, and shall cite the provisions of the statute or ordinance relied upon.

2. Approval. If the Board of Supervisors approve a Preliminary Plan, as filed by the applicant, then the Secretary will so certify thereon, and a copy of the approved plan will be forwarded to the applicant. The applicant shall then submit two paper copies of the approved plan for township seal and signature.

3. Approval Subject to Conditions. If the Board of Supervisors approve a Preliminary Plan, conditioned upon the performance of any act or the obtaining of any other approval or permit by the applicant, the applicant shall be given the opportunity to accept or reject the conditions within a 10 day period. The approval of the plan shall be rescinded automatically without action of the Board of Supervisors, at the end of 10 days from the date at which conditional approval was granted or notice received by the applicant regarding the conditional approval, upon either the applicant's failure to execute the written acceptance or upon rejection of such conditions by the applicant. Written notice will be provided to the applicant in the following manner:

   a. Specify the conditions of approval and request the applicant's written agreement to the conditions.

   b. State that the application will be denied if the applicant does not agree to the conditions, and specify the defects found in the application, describe the requirements which have not been met, and cite the provisions of the statute or ordinance relied upon for denial of the plan.

   c. State that the plan approval shall be rescinded automatically upon the applicant's failure to accept or reject the conditions within 10 days following the decision by the Board of Supervisors to grant conditional approval.

      Following submission of written agreement to the conditions specified by the Board, the applicant shall submit two paper copies of the Preliminary Plan, which show compliance with the conditions, by plan revision or notation, for township seal and signatures.

4. Written notification of the Board of Supervisors decision shall be communicated to the applicant personally or be mailed to the applicant's last known address not later than 15 days following the decision.

K. Effective Period of Approval. Approval will be effective indefinitely from the date of Preliminary Plan approval. Changes to ordinances may affect plan approvals after 5 years from the date of Preliminary Plan Approval, except as follows:

1. No subsequent change or amendment in the zoning, subdivision, or other governing ordinance or plan shall be applied to affect adversely the right of the

applicant to commence and to complete any aspect of the approved development in accordance with the terms of approval within that 5 year period.

2. In the case where Preliminary and Final Plan approval are concurrent, the 5 year period shall be measured from the date of that concurrent approval.

3. In a case of a Preliminary Plan calling for the installation of improvements beyond the 5 year period, a schedule shall be filed by the applicant with the Preliminary Plan delineating all proposed sections as well as deadlines within which applications for Final Plan approval of each section are intended to be filed.

   a. Such schedule shall be updated annually by the applicant on or before the anniversary of the Preliminary Plan approval, until Final Plan approval has been granted to the final section.

   b. Any modification in the aforesaid schedule shall be subject to approval of the Board of Supervisors in its discretion.

   c. Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of twenty-five (25) percent of the total number of dwelling units as shown on the Preliminary Plan, unless a lesser percentage is approved by the Board of Supervisors in its discretion.

   d. For any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within the initial 5 year period, the terms of §22-502.I above shall also apply to each subsequent section for an additional term of 3 years from the date of Final Plan approval of each section.

§22-503. CONCEPTUAL AND DETAILED PRELIMINARY PLAN PROCESS

A. Applicability. The Conceptual and Detailed Preliminary Plan process shall be required for the following subdivisions and land developments which have <u>not</u> complied with the Diagrammatic Sketch Plan and Existing Resources and Site Analysis Map process, identified in §22-501.B:

   1. Subdivisions and land developments involving non-residential lots or uses.

   2. Residential subdivisions on 10 acres or more in size or proposing more than 4 lots.

B. Conceptual Preliminary Plan Submission.

   1. Plan Submission. 15 copies of a Conceptual Preliminary Plan, drafted in accordance with the Diagrammatic Sketch Plan and Existing Resources and Site Analysis Map requirements of §22-401.A and B, and application shall be submitted to the Township Secretary during regular business hours at least 14

days prior to the date of the next regularly scheduled Planning Commission meeting. The official 90-day review period provided for Preliminary Plans under the Pennsylvania Municipalities planning Code shall commence at the time the Planning Commission determines the Conceptual Preliminary Plan application is complete.

2. Site Inspection. After submitting the Conceptual Preliminary Plan, applicants shall allow for site inspections of the property by the Planning Commission and other municipal officials prior to the meeting at which they will be reviewed. Applicants, their site designers, and the landowner are encouraged to accompany the Planning Commission.

3. Planning Commission Review. This Conceptual Preliminary Plan shall be reviewed by the Planning Commission within 14 days of submission at a meeting to which the applicant is specifically invited, where the application will be formally acknowledged and where all applicable requirements will be discussed. The comments, concerns, and potential deficiencies identified by the Planning Commission will be reflected in the minutes of the meeting in which the plan was reviewed.

C. Detailed Preliminary Plan.

1. Not later than the 30th day of the 90-day review period, 15 copies of the Detailed Preliminary Plan in accordance with §22-402 shall be submitted to the Township Secretary, in person by the applicant or applicant's agent, at the township Office during normal township business hours.

2. Plans must be accompanied by:

   a. township filing fee.

   b. Montgomery County Planning Commission review fee.

   c. Completed township application and administrative forms.

   d. All detailed preliminary plan submissions and revisions submitted for review to the Planning Commission shall be provided in .pdf and Auto CAD file .dwg or .dxf of the most current Auto CAD version or such format or version as may be required by the Township Engineer. Submission shall be provided on CD-RW media or as requested by the Township Engineer. In addition, all detailed preliminary plan submissions shall include GIS location designation for all tracts or parcels which are subject to the application.

3. The Township Secretary will conduct a review of the application, administrative forms, and Detailed Preliminary Plans, to ensure that the submission appears to be complete, and will then stamp the plans with the Plan Submission Date.

4. The Township Secretary shall distribute copies of the plan to the following for review and recommendations:

a. Planning Commission.

b. Board of Supervisors.

c. Township Engineer.

d. Montgomery County Planning Commission, along with the required review fee and completed review request form.

e. Solicitor, Roadmaster, Public Works Director, Fire Marshall, Police Chief, other township boards or officials, sewer and/or water authorities, and/or other technical consultants as needed.

5. The application for approval of the Detailed Preliminary Plan shall be placed on the agenda of the next regularly scheduled meeting of the Township Planning Commission following the Plan Submission Date provided that plans are received 14 days prior to that date.

6. Upon completion of its review of the Detailed Preliminary Plan, and within 30 days from the date a complete Detailed Preliminary Plan was submitted (60 days from the date the Conceptual Preliminary Plan was submitted) the Township Planning Commission shall communicate its recommendations to the Board of Supervisors. The review should include consideration of the timely recommendations of the township Engineer, Montgomery County Planning Commission, and other technical advisors when requested,

7. The Board of Supervisors shall have a 90 day time period to act on the plan from the date of the Conceptual Preliminary Plan submission unless the applicant has agreed in writing to an extension of the time period.

   a. The 90 day time period shall be measured from the date of the next regularly scheduled township Planning Commission meeting following the Conceptual Preliminary Plan Submission Date.

   b. If an extension of the 90 day time period is applied, it shall be measured from the expiration of the original 90 day period. A time extension shall postpone the deadline and effects of the 90 day time period for the additional number of days agreed to in writing prior to the last scheduled Board of Supervisors meeting within the 90 day plan review period.

8. The Board of Supervisors shall consider the Detailed Preliminary Plan application at one or more of its public meetings during the final 60 days of the 90 day time period, and/or extension thereof if applicable, and shall render a decision on the plan following receipt of the recommendations of the township Planning Commission, township Engineer, Montgomery County Planning Commission, and/or other technical advisors as requested.

a. Provided, in accordance with the "Pennsylvania Municipalities Planning Code," that the Board of Supervisors shall not approve an application until the Montgomery County Planning Commission report of its recommendations is received, or until the expiration of 30 days from the date the application was forwarded to the County.

b. In accordance with the policies of the Montgomery County Planning Commission, the date the application was forwarded to the county shall be considered to be:

i. The date noted on the Township's request for review, or

ii. Two days prior to the county's receipt of the request if no date is noted on the request, except that in no instance will the date be earlier than 5 days prior to the county's receipt of the request.

9. Procedure following the Board of Supervisors Decision. When the Board of Supervisors make a decision on a Detailed Preliminary Plan, one of following procedures will be followed, depending on the type of decision:

a. Denial. If the Board of Supervisors deny approval of a Preliminary Plan, then the written notification to the applicant shall specify the defects found in the application and describe the requirements which have not been met, and shall cite the provisions of the statute or ordinance relied upon.

b. Approval. If the Board of Supervisors approve a Preliminary Plan, as filed by the applicant, then the Secretary will so certify thereon, and a copy of the approved plan
will be forwarded to the applicant. The applicant shall then submit two paper copies of the approved plan for township seal and signature.

c. Approval Subject to Conditions. If the Board of Supervisors approve a Preliminary Plan, conditioned upon the performance of any act or the obtaining of any other approval or permit by the applicant, the applicant shall be given the opportunity to accept or reject the conditions within a 10 day period. The approval of the plan shall be rescinded automatically without action of the Board of Supervisors, at the end of 10 days from the date at which conditional approval was granted or notice received by the applicant regarding the conditional approval, upon either the applicant's failure to execute the written acceptance or upon rejection of such conditions by the applicant. Written notice will be provided to the applicant in the following manner:

i. Specify the conditions of approval and request the applicant's written agreement to the conditions.

ii. State that the application will be denied if the applicant does not agree to the conditions, and specify the defects found in the application, describe

the requirements which have not been met, and cite the provisions of the statute or ordinance relied upon for denial of the plan.

iii. State that the plan approval shall be rescinded automatically upon the applicant's failure to accept or reject the conditions within 10 days following the decision by the Board of Supervisors to grant conditional approval.

Following submission of written agreement to the conditions specified by the Board, the applicant shall submit two paper copies of the Preliminary Plan, which show compliance with the conditions, by plan revision or notation, for township seal and signatures.

d. Written notification of the Board of Supervisors decision shall be communicated to the applicant personally or be mailed to the applicant's last known address not later than 15 days following the decision.

10. Effective Period of Approval. Approval will be effective indefinitely from the date of Detailed Preliminary Plan approval. Changes to ordinances may affect plan approvals after 5 years from the date of Detailed Preliminary Plan Approval, except as follows:

a. No subsequent change or amendment in the zoning, subdivision, or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of approval within that 5 year period.

b. In the case where Detailed Preliminary and Final Plan approval are concurrent, the 5 year period shall be measured from the date of that concurrent approval.

c. In a case of a Detailed Preliminary Plan calling for the installation of improvements beyond the 5 year period, a schedule shall be filed by the applicant with the Preliminary Plan delineating all proposed sections as well as deadlines within which applications for Final Plan approval of each section are intended to be filed.

i. Such schedule shall be updated annually by the applicant on or before the anniversary of the Preliminary Plan approval, until Final Plan approval has been granted to the final section.

ii. Any modification in the aforesaid schedule shall be subject to approval of the Board of Supervisors in its discretion.

iii. Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of twenty-five (25) percent of the total number of dwelling units as shown on the Preliminary Plan,

unless a lesser percentage is approved by the Board of Supervisors in its discretion.

iv. For any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within the initial 5 year period, the terms of §22-502.I above shall also apply to each subsequent section for an additional term of 3 years from the date of Final Plan approval of each section.

§22-504. FINAL PLAN SUBMISSION AND REVIEW

Final Plans shall be submitted and reviewed in accordance with the procedure contained in this section.

A. Processing steps for applications with previous Preliminary Plan or Detailed Preliminary Plan approval.

1. 15 copies of the Final Plan in accordance with §22-403 and accompanied by the township filing fee and required administrative forms, shall be submitted to the Township Secretary during regular business hours at least 14 days prior to the Board of Supervisors meeting at which the Final Plan is to be reviewed. All final plan submissions and revisions submitted for review shall be provided in .pdf and Auto CAD file .dwg or .dxf of the most current Auto CAD version or such format or version as may be required by the Township Engineer. Submission shall be provided on CD-RW media or as requested by the Township Engineer. In addition, all Final Plans shall include GIS location designation for all tracts or parcels which are subject to the application, as well as GIS location designation for those areas of the tract as determined necessary or appropriate by the Township Engineer.

2. The Plan Submission Date will be stamped on the plan and the application for Final Plan approval shall be placed on the agenda of the next regularly scheduled meeting of the township Planning Commission following the Plan Submission Date.

3. Copies of the plan will be distributed to the following:

   a. Township Engineer, Solicitor, Zoning Officer and Planning Commission.

   b. Other township boards or officials, sewer and/or water authorities, and/or other technical advisors as needed.

4. The Board of Supervisors shall act on the Final Plan in compliance with §22-504.B, below.

B. A Final Plan for an application that has been previously granted Preliminary Plan or Detailed Preliminary Plan approval shall be approved by the Board of Supervisors when it is assured that:

1. The Final Plan conforms to the approved Preliminary or Detailed Preliminary Plan.

2. All engineering and other technical details have been resolved to the satisfaction of the Township Engineer, as evidenced by a letter from the township Engineer, and to the satisfaction of other technical advisors, when requested by the Board of Supervisors.

3. A signed recommendation is received from the Planning Commission if specifically requested by the Board of Supervisors.

4. All financial security and legal agreements have been found satisfactory by the Board of Supervisors, under the review and advice of the Solicitor, all security has been posted, and all agreements have been executed.

   a. When requested by the developer, in order to facilitate financing, the Board of Supervisors shall furnish the applicant with a signed copy of a resolution indicating approval of the Final Plan contingent upon the applicant obtaining a satisfactory financial security.

   b. The Final Plan shall not be signed nor recorded until the financial improvements agreement is executed.

   c. The resolution of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within 90 days unless a written extension is granted by the Board of Supervisors.

5. The plan complies in all respects with applicable township ordinances or that appropriate variances or waivers have been granted for features that do not comply.

6. All necessary permits have been obtained from the applicable regulatory agencies, authorities, or departments.

C. When the Final Plan is approved, the applicant shall present four (4) paper record plan copies, two (2) paper full plan copies and two (2) Mylar record plan copies to be signed by the Board of Supervisors, and the township Secretary, together with the date of the approval and official township seal.

D. Recording the Final Plan. Within ninety (90) days following final plan approval, the applicant shall record the Final Plan in the Office of the Recorder of Deeds of Montgomery County.

   1. In accordance with the Pennsylvania Municipalities Planning Code, whenever Final Plan approval is required by a municipality, the Recorder of Deeds shall not accept any plan for recording unless it contains the official approval of the Board of Supervisors and certification of review by the County Planning Commission.

2. Prior to recording, the applicant should present the municipally approved plan to the Montgomery County Planning Commission for its stamp and seal, with one paper copy given to the County Planning Commission for its files.

§22-505. MINOR PLAN SUBMISSION REQUIREMENTS AND REVIEW PROCEDURE

Minor Plans may be submitted and processed only for Lot Line Adjustments, Simple Conveyances, Minor Subdivisions, or Minor Land Developments as characterized herein, in accordance with the standards and requirements in this section.

A. Standards for Qualification as a Minor Plan Submission.

1. Lot Line Adjustment.

a. A proposal between two abutting, existing, legally approved and recorded lots.

b. A common lot line is proposed to be adjusted in terms of its location or configuration.

c. The land area of each lot may be different after adjustment, but the total lot area of the two (2) lots will be unchanged.

d. No alteration will occur to the perimeter boundary lines of the two (2) lots.

e. Neither lot shall violate the applicable dimensional requirements of the zoning ordinance as a result of the lot line adjustment.

f. Possible reasons for lot line adjustments include, but are not necessarily limited to:

i. Correcting errors regarding locations of existing improvements (e.g. if the driveway for Lot #1 is located on Lot #2);

ii. Relating the line to definitive physical characteristics (e.g. to adjust the line to run along an existing hedgerow);

iii. Preferences of the landowners involved.

2. Simple Conveyance.

a. A proposal between two abutting, existing, legally approved and recorded lots.

b. A portion of one lot is being divided off to be conveyed to the owner of the abutting lot.

c. The land area of each lot will be different after conveyance, but the total lot area of the two lots will be unchanged

.

d. The lot from which the land is being conveyed must be suitable in terms of the applicable dimensional requirements of the zoning ordinance, so that after conveyance, it will remain in compliance with those requirements.

e. The land area being conveyed need not satisfy any of the dimensional requirements applicable to lotting in the district in which it is located, nor the street frontage requirements of the zoning ordinance, provided that it shall be deed restricted to the extent that it may not be transferred independently, but must be transferred together with the lot to which it is being functionally added by the process of simple conveyance.

3. Minor Subdivision.

a. A subdivision proposal which would divide one existing lot into two lots, both of which will comply with the applicable dimensional requirements of the zoning district in which the existing lot is located.

b. The existing lot has sufficient frontage on an existing, improved public street to satisfy the applicable township requirements for lot frontage and access to a public street for both proposed lots.

c. The existing lot has not been a part of an approved subdivision proposal during the five (5) years previous to the current application.

d. Development of the proposed lots is limited to construction of single family detached residential development and its incidental improvements with no other public improvements proposed.

e. The proposal shall comply with the requirements of this Ordinance specifically as it pertains to stormwater management and erosion and sediment control for the development of the lot(s).

f. Disqualification. The Board of Supervisors may require standard Preliminary Plan submission in place of a Minor Plan when conditions warrant it, at the advice of the Planning Commission or Engineer.

4. Minor Land Developments

a. A land development proposal where it is found that the intended development or modification of a site, or use and occupancy of an existing structure will create a minimal impact upon traffic, drainage, visual image, landscaping, buffering, lighting or other elements described within the purposes of the Ordinance. The determination of whether an application

qualifies as a minor land development shall be made by the Board of Supervisors upon recommendation by the Planning Commission and Engineer.

b. Parking Lot expansions.

c. Additions to existing non-residential buildings provided that the addition is less than 5,000 gross square feet and involves no more than a 25% increase in the size of the existing building.

d. The conversion of a residential dwelling that results in the creation of no more than four (4) new dwelling units.

e. The addition of tenants to an existing non-residential building when minimal structural improvements are required.

B. Minor Plan Submission and Review Procedure.

1. All Minor Plans shall be considered Final Plans for the purposes of submission for review and approval, and shall comply with the requirements of §22-504, Final Plan Submission and Review Procedure. The applicant is strongly encouraged to submit a sketch plan to the Planning Commission for informal review and comment prior to submission of the Final Plan.

2. When a Minor Plan qualifies for Final Plan approval, or for approval subject to conditions, in accordance with §22-505.A. herein, the plan shall include the Final Plan certifications required by §22-403.C. herein. In addition, the Final Plan shall address the requirements found in Article VI, Design Standards, for the following sections only: §§22-600 through 22-602, §22-606.A. (offer of ultimate right-of-way only), §§22- 607 through 22-612 and §§22-614 through 22-615.

C. A Minor Plan is not required to include an Improvements Construction Plan or a Record Plan as required by §§22-403.A and 22-403.B, herein.

D. A Minor Plan which will require access to a State highway shall provide the "highway access" statement on the plan, as required by §22-403.A.2.d.ii.b.

§22-506. PLAN REVISIONS

A. All plan revisions submitted for review to satisfy the requirements of §§22-501, 22-502, 22-503, and 22-504 shall be submitted to the Township Secretary during regular business hours at least 14 days prior to the Planning Commission or Board of Supervisors meeting, whichever is applicable, at which the plan is to be reviewed.

B. All plan revisions shall be accompanied by a report specifying the changes made to each plan element, including specific references to review comments made by the Township Engineer.

§22-507. NOTICE OF SUBDIVISION OR LAND DEVELOPMENT

A. Notice of all applications for Subdivision or Land Development approval, excluding only sketch plans, shall be given by the Township by conspicuously posting a printed notice of the application on the affected tract(s) of land at least seven (7) days prior to consideration or review of any such application by the Planning Commission or Board of Supervisors. The cost of such posting shall be charged to and paid by the applicant prior to the commencement of any hearing, consideration or review.

B. The required printed notice shall state the following:

> THIS PROPERTY IS THE SUBJECT OF A SUBDIVISION OR LAND DEVELOPMENT APPLICATION. INFORMATION ABOUT THIS APPLICATION MAY BE OBTAINED AT THE UPPER SALFORD TOWNSHIP OFFICES.
> BOARD OF SUPERVISORS OF UPPER SALFORD TOWNSHIP.
> 610-287-6160

The notice shall be printed on a 36" by 24" sign of the type utilized for real estate sales, utilizing weather resistant materials and print, and the expense of the printing and positing of such notice shall be charged to and paid by the applicant prior to the commencement of any hearing, consideration or review.

C. The required printed notice shall be posted by the Township on the property, at the Applicant's cost, in such location(s) as to be clearly visible from each adjacent roadway and must remain on the property throughout the duration of the consideration and review of the subject application.

ARTICLE VI

DESIGN STANDARDS

§22-600. GENERAL STANDARDS

The following principals, standards and design requirements shall be used in the evaluation of all subdivision and land development proposals. Other design requirements as established in the zoning ordinance or other municipal ordinance shall be used in addition to the following:

A. All portions of a tract shall be designated as to their use, such as lots, roads, open space, parking areas, etc.

B. Applicants shall preserve scenic areas, historic sites, other community assets and landmarks, and natural amenities such as trees and waterways.

C. Plans shall be designed to avoid excessive disturbance of vegetation and movement of earth.

D. Floodplain land areas shall be governed by additional standards contained in this Ordinance, the Upper Salford Township zoning ordinance, and the Upper Salford Township building code.

E. The applicant shall construct, install, and guarantee, at no expense to the Upper Salford Township, all improvements required as part of plan approval, including, but not limited to, streets, curbs, sidewalks, trails, water and sewage facilities, stormwater management facilities, street lights, fire hydrants, road signs, monuments, lot pins, utilities and shade trees.

F. The standards contained within this Article are the minimum standards and requirements for the protection of the health, safety and welfare of the residents of Upper Salford Township and are to be used in all subdivisions and land developments. Applicants are always encouraged to exceed minimum standards. In addition, the Board of Supervisors reserves the right to require standards in excess of the minimum requirements if warranted.

§ 22-601. SITE ORGANIZATION

Proposed land developments and subdivisions should address the opportunities and limitations present on a site and its adjacent surroundings. The impacts of the proposed development on the natural environment and surrounding land uses should be given a high priority and made an integral part of the overall design for the land development and subdivision. The following site organization guidelines should be used:

A. Site Improvement Layout. Building placement should provide a functional relationship with a site's topography, existing vegetation, surrounding land uses and pertinent natural features.

B. Existing Natural Features. Existing natural features should be identified and integrated into the site layout. Natural features such as streams, hillsides, wetlands, unique habitat, woods and similar natural resources should be considered strong design determinants and be incorporated into the overall site plan.

C. Open Space and Scenic Views. The placement of open space and preservation of scenic views should be a fundamental design decision. Open space provides opportunities for recreation, reduces the perceived density of development and effectively buffers different land uses.

D. Circulation. Movement within a site and access to the site should consider the safety and convenience of various types of users. Cross access between properties and joint access are encouraged to improve circulation.

E. Relationship to Surrounding Uses. The proposed design should compliment surrounding uses and mitigate negative impacts through building set backs, buffers, and separation of uses.

F. Climate. The impact of climate on the development and potential users should be considered, including orientation of buildings, landscaping, and minimizing impervious surfaces. Opportunities for alternative energy use, such as wind and solar power, should also be considered.

§22-602. LOTTING

A. Lot Size and Width. Each lot shall meet or exceed the minimum area and width requirements of the zoning ordinance. Lots with existing or planned public improvements such as fuel pipe lines, underground utility easements, stormwater controls, high voltage power lines or other facilities should be sized to allow suitable room for the intended use of the lot without requiring encroachment on the public facilities or easements.

B. Lot Shape. Deep, narrow lots and wide, shallow lots are to be avoided except that lots containing uniquely designed structures, such as certain types of attached dwelling units, may receive special consideration. Generally the depth of the lot should not exceed two and one half (2.5) times its width. Every lot shall contain a building envelope suitable for the type(s) of development proposed.

C. Lot Frontage. Every lot shall have sufficient frontage along the right-of-way of a public, private or common street, in accordance with the township zoning ordinance. Sufficient frontage is the minimum width required to site a driveway into the property in accordance with the design requirements in this section and other appropriate state, federal and local regulations. Corner lots will have to satisfy the lot frontage requirements on two streets.

D. Lot Lines. Lot lines shall be drawn parallel, concentric, at right angles, or radial to the street right-of-way line unless not feasible or undesirable due to existing,

permanent, natural or man-made features. Where possible lot lines shall coincide with abutting lot lines and lot lines across streets. Generally, lot corners of several lots should coincide.

E. Reverse Frontage Lots. Reverse frontage lots may be used as an alternative to marginal access streets, or normal lotting when the lots abut a major collector street or street of a higher classification, or steep grades (over 15 percent) at the street right-of-way line. When reverse frontage lots are used and the total lot depth is less than 200 feet, an additional 25 feet shall be added to the portion of the lot abutting major collector street or street of a higher classification, to provide a landscaped buffer area in accordance with §22-612.

F. House Numbers. House numbers shall be assigned by the Township Secretary.

G. No subdivision of land will be approved with the property line extending through any portion of any existing structure.

H. Subdivisions or land developments with existing structures to remain shall conform with the following:

1. Alterations and replacements will be permitted within the existing structure, but exterior extensions of the building must conform to the requirements of Chapter 27, Zoning, of the Code of Ordinances of Upper Salford Township, and §22-602.H.3, below.

2. Conversions. In cases where the principal building use has not been as a dwelling, its conversion to a dwelling shall comply with all the requirements of Chapter 27, Zoning, of the Code of Ordinances of Upper Salford Township.

3. For existing structure(s) to be partly replaced or added to, a demolition plan and/or construction plan shall be detailed as part of the subdivision and land development plan review. Subsequent subdivision approval will be conditional upon compliance with said proposed details. Additions to existing structures shall consider existing structures in the immediate vicinity, especially in respect to height, bulk, building material and architectural characteristics. In the case of partial demolition of existing structures, the remaining structure must be in keeping with existing buildings in the immediate vicinity, especially in respect to height, bulk, building material and architectural characteristics. Renovation work to the remaining portion of a structure following partial demolition must be completed within 1-year and guaranteed by the posting of a bond, equal to the value of the renovation.

I. When existing structures are to be removed, subdivision and land development approval will be issued conditional to the removal of existing structures within 60 days of approval. Removal of the existing structures shall be done in complete conformity to all other pertinent township procedural requirements. The subdivision plans shall furthermore show in detail the proposed development of each parcel of ground and the proposed development shall not provide less service and parking facilities etc., than currently exist. In commercial and industrial areas, plots of land

that have been cleared, as well as existing vacant portions of such lands, should be developed in conformity with the long-range needs of the area to the extent possible, and all developmental requirements embodied in this section and the township zoning ordinance shall be adhered to. If roadway realignments and other similar requirements are deemed necessary in the immediate vicinity of the plot being subdivided, they shall be corrected as part of the subdivision design to the utmost of the subdivider's ability.

§22-603. BLOCKS

A. The minimum block length shall be 500 feet and the maximum block length shall be 1200 feet unless the zoning ordinance specifies different minimum-maximum lengths. It is preferred that blocks be not longer than 660 feet from center lines of adjacent streets.

B. The block width shall be two (2) lot depth when the lots are laid out back to back according to the requirements of the zoning ordinance. When reverse lotting is designed the block width shall be in accordance with §22-602.E.

C. Blocks shall be designed to provide efficient, convenient, and safe pedestrian and vehicular circulation, including the reduction of intersections with arterial streets.

D. Blocks shall be designed to reflect natural features that may constrain subdivision and land development.

E. Crosswalk. Crosswalks with concrete paving not less than 4 feet wide shall be designed into blocks greater than 800 feet in length or where the Board of Supervisors determine a crosswalk is necessary for safe, convenient and direct pedestrian access to commercial, institutional, or open space/recreation areas. The walkways should extend straight from one street to the other on an easement or public right-of-way at least 10 feet in width.

§22-604. COMMUNITY FACILITIES

A. The Board of Supervisors shall determine the need for additional community facilities to serve the proposed subdivision or land development.

B. Where deemed essential by the Board of Supervisors upon consideration of the particular type of development proposed, and especially in large-scale residential developments, the Board of Supervisors may require the dedication or reservation of such areas or sites of an extent and location suitable to the needs created by the development for schools, parks and other purposes in accordance with the park and recreation plan, community facilities plan or official map.

C. Areas provided or reserved for such community facilities shall be adequate to provide for building sites, related activity areas, landscaping and off-street parking as appropriate to the use proposed.

D. Where a proposed park, trail, playground, school or other public use is located in whole or in part in a subdivision or land development, the Board of Supervisors may require the dedication or reservation of land within the subdivision or land development.

E. Provisions for future roads shall be made where one or more access strips are intended as a right-of-way for a road which will serve future lotting. The following regulations shall apply:

1. Legal guarantees shall be provided to assure use of any access strip proposed for future use as a road, subject to approval of the Township Solicitor.

2. The road shall be constructed or financially guaranteed at the applicant's expense, in compliance with Upper Salford Township Standards.

3. Access strips legally and financially guaranteed for future use as roads may comprise the legal and physical access to otherwise landlocked previously existing parcels only if the access is irrevocably guaranteed.

4. An overall sketch plan shall be submitted as part of the proposed subdivision, to show how the rear lotting and reservation of access strips for future roads forms a logical and appropriate first phase in subdivision of the entire tract, and/or how it will allow interconnection with adjacent tracts.

5. When the road is constructed, any access strips which are no longer needed should revert to the owners of the abutting lots, in accordance with the terms agreed to as part of the original Preliminary Plan approval which created the access strips.

§22-604A. STANDARDS FOR DEDICATION OF PARK AND RECREATION FACILITIES

A. General purpose and intent. The provisions of this article are intended to provide regulations for the use and development of land which is required to be set aside in new subdivisions or land developments. It is also the purpose of this section to provide regulations for the payment of a fee in lieu of the provision of land and facilities in appropriate situations. Further, it is the specific intent of this section to:

1. Implement the findings and recommendations of the Open Space and Recreation Plan for Upper Salford Township adopted in December 2007 pursuant to the authorization by Section 503(11) of the Pennsylvania Municipalities Planning Code.

2. Implement the findings and recommendations of the Indian Valley Regional Comprehensive Plan, as updated, pursuant to the authorization by Section 302 of the Pennsylvania Municipalities Planning Code.

3. Preserve open space to protect the environmental, scenic, historical and cultural features of the Township.

4. Preserve adequate usable open space which will allow areas for active recreation for Township residents.

5. Provide a variety and balance of facilities which can meet the various recreational needs of the residents, businesses and industry.

6. Develop a system of facilities which can deliver recreation services effectively and efficiently.

7. Provide equitable and convenient accessibility to recreation facilities.

8. Support community development and stability by providing recreation sites and open space.

B. Applicability.

1. This section shall apply to any residential or nonresidential subdivision and land development applications and plans, and any amendments thereto, filed after the effective date of this section, except that:

    a. This Section shall not apply to applications and plans that involve two or less single family lots or dwellings, provided a fixed fee of $500 for each lot or dwelling is submitted and tendered to the Township concurrent with the submission of the final plan of subdivision or land development.

    b. This section shall not apply to applications and plans that the Board of Supervisors determines to involve only minor adjustments or corrections to applications and plans for approval pending as of the effective date of this section.

C. Dedication of land suitable for park and recreational use. The applicant shall dedicate land suitable for park or recreational use to Upper Salford Township in compliance with the following:

1. Amount of land to be dedicated:

    a. Recreation and Greenway Lands. A minimum of 0.171 acres of land shall be offered for dedication in fee simple title for each dwelling unit and a minimum of .012 acres of land shall be offered for dedication for each 1,000 square feet of building, structure or improvement proposed for any nonresidential land development.

    b. Recreational Pathway Lands. A minimum of 0.085 acres of land for each dwelling unit and a minimum of 0.01 acres of land for each 1,000 square feet of building, structure or improvement proposed for any nonresidential land development shall be dedicated to the township to be used and

developed for incorporation into the township-wide Community Connections Plan and Open Space Plan. The land shall be dedicated by means of a grant of right-of-way or easement to the township and shall be consistent in location, design, dimensions, topography and route as is consistent with that approved and recommended by the Board of Supervisors.

c. Fee in Lieu. In lieu of land dedication for park and recreation purposes, a fee may be paid in conformance with §22-604A.D.

d. In addition to the requirements of subsections a. and b. hereof, and not subject to the provisions of subsection c. hereof, any property identified in the Upper Salford Township Community Connections Plan and/or the Upper Salford Township Open Space Plan on which is designated any community connection trail, shall be subject to the additional requirement that a trail shall be laid out and improved and dedicated to Upper Salford Township in accordance with the aforesaid Plans.

2. Standards for land dedication.

a. Any land dedicated to the township in fee simple title shall be used only for park, recreation, greenway, or pathway purposes and shall be available to all residents of the township, subject to such regulation and rules as may be adopted by the Board of Supervisors.

b. The land shall be easily and safely accessible from all residential and occupied areas within the development or the general area to be served, and it shall have road frontage or, subject to the discretion of the Board of Supervisors, suitable access, including ingress and egress from a public roadway for maintenance purposes.

c. The land to be dedicated must be suitable for active or passive recreation by reason of its size, shape, location and topography and shall comprise a single parcel of land except where the Board of Supervisors shall determine that two or more parcels would be in the public interest.

d. The minimum land area required for park and recreation shall not include land designed for stormwater facilities, unless necessary to serve park and recreation improvements within the area(s) to be dedicated.

e. The minimum land area required for park and recreation areas shall not contain fuel, power or other transmission lines, whether underground or overhead.

f. Land for park and recreation shall be free of all structures, except those related to outdoor recreational use. Should any existing structure(s) be located in an area(s) proposed for open space, the applicant shall demonstrate how said structure(s) will be used in connection with their plans for recreational activities for the site.

g. No more than 25% of the minimum land area required for park and recreation land may consist of floodplain or riparian corridor areas, wetlands or areas with slopes in excess of 8%.

h. In conformance with §27-2224 of the Township's Zoning Ordinance, the area dedicated (in-fee or via right-of-way or easement) may not be used in calculating density.

i. Right-of-way or easements to be dedicated to the township and intended to be used and developed for incorporation into the township-wide pathway system, shall be not less than 25 feet wide at any point along the length of said pathway and shall include an additional 20 foot wide construction easement along the length of said pathway which shall automatically terminate upon the completion of construction of the same.

j. Easements/deed restrictions. Any required recreation land dedicated shall include deed restrictions or conservation easements to permanently prevent its subdivision or development of buildings, except buildings for noncommercial recreation or that are necessary to support maintenance of the land. The Supervisors may also require that the restrictions/easement limit forestry and earth disturbance. Such deed restrictions or conservation easements shall, at a minimum, be enforceable by the Board of Supervisors. The Supervisors may require that the ability to enforce the easements also be provided to a suitable third party, such as a conservancy.

k. Coordination with future adjacent dedication. The Board of Supervisors may require that a required land dedication within a property currently being subdivided be placed along an edge of the property so that it may, in the future, be combined with a recreation land or common open space dedication on the edge of an adjoining property when that adjoining property is subdivided or developed.

l. The location, form, overall design and use of the required park and recreation area(s) shall be as approved by the Board of Supervisors. The Parks and Recreation Committee and Planning Commission shall review the lands proposed to be set aside and make recommendations to the Board.

m. The land shall be dedicated to the Township as a condition of final plan approval, and no lots shall be sold or built upon until and unless the actual transfer of title has been completed or guaranteed to the satisfaction of the Board of Supervisors.

3. Improvement Requirements for Park and Recreation lands.

a. Recreational facilities shall be provided in the park and recreation area(s) to service the needs of all residential and occupied areas within the

development for which the area(s) is being set aside. Facilities to be provided may include, but not be limited to, the following: tot lots; playgrounds; tennis courts; basketball courts; and multipurpose fields. The precise number and extent of facilities proposed shall be based upon information supplied by the developer, including projected number, age breakdown, income and other applicable characteristics of the development's residents; and the number and types of recreational facilities nearby and available to the proposed development. Based upon said analysis, the applicant shall propose a plan for the facilities proposed to be reviewed by the Park Board and Planning Commission. These bodies shall then make a recommendation to the Board of Supervisors who shall make the final determination as to the facilities to be installed.

b. Sufficient parking shall be provided for the recreational facilities to be installed.

i. The exact number of spaces shall be approved by the Board of Supervisors upon recommendation of the Planning Commission and consultation with the Township's traffic engineer, with reference, where available, to standardized parking requirements which may be published. The adequacy of pedestrian access to serve the recreational facilities shall be evaluated in the determination of the number of necessary parking spaces. Under no circumstances shall the number of parking spaces be less than that required under §27-1901 of Article 27 – Zoning of the Upper Salford Township Code for the use or combination of uses proposed to be installed.

ii. For parking areas of more than 20 cars, a minimum of 10% of the parking lot shall be devoted to interior parking lot landscaping, exclusive of any other landscaping or buffering which may be required by the zoning district in which the development is located. The minimum dimension of a planting island shall be 9 feet by 18 feet.

c. Land dedicated to the Township in the form of rights-of-way or easements and intended to be used and developed for incorporation into the township-wide pathway system, shall be not less than 25 feet wide and not more than 30 feet wide at any point along the length of said pathway and shall include an additional 20 foot wide construction easement along the length of said pathway which shall automatically terminate upon the completion of construction of the same.

D. Standards for Fee in Lieu of Land Dedication.

1. The Board of Supervisors and the applicant may agree to the payment of a fee in lieu of dedication of land.

2. Where the Board of Supervisors and the applicant agree that a fee is to be contributed in lieu of the dedication of land, the amount of the fee shall be equal

to the fair market value of the undeveloped land that otherwise would have been required to be dedicated.

3. Fair market value of the land is lieu of which the fee is paid shall be determined by agreement of the Board of Supervisors and the applicant. In the event that the Board of Supervisors and applicant cannot agree upon the fair market value of the land, then an MAI appraisal shall be supplied and paid for by the applicant and reviewed by the Board of Supervisors. The appraisal required by this subsection shall be prepared by a recognized, licensed, competent real estate appraiser with no interest, financial or otherwise, in the affected property or application.

4. The Board shall reserve the right to obtain its own appraisal, and, in the event that the Township appraisal is valued at less than 10% greater than the applicant's appraisal, the value shall be the difference between the two appraisals; in the event that the Township appraisal is valued 10% greater than that of the applicant, then a third appraiser shall be selected by agreement of both the Board and applicant, to be paid for by the applicant, to resolve the difference.

5. Any fee in lieu of dedication which is collected by the Township shall be used only for the purpose of providing park and recreational facilities within Upper Salford Township or other municipalities pursuant to an intermunicipal agreement.

6. A fee authorized under this subsection shall, upon its receipt by the Township, be deposited in an interest-bearing account, designated as the Upper Salford Township Parks and Recreation Fund. Interest earned on such accounts shall become funds of that account. Funds from such accounts shall be expended only on the design, construction or acquisition of specific recreation facilities approved by the Board of Supervisors.

7. Such fees shall only be used for the following: acquisition of public recreation land and related debt payments, development of public recreational facilities, landscaping of public recreation land and related engineering and design work.

8. Upon the written request of any person who paid fees under this subsection, unless there has been a written agreement to the contrary between the applicant and the Township, the Township shall refund such fee, plus interest accumulated thereon from the date of payment, if the Township had failed to utilize the fee paid for park or recreation purposes within three years from the date such fee was paid.

9. Combination of dedication of land and payment of fees.

   a. Where the applicant and the Board of Supervisors agree, the applicant may utilize any combination of the dedication of land and/or the payment of fees in lieu of the dedication of land, to satisfy the applicant's park and recreation obligation.

b. Credit for the cost of construction of any park and recreation facility shall be subject to the review and approval of the Township Engineer as determined by prevailing costs for labor, structures and materials associated with the facility.

E. Ownership and Maintenance for Standards for Park and Recreation lands.

1. All land set aside for open space and recreational purposes shall first be offered for dedication to the Township for public use. The Park Board and Planning Commission shall make a recommendation to the Board of Supervisors as to whether acceptance of the dedication is appropriate for all, some or none of the land and facilities in any specific development.

a. The Park Board and Planning Commission shall consider size, shape, access, topography or other physical characteristics of the open space area(s) under consideration in formulating their recommendations to the Board of Supervisors.

b. When the Board of Supervisors deems it to be in the public interest to accept dedicated land, such acceptance shall be by means of a signed resolution to which a property description, recorded deed and plan of the dedicated open space/recreational area(s) shall be attached.

2. With the concurrence of the Board of Supervisors, land set aside for open space and recreation may be offered for dedication to another appropriate governmental jurisdiction. A dedication of this nature shall be considered in instances in which said jurisdiction owns or controls adjacent or nearby land previously set aside for open space and/or recreation, and the proposed dedication is acceptable to the recipient governmental jurisdiction.

3. In those instances in which any or all land is not to be dedicated, there shall be adequate provisions to assure the retention and future maintenance of said area(s) and any recreational facilities located within them. A homeowners' association or similar organization to be organized in part or in whole to manage and maintain any open space and recreational facilities shall be established and funded by the developer, to the satisfaction of the Township. Said organization shall not be dissolved nor shall it dispose of the open space, by sale or otherwise, except to an organization conceived and established to own and maintain the open space, without first offering to dedicate the same to the Township.

§22-605. SIDEWALKS, CURBS, AND STORM SEWERS

A. Sidewalks shall be installed along all existing and proposed public and private streets, common driveways, and common parking areas, upon recommendation of the Township Planning Commission and Engineer.

B. In determining the location of sidewalks the Board of Supervisors may give consideration to the following:

1. Proposed residential lot widths less than 135 feet.

2. Destinations to be reached by pedestrians (e.g. shopping center, bus stop, employment, schools), at the present time or in the foreseeable future.

3. Relationship to an existing sidewalk network which provides neighborhood or village circulation.

4. The rural character and density of the area, and/or small size of the proposal.

C. Sidewalks shall be required wherever they fill a gap in an existing network.

D. The Board of Supervisors may consider an alternative pedestrian circulation concept when it can be shown to be more desirable, especially within open space areas, and when appropriate walks are provided between the open space walkways and the pedestrian origins and destinations.

E. If for any reason an interim waiver of these requirements is made, a sufficient guaranty shall be posted for the eventual installation of these items, subject to approval by the Board of Supervisors upon recommendation of the Township Engineer and Solicitor, in accordance with §22-702 of this Ordinance.

F. Sidewalks shall not be less than four feet in width, although the Supervisors may require additional width in commercial, industrial, office, or higher density residential areas where higher volumes of pedestrian traffic are anticipated.

G. Sidewalks shall be located a minimum of 3 feet from the curbline or edge of cartway, but shall not extend beyond the right- of-way line of public streets or equivalent right-of-way line of private streets, and shall not interfere with monuments or pins at lot corners.

H. Sidewalks shall be provided in appropriate locations to provide safe and efficient pedestrian access between parking areas and buildings.

I. Additional sidewalks shall be required where deemed necessary by the Supervisors to provide access to schools, churches, parks, community facilities, and commercial or employment centers, and to provide necessary pedestrian circulation within land development and/or subdivisions where otherwise required sidewalks would not be sufficient for public safety and convenience.

J. Sidewalks shall be designed to facilitate access and use by persons that are physically disabled. Applicant's shall be required to certify compliance with the American with Disabilities Act.

K. Sidewalk Construction and Driveway Crossing Design Standards. Sidewalks shall be air-entrained concrete 4 inches thick with a compressive strength of 4000 psi at 28 days, placed upon a minimum four inch layer of AASHTO #57 stone bedding. The sidewalk shall be built as to discharge drainage to the street, the grade of which shall

be one-fourth inch per foot. The finished grade between the outside of the sidewalk to the curb line (edge of the cartway) shall never exceed a total vertical elevation change of one foot. Expansion joints shall be placed every 30 feet, with contraction joints every 5 feet a minimum of 1 inch in depth. Additional expansion materials shall be placed between any curb and driveway apron and in the side walk at drive way limits. A contraction joint shall be cut between the side walk and apron. All sidewalks shall receive a broom finish unless otherwise approved by the Township. An access ramp for physically disabled persons shall be placed at all sidewalk intersections with roads.

L. Curbs and storm sewers shall be installed except when alternative designs and best management practices (i.e. grass swales) are approved as part of the proposed stormwater management plan.

M. Curb Construction. All curbing shall be constructed both as to materials and methods, generally in conformance with applicable portions of PADOT Specifications Publication 408, current edition. Standard curbs shall be vertical profile with a minimum of 18 inch structure height. Expansion joints shall be placed every 30 feet, at structures and at the end of the day's work. Control joints shall be saw cut every 10 feet at a minimum depth of 2 inches. Concrete shall be air-entrained and shall have a minimum compressive strength of 4000 psi at 28 days. Intersections where sidewalks are provided shall be provided with depressions for wheel chair use at each corner, and opposite each corner on "T" intersections.

N. When curbing is required, the following may be approved by the Board of Supervisors as an alternative to standard curbing when constructed in conformance with the applicable portions of PADOT Specification Publication 408, current edition:

1. Rolled or mountable curbs when proposed along roads internal to a subdivision or along a local road.

2. Granite curbs when proposed as part of an entranceway to a subdivision or land development or when they serve as a unique decorative feature (i.e. around a landscaped cul-de-sac island).

§22-606. STREET CLASSIFICATIONS AND REQUIREMENTS

A. Functional Classification of Streets. The Upper Salford Township Ultimate Right-of-Way Map, Figure VI-1, herein, shows the following functional classifications. Every street, road, or highway within Upper Salford Township shall be classified by its function as one of the following, and shall be subject to the requirements for its classification as contained in this Article, including Figure VI-2 and other requirements. These classifications are established by the American Association of State Highway and Transportation Officials (AASHTO), and used by PADOT, and are intended to provide appropriate standards for each road, as well as to coordinate street functions and improvements among neighboring municipalities, the region, and the state.

1. Expressways. The highest type of highway is an expressway which is a multi-lane divided highway with fully controlled access provided only at grade separated interchanges. Expressways serve high volumes of traffic at high speeds while providing high levels of safety and efficiency.

2. Arterials. Arterials provide a high degree of mobility in order to better serve trips of longer length. Since access to abutting property is not their major function, access controls are desirable to enhance mobility. They are further subclassified as follows:

   a. Principal Arterials. Principal arterials carry most trips entering or leaving an area. Right-of-way width is 100 feet. Sumneytown Pike (Route 63) is the township's only principal arterial.

   b. Minor Arterials. Minor Arterials interconnect with and augment principal arterials. They accommodate trips of moderate length and emphasize access to services. Right-of-way width is 80 feet. Schwenksville and Shelly Roads are minor arterials.

3. Collectors. Collectors serve mainly to collect traffic from local streets and channel it to arterials. They carry moderate traffic volumes at moderate speeds. They are further subclassified as major and minor collector roads, but both have the same right-of-way and cartway requirements. Their required right-of-way width is 80 feet (rural areas) and 60 feet (villages) for the major collectors, and 60 feet for the minor collectors.

   a. Major Collectors: They accommodate trips within and between neighboring municipalities. Ideally access is partially controlled with preference given to through traffic. Access is permitted with at-grade intersections and major access driveways for selected land uses such as a retail or employment center. Few, if any, individual driveways should be permitted off of major collections. Old Skippack Road, Perkiomenville Road, Old Sumneytown Pike between Perkiomenville Road and Sumneytown Pike, and Spring Mountain Road are major collectors.

   b. Minor Collectors: Minor collectors generally accommodate trips only within a small segment of a municipality and may serve as a major road through a residential neighborhood. They allow more access to abutting properties with little or no restriction. Individual driveway access is permitted. They are spaced at intervals to collect traffic from local roads and neighborhoods and channel it to major collectors and arterials. Grubb Road is classified as a minor collector.

4. Local Roads. Local streets provide access to most properties within the Township, linking them to the collector road network. They provide travel over relatively short distances and have relatively low traffic volumes. Through traffic is discouraged from using local roads. Local roads are all other streets not listed in one of the higher classifications. They can be further classified as follows (see Figure VI-2):

a. Residential Streets. New streets or extensions of existing streets in residential developments. They function primarily to provide vehicular access and street frontage for each lot. The right-of-way width is 50 feet with varying cartway widths.

b. Non-residential Access Streets: Shall function primarily to provide vehicular access and street frontage for industrial office, institution and commercial lots and land uses. The right-of-way width is 50 feet with a cartway of 32 to 36 feet, enough to handle frequent truck traffic.

c. Marginal Access Streets: These may be required along Arterial and Major Collector Streets or along any street, where local vehicular access to individual lots would create congestion and/or hazards to traffic flow and safety by reason of street grades, land forms, vegetation, frequency of driveway intersections, limited sight distances, heavy traffic volumes, and/or high speed traffic flow. Intersections between marginal access streets and other local roads shall be separated from parallel streets by a distance of at least one hundred and fifty (150) feet.

5. Dedication of Right of Way. All areas within the designated ultimate right of way shall be offered for dedication to the authority which owns the roadway. In the event that the authority which owns the right of way does not within thirty (30) days of the approval of the final plan of subdivision, state their intent to accept the right of way, the Township shall have the right to accept the dedication of the areas within the ultimate right of way and to the edge of the pre-existing road way.

B. Street Alignment. Sight distance, horizontal and vertical curvature, super-elevation, and maximum and minimum street grades shall be in compliance with the standards contained in "A Policy on Geometric Design of Highways and Streets," published by the American Association of State Highway and Transportation Officials, most recent edition, or PADOT standards, whichever is more restrictive, subject to approval by the Board of Supervisors, upon recommendation of the Township Engineer. In addition, the following standards and guidelines shall be applied:

1. Minimum horizontal and vertical curvature design criteria for all roads shall conform with standards in Figure VI-3.

2. Long radius, gentle curves are encouraged rather than shorter radius curves connected by tangents.

3. Curve-tangent relationships shall follow accepted engineering guidelines for safety and efficiency. For example, minimum radius curves shall not be used at the ends of long tangents.

4. Street grades shall be measured along the centerline in accordance with the following:

a. Minimum grade for all streets shall be 1 percent.

b. Street grades in excess of 7 percent should be avoided wherever possible. Maximum grades for local roads shall be 10 percent. Maximum grades for all other roads shall be in compliance with the most recent editions of AASHTO or PADOT standards.

c. Curve-grade combinations shall follow accepted engineering guidelines for safety and efficiency. For example, minimum radius horizontal curves will not be permitted in combination with maximum grades.

d. At all approaches to intersections, street grades shall not exceed 3 percent for a minimum distance of 50 feet from the intersection of curblines or edges of cartways.

C. Street Intersection Design. All street intersections shall be governed by the standards of this section, and the Township's engineering standards.

1. Number of Streets. Not more than two streets shall intersect at the same point.

2. Three-Way/Four-Way Intersections. Three-way or "T" intersections should be used instead of four-way intersections unless the four-way intersection can be justified in terms of necessary and desirable traffic movements.

3. Angle of Intersections.

a. All intersection approaches shall be designed at 90 degree angles for a minimum of 50 feet from the edge of the cartway of the road intersection road unless sufficient reason exists to justify a lesser angle.

b. Where intersections designed greater than 65 degrees and less than 90 degrees are used, it is preferable to design them so that the heavier traffic flow will make the obliquely angled turn rather than the acutely angled turn. The angle of an intersection shall not be less than 65 degrees.

4. Approaches to Intersections. Approaches to intersections shall follow a straight course for a minimum of fifty (50) feet for local roads. All other streets shall follow a straight course in accordance with accepted engineering standards, but in no case less than fifty (50) feet. Measurement shall be made from the intersection of curblines or edges of cartways for each corner.

5. Cul-de-Sac Intersections.

a. Intersections with permanent cul-de-sac streets shall be designed with the cul-de-sac street extending as a side street from the through street, rather than have a through street extend through an intersection to terminate as a cul-de-sac.

b. Four-way intersections may be created using two permanent cul-de-sac streets intersecting directly opposite one another along a through street, when the through street is a local access street.

6. Corrective Changes to Existing Intersections. When existing streets intersect at odd angles or have more than four approaches, the applicant who has control over the land abutting the intersection shall make corrective changes to bring the intersection into compliance with this Ordinance, as required by the Board of Supervisors. For state and county highways, corrective changes shall comply with the requirements of the appropriate agency.

7. Waiver of Corrective Changes. The Board of Supervisors may waive the above requirements for corrective changes under one or more of the following conditions:

   a. When changes made on the applicants land will not improve the intersection's deficiencies.

   b. When other road improvements are already planned which would correct the problem without changes required of the applicant.

   c. When not required by PADOT or Montgomery County where the intersections are under their jurisdiction.

D. Street Intersection Spacing. Street intersection spacing shall be done in compliance with the regulations contained in this section, measured from centerline to centerline.

1. The spacings listed in Figure VI-3 shall be considered minimum spacings. Where greater spacing is required in compliance with AASHTO or PADOT standards, the greater spacing distances shall be applied, as determined by the Township Engineer.

2. Offset Intersections. In any case where the centerlines of street intersections are, or would be, within 150 feet of each other, they shall be made to coincide by relocating the street within the applicant's land, unless additional problems of sight distance or other safety-related problems would be created. As an alternative, relocation further away from the offset intersection may be done in compliance with the Intersection Spacing requirements contained herein, when approved by the Board of Supervisors.

E. Single-Access Street Regulations. Any street which is served by only one intersection with a through-street shall be considered a single-access street, regardless of the street's configuration within the proposed subdivision or land development. Included in this classification of streets are cul-de-sac streets, multiple cul-de-sac streets, single access loop streets and stub streets.

1. General

   a. Single-access streets shall be subject to the requirements for their classification of street, notwithstanding their single-access status.

b. Single access streets shall be served by an appropriately located and designed emergency accessway, when required by the Board of Supervisors. Standards for emergency accessways are included in §22-606.K.

2. Permanent Cul-de-Sac Streets.

a. Shall be permanently closed at one end.

b Shall be provided with a vehicular turnaround at the closed end with a right-of-way radius of at least 60 feet, and a paving radius of at least 48 feet. Alternative vehicular turnaround designs are encouraged to improve traffic flow and overall design of the subdivision. If an off-set bulb turnaround is used, the left side bulb configuration shall be utilized.

c. Shall not exceed 400 feet in length or serve more than 20 dwelling units. Measurement of the length shall be made from the centerline of the abutting through road or point of intersection with another cul-de-sac to the centerline of the turnaround, measured along the cul-de-sac street's centerline. The Board of Supervisors may approve cul-de-sacs exceeding 400 feet in length under the following special conditions:

i. Extreme topographical restrictions (slopes, flood- plains, etc.).

ii. Oddly shaped tract configuration.

iii. Lack of alternative outlets.

d. Generally should be permitted only as side streets extending from a through street.

e. May not create a four-way intersection unless two permanent cul-de-sac streets intersect directly opposite one another along a local access street.

f. Shall be identified by a standard warning sign stating "No Outlet" when deemed appropriate by the Board of Supervisors to help avoid mistaken turning movements.

g. No more than four lots shall have frontage on the circular turnaround portion of a permanent cul-de-sac street, and no more than four driveways shall have access to the circular turnaround portion.

h. A maintenance easement shall be provided for purposes of snow removal for all permanent cul-de-sacs at a location to be determined by the Township Engineer.

3. Temporary Cul-de-Sac Streets.

a. May be temporarily closed at one end, with the intent to extend the street onto the abutting tract upon its development.

b. Shall be built to the tract boundary line at a location and grade that are logical for extension onto the abutting tract, but shall not exceed 400 feet in length, unless approved by the Board of Supervisors when warranted by special conditions, as in §22-606.E.2.c, herein.

c. Shall not be extended as a cul-de-sac street, but shall be connected to another through street, unless approved by the Board of Supervisors when warranted by special conditions as in §22-606.E.2.c, herein.

d. Shall form a logical step in the circulation pattern of area in which it is located.

e. Shall be provided with a vehicular turnaround at the closed end, abutting the tract boundary, with a radius of at least 60 feet, and a paving radius of at least 48 feet.

i. Construction shall meet the same requirements as for a permanent cul-de-sac turnaround.

ii. Those portions of the turnaround extending beyond the street right-of-way shall be located on temporary access easements, valid only until the road is extended.

iii. Upon extension of the street, the full rights and responsibilities for the area of the temporary easements shall revert to the owners of the lots on which they were located.

iv. If an off-set bulb turnaround is used, the left side bulb configuration shall be utilized.

f. The developer responsible for extension of the street shall also be responsible for the following:

i. Removal of all paving of the temporary turn-around, curbing, and sidewalks beyond the width of the street's cartway.

ii. Installation of new sidewalk, curbing, and cartway paving to complete the street connection.

iii. Extension of utilities as necessary.

iv. Extension of driveways as necessary.

v. Repair of any improvements damaged in this process.

vi. Grading, installation, and/or restoration of lawn areas where affected by this removal and construction process.

4. Multiple Cul-de-Sac Streets:

a. Are single-access streets which terminate in more than one vehicular turnaround.
b. Shall be discouraged but may be permitted when no alternatives are determined to be feasible and preferable by the Board of Supervisors upon advice of the Township Planning Commission and Engineer.

c. May be permitted where the length of cul-de-sac is less than 400 feet, measured from the centerline of the through street intersection to the centerline of each turnaround.

d. May be permitted to exceed the 400 foot limit when approved by the Board of Supervisors when warranted by special conditions, as in §22-606.E.2.c, herein, or when qualified as a temporary cul-de-sac as regulated in §22-606.E.3, herein.

5. Single-Access Loop Streets.

a. Are single-access streets which do not terminate in a vehicular turnaround, but instead loop back to intersect with themselves.

b. Shall be discouraged but may be permitted when no alternatives are determined to be feasible and preferable by the Board of Supervisors upon advice of the Township Planning Commission and Engineer.

c. When permitted, shall meet the following requirements:

i. Shall not under any circumstances exceed 2,000 feet in length, measured from the intersection with the through street, along the entire centerline around to its intersection with itself.

ii. Shall not contain or serve more than 20 residential lots or dwelling units.

6. Stub Streets.

a. Shall be provided in appropriate locations for vehicular access to abutting undeveloped lands when required by the Board of Supervisors upon advice of the Township Planning Commission and Engineer.

b. Shall not be longer than:

i. the depth of 1 building lot abutting the street, or;

ii. the width of 2 building lots abutting the street.

c. Shall not be provided with a vehicular turnaround.

d. Shall be constructed to the property line in accordance with the standards of this Ordinance applicable to the classification of street it will be upon extension.

F. Driveway Intersections with Streets (Minimum Use Driveways): Driveways with 25 or less vehicular trips per day that intersect with streets shall be subject to the PADOT and Township permit process for state roads, the Township's permit process for Township roads, and the additional requirements of this Ordinance.

1. Driveway intersections with streets:

a. Shall not cause or contribute to:

i. hazards to the free movement of normal street traffic.

ii. traffic congestion on the street.

iii. interference with the design, maintenance, and/or drainage of the street.

b. Shall be designed and constructed in compliance with PADOT standards when intersecting a state road, unless Township standards are more restrictive.

c. Shall be designed and constructed in compliance with the Township Engineering Standards when intersecting a Township road.

2. In order to facilitate safe and efficient access between streets and driveways, the number of driveways permitted to serve a subdivision shall be kept to the minimum needed to adequately and reasonably serve the subdivision in question. The Board of Supervisors shall regulate driveway intersections consistent with the following:

a. General Requirements.

i. Lots with frontages of 250 feet or less shall be permitted not more than one driveway intersection with a street, unless otherwise specified in the zoning ordinance. Exceptions may be made when adjacent property owners share parking, or when the need is determined in a traffic study prepared by a qualified traffic engineer.

ii. Not more than 2 driveway intersections with the same street may be permitted for any lot unless a traffic study prepared by a qualified traffic engineer determines the anticipated traffic volumes warrant more than 2 driveway intersections.

b. Driveway intersections serving individual lots may be prohibited by the Board of Supervisors where such intersections would create congestion, interference, and/or hazards to traffic flow and safety by reason of street

grades, land forms, vegetation, frequency of driveway intersections, limited sight distances, and/or high speed traffic flow. In such cases, the Board of Supervisors may permit reasonable alternative forms of vehicular access to the lot by means of:

i. Marginal access streets or driveways.

ii. Reverse frontage lotting.

iii. Other means which are legally acceptable and technically suitable in the opinions of the Township Solicitor and Engineer.

c. Where driveway intersections are prohibited by the Board of Supervisors and alternative forms of vehicular access would cause an undue burden upon an applicant, The Board of Supervisors may permit an alternative interim access solution in compliance with the following:

i. It is the safest feasible alternative, acceptable to the Township Engineer and/or PADOT.

ii. Suitable provisions are made for a preferable permanent access solution, consistent with §22-606.F.2.b, above, including legal agreements to enable implementation of a permanent solution.

3. Distance from Street Intersections. Driveways for individual residential lots shall be located as far from street intersections as is reasonably possible, but not less than 75 feet, measured from the point of intersection of the street ultimate right-of-way lines (extended).

4. Choice of Streets. When streets of different classes are involved, the driveway shall provide access to the street of lesser classification unless this requirement is waived by the Board of Supervisors for reasons of sight distance, incompatibility of traffic, grading, drainage, or other major reasons.

G. Clear Sight Triangles. Clear sight triangles shall be required to be maintained along all approaches to all street intersections, and all intersections of driveways with streets, in compliance with the standards herein.

1. Clear sight triangles shall be measured along street and driveway centerlines, from their point of intersection.

2. Where differing classifications of streets intersect, the higher classification of street shall determine the dimensions used.

3. For driveways, the dimensions used shall be determined by the classification of street being intersected.

4. The minimum clear sight triangle legs distances are contained in Figure VI-3.

5. Within the area of clear sight triangles, obstructions to visibility shall not be permitted within the following ranges of height:

   a. For all streets, between 2 1/2 feet and 12 feet above the edge of paving.

   b. Any plant materials placed within clear sight triangles shall be properly maintained to continually comply with the height restrictions herein. If not properly maintained, the Township reserves the right to trim or remove the plant materials, upon due notice to the property owner.

   c. Traffic signals and signs, public street lamps, and utility poles may be placed within clear sight triangles as necessary, with every effort made to avoid interfering with clear sight.

   d. Exceptions may be made by the Board of Supervisors to permit the following items in a clear sight triangle:

      i. Mailboxes serving a single family residence or when the location is designated by the Postmaster.

      ii. One shade tree, provided that, as the tree matures, its lower branches will be removed within the restricted height ranges.

      iii. Existing shade trees, provided that the lower branches are removed within the restricted height ranges, and that the size, number, and arrangement does not impede adequate visibility. The Board of Supervisors may require removal of one or more trees as necessary to provide adequate visibility.

   e. Grading within a clear sight triangle shall not exceed a 6 percent increase measured from the elevation of the edge of paving. Existing grades in excess of 6 percent shall be regraded into compliance.

   f. Where street or driveway grades drop off from an intersection, the Board of Supervisors may modify these requirements as necessary to improve visibility at the intersection.

   g. Clear sight triangles shall be shown graphically on the record plan. The record plan shall also contain a note identifying what objects are permitted within the clear sight triangle.

H. Sight Distance. Determination of sight distance at intersections of new driveways and streets with existing township roads shall be in accordance with the following provisions:

   1. Access driveways shall be located at a point within the property frontage limits which provides at least the minimum safe stopping sight distance (SSSD), as determined by the standards within Chapter 441 (Access to and Occupancy of highways by driveways and Local Roads) Title 67 of the Pennsylvania Code.

2. The term “driveway” as used here refers to every entrance or exit used by vehicular traffic to or from properties abutting a township road. The term includes proposed streets, lanes, alleys, courts, and ways.

3. The calculated minimum safe stopping sight distance (SSSD) shall be obtainable and measured from a point 10 feet back of the pavement edge and 3 1/2 feet above the road surface.

4. If the minimum required SSSDs cannot be achieved, the Township may exercise one or more of the following options:

   a. Prohibit left turns by exiting vehicles.

   b. Restrict turning movements to right turns in and out of a driveway.

   c. Require installation of a right turn acceleration lane or deceleration lane.

   d. Require installation of a separate left turn standby lane.

   e. Alter the horizontal or vertical geometry of the roadway.

   f. Deny access to the road.

I. Parking and Related Internal Driveways. Parking and related internal driveways and aisles shall be governed by the following regulations.

1. General.

   a. Off-street parking facilities shall be provided in compliance with the parking requirements of the Zoning Ordinance and the regulations contained herein.

   b. Angled or perpendicular parking shall not be permitted along public or private streets, except where specifically permitted by this or other ordinances.

   c. The terms "parking lot," "parking area," and "parking" are interchangeable. "Parking" includes the driveway which provides direct access to the parking spaces.

2. All Parking Lots.

   a. Parking shall not be permitted along driveways which serve as the entrance(s) or exit(s) to parking areas with a capacity of 50 cars or more. A minimum driveway length of 50 feet shall be provided between the road ultimate right-of-way line and the first parking space or internal driveway intersection.

b. Parking areas shall be set back from tract boundary lines and ultimate right-of-way lines in compliance with the requirements of the Upper Salford Township Zoning Ordinance. In any case not regulated by zoning, parking areas shall not be located closer than 15 feet from any tract boundary line or ultimate right- of-way line. These setback areas shall be landscaped in accordance with the applicable requirements of §22-612, herein.
c. Where the edge of an existing parking area is located close to a street, driveway, or other parking area and the property is proposed for subdivision and/or land development, a minimum separation of ten feet shall be provided between these features where feasible. This spacing shall be planted in conformance with the applicable requirements of §22-612, herein. Unless designed to treat stormwater runoff, this spacing shall be raised and/or curbed.

d. Dead-ended parking areas shall be discouraged when the required parking capacity can be accommodated in a layout that permits more convenient vehicular movements. However, extraneous through-traffic flow should be avoided.

i. Up to 30 parking spaces may also be located in a dead-ended parking area if there is no more desirable alternative feasible, and sufficient back-up areas provided for the end stalls.

ii. More than 30 parking spaces may be located in a dead-ended parking area only if a turnaround area is provided at the closed end, suitable for passenger car turning. The turnaround area may be circular, "T" or "Y" shaped, or other configuration acceptable to the Board of Supervisors.

e. Parking spaces designed for the exclusive use by disabled persons shall be installed in all parking lots as close and convenient to building entrances as is reasonable. The specific number and locations of handicapped stalls shall be in conformance with the Americans with Disabilities Act (ADA).

f. Poles supporting lighting fixtures located directly behind or within parking spaces shall be adequately protected by being placed a minimum of 5 feet behind the edge of pavement or the face of the curb or mounted on a concrete pedestal of no less than 30 inches high or by steel bollards extending no less than 30 inches above the ground.

3. Parking Lots Within Residential Subdivisions. Parking lots within residential subdivision shall be regulated by applicable zoning requirements and the following:

a. Parallel rows of parking spaces, which are not separated by a driveway, shall be separated by a planting strip, a minimum of 10 feet wide, landscaped in accordance with §22-612.F, herein. Unless designed to treat stormwater runoff, the planting strip shall be raised and/or curbed.

b. A single row of parking spaces located parallel to and between two driveways, shall be separated from one of the driveways by a planting strip, a minimum of 5 feet wide, landscaped in accordance with §22-612.F, herein. Unless designed to treat stormwater runoff, the planting strip shall be raised and/or curbed.

c. Parking lots shall be divided into sections of not more than 20 cars each, with the sections separated by planting strips, a minimum of 10 feet wide, landscaped in accordance with §22-612.F, herein. Unless designed to treat stormwater runoff, the planting strips shall be raised and/or curbed.

d. The entire parking lot perimeter shall be landscaped in compliance with §22-612.F, herein.

e. For subdivisions of 10 dwelling units or more, a paved, parallel parking area shall be located on the outbound side and within 150 feet of the entrance or entrances to the development. There shall be three spaces or a number equivalent to 20% of the number of dwelling units in the development, whichever is greater.

4. Non-Residential Parking Lots.

a. Parking lots with a capacity of from 15 to 40 cars shall require a planting strip, a minimum of ten feet wide, landscaped in accordance with §22-612.F, herein, around the entire perimeter except where buildings, driveways, and walkways are located. Unless designed to treat stormwater runoff, the planting strip shall be raised and/or curbed.

b. Parking lots with a capacity of from 41 to 100 cars shall require a planting strip as in "a" above and a planting area(s) within the perimeter of the parking lot of not less than 10 percent of the parking area, landscaped in accordance with §22-612.F, herein. Unless designed to treat stormwater runoff, the planting strip and internal planting area shall be raised and/or curbed.

c. In addition to the standards below, parking lots for more than 100 cars shall be divided into sections by planting strips, a minimum of 9 feet wide, landscaped in accordance with §22-612.F, herein. Unless designed to treat stormwater runoff, the planting strips shall be raised and/or curbed.

i. These planting strips shall be located parallel to the rows of parking, to serve the following purposes:

a. To separate main access (entrance-exit) driveways from rows of parking spaces.

b. To separate other major driveways from rows of parking spaces (service drives, general internal circulation).

c. To separate large parking areas into smaller units at intervals of not more than 4 rows of parking stalls with each unit capacity not greater than 100 cars.

d. Refer to Figure VI-4 for an illustration of appropriate locations and use of these planting strips.

ii. The ends of rows of parking shall be marked as islands by means of painted lines, the use of different paving materials such as paving blocks, bricks, or round stones or planted islands.

a. Marked, end islands shall be equal in size to one parking space for each row of spaces.

b. Parking shall be prohibited on these islands.

c. The first parking space abutting the end of each island shall be reserved and marked as parking for disabled persons, at the end of the row closest to the building unless more convenient locations are available. Ramps shall be provided at convenient intervals for access between parking surface and sidewalks.

iii. For parking areas with an ultimate capacity greater than 500 cars, the requirements of §22-606.I.4.c.i.c above may be modified by the Board of Supervisors to provide separation into units at intervals of 6 rows of parking stalls, with each unit capacity no greater than 150 cars.

iv. The applicant may request the Township to permit an alternative design which achieves the purposes of these parking area requirements as well or better than the requirements herein. The final decision to permit an alternative design shall be made by the Board of Supervisors, with the advice of the Township Planning Commission and Engineer.

d. The primary plant materials used shall be shade or canopy trees, chosen from the list of plant materials in §22-612. These trees shall be planted in the planting strips at a spacing equal to the minimum spacing recommended for the type of tree.

e. Additional planting is encouraged and may include a variety of ornamental trees, shrubs, and ground covers, chosen from the list of plant materials in Appendix, provided that:

i. At the ends of planting strips at driveway intersections, drivers' visibility shall be maintained by limited plantings within 35 feet of the intersection.

ii. At the ends of planting strips between rows of parking spaces, visibility shall be maintained by limited plantings within 20 feet of the intersection.

iii. Limited planting shall mean:

a. not more than one shade or canopy tree within the area.

b. no shrubs or ground cover plants exceeding two feet in height.

c. no evergreen trees.

f. The specific purposes to be served by these requirements are:

i. To add visual character and improve the appearance of large parking areas by reducing their massiveness into smaller units.

ii. To provide shade for parked cars.

iii. To reduce random vehicular flow across parking areas.

iv. To permit a high level of visibility for these uses (stores, offices) for which visibility is an important factor.

v. To facilitate snow removal and storm drainage, and to conserve energy in construction and resurfacing operations, by permitting relatively large units of paving surface, not obstructed by numerous, small, barrier island areas.

5. Parking Area Dimensions.

a. Long-Term Parking Areas. In parking lots which service the parking needs of commuters or employees and have limited turnover of vehicles, parking stalls will have a minimum dimension of 8 1/2 feet by 17 feet with a 22 foot aisle as illustrated in Figure VI-5. A 20 foot aisle may be allowed by the Board of Supervisors under one of the following conditions.

i. The parking area will be used by smaller vehicles

ii. The parking area lot serves less than 20 vehicles

iii. The parking aisles intersect driveways on both sides

iv. The parking lot serves as vehicle storage or valet parking

v. Elevated or underground parking is used.

b. Short-Term Parking Areas. In parking lots that service residential, institutions or retail areas, stalls shall have a minimum dimension of 9 feet by 18 feet with a 22 foot aisle.

c. At the discretion of the Board of Supervisors the minimum length of parking stalls may be reduced by 1 foot if an overhanging area of grass or other pervious surface and is separated from the paved area by a bumper stop which allows the parked vehicle to extend at least 1 foot over the edge of the pavement.

d. The minimum dimensions for parallel parking stalls are 9 feet by 22 feet.

e. Angled parking can be used as the discretion of the Board of Supervisors. Aisles abutting angled parking spaces should be restricted to one-way traffic.

f. The minimum dimensions for angled parking spaces are indicated on Figure VI-5.

g. Where parking stalls abut sidewalks, parked vehicles shall not overhang the sidewalks unless the sidewalk is widened by 1 foot.

h. Parking spaces for physically disabled persons shall be 12 feet wide and equal in depth to the spaces abutting them in accordance with standards developed under the Americans with Disabilities Act (ADA).

J. Driveways Within Sites Proposed for Non-Residential Development. The following requirements apply to all driveways within all sites proposed for non-residential land development.

1. A smooth transition shall be provided between the driveway section required for access to a public street and the driveway(s) required for internal site circulation.

2. Main access driveways (entrance-exit), and service driveways handling large trucks shall be a minimum paved width of 30 feet, with one lane in each direction, unless otherwise required by PADOT standards governing the volume of traffic anticipated.

3. Secondary access driveways for cars and other small vehicles, not intended to serve service vehicles or deliveries, may be reduced to 26 feet in paved width, unless otherwise required by PADOT standards governing the volume of traffic anticipated.

4. Storefront driveways in shopping centers shall be a minimum paved width of 35 feet, to allow one lane in each direction and a drop-off/pick-up lane along the sidewalks.

5. Driveways along other non-residential buildings shall be a minimum paved width of 26 feet, except where a drop-off/pick-up lane is proposed, the width shall be 35 feet.

6. Parking Aisle Driveways shall be governed by the type of parking served in accordance with §22-606.I.5.

7. Wherever feasible, internal circulation driveways shall extend from access drives in locations which permit and encourage entering traffic to turn and enter the parking aisles with out first travelling along a building-front driveway. This feature is intended to reduce the volume of vehicular traffic along building front driveway to make it safer for pedestrian traffic. Refer to Figure VI-5 for an illustration of this concept.

K. Emergency Accessways.

1. Minimum cartway width shall be ten (10) feet.

2. When paved, pavement shall conform to §22-606.L.3, Pavement Design, herein.

3. When not paved, the cartway shall be constructed of crushed stone of appropriate size, depth, and compaction to support the largest township fire trucks under all weather conditions. Placed on top of the six (6) inches of crushed stone shall be an interlinked porous pavement constructed of fiber reinforced polyethylene or concrete grass pavers. All void areas shall be filled with top soil and seeded with an appropriate grass mix.

4. Markings or appropriate form of identification shall be placed at the entrance to the emergency accessway. If necessary, break away ballards shall be installed at each end of the emergency accessway.
5. Emergency accessways shall be maintained through properly recorded easements or deed restrictions which at a minimum prohibit the planting of any vegetation except grass within the accessway.

L. Roadway Improvements and Design Standards.

1. All adjacent structures and areas disturbed or damaged during construction shall be properly repaired, restored, or replaced to the satisfaction of the Township by the party causing the damage.

2. All trees, roots, stumps, brush, down timber, wood, rubbish and any objectionable material shall be removed from the full legal right-of-way, or as approved by the Township engineer. Efforts shall be made during construction of roadways to preserve any vegetation specifically for preservation identified in the landscaping plan.

3. Paving. The pavement of all streets and all commercial, industrial, and multifamily parking areas and driveways into and out of parking areas shall be installed as shown on the final plan and in accordance with the following standards:

a. General. All paving shall be constructed both as to materials and methods, generally in conformance with applicable portions of PADOT Specifications Publication 408- 1990 or more current edition.

b. Pavement Design. Pavement construction shall conform to the minimum standards for different types of streets and parking areas as indicated in Figure VI-6.

c. Paving Cross-Section. All pavements, except where superelevated for curves, shall conform with typical roadway cross sections on Figure VI-7.

d. Alternative Paving. Beyond the ultimate right-of-way, alternate paving specifications as indicated in Figure VI-6 may be utilized for roads, driveways, and parking lots not intended for dedication to the Township, in commercial, industrial, rural, multifamily and mobile home park areas.

e. Aggregates, coarse and fine, for binder coarse shall be made from stone, gravel, or other recycled aggregate or glass, and shall meet the quality requirements for Type A stone and Type A gravel. Fine aggregate shall be natural sand, manufactured sand or fine recycled glass cullet composed of free hard, durable, uncoated particles and free from lumps of clay and organic material. Fine sand shall meet the gradation requirements in Table A, Section 703, Penn DOT Publication 408, latest revision. The coarse aggregates shall meet the grading requirements indicated above.

f. A "proof-roll" in the presence of the Township Engineer or Roadmaster shall be conducted prior to the installation of the stone sub-base.

4. Radii of Pavement and Right-of-Way at Intersections. Street intersections shall be rounded with tangential arcs at pavement edge (curbline) and right-of-way lines as listed below. Where two streets of different right-of-way width intersect, the radii of curvature for the widest street shall apply.

Minimum Radius of arc (in feet)

Type of Street	At pavement or edge of curb line	At intersection of right-of-way
Arterial	35 (or more as may be required)	20 (or more as may be required)
Collector	35	20
Local Access	25	15

5. All radii specified herein must be increased if large trucks, fire trucks, or other emergency vehicles would have difficulty with ingress or egress as determined by the Township Engineer and Roadmaster.

6. Bituminous Pathway (bike/ hiking path). Pathways shall be 8 feet wide and consist of 2 inches of ID-2 wearing course over a 6-inch layer of Type C No. 2a stone. Where the edge of the bikeway is above the surrounding grade, bituminous pavement shall be feathered. The vertical clearance above the bikeway shall be 10 feet.

7. Driveway Apron. Where sidewalks are proposed, the apron in the driveway area shall be 6 inches thick concrete 4000 psi compression strength air-entrained concrete reinforced with wire 6 inches by 6 inches, 10 gauge wire (minimum). The wire shall be installed so that it is not closer than two inches from the top or

bottom surfaces of the driveway. 6 inches crushed stone shall be used as a bedding under the driveway apron. When sidewalks are not proposed the driveway apron may consist of bituminous material.

8. Driveways normally used by not more than 25 vehicles per day shall comply with the standards contained in the Pennsylvania Code, Title 67, Transportation, Chapter 441, Access to and Occupancy of Highways by Driveways and Local Roads, Section 441.8, (i), (5), Grade Requirements Where Curbs and Sidewalks are Present. Driveways normally used by more than 25 vehicles per day shall comply with standards appropriate for their anticipated traffic volumes in conformance with accepted engineering standards and practices.

9. Maximum Grades for Driveways.

   a. Residential driveways shall not exceed 10 percent grade.

   b. All other driveways shall not exceed 7 percent grade.

10. All driveways shall be provided with a stopping area within which the grade shall not exceed 4 percent. The stopping area shall be measured as follows:

    a. The length of stopping area shall be a minimum of 20 feet, or the length of the longest vehicles anticipated to use the driveway, whichever is greater.

    b. Stopping areas shall be measured from the ultimate right-of-way line for all streets.

11. Maximum grade requirements shall not be waived unless extremely difficult circumstances exist and cannot be mitigated by alternative locations, designs, or lotting, in which case a safe, practical alternative may be permitted by the Board of Supervisors, upon recommendation of the Township Engineer.

12. Driveways shall have a minimum width of 10 feet for a distance of 25 feet from the edge of the cartway or to the ultimate right-of-way, whichever is greater.

M. Traffic Signal Design Standards. In an effort to achieve commonality of parts, to standardize equipment, and to provide for Closed Loop System compatibility, all traffic control devices installed in connection with any land development or subdivision shall conform to the following standards:

1. All Traffic Signal Controllers will be the ASC2 Series. NEMA TS-2, Type I, as manufactured by Econolite Control Products.

2. All controllers will contain pedestrian isolation circuitry and surge protection on all controller inputs.

3. All controller cabinets will include fiber optic telemetry equipment.

4. Master controllers will be ASC-2M as manufactured by Econolite Control Products.

5. In stand-alone intersections (as determined by Upper Salford Township) an Intersection Monitor II, as manufactured by Econolite Control Products is to be used. A Township approved dial-up modem must be installed, complete with connection to phone system. All costs related to the installation and maintenance of the connection to the phone system, in perpetuity, shall be the responsibility of the applicant or its successors and assigns.

6. Interconnects, as a minimum will be single mode fiber optic cable, 6-fiber 9/125 micron, terminated in patch panels with ST connectors. Mechanical splices or terminations will not be accepted.

7. Any fiber installed on existing systems will be single mode unless specifically permitted by the Township considering the recommendation of the Township Engineer.

8. All control boxes will be equipped with police hand-controllers.

9. All intersections will be equipped with optical preemption for all approaches to the intersection. Detectors will be positioned to achieve the proper distance for activation and control of the intersection. Optical preemption equipment will be Opticom, as manufactured by 3M, Inc., or equivalent.

10. Traffic Signal Supports shall be Mast Arms.

11. All mast arms will have extensions to the shaft and luminaire mounting arms included, along with 250 watt HPS luminaries. This specification is met by use of the Valmont FL46 Series of Traffic Signal Mast Arms consisting of 16 flute arm and shaft with a 10" ornamental ball, and a Washington style split base, all painted black. Upper Salford Township will determine if the luminaries will be required on a per intersection basis.

12. All traffic signal heads will be constructed of polycarbonate.

13. All traffic signal heads will contain red, yellow, and green Dialight Model #433 LED modules. Shielding to prevent or reduce glare shall be provided, as recommended by the Township Engineer.

14. All intersections equipped with "Hand/Man" pedestrian signal heads will also be Dialight LED modules.

15. All LED modules must have, as a minimum, a provisional Pennsylvania Department of Transportation approval number and the contractor must comply with all PennDOT requirements and compliance testing.

16. Conduit runs will be sized to accommodate future expansion of the intersection. At a minimum, one 3" conduit is required at all street crossings.

17. Controllers will be located at the intersection of conduit runs, and not at the end of a conduit loop.

18. Each controller foundation, or each pole foundation if the control box is pole mounted, will contain two conduits (minimum 3") entering it from an adjacent junction box.

19. Any loops will terminate in junction boxes. At least one junction box is required for each corner of the intersection.

20. Street lighting circuits will be installed in a separate 2" conduit system specifically for that purpose and will be protected by circuit breakers that are also separate from the traffic signal system.

21. All signalized intersections will comply with the following minimum standards:

    a. Mast arm mounted street name signs. The size, color, and designation will be per the PennDOT Permit and Upper Salford Township.

    b. All intersections will contain all signage and pavement markings required on the PennDOT Permit for that intersection. Upper Salford Township approval is also required.

    c. All lane lines are to be in PennDOT and Upper Salford Township approved paint.

    d. All gore transverse striping areas are to be in PennDOT and Upper Salford Township approved epoxy.

    e. All other pavement markings are to be in PennDOT and Upper Salford Township approved cold inlaid plastic or hot surface applied thermoplastic.

    f. All post mounted signs are to be erected on PennDOT approved, break-away, galvanized, square, quick-punch sign mounting posts.

22. All intersections will be equipped with an emergency battery back-up power supply (UPS system) that will automatically switch to a battery unit when the incoming power is interrupted. This equipment will be the 1000 Series, as manufactured by Clary, or a PennDOT and Upper Salford Township approved equal.

    a. The UPS system will insure a minimum of 8 hours of continuous full operation in the event of a power failure.

    b. The UPS system will condition all incoming electric power, so as to allow for use of an optional external power source.

    c. The UPS will be equipped with an external, red UPS indicator lamp and provide a system alarm to the Township's closed loop system computer upon

the loss of utility power.

d. The UPS will be the appropriate kVA, wattage and voltage to perform all functions at the intersection.

e. The UPS must include a 2-year standard manufacturer's warranty.

23. Generator Connector shall be supplied with all new controller assemblies as follows:

a. A flange inlet receptacle, 30 amp, 120 volts, shall be provided for the attachment of an alternative power source (emergency generator) on the exterior of the cabinet with a waterproof protective flip top cover. Generator transfer switch(es) shall be mounted on the exterior of the cabinet in a 14" x 10" x 7" aluminum enclosure painted same color as controller cabinet.

b. Appropriate overload and short circuit protection shall be provided within the controller assembly. A 30 amp circuit breaker should be utilized. The neutral wire of the alternative power source circuit shall be connected with the neutral bus of the controller unit.

c. The generator power shall be engaged with an automatic transfer relay.

24. All Signage and traffic control devices are to be new. Used equipment will not be accepted.

25. All traffic control devices are subject to all Township, County, State, and Federal regulations that are applicable at the time of installation of such devices. All signal hardware and software shall be subject to the approval of the Township considering the recommendations of the Township Engineer.

§22-607. INFRASTRUCTURE

A. Water Supply Applicants shall provide a safe, reliable and adequate water supply to support the intended uses approved as part of a development plan.

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

2. If private wells, owned and maintained by the individual owners of lots within the subdivision or land development will be used, applicants shall certify their

adequacy, in writing, to the Board of Supervisors, prior to obtaining building or occupancy permits. Adequacy shall consist of certifying the potability, quantity, and compliance with state well construction practices. In addition, a Water Resources Impact Study may be required in compliance with §22-619, herein.

3. Design Standards for Water Supply.

   a. All private wells shall be constructed according to present rules and regulations, or any future amendments thereto of the Montgomery County Health Department and DEP.

   b. A circular area with a radius conforming to the rules and regulations of the Department of Environmental Protection shall be shown around each well to denote clear space in which no on-lot sewage system is to be located. Where public water service is furnished, the circles are not necessary, with the exceptions of those well(s) lying immediately adjacent to the subdivision. However, the usable area is limited by an isolation distance surrounding the water service line to each house as required by DEP.

   c. When a public water supply system is proposed fire hydrants shall be located at accessible points throughout the subdivision when centralized water supply is available, and shall be located according to the Township Engineer. As a general rule, hydrants should be located at each street intersection and at intermediate points as recommended by the State Insurance Services Office. Generally hydrant spacing may range from 350 to 600 feet depending upon the area being serviced. The type and methods of construction to be employed in the installation of fire hydrants shall be in accordance with current State and local regulations.

   d. Public Water Supply Facilities Design. The design for public water supply facilities shall be in accordance with the DEP Water Supply Manual.

B. Waste Water Disposal. Waste water from a subdivision or land development must be disposed of in an environmentally safe manner through use of central sanitary sewers, public or package plant, or through the use of on-lot disposal systems. The 3 types of waste water disposal systems shall be approved by the Pennsylvania Department of Environmental Protection (DEP) and the Montgomery County Department of Health as may be appropriate.

   1. On-Lot Waste Disposal Systems. If central sewage disposal is not available in areas not shown as sewer growth areas, and the sewage treatment is on an individual basis, such private facilities must be installed by the subdivider, developer or builder under the direct supervision of the Department of Environmental Protection or the County Health Department as appropriate.

   2. Community Treatment Systems. Sewage disposal for more than one lot on a shared basis, by means of a community treatment plants or other facilities may be permitted in compliance with DEP regulations and Municipal ordinance requirements.

3. Sanitary Sewers. Whenever practicable, sanitary sewers shall be installed and connected to the Municipal or authority sanitary sewer system following review of plans and approval by DEP and the Board of Supervisors. In areas not presently served by central sanitary sewers, appropriate sewage disposal must be provided in accordance with the regulations of DEP and in addition, the installation and capping of sanitary sewer mains and house connections may be required if studies by the Board of Supervisors indicate that extension of sanitary sewers to serve the property subdivided appears probable or necessary to protect public health.

4. Capped Sewers. When public sewers are scheduled to be available within ten (10) years adjacent to the proposed land development or subdivision, the applicant should install capped sewers.

5. Wastewater Facilities Design Standards.

   a. Sewage Facilities. The type of sewage facilities developed for a particular site shall be based upon the recommendations of the Township Sewage Facilities Plan developed in accordance with Act 537.

   b Sewage Facilities Design. The design and installation of domestic sewage facilities shall be done in accordance with the Pennsylvania Domestic Wastewater Facilities Manual prepared by the Department of Environmental Protection (#1357).

   c On-site Sewage Facilities Design. The design and installation of on-lot subsurface disposal systems shall be done in accordance with PA Title 25 Chapter 73 regulations and the Technical Manual for Sewage Enforcement Officers.

      i. The Montgomery County Health Department shall require percolation and deep hole tests, as required by DEP, in order to determine the size, extent, and nature of disposal facilities. Such tests shall be conducted for each lot proposed for building.

      ii. Existing on-lot sewage disposal systems which will remain in use shall be inspected and certified as to their satisfactory functioning, in accord with current industry and DEP standards. Malfunctioning systems shall be replaced with systems designed and constructed to current standards.

      iii. After assuring that all requirements have been met, the Montgomery County Health Department shall issue a certificate of approval to the Township as a requirement for final plan approval.

      iv. In no instance shall an on-lot septic system be located nearer to a drilled well than one hundred (100) feet.

d. Community Sewage Facilities. Sewage disposal for more than one lot on a shared basis, by means of community sewage facilities may be permitted in compliance with DEP regulations and Township Sewage Facilities Plan.

e. All waste water systems shall be regulated by an operation and maintenance agreement as a condition of approval of any Subdivision in which new building lots are created or Land Development, and secured in an amount as set by the Board of Supervisors from time to time.

C. Solid Waste Storage. In addition to the requirements of the zoning ordinance the following standards apply to all solid waste storage areas:

1. Central Trash Storage (Including Commercial Establishments, Apartments and Condominiums). Trash and recyclable storage areas shall be developed as follows:

a. Design. All trash collection equipment should be placed within enclosures. Enclosures should be at least large enough to adequately contain all trash and recyclable material containers. Generally the sizing and type of storage containers will depend upon the amount of trash and recyclables expected to be generated in the buildings they service. Enclosures should be 6 feet high or at least 1 foot higher than the proposed collection container, whichever is higher. Enclosures should be made of durable material including masonry blocks or steel reinforced wood or plastic fencing. In most cases, garden type fencing or landscaping is not durable enough. The entrance to the enclosure should be at least ten feet wide to accommodate front loading trucks. Gates placed on the entrance should be durable and equipped with piston type bolts to secure gates in both a closed and open position. The trash storage area should be placed on a concrete pad. The dimensions of the pad are dependent on the number of size of proposed containers. Ideally, the pad should extend 6 to 10 feet in front of where the proposed container is to be placed to support the front wheels of the trash truck servicing the site. The area above the container should be free of obstructions. Generally, a 15 foot clearance above the storage area is sufficient.

b. Locations. In locating a trash storage area several objectives should be balanced including spatial demands, distance from source of trash generation, setback from adjoining property, and access for disposal trucks. Trash storage may be placed near building service entrances or loading docks. In apartment or condominium complexes with centralized waste storage, containers are may be located in an area which is convenient to each grouping of 10 to 15 units. Spatial consideration (i.e., loss of parking area or loading space) is important. An access lane of 100 feet must be provided for trash storage areas. During the servicing of these containers (up to 5 minutes) it is important that internal circulation at the site is not impeded. Trash containers ideally should be within a building setback in a given zoning district. At a minimum, they should be setback in accordance with accessory structures.

§22-608. STORMWATER MANAGEMENT AND DRAINAGE

A. Purposes. In order to protect the health, safety, and general welfare of the Upper Salford Township residents by protecting the surface and groundwater of the Township the developer shall construct and install drainage and stormwater management practices, or shall modify the design of proposed improvements, to achieve the following purposes:

1. Maintain the existing pre-development water balance in watersheds and subwatersheds containing first-order streams and other sensitive streams in Upper Salford Township.

2. Maintain the pre-development volume of groundwater recharge.

3. Maintain pre-development runoff volumes, and prevent a significant increase in surface runoff volumes, pre-development to post-development, which could worsen flooding downstream in the watershed, enlarge floodplains, erode streambanks, and create other flood-related health-welfare-property losses.

4. Maintain or reduce pre-development peak rates of discharge, site-by-site, for specified reference storms so flooding at adjacent downstream sites does not worsen, and to work to reduce peak runoff rates to natural level.

5. Manage stormwater impacts close to the runoff source using techniques which require a minimum of structures and maximize reliance on natural processes.

6. Minimize non-point source pollutant loadings to ground and surface waters throughout Upper Salford Township.

7. Minimize impacts on stream temperatures.

B. Stormwater Management Plan. All subdivision and land development proposals shall submit a stormwater management plan and report. Properties proposed for subdivision or land development and located within the defined East Branch Perkiomen Creek Watershed shall comply with the requirements of Chapter 18, Part B. All other properties proposed for subdivision or land development shall comply with the requirements of Chapter 18, Part A. In addition, the following standards shall apply:

1. Stormwater management plans and reports shall include, at a minimum, the following:

a. Stormwater Plans.

i. A suitable map of the total watershed (a United States Geological Survey quadrangle map is sufficient) with pre-development (existing) and post-development (proposed) areas outlined.

ii. Suitable maps and drawings showing all existing drainage facilities affecting the subject property.

iii. A plan of the proposed stormwater drainage system attributable to the subdivision or land development.

iv. Grading plan, including all areas of disturbance, of the subject subdivision or land development.

v. A plan of the stormwater drainage system, showing all pipes, swales, channels, structures, detention basins, other best management practices shall be submitted as part of the stormwater management plan. The drainage areas into each inlet or structure must be delineated on the plan of the storm drainage system.

vi. Delineate the pathways of all concentrated flow (i.e. flow other than overland sheet flow).

b. Stormwater Reports.

i. A report of the erosion and sedimentation procedures to be utilized

ii. The design computations for the stormwater drainage systems, including storm-drain pipes, inlets, runoff control measures and culverts, drainage channels, and other best management practices.

iii. A maintenance plan consistent with the requirements of §22-608.G.3.

C. Permanent Stormwater Management Standards. Stormwater controls shall be designed and constructed to provide groundwater recharge, water quality treatment, and peak flow attenuation in conformance with the following:

1. Recharge Requirement. In order to preserve pre-development levels of groundwater recharge and minimize the increased volumes of stormwater discharging into local streams, structural best management practices shall be implemented on-site consistent with the following:

a. Structural best management practices including, but not limited to, permeable pavement, and infiltration trenches or beds shall be used to maximize groundwater recharge and mitigate for the increased volumes of stormwater caused by land disturbance, and the creation of impervious surface.

Based upon the proposed area of land disturbance, including impervious areas, and the underlying hydrologic soil grouping, the following formula shall be used to determine the minimum volume of water (acre-feet) to be intercepted and retained to infiltrate on-site:

Recharge Volume (acre-feet) = [(A * 0.38) + (B * 0.25) + (C * 0.13) + (D * 0.06)] / 12

where A = disturbed acreage underlain by hydrologic soil group "A"
B = disturbed acreage underlain by hydrologic soil group "B"
C = disturbed acreage underlain by hydrologic soil group "C"
D = disturbed acreage underlain by hydrologic soil group "D"

Example: Existing 15 acre parcel with 6 acres of disturbance on "B" soils and 3 acres of disturbance on "C" soils.

*Recharge Volume = [(0 * 0.38) + (6 * 0.25) + (3 * 0.13) + (0 * 0.06)] / 12 = 0.158*

Therefore structural best management practices need to be designed and constructed on-site to intercept and retain a minimum of 0.158 acre-feet of stormwater.

b. All proposed subdivisions and land developments are required to provide structural on-lot infiltration BMP's to capture and recharge an amount equal to the post-development runoff, assuming a 2-year frequency, 24 hour rainfall event. Based on the individual site specific conditions, a lesser degree of compliance may be permitted if approved by the Township Engineer. All on-lot infiltration BMP's shall be regulated by an operation and maintenance agreement as a condition of approval of any Subdivision or Land Development, excluding only a Lot Line Adjustment, and secured in an amount as set by the Board of Supervisors from time to time.

c. Recharge Alternative. Any applicant proposing the use of any recharge alternative shall submit the request for review of the proposal to the Township Engineer and provide the reasons for the utilization of the proposed alternative and the evidence to support the use of such alternative and the means by which the proposed alternative shall meet the requirements of this Chapter. The Board of Supervisors may determine, upon recommendation of the Township Engineer, that use of structural best management practices to satisfy the recharge requirement is not possible due to site configuration, existing soil, bedrock, water table, or other site conditions. In place of the recharge requirement the peak rate standards of §22-608.C.3, below, shall be modified so that the post-development peak rate of discharge from the site must be equal to or less than 75 percent of the pre-development peak rate for all storms up to and including the 10-year storm.

2. Water Quality Requirement. In order to reduce the water quality impacts of stormwater on receiving streams, non-structural (vegetative) best management practices and dry basin discharge controls shall be utilized on-site consistent with the following:

a. Non-structural (vegetated) best management practices, including but not limited to bioretention areas, filter strips, grassed swales, and stream buffers, shall be used to mitigate the impacts of stormwater from impervious areas on water quality.

Based upon the total site area and the underlying hydrologic soil grouping, the following formula shall be used to determine the minimum percentage of impervious area to be directed to and/or drained by non-structural best management practices:

Percent Area = (A * 38) + (B * 25) + (C * 13) + (D * 6)

where A = percentage of site underlain by hydrologic soil group "A"
B = percentage of site underlain by hydrologic soil group "B"
C = percentage of site underlain by hydrologic soil group "C"
D = percentage of site underlain by hydrologic soil group "D"

Example: Existing 15 acre parcel with 40 percent of the site underlain by "B" soils, 20 percent underlain by "C" soils, and 20 percent of the site underlain by "D" soils.

*Percent Area = (0 * 38) + (0.40 * 25) + (0.20 * 13) + (0.40 * 6) = 15*

Therefore a minimum of 15 percent of the site's proposed impervious area shall be directed to and/or drained by non-structural best management practices.

b. The volume of stormwater for the 1-year, 24 hour design storm (rainfall depth = 2.7 inches) generated by areas of impervious surface not directed to structural or non-structural best management practices shall be controlled so that the 1-year storm takes 24 hours to drain from the facility from a point where the maximum volume of water captured by the facility for the 1-year storm is achieved (i.e. the maximum water surface elevation achieved in the facility).

3. Peak Flow Attenuation. Following compliance with the recharge and water quality requirements, peak flow from the proposed development shall be attenuated consistent with the following requirements:

a. The peak rate of stormwater discharge from the site for the following design storms shall not exceed the peak discharge from the site of the same storm before proposed development:

b.

	Design Storm	Inches of Precipitation
X	2-year, 24-hour storm	3.3
X	5-year, 24-hour storm	4.2
X	10-year, 24-hour storm	5.0
X	25-year, 24-hour storm	5.8

X	50-year, 24-hour storm	6.4
X	100-year, 24-hour storm	7.2

b. To reduce the need for large wet and/or dry ponds to satisfy the peak flow attenuation requirements, other innovative best management practices located close to the source of the runoff generation (rooftop storage, bioretention, infiltration trenches) shall be considered, including a combination of best management practices (i.e. rooftop storage draining into an infiltration trench having overflow conveyed by a grass swale).

In addition, the impact of structural and non-structural best management practices implemented to meet the requirements of §22-608.C.1 and 2 may be considered when designing the facility(s) to satisfy the peak flow attenuation requirement to reflect the volume of runoff being infiltrated and/or increased times of concentration.

D. Stormwater Management Calculation Methods.

1. The following assumptions shall apply for runoff calculations:

a. Average antecedent moisture conditions.

b. A type II distribution storm.

c. Meadow in good condition shall be used in pre-development runoff calculations for all areas including areas of existing cultivation and/or impervious surface.

d. In performing the stormwater calculations, all those areas to be disturbed during construction and subsequently returned to open space will be assumed to be reduced one Hydrologic Soil Group category level for post-development runoff calculations (i.e. Hydrologic Soil Group B is reduced to Hydrologic Soil Group C and so forth).

2. In all plans and designs for stormwater management systems and facilities submitted to the Township Engineer for approval, stormwater peak discharge and runoff shall be determined through the use of the Soil Cover Complex Method as set forth in Urban Hydrology for Small Watersheds, Technical Release 55 (TR-55), with specific attention given to antecedent moisture conditions, flood routing, time of concentration, and peak discharge specifications included therein and in Hydrology National Engineering Handbook, Section 4, both by the US Department of Agriculture, Natural Resources Conservation Service. Note that use of TR-55 with many of the natural system-based approaches and practices encouraged herein requires that calculations be performed on a detailed small sub-area basis. The Township Engineer may permit the use of the Rational Method for calculation of runoff on land developments of 10 acres or less and for the design of stormwater conveyance structures.

E. Design Standards for Best Management Practices. The Pennsylvania Handbook of Best Management Practices for Developing Areas (2006) shall serve as a design guide for structural and non-structural best management practices. Additional design guidance may also be obtained from other related references prepared by the US Environmental Protection Agency, the Washington Metropolitan Council of Governments, the Natural Resource Conservation Service, and the Pennsylvania Department of Environmental Protection. In addition to the design requirements included in the above documents, the following minimum design standards shall be required for the best management practice identified below:

1. Infiltration trenches and dry wells shall meet the following minimum design standards:

   a. The lowest elevation of the infiltration area shall be at least 2 feet above the seasonal high water table and bedrock.

   b. The infiltration system shall have positive overflow controls to prevent storage within 1 foot of the finished surface or grade.

   c. The infiltration system shall be setback at least 15 feet from all structures with sub-grade elements (i.e. basements).

   d. Infiltration systems shall be designed to infiltrate the stored volume in 24 hours or less.

   e. Infiltration rates shall not be used in computing the storage volume of the infiltration system.

   f. Surface inflows shall be designed to prevent direct discharge of sediment into the infiltration system.

2. Dry Basins shall be naturalized consistent with the following minimum design standards:

   a. Minimum grades inside the basin shall be 2 percent, and the maximum side slopes shall be 25 percent (4 units horizontal to 1 unit vertical).

   b. Inlet structures and outlet structures shall be separated to the greatest extent possible in order to maximize the flow path through the basin. The minimum flow path length for at least half (50%) the water directed through the basin shall be calculated using the following formula:
   L = 3.1 %a / 3.14

      where L = Minimum flow path length
      a = Area of the basin in square feet

   c. To create a more free-form and curvilinear basin so that from most edges of the basin the whole basin will not be in view, the total perimeter length of the

basin shall be increased so that it is greater than or equal to the length derived by the following formula:
P = 10.36 %a / 3.14

where P = Minimum basin perimeter length required
a = Area of the basin in square feet

When the natural topography lends itself to straight-sided basins, the basin shall contain an island or peninsula planted with trees which is large enough and appropriately placed to reduce the perceived size of the basin.

d. Basins shall be landscaped in accordance with the requirements of §22-612.

e. Inlet Structures. The invert of the inlet pipe into a basin shall be six (6) inches above the basin floor or lining so that the pipe can adequately drain after rain storms. Inlets shall discharge into areas of the basin that slope toward the outlet structure. Inlet and outlet structures shall be located at a maximum distance from each other in order to promote water quality benefits. The Township Engineer may require a rock filter, rock filled gabion, or baffles for entrapping sediments carried in stormwater if sufficient separation of inlet and outlet structure cannot be achieved.

f. Outlet Structures. To minimize clogging and to facilitate cleaning, outlet pipes shall have an internal diameter of at least eighteen (18) inches and a minimum grade of one (1) percent. Anti-seep collars shall be located on all outlet pipes. All principal outlet structures shall be built with reinforced concrete with watertight construction joints. The developer should consider the use of architecturally treated concrete, stucco, painted surface or stone facade treatment for enhancing the outlet structure. Outlet pipes shall be constructed of reinforced concrete with rubber gaskets in conformance with AASHTO M170, M198 and M207. Child-proof trash racks or anti-vortex devices should be constructed at all outlets and designed to facilitate cleaning and avoid clogging caused by debris.

g. Emergency spillways shall be sized and located to permit the safe passage of stormwater flows from a 100 year storm. The maximum velocities in vegetated spillways excavated in undisturbed soil shall be checked based upon the velocity of peak flow in the emergency spillway during an assumed clogged primary outlet condition. Where maximum velocities exceed design standards contained in the Engineering Field Manual for Conservation Practices, (U.S Natural Resource Conservation Service) suitable lining shall be provided. All emergency spillways placed on fill materials shall be lined. Lining for emergency spillways shall incorporate native colors and materials where possible including mono slab revetments, grass pavers and native stone.

h. Freeboard. Freeboard is the difference between the design flow elevations in the emergency spillway and the top of the settled basin embankment. The

minimum freeboard shall be 6 inches assuming a blocked condition over all other outlet structures.

i. Energy Dissipators. Devices to dissipate or spread stormwater flow shall be installed at points where pipes or drainageways drain into or from a basin. Energy dissipators shall comply with criteria in Hydraulic Engineering Circular No. 15- Design for 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, Natural Resource Conservation Service. Native rock should be used in constructing dissipators where practical.

j. Stabilization. Proper stabilization structures including: stilling basins, energy dissipators, and channel lining shall be constructed at the outlets of all basins and emergency spillways. The stabilization structures should control water to: avoid erosion, reduce velocities of released water and direct water so that it does not interfere with downstream activities.

k. Discharge Points. The minimum distance between a proposed basin discharge point and a downstream property boundary shall be 50 feet. The setback distance may be adjusted at the discretion of the Township Engineer based upon factors such as flow rate, topography, soil conditions, and the location of structures.

l. Energy dissipators and/or level spreaders shall be installed to prevent erosion and/or initiate sheet flow at points where pipes or drainage ways discharge to or from basins.

3. Wet Basins. Existing ponds or permanent pool basins can be used provided they meet the following minimum design standards:

a. The minimum permanent pool level shall be maintained to allow sufficient depth throughout the year to reduce the growth of unwanted vegetation and mosquitos.

b. The pond must be of sufficient size to allow the appropriate aquatic community needed to maintain a healthy pond ecology.

c. An outlet structure shall be designed to allow complete drainage of the pond for maintenance.

d. The design of a wet basin shall include the determination of the proposed site's ability to support a viable permanent pool. The design should take into account for such factors as the required rate and quality of dry weather inflow, the quality of stormwater inflow, seasonal and longer term variations in groundwater table, and effects of suspected pollutant loadings. The Pennsylvania Fish Commission and Natural Resource Conservation Service should be consulted during the design of these facilities.

4. Grassed swales shall meet the following minimum design standards:

    a. The bottom of the grassed swale shall be 2 feet minimum and 6 feet maximum with side slopes of 3:1 or flatter.

    b. Grassed swales proposed to satisfy the water quality requirements of §22-608.C.2 shall be designed consistent with the following:

        i. The maximum flow velocity in the grassed swale for runoff from the water quality design storm (1-year, 24-hour) shall not exceed 1.5 feet per second (fps).

        ii. The average slope of the grassed swale shall not exceed 4 percent.

5. Riparian buffers proposed to meet the water quality standards shall be meet the following minimum requirements:

    a. The minimum overland flow length through the buffer area shall be 75 feet.

    b. The maximum overland flow length contributing runoff to the boundary of the riparian buffer shall be 150 for pervious surfaces and 75 feet for impervious surfaces.

    c. The average contributing overland slope shall not exceed 5 percent.

    d. Runoff shall enter the riparian buffer as sheet flow. A level spreading device shall be utilized where sheet flow can no longer be maintained.

    e. The riparian buffer shall be specifically designated on the final subdivision and/or land development plan and landscaped in accordance with the requirements of §22-612. Plan notes should also indicate the portions of the riparian buffer being used to satisfy the requirements of §22-608.C.2. Generally, the riparian buffer should be left in as natural state as possible to maximize water quality benefits.

F. Storm Sewers and Drainageways.

1. General Provisions. All storm drains and drainage facilities such as gutters, catch basins, bridges, inlets, and culverts shall be installed and the land graded for adequate drainage as shown on the grading plan submitted and approved with the final plan. Construction of these facilities shall generally conform with PennDot Specifications Publication 408, or latest version.

2. When Required. Storm drains and appurtenances shall be required to be constructed by the subdivider to take surface water from the bottom of vertical grades to lead water away from springs, and to avoid excessive use of cross gutters at street intersections and elsewhere.

    a. Natural watercourses shall not be disturbed.

b. Open watercourses will be permitted where they exist naturally and where, in the opinion of the Township Engineer, they will not interfere with public convenience or safety, but in fact will provide comparable or superior drainage capabilities of piped drainage. Necessary stream corridor improvements including rock stabilization and gabions were necessary shall be performed.

c. When submitting a plan for approval involving the construction of storm drainage facilities the designer's computations shall be submitted in duplicate to facilitate the checking of design.

d. Design of storm drainage facilities shall be completed in accordance with accepted engineering practices subject to approval by the Township Engineer.

e. Where practical, inlets shall be situated in grassed swales or depressions.

f. Inlets in road curbs shall incorporate grit chambers.

3. Location. Wherever practicable storm sewers shall be located within the right-of-way of the street. They shall be protected by an earth cover of at least eighteen (18) inches.

4. Size and Grade. Storm sewers shall be adequate for the anticipated runoff when the area is fully developed as permitted by zoning, and capable of carrying a ten year design storm. They shall have a minimum internal diameter of fifteen (15) inches and a minimum grade of 0.5 percent (2 of 1 percent) unless otherwise approved by the Township Engineer. Maximum internal pipe diameter shall be sixty (60) inches. Special box culverts or open channels shall be used when a sixty (60) inch pipe is not capable of carrying the design storm. Open channels will not be permitted where a conduit equal to or less than sixty (60) inches in diameter can be constructed.

5. Storm Drainage Pipe Materials. All storm drainage pipes up to but not including forty two (42) inches in equivalent diameter shall be constructed of the following materials

a. Reinforced concrete, rubber gasketed conforming to AASHTO M170, M198 and M207.

b. Reinforced concrete, tongue and groove conforming to AASHTO M170 and M207.

c. Corrugated polyethylene (PE) N12 smooth interior only conforming to ASTM D1248, ASTM D2412, AASHTO M252 and 294. A PE pipe shall be placed on a minimum of six inches (6") of AASHTO #57 stone and backfilled with same to a foot above the crown of the pipe.

d. Corrugated polyethylene (PE) perforated underdrain shall conform to AASHTO M252.

6. All storm drainage pipe and/or culverts forty two (42) inches in equivalent diameter and above shall be constructed of either of the following materials:

   a. Reinforced concrete tongue and groove conforming to AASHTO M170 and M207.

   b. Reinforced concrete piping, rubber gasketed, shall conform to AASHTO M170, M198 and M207.

   c. Precasted reinforced concrete box sections in accordance with AASHTO M259.

   d. Cement concrete cast in place, mix design strength of 4,000 psi.

7. Change in Direction. Special curved storm drain sections may be used where abrupt changes are made in alignment in lieu of constructing manholes if the circumstances so war rant as approved by the Township engineer.

8. Manholes. Manholes shall be constructed at all changes in horizontal or vertical alignment; shall be spaced not more than three hundred (300) feet apart on pipe of twenty four (24) inches internal diameter or less, and not more than four hundred and fifty (450) feet apart where larger sizes are installed. Inlets may be substituted for manholes where they will serve a useful purpose. Manhole frames and covers shall be good quality cast iron; covers shall be marked "STORM" and have a minimum weight of two hundred and twenty (220) pounds.

9. Inlets. Inlet spacing shall be so arranged that ninety five (95) percent of the gutter flow associated with the 10-year, 24-hour storm will be captured. No inlet smaller than PADOT Type 4 Foot Special Inlet shall be used. Double four (4) foot or six (6) foot inlets separated by twenty (20) linear feet of pipe shall be required if adequate efficiency is not realized with the PADOT Type 4 Foot Special Inlet. Inlets at street intersections shall be placed on the tangent and not on the curved portions. The gutter adjacent to and immediately upgrade from the inlet shall be so warped as to direct the water into the inlet.

10. Castings. Manhole and inlet castings, together with their covers or gratings shall conform to PADOT Standards, as may be in effect at the time the design of the sewer is submitted.

11. Unnatural Drainage. Wherever construction stops or concentrates the natural flow of storm drainage in such a way to affect adjoining properties, approval of the owners shall be obtained in writing and a copy filed with the township. Approval of plans by the Board of Supervisors does not authorize or sanction drainage affecting adjoining properties.

12. Drainage from Non-Natural Sources. Water originating from other than natural sources, such as air conditioning units, sump pumps, or other dry weather flow, wherever practicable, shall be discharged into natural watercourses on the property. The discharge of water under the sidewalk through the curb into the gutter, is prohibited.

13. Design Criteria.

    a. Minimum internal pipe diameter shall be fifteen (15) inches.

    b. Open channels should have a parabolic or trapezoidal cross-section in compliance with accepted engineering practices.

    c. Permissible channel velocities, slopes, and cover shall be in accordance with the Natural Resource Conservation Service Engineering Field Manual, Chapter 7, "Grassed Waterways and Outlets."

    d. Existing stream channels shall be maintained in their natural state. Only under unusual circumstances will it be permitted to line, straighten, or relocate an existing stream, with approval of the Department of Environmental Protection (DEP) and the Montgomery County Conservation District.

    e. Acceptable energy dissipation devices shall be installed to bring discharge velocities down to limits specified in the Natural Resource Conservation Service Engineering Field Manual, Chapter 7. Rip-rapping and/or gabions may be required by the Township Engineer where erosion potential is great.

    f. Where open-ended influent pipes cannot be avoided, safety facilities shall be constructed, acceptable to the Township Engineer, such as a debris structure utilizing a six (6) inch by six (6) inch rebar grid.

G. Maintenance Responsibilities.

1. General Responsibilities.

    a. The owner of stormwater management facilities shall be responsible for their proper maintenance during and after development. A Maintenance Plan shall be prepared for review and approval by the Township Engineer and shall be executed and signed by the Township Engineer and applicant.

    b. On or before completion of subdivision or land development improvements, the permanent stormwater management system for a tract shall be fully installed and functional in accordance with the approved Stormwater Management Plan. Temporary sediment trapping facilities in detention basins upon inspection and approval by the Township Engineer shall be converted into permanent stormwater management basins; additional facilities designed to serve more than an individual lot shall begin operation.

All such work shall be specified in the approved Stormwater Management Plan.

2. Stormwater Management Facilities Ownership and Maintenance. All stormwater management facilities identified within an approved Stormwater Management Plan shall be owned and maintained by one, or a combination, of the following entities:

   a. Individual Lot Stormwater Facilities. Stormwater management facilities and systems that are located on an individual lot are the responsibility of that landowner to maintain. All deeds shall incorporate the maintenance responsibilities specified in the approved Maintenance Plan, making explicit individual owners responsibilities for stormwater management measures and for the common property.

   b. Homeowners or Condominium Association Ownership (other than stormwater facilities located on individually owned lots). A single entity taking the form of a private corporation, partnership firm, estate or other legal entity empowered to own real estate exclusive of individual lot owners shall be set up to manage stormwater management facilities that are suitable for such management and perform other functions defined in this Section. Maintenance responsibilities specified in the approved Maintenance Plan should be referenced on the plan and recorded into lot deeds, homeowners or condominium association articles of incorporation, or some other permanent legal document.

   c. Municipal Ownership. Where the township has accepted an offer of dedication of the permanent stormwater management facilities, the township shall be responsible for maintenance. Municipal ownership notwithstanding, the applicant is required to prepare a Stormwater Management Plan including a maintenance component, as defined above. Upon approval of the stormwater management facilities by the township, the applicant shall provide a financial security, in a form approved by the Township Solicitor for maintenance guarantees, as follows:

      i. Long-term Maintenance Bond - the long-term maintenance bond shall be in any amount equal to the present worth of maintenance cost for the facilities for a ten-year period. The estimated annual maintenance cost for the facilities shall be based on a reasonable fee schedule provided by the Township Engineer and adopted by the Township Board of Supervisors.

      ii. Documentation. The terms of the maintenance guarantees shall be documented as part of the Stormwater Management Plan and the Maintenance Plan subpart.

3. Maintenance Plan. A maintenance plan shall be prepared to identify the ownership and maintenance responsibilities for all stormwater management facilities. At a minimum the maintenance plan shall include the following:

a. Any obligations concerning perpetuation and/or maintenance of natural drainage or infiltration facilities, and other facilities identified within the Stormwater Management Plan.

b. A description of the facilities and systems on the lot, as called for above, setting forth in deed restrictions binding on the landowner's successors in interest.

c. Assurances that no action will be taken by any lot owner to disrupt or in any way impair the effectiveness of any stormwater management system, setting forth in deed restrictions the ability of the township to take corrective measures if it is determined at any time that stipulated permanent stormwater management facilities have been eliminated, altered, or improperly maintained, including the ability of the township to cause the work to be done and lien all costs against the property should the required corrective measures not be taken by the lot owner within a period of time set by the Township Engineer.

H. In addition to the regulations contained in this §22-608, including all subparts thereof, applicants for all subdivisions or land developments shall be obligated to comply with the requirements of Chapter 18, Sewage and Sewage Disposal, Part 2, Stormwater Management, of the Code of Ordinances of Upper Salford Township.

§22-609. ADDITIONAL REGULATIONS FOR FLOOD PLAIN AREAS

The regulations contained herein shall apply in those areas identified as flood prone in the Zoning Ordinance. The Flood Boundary and Flood Way Map shall be available in the Municipal Building for inspection. In regard to the adopted Flood Plain Conservation District, the regulations contained herein shall apply to those areas defined and established as flood plain and not in conflict with the information provided in the Flood Insurance Study.

A. The Regulations contained herein are intended to conform to the requirements of the National Flood Insurance Program (P.L. 93-234) and the Pennsylvania Flood Plain Management Act (P.L. 851, No. 166 of 1978) and as either is amended. Furthermore, it is the purpose of these regulations to:

1. Regulate the subdivision and development of flood plain areas in order to promote the general health, welfare, and safety of the community.

2. Require that each subdivision lot or development site in flood plain areas be provided with a safe building site with adequate access; and that public facilities which serve such sites be designed and installed to preclude flood damage at the time of initial construction;

3. Protect individuals from buying lands which are unsuitable for use because of flood hazards by prohibiting the subdivision and development of flood plain areas.

4. Maintain the certification of the Municipality and the eligibility of the property owners in the Municipality for the benefits of the National Flood Insurance Program.

B. Prospective developers shall consult with the Zoning Officer to make a determination as to whether or not the proposed subdivision or land development is located within an identified flood plain.

C. Where not prohibited by this or any other codes or ordinances, land located in flood plain may be subdivided or developed in accordance with this and any other codes or ordinances regulating such development.

D. The finished elevation of proposed streets within flood plain areas shall be a minimum of two feet above the Base Flood Elevation. Drainage openings shall be sufficient to discharge flood flows without increasing flood heights onto lands of other property owners.

E. Storm drainage facilities, in designated flood plain areas, shall be designed to convey the 100-year flow without risk to persons or property. The drainage system shall ensure drainage at all points along streets, and ensure conveyance of drainage away from buildings.

F. In a flood plain, the Board of Supervisors may require an underground system to accommodate a 100-year flood and a secondary surface system to accommodate large, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of increased run-off onto adjacent properties.

G. All new or replacement sanitary sewer systems, whether public or private, located in flood plain areas shall be flood proofed, and all appurtenances thereto (including, but not limited to, pumping stations) shall be flood proofed up to a point 2 feet above the base flood elevation.

H. All new or replacement water systems, whether public or private, in flood plain areas, shall be flood proofed up to a point 2 feet above the Base Flood Elevation.

I. All other new or replacement public or private utilities and facilities in flood plain areas shall be elevated or flood proofed to a point 2 feet above the Base Flood Elevation.

J. Waivers. Guidelines for relaxation from the requirements set forth in this section are as follows:

1. A waiver shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

2. A waiver shall only be issued if there is:

   a. a determination that failure to relax the requirements would result in exceptional hardship to the applicant;

   b. a determination that the relaxing of a requirement will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

   c. a determination that relaxing of a requirement will not result in any adverse impact on adjacent landowners either upstream or downstream;

3. A waiver may only be issued upon a determination that the waiver is the minimum necessary, considering the flood hazard to afford relief.

4. The Municipality shall:

   a. maintain a record of all waivers including justification for their issuance, and

   b. report such decisions issued in its annual report submitted to the Federal Insurance Administrator.

K. Where the subdivision or land development lies partially or completely in a flood plain, or where the subdivision or land development borders on a flood plain, the plan shall include detailed information identifying the following:

1. Location and elevation of existing and proposed streets, water supply and sanitary facilities, and any other permitted improvements, soil types, and proposed flood proofing measures.

2. Boundaries of the flood plain and the base flood elevation as defined in the Zoning Ordinance.

§ 22-610. GRADING

All permanent and temporary cutting, filling, grading, regrading, and/or other forms of earth-moving activities shall be known as "grading" and shall be conducted only in compliance with the following requirements:

A. All grading shall be set back from property lines a sufficient distance to prevent any adverse effects on adjacent properties.

B. Wherever grading will increase the volume or velocity of stormwater flow toward a property line, the applicant shall install and maintain drainage facilities sufficient to prevent adverse effects on the adjoining property, in compliance with the standards in §22-610.E, below. The construction and operation of these drainage facilities shall not cause any adverse effects on abutting properties.

C. Along property lines, where grading creates an abrupt drop-off from the abutting property, in contrast to a previously existing gradual change, the applicant shall be required to install a fence or other suitable protective barrier.

D. A permit shall be required for grading operations. Permits shall be issued by the Zoning Officer upon recommendation of the Township Engineer for each tract, lot, parcel, or site which comprises a separate operation, unrelated to or not contiguous with nearby grading proposed or performed by the applicant. A permit shall not be required in the following situations, however:

1. For an excavation which does not exceed 20 cubic yards total material removed.

2. For a fill which does not exceed 20 cubic yards of material deposited.

3. For an excavation below finished grade for basements and footings for a single-family detached or two-family dwelling, swimming pool, or underground-structure authorized by building permits, excavation for a driveway for a single-family detached or two-family dwelling, or the regrading of such excavated materials into the site from which they were excavated.

E. Engineering Standards for Soil Erosion and Sediment Pollution Control. The requirements of PA Title 25, Chapter 102 and the Pennsylvania Erosion and Sediment Pollution Manual and the following shall apply to all subdivisions and land developments.

1. General.
   a. For qualifying tracts, no changes shall be made in the contour of the land; no grading, excavating, removal or destruction of the topsoil, trees or other vegetative cover of the land shall be commenced until such time that a plan for minimizing erosion and sedimentation has been approved by the Montgomery County Conservation District.

   b. No subdivision or land development plan shall be approved unless, 1) there has been a plan approved by the Board of Supervisors that provides for minimizing erosion and sedimentation consistent with this Section, and an improvement bond or other acceptable securities are deposited with the municipality in the form of an escrow guarantee which will insure installation and completion of the required improvements; or 2) there has been a determination by the Board of Supervisors that a plan for minimizing erosion and sedimentation is not necessary.

   c. The Board of Supervisors, in its consideration of any preliminary plan of subdivision and land development shall condition its approval upon the

execution of measures designed to prevent accelerated soil erosion and resulting sedimentation, as required by DEP. All applicable regulations and permit requirements of said department as stipulated in its Soil Erosion and Sediment Pollution Control Manual shall be followed by all parties engaged in earth-moving activities. The manual is available at the office of the Montgomery County Conservation District. The Township Engineer shall assure compliance with appropriate specifications and requirements.

2. Performance Principles.

   a. Any effective methods of minimizing erosion and sedimentation can be included in the plan. Any questionable method should be discussed with the Township Engineer and Montgomery County Conservation District prior to submission.

   b. No unfiltered stormwater coming from an area which has been disturbed shall be permitted onto an adjacent tract.

3. Responsibility.

   a. Whenever sedimentation is caused by stripping vegetation, regrading or other development activity, it shall be the responsibility of the person, corporation or other entity causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his expense as quickly as possible.

   b. It is the responsibility of any person, corporation, or other entity doing an act on or across a stream, watercourse or swale or upon the flood plain or right-of-way thereof, to maintain, as nearly as possible, in its present state the stream, watercourse, swale, flood plain or right-of-way during the activity and to return it to its original or equal condition after such activity is completed.

   c. No person, corporation, or other entity shall block, impede the flow of, alter, construct any structure, or deposit any material or thing, or commit any act which will affect normal or flood flow in any stream or watercourse without having obtained prior approval from the Township or DEP, whichever is applicable.

4. Compliance with Regulations and Procedures.

   a. Final plans for minimizing erosion and sedimentation as approved will be incorporated into the agreement and security requirements as required under this Ordinance.

   b. The approval of plans and specifications for the control of erosion and sedimentation shall be concurrent with the approval of the final plans of subdivision or land development, and become a part thereof.

c. At the time that a building permit is applied for, a review shall be conducted by the Township Engineer to insure conformance with the plan as approved. During the construction further consultative technical assistance will be furnished, if necessary, by the Township Engineer and the Montgomery County Conservation District. During this development phase, the Township Engineer or Code Officer shall inspect the development site and enforce compliance with the approved plans.

d. Permission for clearing and grading after preliminary plan approval may be obtained under temporary permits or other conditions satisfactory to the municipality, at the applicant's risk.

e. In the event the developer proceeds to clear and grade prior to recording plans, without satisfying conditions specified in §22-610.E.4.d, above, the Board of Supervisors may revoke the approval of the preliminary plan.

§22-611. HISTORIC FEATURE PRESERVATION

The design of subdivisions and land developments should be done in a manner which would preserve desirable cultural and historic features of a site wherever reasonably possible.

A. No proposal will be approved with a property line extending through any portion of an existing building, except where that property line follows a party wall separating semi-detached or attached units, in accordance with the Township Zoning Ordinance.

B. When existing buildings are retained:

1. Minimum building setbacks shall be met or exceeded, in respect to all new lot lines created, for the district in which the buildings are located, even if this results in a lot area or dimensions in excess of the otherwise applicable minimums.

2. Building setbacks in excess of the applicable minimums are encouraged, in respect to all new lot lines created, when the height and/or bulk of the existing building significantly exceeds that of proposed, abutting development. For tall buildings, a setback equal to the height of the building is suggested as a minimum. For proportionally wide or deep buildings, a setback equal to one-half the width or depth of the building is suggested as a minimum.

3. Run-down buildings shall be rehabilitated on the exterior to conform in quality with surrounding new development.

4. Structurally deficient buildings shall be rehabilitated in conformance with the Township's Building Code and ICC International Property Maintenance Code.

5. Additions to retained buildings shall conform in all respects to the requirements of the zoning ordinance applicable to the district in which the building is located,

and shall be in harmony with the character, design, building materials, and other architectural features of the building.

6. Historical or culturally significant buildings shall retain their respective characters, to the greatest extent practical.

7. New buildings abutting the retained building should reflect their respective characters, to the greatest extent practical.

8. In non-residential districts retained buildings shall be provided with adequate parking, service, and landscaped areas in accordance with the zoning ordinance provisions for the intended use. If the applicant cannot specify the intended use, then the most land consumptive provisions shall be applied, to ensure sufficient land area for uses permitted in that district.

9. The building setback lines, existing and proposed buildings, driveways, parking areas, walks, and other similar information shall be shown on the plan, with a note added describing the buildings, and their intended purposes.

10. No plan approval will be granted to a subdivision or a land development unless and until the above requirements are complied with to the satisfaction of the Board of Supervisors, upon recommendation of the Township Planning Commission and Engineer.

C. When existing buildings will be removed:

1. The plan must show the location and include a brief description of the building(s) to be removed.

2. Plan approval will be granted upon written agreement to the expeditious removal of buildings intended for removal, in conformance with §22-602.I, herein, and Township demolition permits.

3. All applicable Township requirements and procedures regarding demolition of buildings and disposition of the reusable parts and/or disposal of the rubble shall be complied with.

4. If the building will not be removed immediately, a financial guarantee must be posted for its removal, in compliance with §22-602.I, herein.

§22-612. LANDSCAPING

A. Preservation of Existing Vegetation.

1. All subdivisions and land developments shall be laid out in such a manner as to minimize the removal and /or disturbance of healthy trees and shrubs. Special consideration shall be given to mature specimen trees and ecologically significant woodlands.

2. It shall be incumbent on the applicant to prove that vegetation removal is minimized. If challenged by the Township, the applicant shall produce evidence, such as written documents or plans certified by a registered landscape architect or other professional showing that no alternative layouts are possible and that no alternative clearing or grading plan would reduce the loss of mature trees, tree masses or woodlands.

3. Mature trees, tree masses, or woodlands proposed for removal by the applicant during construction shall be labeled "TO BE REMOVED." All other trees, tree masses, or woodlands shall be designated "TO REMAIN."

4. In addition to trees proposed "TO BE REMOVED" by the applicant, a mature tree, tree masses or woodland shall be considered "TO BE REMOVED" for the purposes of tree replacement if it meets the following criteria:

   a. The distance from any proposed building, structure, paving, parking or utilities (overhead or underground) is at least 5 feet from the outermost branches of the tree(s) or 20 feet from the trunk of the tree(s), whichever is greater.

   b. The distance from any proposed changes in grade or drainage, such as, excavations, mounding or impoundments is at least 5 feet from the outermost branches of the tree(s) or 20 feet from the trunk of the tree(s), whichever is greater.

5. The existing drainage patterns and water supply for the protected vegetation shall be maintained to the greatest degree feasible.

B. Protection of Existing Vegetation.

1. Existing vegetation designated "TO REMAIN" as part of the landscaping of a subdivision or land development shall be identified in the field prior to any clearing and shall be physically protected throughout the construction process. A temporary physical barrier, such as a snow fence, shall be erected a minimum of 1 foot outside the dripline or a minimum of 20 feet from the tree's trunk, whichever is greater, on all sides of individual trees, tree masses or woodlands prior to major clearing or construction. The barrier shall be placed to prevent disturbance to, or compaction of, soil inside the barrier and shall remain until construction is complete. The barrier shall be shown on the erosion and sedimentation control plan and the landscape plan. Reference to the installation of tree protection should be included in the sequence of construction notes to insure incorporation of tree protection at the earliest stages of site disturbance.

2. Where existing vegetation is proposed to be retained as part of required landscaping, in addition to the requirements of Section 612.B.1. above., the maintenance of the existing vegetation shall be secured in an amount equal to cost of replacement at a like density, the value of which shall be confirmed by the Township Engineer, and shall be subject to the requirement to replace any lost,

3. removed or damaged vegetation as applicable to land development improvements, and as provided by this Article 22.

C. Replacement of Existing Vegetation.

1. The total area of a lot or tract covered by woodlands, hedgerows and/or individual trees shall be calculated. This calculation shall be based upon the outermost dripline of trees.

2. Up to 25 percent of the total gross area of woodlands, hedgerows, and/or individual trees may be removed without replacement of the vegetation. Trees identified as "TO BE REMOVED" shall be considered as removed trees, including those identified in compliance with §22-612.A.4.

3. When site work involves the removal of more than 25 percent of the total gross area of woodlands, hedgerows, and/or individual trees on a lot or tract, 1 shade tree and 2 shrubs or ornamental trees shall be planted for each 500 square feet or fraction thereof of woodlands, hedgerows, and/or individual trees removed in excess of the permitted 25 percent area.

D. Street Trees.

1. Street trees shall be required:

a. Along all existing streets when they abut or lie within the proposed subdivision or land development except where existing trees serve to meet the planting requirement.

b. Along all proposed streets.

c. Along access driveways that serve five or more residential dwelling units.

d. Along access driveways that serve two or more nonresidential properties.

e. Along major walkways through parking lots and between nonresidential buildings, as recommended by the Municipal Planning Commission.

2. The street tree requirement may be waived by the governing body to maintain scenic views of open space, farmland, hedgerows, natural features, or other valued features.

3. Street trees shall be located between the ultimate right-of-way line and the building setback line and shall meet the following standards:

a. Trees shall be planted a minimum distance of 5 feet and a maximum distance of 15 feet outside the ultimate right-of-way line. However, in certain cases, as follows, the governing body may permit trees to be planted within the ultimate right-of-way:

i. In areas, such as existing villages, where planting areas may be located within the ultimate right-of-way.

ii. In cases where closely spaced rows of street trees may be desirable and future street widening is considered unlikely.

b. In nonresidential developments, trees shall be located within a planting area within the front yard setback, at least ten feet in width, planted in grass or groundcover. In areas where wider sidewalks are desirable, or space is limited, tree planting pits may be used.

c. Trees shall be located so as not to interfere with the installation and maintenance of sidewalks and utilities. Trees shall be planted a minimum distance 12 feet from overhead utilities, and 6 feet from underground utilities.

d. Tree species shall be selected based on appropriate growth rates and mature heights for use beneath and adjacent to overhead utility lines.

f. Trees shall be planted at a rate of at least one tree per 40 linear feet of frontage or fraction thereof. Trees shall be distributed along the entire frontage of the property, although they need not be evenly spaced.

g. Trees shall comply with the requirements of §22-612.K, herein. The use of tree species selected from the List of Recommended Plant Materials is encouraged (Appendix A).

E. Buffer Plantings. Buffer plantings shall be installed in subdivisions and land developments to integrate new development with its surroundings, to separate incompatible land uses by providing screening and to minimize or eliminate views to certain site elements in compliance with the following regulations:

1. Consistent with Table 1, buffer plantings shall be required for the following types of development and as otherwise specified in the Municipal Zoning Ordinance:

a. All nonresidential development.

b. All single family detached development.

c. All multi-family and single-family attached development.

d. All cluster development.

e. All mobile home parks.

f. Construction of any of the following items which exceeds 4,000 square feet in ground coverage:

i. public utility facilities or structures,
ii. waste collection, storage and/or treatment facilities
iii. any other structure of similar character or impact.

2. An on-site investigation by the applicant shall determine the adjacent land uses along each property boundary. In the case of vacant land, the existing zoned uses shall be used. The existing or zoned uses shall be noted on the plan. In the case of several permitted uses on a site, the most restrictive landscaping requirements shall apply. The municipality shall have final approval of interpretation of land uses or zoning map.

3. Buffer Area Location and Dimensions

   a. A buffer planting area of not less than 25 feet in width shall be established along all property lines of the site proposed for subdivision or land development, unless otherwise specified in the Zoning Ordinance. Where zoning regulations allow building setbacks less than 25ft., the buffer area may be reduced to equal the width of the minimum building setback.

   b. The buffer area may be included within the front, side, or rear yard setback.

   c. The buffer area shall be a continuous pervious planting area consisting of tall canopy trees, small understory trees, and shrubs, with grass or groundcover. No paving shall be permitted within the buffer areas except for driveway crossing and/or walkways.

   d. Parking is not permitted in the buffer area.

   e. Stormwater basins are permitted in the buffer area provided that the visual screening requirement of the buffer is still met.

4. The minimum planting requirements shall be determined by the intensity of the proposed land use and the adjacent land use or most restrictive zoning district, according to Table 1.

5. Minimum Plant Material Requirements. The following requirements are minimum standards; additional plant material, grading treatments, or architectural elements may be included in the plan, at the applicant's discretion. In accordance with Table 1, for every 100 linear feet of property line and external street boundaries of the site proposed for subdivision or land development to be buffered, the following minimum quantities, types and sizes of plant material shall be required:

Softening Buffer:	1 canopy tree (2-2 ½" min. caliper) 2 understory trees (1 ½ " min. caliper) 2 evergreen trees (8' min. ht.)
Filtering Buffer:	2 canopy tree (2-2 ½ " min. caliper) 2 understory trees (1 ½ " min. caliper)

	5 evergreen trees (8' min. ht.) 5 shrubs (24" min. ht.)
Screening Buffer:*	8 evergreen trees (8' min. ht.) 2 understory trees (1 ½ " min. caliper) 2 tall canopy trees (2-2 ½ " min. caliper) 10 shrubs (24" min. ht.) -or- 30 upright evergreen shrubs (4' min. ht.) -or- 15 upright evergreen shrubs (4' min. ht.) & 4 ornamental trees (1 ½ " min. caliper) or 3 canopy trees (2-2 ½" min. caliper) -or- An alternative planting design that will result in at least an equivalent degree of visual screening to one of the above screening buffers.
Limited Area/Buffer**	1 upright evergreen shrub per 3 feet (4' min. ht.) -or- 4-6 foot solid fence or wall

**A screening buffer must be adequate to visually screen the proposed land use or development from off-site view. Several different planting options could be used to create an effective buffer. Grading treatments and architectural features, such as walls, fences and/or naturally undulating berms may be necessary in addition to the minimum planting quantities in order to effectively provide a visual screen.*

**The limited area/buffer can be used in older developed areas where space for planting is severely restricted. The planting screen would be equivalent to an evergreen hedge planting. Alternative planting arrangements, such as shade or flowering trees with deciduous shrubs, could be considered in conjunction with a fence or wall, at the discretion of the planning commission/municipality.

6. Mitigation of Visual Impacts. The use of a screening buffer planting shall be required to mitigate the adverse visual impacts which proposed land uses or site elements will have on the subject tract, adjoining properties and the community in general. In addition to the requirements for buffer plantings as listed in Table 1, the following proposed land uses and site elements shall be screened from off-site with a screening buffer planting:

   a. Dumpsters, trash disposal, recycling areas, and mechanical equipment.

   b. Service and loading docks.

   c. Outdoor storage areas.

   d. Sewage treatment plants and pump stations.

7. Existing topographic conditions, such as embankments or berms, in conjunction with existing vegetation, may be substituted for part or all of the required property line buffers at the discretion of the governing body. The minimum visual effect shall be equal to or exceed that of the required buffer or screen.

8. Property line buffers shall be required notwithstanding the prior placement of such buffers on adjacent properties. The requirements of this section are intended to be cumulative.

Table 1
PROPERTY LINE BUFFERS
(See §22-612.E.5 for definition of softening, filtering and screening buffers)

	ADJACENT USE OR ZONING DISTRICT			
PROPOSED USE	Office/Institutional and Recreational	Commercial/ Industrial	Multifamily, Single-Family Attached, Mobile Home Parks	Two-Family, Single-Family Detached
Office/Institutional [A]	Softening	Softening	Filtering	Screening
Commercial/Industrial	Filtering	Softening	Screening	Screening
Multifamily, Single-Family Attached, Mobile Home Parks	Softening	Screening	Filtering	Screening
Two-Family, Single-Family Detached	Softening	Screening	Screening	Filtering
Active Recreation (playing fields, golf courses, swim clubs, etc.)	Softening	Filtering	Softening	Softening

[A] *All uses in office/limited industrial parks shall be considered Office/Institutional Uses.*

F. Parking Lot Landscaping.

1. Parking lots should be effectively landscaped with trees and shrubs to reduce the visual impact of glare, headlights, and parking lot lights; to delineate driving lanes; and define rows of parking. Furthermore, parking lots should be adequately landscaped to provide shade in order to reduce the amount of reflected heat and to improve the aesthetics of parking lots.

2. All parking lots shall be landscaped according to the following regulations:

a. One planting island shall be provided for every fifteen parking stalls. There shall be no more than fifteen contiguous parking stalls in a row without a planting island. Alternative planting island designs (without planting islands located every fifteen contiguous parking spaces) must provide one canopy tree for every ten parking spaces in planting island areas and perimeter parking planting areas at the discretion of the governing body.

b. The ends of all parking rows shall be divided from drives by planting islands.

c. In residential developments, large parking lots shall be divided by planting strips into smaller parking areas of no more than 40 stalls.

d. In nonresidential developments, large parking lots shall be divided by planting strips into smaller parking areas of no more than 100 stalls.

e. Planting islands shall be a minimum of one parking stall or nine feet by eighteen feet (9' x 18') in area whichever is greater, underlain by soil (not base course material) and shall be protected by curbing, wheel stops, or bollards. Each planting island shall contain one shade tree plus low-growing shrubs and/or groundcover to cover the entire area.

f. All planting strips shall be a minimum of fifteen (15) feet wide. Strips shall run the length of the parking row, underlain by soil, and shall be protected by curbs, wheel stops, or bollards. Planting strips shall contain plantings of one canopy tree every 25 feet, plus shrubs and/or groundcover to cover the entire area at maturity.

g. The placement of light standards shall be coordinated with the landscape plan to avoid a conflict with the effectiveness of light fixtures.

h. Plant materials shall comply with the requirements of §22-612.K, herein. The use of plantings selected from the List of Recommended Plant Material, Appendix A, is encouraged.

3. All parking lots shall be screened from public roads and from adjacent properties according to the following:

a. The perimeter of all parking lots shall be planted with a filtering buffer as per §22-612.E

b. The perimeter planting area shall be a minimum 10 foot width.

G. Additional Plantings.

1. All proposed non-residential structures shall incorporate the following minimum plant materials in the landscaping areas adjacent to the proposed structure:

a. 1 canopy tree (2-2 ½ inch minimum caliper) or 2 understory trees (8 foot minimum height) shall be planted for every 50 feet of proposed building façade facing a public street.

b. 5 deciduous or evergreen shrubs (18 inch minimum height) shall be planted for every 20 feet of proposed building façade facing a public street.

c. Planting areas shall be a minimum 150 square feet with a minimum 10 foot width.

d. Twenty-five percent of the area between the building facade and the front building driveway curb shall consist of pervious planting areas.

2. All proposed detached residential lots shall plant one canopy tree per 10,000 square feet of lot area. Existing trees to remain may satisfy part or all of this planting requirement.

4. All proposed attached residential units shall plant one canopy tree for every two dwelling units. At the discretion of the governing body, required building facade plantings may be located on other areas of the site, if sufficient planting space is not available immediately adjacent to the proposed structure.

H. Stormwater Basins and Associated Facilities. Landscaping shall be required in and around all stormwater management basins according to the following:

1. All areas of stormwater management basins, including basin floors, side slopes, berms, impoundment structures, or other earth structures, shall be planted with suitable vegetation such as naturalized meadow plantings or lawn grass specifically suited for stormwater basins (see Appendix A for recommended plants for stormwater basins).

a. Trees and shrubs shall be planted in and around stormwater basins given they do not interfere in the proper function of the basin and no trees are planted within 30 feet of an outlet/drain structure, emergency spillway or dam. A minimum planting of two (2) trees and ten (10) shrubs per 100 linear feet of basin perimeter shall be planted in and around the basin.

b. Naturalized ground cover plant species, such as wildflowers, meadows, and nonaggressive grasses specifically designed for the permanently wet, intermittently wet, and usually dry areas of stormwater basins, shall be seeded in the floors and slopes of the basin given :

i. The plantings provide a satisfactory continuous cover to all areas of the basin.

ii. The plantings do not interfere in the safe and efficient function of the basin as determined by the municipal engineer.

c. Lawn grass areas may be sodded or hydro-seeded to minimize erosion during the establishment period. Once established, these turfgrass areas shall be maintained at a height of not more than six inches.

2. Basin shape shall incorporate curvilinear features to blend with the surrounding topography.

3. Stormwater basins shall be screened from adjacent properties using buffer plantings according to §22-612.E.

I. Riparian Corridor Planting Requirements. In areas within the Riparian Corridor Conservation District, as defined in Article XVIII of the Upper Salford Zoning Ordinance, the edge of water features and stream corridors should be in forest cover to further the ecological and environmental benefits, as stated in the Riparian Corridor Conservation District (RCCD). To promote re-establishment of forest cover and woodland habitat, new tree plantings shall be implemented in Zone One wherever existing trees do not meet the minimum requirements below:

1. Existing trees within Zone One shall be preserved and retained. Existing tree cover should be surveyed and inventoried to assess the need for any new plantings. Existing tree species included on the noxious/invasive plant species list, Appendix C, should be removed where conditions warrant.

2. New trees shall be planted at a minimum rate of 15 feet on center or one tree per 225 square feet in staggered naturalized rows or an equivalent informal arrangement within the area defined as Zone One by the RCCD.

3. New trees shall be a variety of sizes ranging from a minimum 4 to 5 foot branched whip to an approximate 1 ½ inch caliper balled and burlapped planting stock.

4. New tree plantings shall be composed of trees suitable for stormwater detention basins.

5. Tree plantings shall be located along the streambank to provide shade for the stream, soil erosion control and stormwater benefits, according to accepted streambank restoration practices.

J. Landscape Design Criteria.

1. Plantings shall be provided in arrangements and locations which best mitigate the adverse impacts of the applicant's proposed site development. The required plant material shall be distributed over the entire length and width of any required buffer area.

2. Plantings shall be spaced to comply with the visual mitigation requirements with consideration given to the provision for the future growth habits and mature sizes of selected plant species.

3. Plant species selection shall be based on the following considerations:

   a. Existing site conditions and their suitability for the selected plants, based on the site's soils, hydrology and microclimate.

   b. Specific functional objectives of the plantings which may include but not be limited to visual screening, noise abatement, energy conservation, wildlife habitat, erosion control, stormwater management, and aesthetic value.

   c. Maintenance and replacement considerations such as hardiness, resistance to insects and disease, longevity, availability and cost of plant materials.

   d. A minimum variety of tree species is required as follows:

NUMBER OF TREES	MINIMUM NUMBER OF TREE SPECIES	MAXIMUM % OF ANY ONE SPECIES
0-5	1	100%
6-15	2	50%
16-30	3	40%
31-50	4	30%
51+	6	20%

4. Existing healthy trees, shrubs, or woodlands may be substituted for part or all of the required plant material at the discretion of the governing body. The minimum quantities and/or visual effect of the existing vegetation shall be equal to or exceed that of the required buffer. In order for existing vegetation to qualify for required buffer plantings, proof must be demonstrated that adequate protection measures, particularly in the plant's root zone, are incorporated into the plan.

5. Plant materials shall meet the specifications of §22-612.K.

K. Plant Materials Specifications, Maintenance, and Guarantee. The following standards shall apply to all plant materials or transplanted trees as required under this Ordinance.

1. Plant Specifications.

   a. All plants shall meet the minimum standards for health, form, and root condition as outlined in the American Association of Nurserymen (AAN) Standards.

   b. All plant material shall be hardy and within the USDA Hardiness Zone 6 applicable to Montgomery County, Pennsylvania.

   c. Proposed plant materials shall meet or exceed the minimum planting size requirement for the intended landscape use. Use of plantings selected from the List of Recommended Plant Material (Appendix A) is recommended.

2. Maintenance.

   a. Required plant material shall be maintained for the life of the project to achieve the required visual effect of the buffer or screen. It shall be the ultimate responsibility of successive property owners to insure that the required plantings are properly maintained. Dead or diseased plant material shall be removed or treated promptly by the property owner and replaced at the next planting season.

   b. Safety. All sight triangles shall remain clear, and any plant material that could endanger safety such as unstable limbs shall be removed and the plant material replaced if necessary. It shall be the responsibility of the property owner to maintain all plantings and architectural elements to insure a safe environment.

   c. Maintenance guidelines for the plantings are encouraged to be published by the planting plan designer, to be used by grounds maintenance personnel to insure that the design's buffering and screening concepts are continued.

3. Landscape Financial Security.

   a. Any tree or shrub that dies within 18 months of planting shall be replaced by the current land owner or developer. Any tree or shrub that within 18 months of planting or replanting is deemed, in the opinion of the municipality, not to have survived or not to have grown in a manner characteristic of its type, shall be replaced. Substitutions for certain species of plants may be made only when approved by the municipality.

   b. The developer or landowner shall deposit with the municipality a sum of money equal to the amount necessary to cover the cost of purchasing, planting, maintaining, and replacing all vegetative materials for a period of 18 months.

L. Plan Requirements.

1. Preliminary Landscape Plan shall show the following:

   a. Existing Features. The location and character of existing buildings, mature trees standing alone; outer limits of tree masses and other existing vegetation; the location of floodplains, wetlands, and other natural features that may affect the location of proposed streets, buildings, and landscape plantings.

   b. Proposed Landscaping:

      i. Approximate location of all proposed landscaping required under this Ordinance.

ii. Demarcation of existing vegetation "TO REMAIN" or "TO BE REMOVED" and the means of protecting existing vegetation during construction.

iii. Approximate location of proposed buildings, paving, utilities, or other improvements.

2. Final Landscape Plan.

a. Drafting Standards. The same standards shall be required as for a preliminary plan. (See §22-402.B)

b. Information to be shown:

i. Plan scale, date, north arrow, and location map with zoning district designations for the site and adjacent properties.

ii. Location of all existing and proposed buildings and structures.

iii. Location of all existing and proposed roads, parking, service areas, and other paved areas.

iv. Location of all outside storage and trash receptacle areas.

v. Sidewalks, berms, fences, walls, free-standing signs, and site lighting.

vi. Existing and proposed underground and aboveground utilities such as site lighting, transformers, hydrants, manholes, valve boxes, etc. (Reference may be made to other submission drawings.)

vii. All existing and proposed contours at 2-foot intervals to determine the relationship of planting and grading, areas with slopes in excess of 3:1 shall be highlighted on the plan.

viii. Existing mature trees, woodland, and tree masses to remain.

ix. Existing mature trees, woodland, and tree masses to be removed.

x. Location of all proposed landscaping, including required street trees, stormwater basin landscaping, parking lot landscaping, property line buffer, and site element screen landscaping.

xi. A planting schedule listing the scientific and common name, size, quantity, and root condition of all proposed plant material.

xii. A schedule showing all landscape requirements and plantings proposed for each category.

xiii. Planting details, including method of protecting existing vegetation, and landscape planting methods.

xiv. Information in the form of notes or specifications concerning seeding, sodding, groundcover, mulching, and the like, etc.

xv. A detailed cost estimate shall be submitted with the public improvement escrow, showing the value of all proposed landscaping, including all labor, materials, and guarantee.

c. This condition may be satisfied through a land development agreement with sufficient and appropriate financial guarantees.

d. Certificates. When approved, the landscape plan must show:

i. The signature and seal of the registered landscape architect responsible for preparing the landscape plan and details.

ii. The signature of the subdivider, developer, or builder.

ii. The signatures of the elected municipal officials, engineer, or landscape architect, and planning commission.

§22-613. GUARANTEES AND AGREEMENTS

Every applicant for subdivision and land development, whether preliminary or final shall be accompanied by a form of agreement or agreements to be approved by the Township. The agreements shall be properly recorded simultaneously with the recording of the final plan, and shall specify the following:

A. The subdivider or developer agrees that he shall layout and construct all open space areas in accordance with the final plan as approved, where any or all of these improvements are required as conditions of approval, and that the improvements shall be completed within the time or times specified by the Township.

B. The subdivider or developer, at the Township's discretion, shall be required to place in an escrow account for a period of three years, an amount of financial security to cover the costs of providing all open space requirements established as conditions for final approval of the plan.

C. The Township is authorized to make random inspections of non-dedicated Municipal open space as deemed necessary and appropriate to ensure that the subdivider or developer and any successors duly perform, abide by, and complete any duties, obligations, or requirements as set forth in the final plan and/or formal agreements.

D. The Township shall be granted the right to enforce the deed restrictions regarding the use and maintenance of the open space if the organization fails in its responsibilities. The amount of financial security necessary to reimburse the Township for its expense of performing remedial measures shall be forfeited by the subdivider or developer.

1. In the event that the entity charged with maintenance responsibilities, or any successor thereto, fails to maintain all or any portion of the open space in reasonable order and condition in accordance with the development plan and all applicable laws, rules, and regulations, the Township may serve written notice upon such entity, upon the residents and owners of the uses relating thereto, setting forth the manner in which the entity has failed to maintain the open space in reasonable condition.

2. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the organization, or any successor organization, shall be considered in violation of their responsibilities, in which case the Township may enter the premises and take corrective action.

3. The financial security funds in the applicant's escrow account, if any, may be forfeited, and any permits may be revoked or suspended. If the funds of the escrow account are insufficient to pay the costs of remedial maintenance, the costs of corrective action by the Township shall be assessed ratably, in accordance with tax assessments, against the properties that have the right of enjoyment of the common facilities and shall become a lien on said properties. The Township, at the time of entering upon such common facilities for the purpose of maintenance, shall file a notice of such lien in the Office of the Prothonotary of Montgomery County, upon the properties affected by such lien.

E. All plans finally approved, whether or not recorded, shall be binding upon the subdivider or developer, his heirs, executors, administrators, successors and assigns; shall limit and control the use and operation of all open space designated in such plans, to the conditions appearing in such plans and cited in any associated formal agreement for the approval thereof.

§22-614. UTILITY LOCATIONS, EASEMENTS, AND RIGHTS-OF-WAY

Widths and locations of easements and rights-of-way shall be determined by the Township Engineer or the appropriate Authority or utility company for all utilities, including stormwater facilities, and shall be governed by the requirements herein.

A. General Standards

1. Easements and required front, side or rear yards may co-occupy the same land.

2. Nothing shall be permitted to be placed, planted, set or put within the areas of an easement unless it is a portable or removable object. The area shall be kept as lawn.

3. The owner of any lot, upon written request by the Township and at the owner's sole expense, shall remove anything placed, planted, set or put, (with or without knowledge of these regulations) within the area of any easement.

4. To the fullest extent possible, easements shall be adjacent to rear or side lot lines, and occupying only a portion of one (1) lot (not centered on 2 lots).

B. No right-of-way or easement for any purpose whatsoever shall be recited or described in any deed unless the same has been shown on the approved plan. Any error found in a deed shall be immediately corrected and re-recorded in the Office of the Recorder of Deeds for Montgomery County at Norristown, Pennsylvania, at the sole expense of the subdivider or developer.

C. Utility Easements. A minimum width of 20 feet shall be provided for common utilities and drainage when provided in undedicated land for one use. Multiple utility uses within one easement require additional easement width.

D. Public Utilities. All water, sewer and gas mains and other underground facilities shall be installed prior to street paving at locations approved by the Township Engineer.

E. Underground Utilities. All water, sewer and gas mains shall be installed underground. All electric, telephone and communication services, both main and service lines, shall be provided by underground cables, installed in accordance with the prevailing standards and practices of the utility or other companies providing such services, except where it is demonstrated to the satisfaction of the Board of Supervisors that underground installations herein required are not feasible because of physical conditions of the lands involved. All main underground cables which are within the right-of-way of a street shall be located as specified by the utility company, subject to approval by the Board of Supervisors, upon recommendation of the Township Engineer.

1. In order to promote and facilitate the underground installation of utility distribution lines, a letter of endorsement shall be required from the suppliers of utility service (not limited to electrical, telephone, or cable television) of the developer's choice wherein the applicant acknowledges that underground utilities are feasible and shall be consummated as part of the improvement plan.

2. A statement relative to the intent of the developer to provide underground utility service shall be placed on the final plan requisite to final approval of the plan.

3. The provisions in this ordinance shall not be construed as to limit or interfere

with the construction, installation, operation and maintenance of public utility structures or facilities which may hereafter be located within public easements or rights-of-way designated for such purposes.

4. Light Standards are to be placed as required by Ordinance. Power source for such standards shall be placed underground as required.

5. Along arterial and collector roads, all new electrical service should be placed underground.

§22-615. SURVEY MONUMENTS

A. Permanent monuments shall be indicated on the record plan. All monuments shall be constructed of precast concrete or durable stone with metal insert(s), and be four (4) inches square with at least twenty (20) inches extending below ground level, or an alternate design approved by the Board of Supervisors. Street right-of-way reference monuments shall be located on the right-of-way lines at corners, angle points, beginning and end of curves, and as otherwise required by the Township Engineer for all new and existing streets. They shall be placed after a new street and/or lot grading has been completed. The centerline of all new streets shall be marked with spikes (P.K. nails) and referenced to permanent monuments or structures. Certified copies of this reference information shall be given to both the Township Engineer and the Township Secretary. When final lot grading has been completed and before the issuance of occupancy permits, permanent monuments shall be set by the subdivider, developer, or builder, at all lot corners and angle points, and at all street intersections and intermediate points as may be required. Security may be required by the Township at the time of plan approval if the monuments have not already been set.

B. Lot Pin Requirements. All lots upon which construction is planned shall be temporarily staked or pinned, or permanently monumented and certified to such by a registered surveyor for the owner, subdivider, builder, or developer, before issuance of a building permit. A signed certificate of compliance must be submitted with a building permit application. Temporary stakes or pins with a surveyor's ribbon attached may be acceptable on existing lots where construction of an accessory building or an addition to the primary structure is proposed, only if construction is begun within thirty (30) days of the certificate of compliance date. Temporary stakes or pins shall remain in place until witnessed and accepted by the Township Building Inspector. Prior to final approval of a new subdivision plan, all new lot corner markers shall be marked with a minimum 5/8 inch diameter metal pin extending at least twenty four (24) inches into the ground and at least one inch revealed above the ground surface, or an equivalent metal marker, approved by the Township Engineer. Upon completion of construction and final grading, pins shall be replaced with permanent monuments as described in §22-615.A.

C. Original Monuments. In situations where they may be of legal or historical importance, the original monuments and marks must not be destroyed, defaced, hidden, or possibly confused by creating new monuments and marks unless

absolutely necessary, eg: the originals are decayed, destroyed, or unsafe. In some cases, to be determined by the Township Engineer, new monuments should be set as a reference or witness to the original monument to avoid disturbing the original. When in the opinion of the Township Engineer, the angle point falls in a location that is not appropriate to set a concrete monument, a written request for a waiver shall be submitted for consideration by the Board of Supervisors.

D. Bench Marks. The Township elevations are based on the USGS Datum. Location and elevation is available to all Engineers and Surveyors upon request to the Township Engineer. All contours and elevations shown on the plan must be based on this system.

§22-616. BRIDGES AND CULVERTS

A. Bridges and culverts shall be designed to meet current Pennsylvania Department of Transportation and AASHTO Standards to support expected loads and to pass design stormwater flows. They shall be constructed to the full width of the planned cartway. Allowance for sidewalk must also be made, if required by the Township.

B. Where County-owned roads or bridges are involved, the County Engineer must review and approve all proposals.

C. It is unlawful to construct any dam or other water obstruction, or to make any change in or addition to, any existing water obstruction, or in any manner change or diminish the course, current, or cross-section of any stream or body of water, without first having made written application to and obtained a permit or consent in writing from DEP.

D. The following information is required: Drawings to include location plan; cross-section of present bridge if one exists; profile of stream for a reasonable distance above and below bridge site, showing slopes of bed, normal water surface and flood water surface. If the bridge is on a skew, give the angle of the center line of the bridge with the direction of the line of flow. In addition, the following information is required for new bridge construction: the total drainage area above the bridge site; description of watershed; length of stream from source to bridge site and to the mouth; character of stream bed and banks; extent and depth of overflow during floods; effect of previous floods upon bridges, their span and clearance; whether bridge will be within backwater influence of parent stream.

E. A complete set of structural computations and drawings shall be submitted with plans involving construction of bridges and culverts.

§22-617. MOBILE HOME STANDARDS

A. Mobile Home Stands. A concrete pad, properly graded, placed and compacted so as to be durable and adequate for the support of the maximum anticipated loads during all seasons shall be used for all mobile homes.

B. Anchoring. Every mobile home placed on any lot shall be anchored to the mobile home stand where it is located prior to the unit being occupied or used in any other way, or the expiration of seven days, whichever occurs first. The anchoring system shall be designed to resist the wind loading as required by the building code.

C. Stability. All mobile homes placed on any lot shall, prior to occupancy or other use, be affixed to their mobile home stands in such a way so as to prevent tilting of the unit. No mobile home shall permanently rest on the wheels used to transport the unit.

D. Skirts. All mobile homes placed on any lot shall, prior to occupancy or other use, have skirts installed which shall screen the underside of the mobile home by forming an extension of the vertical exterior walls of the mobile home and cover the entire distance between the bottom of the exterior walls and the ground elevation below. Said skirting shall be designed to complement the appearance of the mobile home and shall be coordinated throughout the mobile home park.

E. Hitch. The hitch or tow bar attached to a mobile home for transport purposes shall be removed and remain removed from the mobile home when it is placed on its mobile home stand.

§22-618. TRAFFIC IMPACT STUDY

The following regulations govern the preparation of Traffic Impact Studies.

A. Intent. A Traffic Impact Study is intended to enable the township to assess the traffic impacts of a proposal. Specifically, its purpose is to:

1. Identify any traffic problems that may be created in the existing highway network as a result of the proposal.

2. Delineate solutions to potential problems and to present improvements to be incorporated into the proposal or into the highway and/or public transit systems within the study area.

3. Assist in the protection of air quality and the conservation of energy, and to encourage the use of public transit where available.

B. Preparation of Study. The Traffic Impact Study shall be prepared by a qualified traffic engineer and/or transportation planner with the cost borne by the applicant.

C. Applicability. The applicant shall prepare a Traffic Impact Study for all residential subdivisions or land developments of 10 or more lots or dwelling units; all commercial, office, industrial, institutional or other nonresidential uses requiring subdivision or land development approval; all rezoning requests; and with respect to residential subdivisions or land developments of fewer than 10 lots or dwelling units, the Board of Supervisors, at its discretion, where it determines that there is a need for a traffic impact study because of the location of the proposed site, may

require a traffic impact study and report; provided, however, that the Supervisors notify the applicant of this requirement within 60 days of the original filing of the application.

1. The applicant shall determine the anticipated number of trips per day by using the current edition of the Institute of Transportation Engineers' (ITE) Trip Generation Report. The proposed use or development shall be identified using the appropriate ITE land use code. Where doubt exists, the applicant shall seek guidance from the Township Engineer.

2. An application which requires a Traffic Impact Study shall not be considered complete until the Traffic Impact Study is submitted to the township in accordance with the provisions of this section.

D. Site Description. The site description shall include the size, location, proposed land uses, construction staging, and completion date of the proposed land development. If the development is residential, types of dwelling units shall also be included. The general site description shall also include probable socio-economic characteristics of potential site users to the extent that they may affect the transportation needs of the site (e.g., number of senior citizens). A brief description of other major existing and proposed land development within the study area shall be provided.

E. Transportation Facilities Description. The description shall fully document the proposed internal and existing external transportation system.

1. This description shall include proposed internal vehicular, bicycle and pedestrian circulation, all proposed ingress and egress locations, all internal roadway widths and rights-of-way, parking conditions, traffic channelizations, and any traffic signals or other intersection control devices at all intersections within the site.

2. The report shall describe the entire external roadway system within the study area (as defined). Intersections in the study area shall be identified and illustrated. Any existing and proposed public transit services and facilities within a one-mile radius of the site shall also be documented.

3. All future highway improvements proposed by others, including proposed construction and traffic signalization, shall be indicated. This information shall be obtained from the Pennsylvania Department of Transportation's Twelve-Year Highway and Bridge Program, Montgomery County Department of Roads and Bridges, and from the Township. Any proposed roadway improvements associated with surrounding proposed development shall be noted.

F. Existing Traffic Conditions. Existing traffic conditions shall be measured and documented for all roadways and intersections in the study area and shall include:

1. Current average daily traffic volumes, peak highway hour(s) traffic, and peak development-generated hour(s) traffic.

2. Manual traffic counts at all intersections in the study area, encompassing the peak highway and development generated hour(s), with documentation included as a technical appendix to the report.

3. Delay analysis based upon existing volumes, performed during the peak highway hour(s) and the peak development-generated hour(s) for all roadways and intersections in the study area.

4. Volume/capacity (v/c) analysis for all intersections having a level of service D, E, or F or which should be reasonably expected to have such a level of service after the proposed development. Volume/capacity ratios and delay levels of service shall be determined for each location according to the 1985 Highway Capacity Manual, as amended.

5. The date or dates when any and all traffic counts were made.

6. Analysis of the adequacy of the existing roadway system to serve the current traffic demand. Roadways and/or signalized intersections experiencing levels of service E or F, and v/c ratios greater than or equal to 1.0 shall be noted as deficient. Unsignalized or undersignalized intersections with levels of service E or F shall be noted as deficient.

G. Impact of Development. The Traffic Impact Study shall describe the impact (s) of the proposal on existing and proposed streets in the study area, including the following:

1. Vehicular trip generation resulting from the proposal shall be estimated for the average daily peak highway hour(s) and peak development-generated hour(s). All turning movements shall be calculated.

2. These calculated volumes shall be distributed to the study area and assigned to the existing roadways and intersections throughout the study area. The applicant shall provide documentation of all assumptions used in the distribution and assignment phases. Traffic volumes shall be assigned to individual access points.

3. Pedestrian volumes shall also be calculated, if applicable. If school crossings are to be used, pedestrian volumes shall be assigned to each crossing.

4. The applicant shall note any characteristics of the site that may cause specific trip generation or distribution problems.

H. Impact Analysis. The applicant shall analyze the impacts of the proposal's traffic generation in conformance with accepted traffic engineering methods.

1. The total future traffic shall be calculated and shall consist of the existing traffic volume expanded to the project completion year using an annual background growth factor plus the development-generated traffic and the traffic generated by other proposed developments in the study area.

2. The annual background growth factor shall be determined using the projected rates of population and employment growth as determined by the Montgomery County Planning Commission, and the average annual traffic growth of the area's roadways as determined from the Delaware Valley Regional Planning Commission's "Highway Network Coverage Traffic Counts" and current 24-hour traffic counts.

3. Delay analysis shall be conducted using the total future demand and the future roadway capacity. If staging of the proposed development is anticipated, calculations for each stage of completion shall be made.

4. Analysis shall include the peak highway hour(s) and peak development-generated hour(s) for all roadways and intersections in the study area. Delay calculations shall be completed for all intersections and proposed access points to the development. A volume/capacity (v/c) analysis shall be conducted for all intersections having a future level of service D, E or F.

5. All access points and pedestrian crossings shall be examined for the feasibility of installing traffic signals. This evaluation shall compare the projected traffic and pedestrian volumes to the warrants for traffic signal installation.

I. Conclusions and Recommendations. The Traffic Impact Study shall provide a clear and concise description of the study's conclusions and recommendations, including the following:

1. Levels of service (LOS) and volume/capacity (v/c) ratios shall be listed for all roadways and intersections. All roadways and intersections showing a level of service E or F, and v/c ratios equal to or greater than 1.0 shall be considered deficient.

2. The proportion of site-generated traffic to total future traffic shall be identified at each lane group that is considered deficient. Specific recommendations for the elimination of all deficiencies shall be listed and shall include: internal circulation design, site access location and design, external roadway intersection design and improvements, traffic signal installation and operation including signal timing, and transit design improvements.

3. All physical roadway improvements shall be illustrated.

4. Signal timing shall be evaluated for any intersection with a level of service D, E or F, but a volume/capacity (v/c) ratio less than 1.0. Warrants for signalization shall be examined for unsignalized or undersignalized intersections with levels of service E or F.

5. Existing and/or future public transit service shall also be addressed and any transportation management techniques available to the proposed development shall be identified. A listing of all actions to be taken to encourage public transit usage for development generated trips and/or improve existing service, if applicable, shall be included.

J. Implementation of Recommendations. The applicant shall be required to implement the recommendations of the Traffic Impact Study. The Board of Supervisors may have an independent review done of the applicant's Traffic Impact Study, at the applicant's expense, to make a final determination of the improvements that must be implemented.

K. Traffic-Related Definitions:

1. Capacity Analysis - Intersection approach capacity is the maximum rate of vehicular flow that can pass through an intersection under prevailing roadway, traffic and signalization conditions. The analysis compares the actual or projected traffic volume to the intersection capacity and results in a volume/capacity (V/C) ratio.

2. Level-of-service - Level of service (LOS), as described in the 1985 Highway Capacity Manual (Special Report 209, Transportation Research Board, as amended), is a qualitative measure of the operational conditions within a traffic stream and their perceptions by motorists. Levels of service are defined in terms of delay for signalized intersections and reserve capacity for unsignalized intersections. Six levels of service (A through F) are defined for each type of facility, with LOS "A" representing least congested operating conditions and LOS "F" representing a breakdown in operating conditions.

3. Major Intersection - The intersection of any arterial or collector street with any other arterial or collector street as defined in this ordinance. The transportation engineer shall seek guidance from the Planning Commission prior to the initiation of the traffic impact study to insure agreement on the location of major intersections.

4. Off-site Transportation Improvements - Other transportation-related improvements which are generally not contiguous with the property being developed and not required as an on-site improvements but found to be necessary, partly or wholly as a result of the proposed development.

5. On-site Transportation Improvements - All improvements on or adjacent to the development site in the public right-of-way required to be constructed by the developer pursuant to any ordinance, resolution or requirement of the Township.

6. Public Transit - Transportation services for the general public provided by a common carrier of passengers generally but not necessarily on a regular route basis, by a public authority or a private operator offering service to the public.

7. Study Area - The study shall be defined by two concentric circles at each access point:

a. The first circle shall have a radius of one-half mile from each access point and shall include all intersections along all roadways on which the tract has frontage and all major intersections on all other roadways.

b. The second circle shall have a radius of one mile from each access point and include all major intersections on all roadways on which the tract has frontage. In the case that no major intersections are encountered on frontage roadways within either the one-half mile or one mile radius areas, the study area shall be extended along frontage roadways to at least the first major intersection in each direction.

c. Proposals that will generate more than 2,500 new average daily trips shall expand the first concentric circle to a one-mile radius and the second circle to a two-mile radius.

d. All intersections identified in the study area should be examined, even if the intersections are located outside of the Township. The transportation engineer shall seek guidance from the Planning Commission prior to the initiation of the Traffic Impact Study to insure agreement on the study area boundaries.

8. Trip - A one way trip into or out of the premises, and not what is commonly referred to as a "round trip."

9. Trip Generation Rates - The number of trips to and from a study site per unit of land use as established by the most recent edition of The Institute of Transportation Engineers (ITE) Trip Generation Report. For example, 10 trips per dwelling unit, 2.8 trips per 1,000 square feet of building floor area, etc.

10. Warrants for Traffic Signal Installation - A series of tests which detail the minimum traffic or pedestrian volumes or other criteria necessary for the installation of a traffic signal. These warrants are contained in the Manual on Uniform Traffic Control Devices for Streets and Highways (U.S. Department of Transportation, Federal Highway Administration, 1978, as amended).

§22-619. WATER RESOURCES IMPACT AND HYDROGEOLOGIC STUDIES

A. Intent

1. Hydrogeologic Studies are intended to show the cumulative impacts of individual and community on lot septic systems on existing water supplies (wells, reservoirs, etc.); surface water (ponds, streams, lakes and impoundments), underlying aquifers, wetlands, seeps, springs and other environmentally sensitive receptors. The Board may modify or waive certain requirements in order to meet site specific usage requirements as well as site specific topographic, geologic and hydrogeologic conditions. The applicant should consult with the Township Engineer prior to installing any well(s) or performing any studies.

2. Water Resources Impact Studies are intended to show if there is an adequate supply of quality groundwater for the proposed use and to estimate the impact

of additional water withdrawals on existing and proposed water supplies (wells, reservoirs, etc.); surface water (ponds, streams, lakes and impoundments), underlying aquifers, wetlands, springs and environmentally sensitive receptors. The Board may modify or waiver certain requirements in order to meet site specific usage requirements as well as site specific topographic, geologic and hydrogeologic conditions. The applicant should consult with the Township Engineer prior to installing any well(s) or performing any studies.

3. Chapter XVII, Montgomery County Health Department, Division of Water Quality Management Individual Water Supply System Regulations, Montgomery County Health Department, Individual Water Supply Well Construction Specifications, adopted February 1, 1997, amended effective August 1, 2003 and all future amendments as of the date of the submission of the sketch or preliminary plan or proposed construction of well(s) is incorporated by reference. Where there is a conflict between PADEP regulations, the Montgomery County Health Department regulations and this ordinance the more stringent shall apply. The applicant will be required to comply fully with this ordinance, PADEP regulations and the Montgomery County Health Department regulations.

B. Effect of Hydrogeologic Study

1. Effect of Hydrogeologic Study: The Township will not approve any individual, subdivision or land development plan utilizing on-lot or community disposal facilities where a Detailed Hydrogeologic Study, described in §22-619.E shows that the proposed sewage disposal system(s) adversely affects nearby wells, seeps, springs, ponds streams, wetlands, "Waters of the Commonwealth" or environmentally sensitive receptors.

2. Effect of Water Resources Impact Studies: The Township will not approve any individual water supply system, subdivision or land development plan where a Water Resources Impact Study, described in §22-619.E. shows that the proposed water system:

   a. Does not provide an adequate supply of water for the proposed use considering both quality and quantity and/or:

   b. Adversely affects nearby well(s), seeps, springs, streams, ponds, wetlands, Waters of the Commonwealth or environmentally sensitive receptors and/or:

   c. Does not provide for adequate groundwater recharge, considering withdrawals.

C. Classification of Studies

1. Hydrogeologic Studies shall be classified as either a "Preliminary Hydrogeologic Study" or a "Detailed Hydrogeologic Study".

2. Water Resources Impact Studies shall be classified as either a "Literature Research", "Phase I Water Resources Impact Study", a "Phase II Water Resources Impact Study" or a "Phase III Water Resources Impact Study".

D. When Required

1. A Preliminary Hydrogeologic Study, a Literature Research and/or a Phase I Water Resources Impact Study may be required at the sole discretion of the Board whenever they have reason to believe that any on-lot septic system, drilling of a private well or any proposed land development plan may have an adverse impact on water quality or quantity or have an adverse impact on Township residents and natural resources. Further studies may be required based upon the results of the mandated studies.

2. A Preliminary Hydrogeologic Study is required for any subdivision or land development plan where:

   a. Ten (10) residential dwelling units lots or more are proposed on the submitted plan or any land development plan designed for sewage flows equal to ten (10) or more equivalent dwelling units or;

   b. PADEP or the Township has determined that water supplies within ½ mile of the proposed development are impacted by a contaminant source or exceed 5 parts per million (ppm) nitrate-nitrogen (NO3-N) or;

   c. PADEP or the Township has determined that known geologic conditions at the proposed site may contribute to the potential for groundwater pollution from such systems.

3. A Detailed Hydrogeologic Study will be required based on the information submitted during the Preliminary Hydrogeologic Study when the Township Engineer determines more information is required.

4. All projects withdrawing 10,000 gallons per day (gpd) per 30 day period or greater of groundwater or surface water or a combination thereof are required to obtain a permit from the DRBC. These projects are not required to submit a separate Water Resources Impact Study. These projects however will require that copies of all submissions by the applicant to DRBC must be sent to the Township. Additionally, copies of all submissions to and all correspondence received from PADEP, DRBC or MCHD shall be forwarded to the Township.

5. Water Resources Impact Studies are required for all projects that withdraw over 10,000 gpd and are not required to obtain a DRBC withdrawal permit, or for projects withdrawing less than 10,000 gpd and fall into one of the four following categories, unless waived by the Board.

   a. All minor subdivisions or land development projects containing 1-3 lots will require a "Literature Research".

b. Subdivisions or land development projects that contain between four (4) to ten (10) residential dwelling units, having a gross density of greater than one house per five acres of net buildable site area (as that term is defined in the Zoning Ordinance) and as shown on the Final Plan and rely on private on lot wells will require both a Phase I and Phase II water Resources Impact Study. Based upon the information contained in the Water Resources Impact Studies the Board of Supervisors may require a Phase III Water Resources Impact Study.

c. Subdivisions or land development that propose eleven (11) or more residential dwelling units, have a gross density of greater than one house per two acres of net buildable site area (as that term is defined in the Zoning Ordinance) and as shown on the Final Plan and rely on individual water supply system(s) will require a Phase I, Phase II and Phase III Water Resources Impact Study.

d. All land developments intended for non-residential use (i.e. agricultural, industrial, commercial, institutional, etc,) will require at a minimum a Preliminary Hydrogeologic Study and a Phase I Water Resources Impact Study. Based upon the information provided the Board of Supervisors may require additional studies.

E. Study Requirements

1. General Requirements

a. The study shall be conducted, prepared and sealed by a licensed professional geologist/hydrogeologist or licensed professional engineer qualified to conduct the required studies.

b. All studies shall include a professional option as to whether the proposed activity is likely to meet acceptable water quality and quantity standards and not have adverse impacts on neighboring water resources or environmentally sensitive receptors.

c. All studies shall include a copy of the resume of the individual preparing the report outlining their professional qualifications and experience.

d. For hydrogeologic studies a daily sewage flow of 350 gpd/residence will be used unless a differing volume is approved by the Township Engineer.

e. For water resources impact studies a daily consumptive usage of 262.5 gpd for two and three bedroom dwellings and a daily consumptive usage of 337.5 gpd for four bedrooms dwellings unless a differing volume is approved by the Township Engineer. These rates represent in-house consumption usage and do not account for summer time peak seasonal

outside usage (i.e. watering lawns, flowers and shrubbery; washing cars, filling pools).

f. For water resources studies the peak summer consumptive usage shall be 400 gpd for all two, three and four bedroom dwellings unless a differing volume is approved by the Township Engineer.

2. All Preliminary and Detailed Hydrogeologic Studies must meet the following requirements:

a. Be performed in a accordance with the Chapter 71 of the Pennsylvania Code, Title 25 and the latest PADEP "Instructions for Completing Component 2 Individual Community On-Lot Disposal of Sewage" (3800-FM-WSWM0352)

b. Slopes of 10% or more shall be required to be delineated through actual field survey.

c. All soil types, as indicated on the Montgomery County Soil Survey, shall be identified, including alluvial soils, hydric soils, high water table and prime agricultural soils. The township may require that the soil information contained in the Soil Survey of Montgomery County be verified through actual field analysis, however, it shall be mandatory to delineate all potential wetlands, as identified by hydric soils or those soils containing hydric components. Wetland delineations shall be performed only by an individual with demonstrated knowledge and experience for conducting such wetland delineations. All identified on-site wetlands or potentially impacted off site wetlands shall be inscribed by bearing and distances, tied to a property corner and shown on the site plan.

d. All sinkholes, karst and/or limestone formations, shallow or outcropping bedrock areas shall be identified.

e. All steams, water bodies and all 100-year floodplain boundaries shall be identified and shown on the site plan. When the latest revision to FEMA map does not specifically delineate the extent or elevation of the 100-year floodplain, such floodplain delineation shall be the responsibility of the applicant and full hydrologic calculations, analysis and a statement of potential impacts shall be provided. Hydrologic and hydraulic analysis shall be undertaken only by a professional engineer, professional geologist or other with demonstrated qualifications who shall certify that the technical method used is correct and represents current accepted practice.

f. A hydrogeologic analysis shall be conducted which determine the limits and impacts of pollutant loading (including but not limited to total coliform fecal, coliform, pH and nitrate-nitrogen) and any known contaminants in the surrounding area; for each individual on-lot sewage system upon groundwater and surface waters (including streams, seeps,

springs, ponds, wetlands or waters contributing thereto) within the area of each individual dispersal plume and mixing zone of said individual system.

3. The Water Resources Literature Research must meet the following requirements:

a. A topographic site map of the area within a 1.0 mile radius of the site boundary at a scale no greater than 300 feet per inch with 5 foot contour intervals;

b. A geologic map of the area within a 1.0 mile radius of the site boundary at a scale no greater than 300 feet per inch with 5 foot contour intervals. A description of the geologic conditions on and around the site, including factors which would affect the groundwater recharge rate and the degree of groundwater renovation. Site geology, including stratigraphy, structure and soils shall be analyzed. Groundwater impacts, availability of groundwater, well interference, water quality, and yield availability shall be analyzed.

c. Any available water quality information for area groundwater based upon tests of wells within a 1.0 mile radius.

4. Phase I Water Resources Impact Studies must meet the following requirements:

a. The study shall be prepared by a hydrogeologist, geologist, or professional engineer experienced in groundwater investigations and/or community public water supplies. All individuals shall practice only in their areas of professional expertise and licensing.

b. The Phase I study shall be based upon available literature, available databases and appropriate professional judgment and shall include the following information:

i. Calculations of the projected water needs using the criteria set forth in the following references as modified by §22-619.E.

a) PUBLIC WATER SUPPLY MANUAL, Bureau of Water Quality Management Publication No 15 by the Pennsylvania Department of Environmental Protection, as amended;

b) GUIDE FOR DETERMINATION OF REQUIRED FIRE FLOW, by the Insurance Services Office (ISO) as amended; if fire hydrants are proposed.

c) AMERICAN WATER WORKS ASSOCIATION, Standards and Manuals for the American Water Works Association, Denver, Colorado, as amended. Use AWWA standards for consumptive

use for indoor and outdoor residential uses and for uses not quantified in the PADEP guidance documents.

ii. A topographic map of the area within 1.0-mile radius of the site boundary at a scale no greater than 300 feet per inch with 5 foot contour intervals.

iii. A geologic map of the area within a 1.0-mile radius of the site boundary at a scale no greater than 300 feet per inch with 5 foot contour intervals. A description of the geologic conditions on and around the site, including factors which would affect the groundwater recharge rate and the degree of groundwater renovation. Site geology, including stratigraphy, structure and soils shall be analyzed. Groundwater impacts, availability of groundwater, well interference, water quality, and yield availability shall be analyzed.

iv. The locations of all faults, lineaments, and fracture traces within ½ mile of the site boundary.

v. The locations of all existing and all proposed wells within ½ mile of the site boundary, and all wells withdrawing greater than 10,000 gpd within 1.0 mile of the site. Information shall be obtained from available Federal and State databases and well searches. A door to door well search may be required at the discretion of the Township if adequate information is not available from the standard databases.

vi. The locations of any public or private water distribution lines within a ½ mile radius of the proposed site.

vii. The location by lot of all existing and proposed on-lot septic systems within ½ mile of the site boundary.

viii. The location of all seeps, springs and streams (perennial and intermittent), within ½ mile of the site boundary.

ix. A discussion of the aquifer(s) underlying the site and their long-term normal year and drought year recharge capabilities based on accepted published data and/or detailed site-specific investigations.

x. Based on the established normal year and drought recharge capability of the underlying aquifer(s) and the calculated daily groundwater withdrawals of the project, to include normal year (indoor); normal year peak seasonal (indoor and outdoor) and drought year (indoor only). Three separate hydrologic budgets shall be calculated for the site property itself and an additional three separate water budgets shall be calculated for the site plus the subscribed area within ½ mile of the site boundary.

xi. Based on the results of these water budgets the applicant's professional

consultant shall express a professional opinion on whether or not the potential exists for adverse affects on the hydrologic environment caused by the project. The Township's professional consultant shall review this professional opinion.

xii. Any available water quality information for area groundwater based upon tests of wells within a 1.0 mile radius.

xiii. Potential sources of water quality impact such as wastewater treatment systems, industrial sites, agricultural chemical or solid waste disposal facilities existing within ½ mile of the site boundary should be analyzed.

xiv. The study shall include a brief statement of the qualifications of the person(s) preparing the study.

xv. The study shall consider data and conclusions within the following studies:

a) Special groundwater Study of the Delaware River Basin-Study Area II (R.E. Wright and Associates, 1982);

b) Groundwater Resources of the Brunswick Formation in Montgomery and Berks Counties, Pennsylvania, Bureau of Topographic and Geologic Survey (1965);

c) Groundwater Resources of Montgomery County, Bureau of Topographic and Geologic Survey, 1973;

d) Groundwater in Southeastern Pennsylvania, Pennsylvania Bureau of Topographic and Geologic Survey (1973)

e) Groundwater Resources of the Lansdale Area, Pennsylvania (1955).

f) Previous reports prepared by the developer and/or other developers in the township, which are determined to be relevant by the Township;

g) Any other report determined to be relevant by the Township.

xvi. Technical criteria:

a) The text of reports shall contain pertinent data, analyses, and methods used to arrive at the report's conclusions. Appendices shall contain both raw and summary data. All reports shall contain professional opinions by the applicants "qualified professional". All reports shall be signed and sealed by the qualified professional.

b) All figures contained within reports shall contain complete legends, titles, and scales. All figures shall be identified as preliminary or final and shall contain the appropriate sign off of the qualified professional.

c) All numerical parameters within reports shall be presented with appropriate units, and all data shall be reference by sources, date, location, and time, where appropriate.

5. A Phase II Water Resources Impact Study shall be conducted when the results of the Phase I Study identify potential water supply problems as determined by the Township Engineer or if the total amount of water to be withdrawn for the proposed development is greater than 10,000 gallons per day and the development was not required to obtain a permit from DRBC. The Phase II Study shall develop conclusions regarding groundwater impact based upon additional research, site investigation and test wells. Phase II Water Resources Impact Studies must meet the following requirements:

   a. A survey of all private wells located within ½ mile of the proposed development shall be conducted in person or by phone or mail. Information collected shall include the following if available:

      i. Name and address of driller
      ii. Year well Installed
      iii. Depth of well
      iv. Diameter of well
      v. Length of casing
      vi. Static water level
      vii. Description of rock type
      viii. Depth of water bearing zone(s)
      ix. Driller's estimated well yield
      x. Any treatment systems
      xi. Any water quality or quantity problems

   b. When individual on-lot water supplies systems (private wells) are proposed to service a residential subdivision, the applicant shall provide for a minimum of two test wells, which shall be in addition to the proposed private well. The test wells will be located based upon consultation with the Township Engineer and be sited after the proposed on-lot primary and secondary absorption beds have been located and approved by the SEO. For subdivision plans calling for greater than fifteen (15) lots the requirement shall be two test wells plus one additional test well for every ten (10) additional lots or fraction thereof.

   c. During construction of the test well, the driller and the applicant's hydrogeologic consultant shall keep an accurate geologic log of the type and thickness of geologic units encountered, of the depth and thickness of all water bearing zones encountered, the yield from each zone, and well construction details.

d. Each test well shall undergo a four-hour short term pump test with the specific requirements to be determined by the Township Engineer based upon the results of the Phase I Water Resources Impact Study and site specific requirements.

6. Phase III Water Resources Impact Studies must meet the following requirements:

a. A Phase III Water Resources Impact Study shall be conducted when the results of the Phase II Study identify potential water supply problems as determined by the Township Engineer or if the total amount of water to be withdrawn for the proposed development is greater than 10,000 gallons per day and the development was not required to obtain a permit from DRBC. The Phase III Study shall develop conclusions regarding groundwater impact based upon site investigations. Specific requirements for a Phase III Study shall include:

i. A pumping test will be performed in the following manner:

a) The test shall include one pumping well, located as to induce maximum influence on onsite and offsite neighboring wells. The test shall include at least two (2) additional onsite monitoring wells installed in the same water bearing zone(s) within the same geologic formation.

b) One pumping test shall be required for each 50 acres of the proposed subdivision, or fractions thereof.

c) During construction of the test well, the drillers and the applicant's hydrogeologic consultant shall keep an accurate geologic log of the type and thickness of geologic units encountered, of the depth and thickness of all water bearing zones encountered, the yield from each zone, and well construction detail.

d) The pumping test will be conducted at a constant rate for a period of at least 24-48 hours or until static equilibrium has been reached and measurable draw down is encountered in the associated monitoring wells. Well recovery shall be monitored for a minimum period of eight (8) hours after the conclusion of the well pump test. This period of monitoring may be extended at the request of the Township Engineer, dependent upon project specific conditions or situations.

e) The testing and analysis shall be conducted during a period when no significant recharge has occurred, unless the influence of recharge can be factored out.

f) A monitoring well network shall be identified and data included as part of the pumping test analysis. An attempt shall be made to include all individual wells adjoining the site into the monitoring well network. Water level data shall be collected from wells within the monitoring well network before, during and after the pumping test.

g) The applicant shall state the method(s) of analysis used for the constant rate test along with justification for the method and any variation from method assumptions. Aquifer characteristics shall be determined using distance-draw down and/or time draw down methods, along with appropriate justification and discussion. The report shall include the following:

i. Pre-pumping static water level
ii. Depth of pump setting
iii. Starting and ending time of test cycles
iv. Pumping rate
v. Any step-test drawn down data
vi. Semi-log time-draw down curves for pumping and observation wells
vii. Semi-log time-recovery curves for pumping and observation wells
viii. Identify and explain irregularities, abrupt slope changes in the data or graphs
ix. Raw draw down and recovery data from the pumping well and all monitoring wells. Include the time since pumping began, water elevations, draw down and discharge rate.
x. Distance-draw down curve(s) shall have at least two monitoring/observation points.
xi. Precipitation data for before, during and after testing.
xii. The applicant's "qualified professional" shall define the following aquifer characteristics based upon pumping test data:

a) Hydraulic conductivity
b) Transmissivity
c) Storage coefficient
d) Specific Capacity

h) Data quality/quantity requirements – all potentiometric data, flow data, and other associated data collected during pumping tests shall be of sufficient quality and quantity to permit satisfactory evaluations of the results. Potentiometric data must be collected using appropriate pressure transducers and computerized data loggers or similar equipment to be

approved by the Township Engineer or consulting hydrogeologist. Appropriate equipment for determining the flow rates must also be approved by the Township Engineer or consulting hydrogeologist. The data set collected must be of sufficient quantity to permit detailed analysis of the results.

i. Copies of all raw data must be provided with the analysis in the report.

ii. Samples of water should be collected from the pumping well(s) prior to the termination of the pump test(s). An analysis of the parameters listed below shall be performed on the sample(s) by a laboratory certified by the Pennsylvania Department of Environmental Protection. Laboratory analysis shall be performed in accordance with "Stand Methods for the Examination of Water and Wastewater," latest edition:

turbidity	calcium hardness
color	iron
odor	manganese
pH (field)	fluoride
total alkalinity	nitrate – nitrogen (NO3-N)
hardness	total solids
MTBE	Naphthalene
Cumene	Lead
Arsenic	

bacteria (total plate count, total coliform/199 milliliters)

All Volatile Organic Compounds (VOCs) regulated as primary contaminants on the Pennsylvania Maximum Contaminant Levels (MCLs) list as adopted by the Environmental Quality Board and further defined in Chapter 109.201 Title 25 of the Pennsylvania Code.

iii. If contamination from petroleum based products is suspected then include all constituents as listed on the PADEP Underground Storage Tank Closure testing requirements.

iv. Additional testing of the observation wells and the pumping well may be required at the discretion of the Township.

v. Phase III report shall be prepared and submitted to the Township. In addition to the information required for the Phase II report, the Phase III report shall include the following information:

a) A complete construction log for all on-site wells shall be included that describe the geologic units penetrated, horizontal and vertical dimensions, casing installation information, and grouting details.

b) A list of geologic formation samples collected.

c) The static water level immediately prior to yield testing.

d) A groundwater contour map of the site under static (non-pumping conditions.

e) A ground water contour map of the site under pumping conditions.

f) A hydrograph of the depth to water surface during test pumping and recovery period at the test well or wells showing corresponding pump and discharge rate in gallons per minute and the time readings were taken;

g) A log of depth to water surface for existing and observation wells during the test-pumping period showing the time readings were taken;

h) An analysis, interpretation and professional opinion of the impact of a proposed water supply and distribution system on the ground water supply and existing wells.

vi. If the pumping test reveals any impacts or potential impacts to the existing site wells, off site wells, groundwater supply and/or water resources or wells within a ½ mile radius, the applicant shall comply with one of the mitigation guidelines below, as approved by the Board of Supervisors.

a) Remedy the situation solely at the applicant's cost, by providing all affected well owners with a safe and reliable water supply. This may be done by either connecting to an existing or proposed community water supply system and charging usage rates equal to the current rates charged or;

b) Making improvements to the affected well(s) or;

c) Improve the proposed well(s) in such a way that the effect on existing wells is eliminated or;

d) Other action or improvements to mitigate the effect on existing wells.

e) In the event that the applicant is incapable of complying with the mitigation guidelines set forth above, this failure to mitigate shall be a basis for denial of any land development or subdivision for which the wells are proposed for use.

F. Standards for Quantity of Test Wells

1. Where individual on-lot water supply systems are proposed to service a residential subdivision, the applicant shall install at least one (1) test well for the first four lots. If the subdivision is proposed to be expanded at some point thereafter, the number of test wells required shall equal the total number of lots (previously developed plus new lots) proposed for development divided by five (5), with any fractional number being rounded upward to the next higher number.

2. Such wells shall be drilled, cased and grout-sealed at least twenty feet into competent bedrock. Grout shall be permitted to cure for a minimum period of twenty-four (24) hours, and shall comply with all Montgomery County Health Department and/or PADEP standards, as applicable. In addition, the quality of the water produced by the test well shall be tested by a water quality laboratory certified by the Department of Environmental Protection of the Commonwealth of Pennsylvania to demonstrate compliance with the current standards set forth by said Department for maximum contaminant limits.

3. In general, the test wells should be located up slope from contamination sources at a reasonably safe distance from the source(s). If the test wells are going to be utilized as on-lot wells, they should be spaced to minimize well interference while maintaining required separation distances. Furthermore, all well casings shall be extended at least twelve (12) inches above ground and well heads should be designed and sealed to prevent flooding from surface water runoff.

4. All wells abandoned on-site shall follow PADEP/PADCNR guidance for well abandonment.

5. Each test well should be located in such an area so as to be usable by one of the lots proposed for said subdivision.

G. Construction Standards and Water Quality Requirements for Individual Water Supply System(s).

1. All individual water supply system(s) shall be constructed by a PA licensed well driller.

2. All individual water supply system(s) shall be constructed in accordance with the most current version on the PADEP guidance document regulating the construction of private wells.

3. Montgomery County Health Department, Individual Water Supply Well Construction Specifications, adopted February 1, 1997, amended effective August 1, 2003 and all future amendments as of the date of the submission of the sketch or preliminary plan or proposed construction of any individual well is incorporated by reference.

4. All water samples collected shall be analyzed by a state certified water laboratory for the presence of the following contaminates. Each well being analyzed shall be deemed potable or non-potable based upon the PADEP and MCHD criteria. Wells servicing a single family unit shall at a minimum be potable, except that wells servicing only a single family shall be tested for items a through d at a minimum. The Township may require additional testing of items e through l on a case-by-case basis.

a. Coliforms	g. Tetrachlorethylene (PCE)
b. pH	h. 1-1-1 Trichlorethane (TCA)
c. Iron	i. Detergents (MBAS)
d. Nitrates	j. Benzene, Toluene, Ethyl Benzene, Xylene
e. Total dissolved solids	k. Lead
f. Trichloroethylene (TCE)	l. Arsenic

H. Report.

All well drillers shall upon completion of the drilling of any well file a PA Topographic and Geologic Survey "Water Well Completion Report" with the State, Montgomery County and the Township. Reports of all certifications as required in §22-619.I shall be filed by the property owner or his representative with the Township, including a report of any polluted or contaminated wells.

I. Well Certification.

1. Where individual water supply system(s) is to be installed for new construction, a certification as to the yield and quality is required prior to the issuance by the Township of a building permit for the structure(s) or facilities to be serviced. Certification shall not be required where an existing well is re-drilled or a new well installed due to insufficient well yield at an existing single-family residence.

2. A two-hour short duration pumping test will be performed on all individual water supply wells with a driller's estimate below 5 gpm. The applicant's hydrogeologist is responsible for determining which wells will be classified as "low yielding wells" (less than 5 gpm). The hydrogeologist will select a pumping rate sufficient to provide a "professional opinion" as to whether or not the well's capacity is adequate to supply the daily consumption requirement during both normal and drought conditions as defined by the DRBC or PADEP for both indoor and indoor plus outdoor use as defined by PADEP.

3. In the event the well does not yield a minimum of five (5) gpm, the proposed water system shall be designed by a qualified professional to yield by utilizing tank storage and/or borehole storage. The water system design shall take into account the capacity, well yield and the available groundwater recharge under both normal and drought conditions.

4. All well drillers shall, upon completion of the well, provide the Township with a copy of their "Water Well Completion Report" submitted to the Commonwealth of Pennsylvania and sufficient data and documentation on forms provided by the Township to verify compliance with subsection 1, 2 and 3 above.

5. Water quality testing shall be performed as prescribed in this Ordinance.

J. Wells for Waste Disposal

No well shall be drilled nor any existing well used for the purpose of disposal of domestic or industrial wastes.

K. Sealing of Abandoned Wells

Upon abandonment of any existing well or test holes, the owner of such well or test hole shall effectively seal and fill such wells and test holes as prescribed in the PADEP "Groundwater Monitoring Guidance" document and the methods prescribed by MCHD. A well existing but not actively used or in operation and properly maintained to prevent contamination for three years prior to adoption of the Ordinance may be deemed to have been abandoned. A well existing but not actively used during the three year period prior to the adoption of this ordinance is required to be properly abandoned unless the owner can provide substantial reasons for not abandoning the well (i.e. propose future use). Such wells, if approved for retention, must be properly maintained and secured to prevent contamination or unauthorized access.

L. Permits.

It shall be unlawful for any person to locate, drill or have drilled any well; to install or have installed any related pump equipment; to alter an existing well or its pumping equipment until a permit for such location, drilling, installation or alternation shall have been issued by the Montgomery County Health Department, excluding, however, the replacement of any pump, pipes, valves, or other item with the same or similar ports for the purpose of repair.

M. Fees.

A fee schedule shall be established by the Board for the issuance of a permit pursuant to this Ordinance.

N. Groundwater Recharge.

All proposed subdivisions and land developments are required to provide onlot infiltration best management facilities in accordance with §22-608.C of this Ordinance.

§22-620. TRAILS AND TRAIL CONNECTIONS

Where recommended in the Township's Community Connections Plan, Open Space Plan, Regional Comprehensive Plan, Greenway Guidebook, and/or where recommended by the Planning Commission and required by the Board of Supervisors, trails and trail connections shall be laid out and improvements constructed in accordance with the following standards:

A. Trails shall be a minimum of eight feet in width, however additional width may be required by the Board of Supervisors where the Board determines that higher volumes of pedestrian or other non-vehicular traffic is anticipated or necessary for emergency access.

B. Trails may include bikeways as further defined herein.

C. Trails shall be improved as required by the Board of Supervisors upon recommendation of the Planning Commission and Township Engineer consistent with the Township's intended use. The following design standards shall apply.

1. The width of the path shall be eight (8) feet. The Board of Supervisors may permit variations in this width and may permit the installation of bicycle paths in lieu of sidewalks.

2. Trails paths shall follow the contour lines of the particular area where the paths are to be installed. Variations from this requirement may be permitted where recommended by the Township Engineer.

3. Curb ramps, the same width as the trail path, shall be installed to permit the crossing of intersecting streets. Curb ramps shall have a maximum slope of six to one, with sides having a maximum slope of two to one.

4. The vertical clearance from the trail path surface to overhead obstructions shall be not less than ten (10) feet.

5. The trail path shall be constructed of four (4) inch aggregate base of either gravel, crushed stone or slag, with two (2) inch asphalt binder course and a one (1) inch wearing course. Where a bike path is integrated with a sidewalk system, concrete may be utilized in accordance with the standards provided in this Article VI. Where recommended by the Township Engineer for environmentally sensitive areas, or to ensure that the proposed path is constructed consistent with the character of the proposed development, trail paths may be constructed with the base as required herein and a top coat of screenings, rock chips or such materials as recommended by the Township Engineer.

6. All trail paths shall be constructed in such a manner as to insure adequate and proper drainage and to prevent the path from being inundated by surface drainage.

7. Curves shall not produce excessive flatness in grade. There shall be no dips,

cross-gutters, bumps or humps in the surface.

8. Grades shall not exceed five (5) percent, except that steeper grades may be permitted for short lengths not exceeding two hundred (200) feet in length, where natural contours provide conditions for minimal grading at steeper grade.

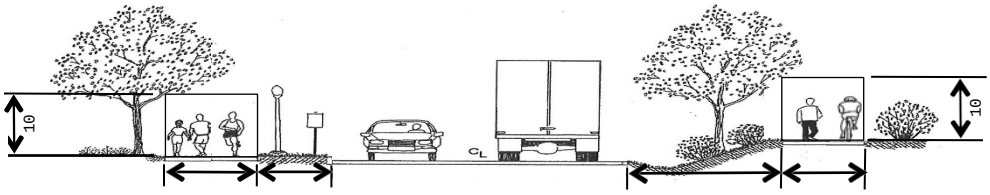
D. Where trails, trail connections, road shoulder improvements or sidewalks are set forth or designated within the Township's Community Connections Plan, Open Space Plan, Comprehensive Plan, or Greenway Guidebook, it shall be presumed that such trail or trail connections shall be required as a public improvement in connection with any land development or subdivision of any land located along any so designated trail, and that such trail or trail connections shall be offered for dedication to the Township.

E. Bikeways.

1. The following definitions shall apply:

Bicycle Paths – bikeways laid out on private property, public rights-of-way or open space and recreational areas.

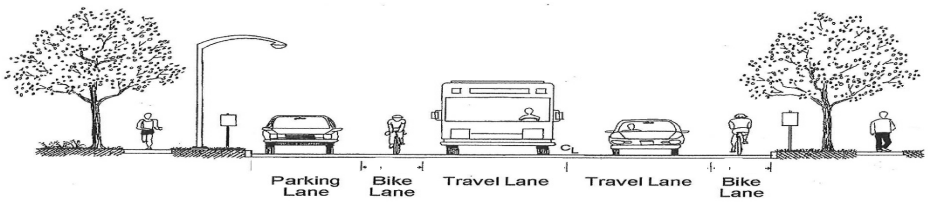
Bicycle Path



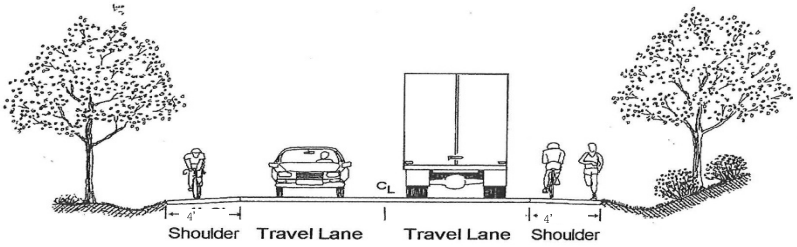
Bicycle Lanes – paved bikeways located adjacent to the paved surface of a roadway, street or highway or on the shoulder of a roadway, street or highway and are delineated by signs or markings. The bicycle lane may or may not be separated from the motor vehicle travel lane by a barrier.

Bicycle Routes – bikeways located in the area of a public roadway which is

Bicycle Lane



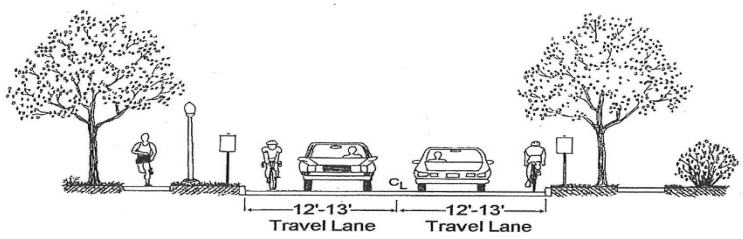
Bicycle Lane At Shoulders



a

specifically defined and marked by appropriate directional and informational signs. The travel lane(s) of the cartway is shared by bicycles and motor vehicles.

Bicycle Routes



2. Bikeway Requirements. All subdivisions and land developments shall be required to establish bike paths, bike lanes and bike routes unless waived by the Board of Supervisors. The precise layout and requirements for each subdivision shall be as recommended by the Planning Commission.

3. Construction Standards. All bike paths, bike lanes and bike routes shall be constructed or installed in accordance with the following standards:

    a. Bicycle Paths:

        i. The near edge of the path shall not be less than four (4) feet from the face of the curb or pavement edge along any street. Where this setback cannot be accomplished, a suitable barrier shall be provided.

        ii. The width of the path shall be eight (8) feet. The Board of Supervisors may permit variations in this width and may permit the installation of bicycle paths in lieu of sidewalks.

        iii. Bicycle paths shall follow the contour lines of the particular area where the paths are to be installed. Variations from this requirement may be permitted where recommended by the Township Engineer.

        iv. Curb ramps, the same width as the bike path, shall be installed to permit the crossing of intersecting streets. Curb ramps shall have a maximum slope of six to one, with sides having a maximum slope of two to one.

        v. The vertical clearance from the bicycle path surface to overhead obstruction shall be not less than ten (10) feet.

        vi. The bicycle path shall be constructed of four (4) inch aggregate base of either gravel, crushed stone or slag, with two (2) inch asphalt binder course and a one (1) inch wearing course. Where a bike path is integrated with a sidewalk system,

concrete may be utilized in accordance with the standards provided in this Article VI.

vii. All bike paths shall be constructed in such a manner as to insure adequate and proper drainage and to prevent the bike path from being inundated by surface drainage.

viii. The entire design and construction of the bike paths shall be subject to the approval and recommendation of the Township Engineer, and PennDOT Publication 408, or its successor.

ix. To ensure adequate sight distance, the minimum centerline radius for horizontal curves shall be sixty-five (65) feet.

x. Curves shall not produce excessive flatness to grade. There shall be no dips, cross-gutters, bumps or humps in the surface.

xi. The minimum stopping sight distance shall be 150 feet.

xii. Grades shall not exceed five (5) percent, except that steeper grades may be permitted for short lengths not exceeding two hundred (200) feet in length, where natural contours provide conditions for minimal grading at steeper grade.

xiii. Inlet grates for stormwater systems shall be designed to accommodate bike tires.

b. Bicycle Lanes:

i. On all roads, streets, or highways which have a posted speed limit of 45 mph or greater, bike lanes shall be separated from the motor vehicle lanes by means of a barrier.

ii. The minimum width of the bike lane, where no curb is present, shall be four (4) feet for one way bike traffic. When the bike lane is adjacent to a curb or on streets with parking, the minimum width shall be six (6) feet.

iii. Bicycle lanes shall be marked with rumble strips or with bright painted stripes. Either method of marking shall be placed at least four (4) feet from the outer edge of the pavement and be six (6) inches in width.

iv. Bicycle lanes on state roads shall conform to the requirements and regulations of the Pennsylvania Department of Transportation. Bicycle lanes on county roads shall conform to the requirements and regulations of the County of Montgomery, or, if no requirements or regulations exist, to the regulations contained herein.

v. Where a roadway, street or highway is widened to include a bicyle lane, the added pavement area shall be installed in accordance with the street construction requirements of this Article VI.

c. Bicycle Routes:

i. On all roads, streets, or highways which have a posted speed limit of 25 mph or greater, bicycle routes shall be separated from the motor vehicle lanes by means of a barrier.

ii. Where a bicycle route is designated by the Board of Supervisors, the roadway, street or highway shall be painted with symbols or posted with signs designating the bicycle route.

4. Signs and Markings. All signs and markings required pursuant to the provisions of this Article VI shall conform to the standards set in the *Manual on Uniform Traffic Control Devices for Street and Highways*, 1998 (MUTCD), U.S. Government Printing Office, or as amended, and PennDOT regulations.

§22-621. RESIDENTIAL OUTDOOR LIGHTING

The following requirements shall apply to outdoor lighting on residential land development within the Township.

A. Exemptions

1. Recessed lighting.

2. Low-voltage landscape and walkway lighting, whether solar-powered or not, and no more than 1,000 lumens per fixture.

3. Lighting that is controlled by an interval timer that limits operation of the lighting to no more than 30 minutes per use.

B. Lighting Requirements:

1. Post-Top and Wall-Mounted Porch Lights

The bulb rating (or aggregate rating of a multi-bulb light) shall not exceed 1,000 lumens, the approximate equivalent of using a 60-watts incandescent or a 13-watt compact fluorescent bulb.

2. Directional Lighting

a. Flood lights and spot lights, except when ground mounted, shall be aimed down at 45° or lower. Lights that project light onto the side of an adjacent residence or of which the light-emitting area of the bulb can be seen directly from an adjacent residential use or roadway, shall be reaimed or suitably shielded so there is no light trespass onto the adjacent property.

b. Façade lighting shall be aimed so as not to project light beyond the surface being illuminated and shall be shielded so as not to create glare as seen from off premises.

c. Landscape Lighting. The lighting of trees, shrubbery and other features on a residential lot shall be accomplished by lighting mounted above and aimed downward and shall be extinguished by 11:00 p.m.

d. Swimming Pool Aprons, Tennis Courts and Other Recreational Lighting. Lights shall be aimed downward and extinguished by 11:00 p.m., prevailing time.

3. Mounting Heights. The maximum mounting height shall not exceed the requirements indicated in the Zoning Ordinance of this code.

4. Light Trespass. The maximum amount of light projected onto an adjacent use shall not exceed the requirements indicated in the Zoning Ordinance of this code.

5. Hours of Operation. Only lighting for security or egress shall be allowed to operate all night. All other non-essential lighting shall be extinguished by no later than 11:00 p.m. each evening.

6. Street Lighting. Street lighting shall comply with all the requirements of the Zoning Code and shall not be mounted in excess of 16 feet above grade.

ARTICLE VII

IMPROVEMENT CONSTRUCTION REQUIREMENTS

§22-700. APPLICABILITY

Before the final plan is signed and made ready for recording or prior to the issuance of any permits needed for construction or occupancy of any subdivision or land development, all applicants are required to complete to the satisfaction of the Board of Supervisors all required public improvements in manner set forth in this Article.

§22-701. COMPLETION OR GUARANTEE OF REQUIRED IMPROVEMENTS

No Final Plan shall be approved until the applicant has either:

A. Completed all of the improvements required by the Board of Supervisors for Final Plan Approval, in compliance with the requirements of this Ordinance; or;

B. Provided a proper financial security for those improvements, as required by this Article, in compliance with the Pennsylvania Municipalities Planning Code, to cover the estimated costs for completion of those improvements.

1. The work completed or guaranteed shall be in strict accordance with the approved plans and the requirements of this Ordinance.

2. No lot in a subdivision may be sold, and no permit to erect, alter, or repair any building upon land in a subdivision or land development will be issued unless and until a subdivision and/or land development plan has been approved, and where required, recorded, and until the required improvements in connection therewith have either been completed or guaranteed for completion as required herein.

3. The applicant shall also guarantee that no lot will be sold or building constructed in any floodplain area except in compliance with the floodplain management requirements of this Ordinance, the Township's Zoning Ordinance, and the Township's Building Code.

4. Deferral or Waiver of Required Improvements. The Board of Supervisors may defer or waive at the time of final plan approval, subject to appropriate conditions, the provision of any or all required improvements, as in its judgement, are not requisite in the interests of public health, safety and welfare, or which are inappropriate due to the inadequacy or non-existence of connecting facilities. A separate public improvement agreement may be executed by the Board of Supervisors guaranteeing completion of any deferred improvement.

§22-702. FINANCIAL SECURITY

A. In lieu of the completion of improvements required for Final Plan approval, financial security, in an amount required, shall be guaranteed to the Township in compliance with the applicable requirements of the Pennsylvania Municipalities Planning Code. Such financial security shall assure the complete installation of all the required improvements to be completed on or before the date fixed in the plan approval, subdivision agreement, and/or development agreement for completion of such improvements.

B. The amount of such security to be posted for the completion of required improvements shall be equal to 110% of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer. Annually, the Township may adjust the amount of the required financial security by comparing the actual cost of improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after the original scheduled date for completion or a rescheduled completion date.

C. In determining the cost of the completion of improvements for setting the amount of financial security required in §22-702.B, such cost shall be based upon an estimate of the cost of completion of required improvements submitted by the applicant or developer, and prepared by a professional engineer and certified to be fair and reasonable. The Township under recommendation of the Township Engineer may refuse to accept the estimate for good reasons provided to the applicant. If the applicant or developer and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer which is mutually chosen by the Township and the applicant. The estimate certified by the third engineer shall be presumed to be fair and reasonable and shall be the final estimate.

D. When requested by the applicant in order to facilitate financing, the Board of Supervisors shall furnish the applicant with a signed copy of a resolution indicating approval of the Final Plan contingent upon the applicant obtaining a satisfactory financial security. Final Plans will not be signed or recorded until the financial improvements agreement is executed. The resolution of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within 90 days, unless a written extension is granted by the Board of Supervisors.

E. The Township at its option, may accept financial security in cash in the form of an irrevocable letter of credit, escrow account or surety bond with a bonding company or commonwealth or federal chartered lending institution chosen by the party posting financial security provided said institution or company is authorized to conduct such business in the Commonwealth of Pennsylvania.

§22-703. RELEASE FROM LIABILITY

The Board of Supervisors may release all or parts of the posted financial security as completion of improvements proceeds, in compliance with the applicable requirements of the Pennsylvania Municipalities Planning Code.

A. Partial Release of Security. As the work of the installation of the required public improvements proceeds, the party posting the financial security may request the Township to release or authorize the release, from time to time, such portions of the financial security necessary for the payment of the contractor or contractors performing the work. Any such request shall be done in writing addressed to the municipality. Upon receipt of the request for release of a portion of the improvement security, the municipality shall within forty five (45) days allow the Township Engineer to certify, in writing, that such portion of the public improvements has been completed in accordance with the approved plan at which time the Township shall authorize the release to the applicant or his designee by the bond company or lending institution of an amount of funds that the Township Engineer feels fairly represents the value of the work completed. If the municipality fails to act upon a request for release of security within forty (45) days, the Township shall be deemed to have approved the full release of security as requested.

B. Incomplete Improvements. If the required improvements are not completely installed within the period fixed or extended by the Board of Supervisors, the Board of Supervisors may (1) declare the financial security in default and require that all improvements be installed regardless of the of the extent of the building development at the time the agreement is declared in default; (2) suspend final plan approval until the development improvements are completed and record a document to that effect for the purpose of public notice; (3) obtain funds under the security and complete improvements; (4) assign the right to receive funds under the security to any third party, including a subsequent owner of the property wherein improvements were not completed in exchange for that subsequent owner's promise to complete improvements; (5) exercise any other available rights under the Pennsylvania Municipalities Planning Code.

C. Post-Completion Security. The applicant shall be responsible for maintenance of all improvements until they are offered for dedication and accepted by the Township. Fifteen (15) percent of the financial security may be held back to ensure that the public improvements are maintained until they are dedicated.

§22-704. INSPECTION OF WORK AND MATERIALS

A. Notice. The Township Engineer shall be notified 48 hours in advance of the commencement of any construction or installation operation, in order that provision may be made for inspection by the Township. Construction and installation operations shall also be subject to inspection by the Township during the progress of the work. The subdivider, developer or builder shall pay the reasonable and necessary expenses for inspections, in accordance with the fee schedule established by resolution of the Board of Supervisors.

B. Improvement Specifications. All required road improvements shall be constructed in accordance with the applicable provisions of the Pennsylvania Department of Transportation, Form 408, most recent edition, and other applicable regulations. All other required improvements shall be constructed in accordance with approved specifications found in §22-606.L.

1. Specifications. The specifications will be furnished to the applicant by the Township. If any of the specifications are unavailable at the Township office, the Township Engineer shall provide the applicable specifications.

2. Sample of Materials. During or after construction of any required improvement, if the Township requires a sample of materials, said sample shall be furnished by the appropriate contractor, in a form specified by the Township Engineer.

C. Delivery Slips. Copies of all delivery slips for materials used in the construction of any storm sewers, sanitary sewers, roads, curbs, sidewalks, or any other facility within a Township right-of-way or easement shall be supplied to the Township.

§22-705. OFF-SITE IMPROVEMENTS

Certain improvements beyond the geographical boundaries of a site to be subdivided and/or developed, including but not limited to road improvements, may be required to be constructed where it can clearly be demonstrated that such improvements have been made necessary solely through the additional burden imposed by the subdivision and/or development of the site. All such improvements or contributions for future off-site improvements shall be considered voluntary and will not be refunded to the developer. The developer may also be requested to cover certain costs which must be incurred by the Township or other governmental jurisdiction in order to make these improvements feasible. The legal and financial arrangements to cover costs of the off-site improvements shall be the same as those prescribed in §22-702.

§22-706. CONDITIONS OF ACCEPTANCE

A. Conditions. The Township shall have no obligation to accept dedication of any street or other improvement unless:

1. The required improvements, utility mains and laterals, and monuments, shown on the approved plan or plans have been constructed to meet all requirements, and are free of defects or deterioration.

2. It is established to the satisfaction of the Board of Supervisors that there is a need for the dedication of improvements.

3. Construction of all improvements relating to the land development, including, without limitation, the construction of all dwellings or non-residential structures, has been completed. Where a development has been proposed and approved as a

phased development, the dedication of streets and roads which are proposed to provide access to future phases of the development shall not be required to be accepted by the Township unless and until all phases of the development have been completed.

B. Acceptance. The Township shall have no responsibility with respect to any street or other improvement, not withstanding the use of the same by the public, unless the street or other improvement is accepted by an ordinance (or resolution) adopted by the Board of Supervisors.

C. Offer of Dedication

1. The applicant shall submit a written offer of dedication to the Township for the streets or other improvements, including the following:

a. A Deed of Dedication covering the improvements.

b. A copy of a title insurance policy establishing the applicant's clear title to the property.

2. The items required in §22-706.C.1., above, shall be submitted to the Township Engineer and Solicitor for their review and recommendations.

3. The Board of Supervisors may accept dedication of the streets or other improvements by passing a resolution to that effect.

§22-707. GUARANTEE OF COMPLETED IMPROVEMENTS

When the Board of Supervisors accepts dedication of required improvements following their completion, the Board of Supervisors may require posting of financial security by the applicant to secure the structural integrity and functioning of these improvements in accordance with the design and specifications as depicted on the approved final plan.

A. Said financial security shall be in the same type as otherwise required by §22-702, herein.

B. The amount of financial security shall be fifteen (15) percent of the actual cost of installation of the improvements.

C. The term of the guarantee shall be eighteen (18) months from the date of acceptance of dedication.

D. Where a development has been proposed and approved as a phased development, all street and road improvements shall be secured and guaranteed until all phases of the development have been completed.

§22-708. PRIVATE MAINTENANCE OF IMPROVEMENTS

Where the maintenance of improvements is to be the responsibility of individual lot owners, a homeowners' association or similar entity, or an organization capable of carrying out maintenance responsibilities, the Board of Supervisors shall require that maintenance responsibilities be set forth in perpetual covenants or deed restrictions binding on the landowners' successors in interest, and may further require that an initial maintenance fund be established in a reasonable manner.

§22-709. REQUIRED CONTRACTS

Before the Board of Supervisors shall cause its approval to be endorsed upon the final plans of any subdivision or land development (except in the case of minor subdivisions wherein the Board of Supervisors impose no condition or conditions for the approval of the plan), and as a requirement for the approval thereof, the owners shall enter into a written agreement with the Township in the manner and form set forth by the Township Solicitor which shall include but not be limited to the following:

A. To construct or cause to be constructed, at the owners' expense, all streets, curbs, sidewalks, fire hydrants, street lights, drainage facilities, water and sewer facilities, street signs, monuments, capped sewers, parks, and other improvements shown on said final plan when required to do so by the Board of Supervisors in accordance with the standards and specifications of the Township

B. To maintain at the owners' cost the said streets, curbs, sidewalks, drainage facilities, water and sewer facilities, street signs, parks, monuments, fire hydrants, street lights, capped sewers, and other improvements, until the same are accepted or condemned by the Township for public use, and for a period of 18 months thereafter to repair and reconstruct the same of any part of one of them when such repair or reconstruction shall be specified by the Board of Supervisors as necessary by reason of faulty construction, workmanship, or materials, and, at or before acceptance of such improvements by the Township.

C. To install, or cause to be installed, at the owners' expense and without any cost to the Township for any part of such installation, street lighting facilities on all streets abutting the subdivision.

D. To pay all costs, charges or rates, of the utility furnishing electric service for the lighting of the streets on or abutting said subdivision, from the lights installed by the owner, until such time as the streets shown on the subdivision plans shall be accepted as public streets of the Township by resolution approved by the Court of Quarter Sessions or condemnation proceedings, and to indemnify and hold harmless the Township from and against all suit, actions, claims, and demands for electric service to the streets shown on said plans, or any part thereof, to the time that said streets shall be accepted as public streets of the Township in the manner herein above set forth.

E. Pay the inspection fees required by the Township.

F. To obtain the easements and releases required when any street, drainage facility or other improvement wherein a subdivision abuts or traverses land of persons other than the person holding legal title to the lands of the subdivision at his own cost, and obtain from the owner of the lands so abutted or traversed full releases from all damages which may change in grade, construction, or other-wise, of the street, drainage facility or other improvements and such releases shall insure to the benefit not only of the owner of the subdivision but to the Township as well.

G. To promptly remove or cause to be removed snow from the streets as may be required for safe traverse of the streets prior to dedication.

H. To promptly reimburse to the Township reasonable Attorney's and Engineers' fees.

I. Such other provision(s) as deemed necessary or desired by Board of Supervisors.

§22-710. KEY BOX INSTALLATION FOR NON-RESIDENTIAL STRUCTURES

In any land development proposing the construction of a non-residential structure, the design of any such structure shall include the installation of a key box in accessible location. The key box shall be of an approved type listed in accordance with UL 1037, and shall contain keys to gain access to the structure by the Police, Fire and Ambulance personnel, Emergency Management personnel and the Building Code Official.

ARTICLE VIII

MOBILE HOME PARK REGULATIONS

§22-800. GENERAL APPLICABILITY

A. Individual Mobile Homes. Individual mobile homes, as defined in §22-201.A.77 may be erected on any lot where the use is permitted, provided the use complies with zoning requirements and all sections of this Ordinance which apply to subdivisions and development of single-family detached dwellings, and applicable Local or Federal Building Codes.

B. Mobile Home Parks. The provisions of this Article shall be followed in the construction or alteration of all mobile home parks, as defined in §22-201A.79. These provisions are in addition to other applicable regulations of this Ordinance. Compliance with the Township Zoning Ordinance is also required.

§22-801. SITE DESIGN

The following regulations shall apply to mobile home parks:

A. Arrangement of Structures and Facilities. The tract, including mobile home stands, patios, other dwellings and structures, and all tract improvements, shall be organized in relation to topography, the shape of the plot, and common facilities. Special attention shall be given to new mobile home designs and to common appurtenances that are available.

B. Courts and Spaces. Groups or clusters of units, so placed as to create interior spaces and courtyards, shall be incorporated whenever feasible.

C. Orientation. The applicant shall arrange mobile homes in a variety of orientations, including units with their long sides facing the street, rather than their ends, in order to provide variety and interest.

D. Street Layout. Street patterns unrelated to the topography of the site are to be avoided.

E. Roadways

1. General Requirements. All Township standards for the construction of streets contained in this Ordinance shall be adhered to for all public and private streets in and abutting mobile home parks.

2. Access Limitations. Mobile home lots may have direct access only onto streets internal to the development. Direct access from a mobile home lot onto the streets from which the mobile home park gains primary access shall not be permitted.

F. Adaptation to Property Assets. Each mobile home unit or other dwelling or structure shall be fitted to the terrain with a minimum disturbance of the land and a minimum elevation difference between the floor level of the unit and the ground elevation under it. Existing trees and shrubs, rock formations, streams, floodplains, steep slopes, and other natural features of the property shall be preserved.

G. Pedestrian Circulation. All Township standards for the placement and construction of sidewalks, paths, trails, and bike lanes contained in this Ordinance shall be adhered to for all mobile home parks.

H. Parking.

1. Spaces Required. Consistent with the Upper Salford Township Zoning Ordinance, 2 paved off-street parking spaces shall be provided for each dwelling, plus 0.25 spaces per dwelling unit for visitor/overflow parking. Parking for any non-residential use shall follow the zoning requirements otherwise applicable for such uses.

2. Visitor/Overflow Parking Areas. All visitor/overflow parking areas shall conform with the dimensional requirements in §22-606.I.

§ 22-802. COMMON OPEN SPACE

In addition to any requirements of the Township Zoning Ordinance, the following regulations shall also apply:

A. At least sixty percent (60%) of the gross tract area of all Mobile Home Park developments shall be preserved as permanent open space.

B. Open space in mobile home parks shall be consistent with the following standards:

1. Open space shall consist of the following types and quantities:

Type of Open Space	**Minimum Amount to be Provided**
Total Open Space	60% of gross tract area. Total open space includes central open space, central green, active recreation, and passive recreation.
Central Open Space	10% of gross tract area. Central open space includes the central green.
Central Green	6% of gross tract area or 60,000 square feet, whichever is less.
Active Recreation	10% of gross tract area for all developments 20 acres or more in size.

Passive Recreation	Open space remaining after meeting the requirements for central open space, including the central green, and active recreation, when required. This open space should be used to protect the site's primary resources.

2. Design Standards. The various open space elements, when required, shall adhere to the following:

   a. Total Open Space.

      i. Open Space may consist of central open space, a central green, active recreation land and facilities, passive open space, and other similar types of open space.

      ii. No portion of any building lot or road right-of-way area may be used for meeting the minimum required amount of total open space.

   b. Central Open Space. Central open space shall meet one of the following design options:

      i. Village Green. Each village green shall be at least twenty thousand (20,000) square feet in size, shall be surrounded along at least half its perimeter by roads, and shall be configured so that a circle with a radius of fifty (50) feet can fit within the confines of the green.

      ii. Parkway. Each parkway shall have a minimum average width of thirty-five (35) feet, shall have a length of at least one-hundred fifty (150) feet, and shall be surrounded by streets on all side

      iii. Eyebrow. Each eyebrow shall be surrounded by streets on all sides, shall be generally configured as a semi-circle, and shall be configured so that a circle with a radius of thirty (30) feet can fit within the confines of the eyebrow.

      iv. Cul-de-Sac Island. Each cul-de-sac island shall be located in the bulb of a cul-de-sac, shall have a radius of at least thirty (30) feet, and shall be surrounded by streets on all sides.

   c. Additional Central Open Space Standards.

      i. All units within a mobile home park development shall be located within 800 feet of some type of central open space.

      ii. Existing healthy trees and shrubs shall be preserved within central open space when removal is not necessary for road grading, or utility construction.

      iii. Street trees shall be provided along the perimeter of central open space areas that border streets, consistent with §22-612.D.

iv. All portions of central open space areas, except for those areas under sidewalks, water, furnishings, and recreational structures, shall be landscaped with trees, shrubs, ground cover, or grass.

v. Stormwater and wastewater management facilities, except for permanent wet ponds, may not be located in central open space areas used to meet the minimum amount of required central open space.

d. Central Green Requirements.

i. The central green shall be centrally located within the development and easily and conveniently accessible from all lots and mobile homes in the development.

ii. The central green shall be accessible by sidewalk or paved trail from every mobile home in the development.

iii. The central green shall be configured as a village green, in accordance with §22-802.B.2.b.

iv. The central green shall be improved with either a gazebo, pavilion, or paved patio area with fountain to help identify this park as the central gathering place for the development. The central open space improvement shall be a minimum of 250 square feet in size.

e. Active Recreation Requirements.

i. A minimum of 3 acres, or all of the required active recreation land if less than 3 acres is required, shall be concentrated in one contiguous location and have dimensions that are suitable for use as a playing field. Beyond the 3 contiguous acres, additional required active recreation land may be provided in separate locations in 1 acre concentrations.

ii. Land shall be considered suitable for active recreation when it meets all of the following requirements:

a. The land has no wetlands, ponds, streams, or other water bodies.

b. No more than 50% of the land is located within floodplain.

c. The land shall contain no woodlands.

d. The final grading of the land has slopes ranging from 0% to 5% and is well drained.

iii. Land for active recreation shall have at least 200 feet of road frontage.

§ 22-803. COMMON ELEMENTS

A. Ownership. Common open space and roadways shall be offered for dedication to the Township or open for public use through easements or other appropriate means, in any mobile home park where all lots will be sold, or where the Board of Supervisors determines those facilities to be key elements in the open space and/or circulation systems of the Township. In all other cases, these and other common elements may be retained in private ownership, or may be owned jointly by the residents of the development.

B. Maintenance. Prior to development plan approval, provisions acceptable to the Board of Supervisors and Township Solicitor for the maintenance of all common elements which will not be owned and maintained by a governmental agency shall be established.

C. Service Building. The structure or structures containing the management office and other common facilities shall be conveniently located for the use intended.

§22-804. UTILITIES

A. Water Supply.

1. General Requirements. An adequate supply for domestic, auxiliary and fire fighting uses shall be provided for all uses included in the mobile home park, including service buildings and accessory facilities, in accordance with the Township Zoning Ordinance.

2. Water Distribution System. All water piping, fixtures and other equipment shall be constructed and maintained in accordance with state and local regulations.

3. Individual Water-Riser Pipes and Connection.

   a. Individual water-riser pipes shall be located within the confined areas of the mobile home stand at a point where the water connection will approximate a vertical position, thereby insuring the shortest water connection possible and decreasing susceptibility to water pipe freezing.

   b. The water-riser pipe shall have a minimum inside diameter consistent with the standards of the servicing public utility, or in lack thereof, of the Township Engineer, and terminate at least four (4) inches above the ground surface. The water outlet shall be provided with a cap when a mobile home does not occupy the lot.

   c. Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipes and to protect risers from heaving and thawing actions of ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.

4. Fire Protection. All mobile home parks shall be provided with fire hydrants to meet the specifications of the Middle States Department Association of Fire Underwriters. In addition, those hydrants shall be in sufficient numbers to be within six-hundred (600) feet of all existing and proposed mobile homes and other dwellings and structures, measured by way of accessible streets or common areas.

B. Sewage Disposal

1. General Requirements. An adequate and safe sewerage system shall be provided in all mobile home parks for conveying and disposing of sewage from dwellings, service buildings and accessory facilities in accordance with the state requirements.

2. Sewer System. All sewer lines shall be located in trenches of sufficient depth to be free of breakage from traffic or other movements and shall be separated from the water supply system. The system shall be constructed and maintained in accordance with all state regulations.

3. Individual Sewer Connections.

a. Each mobile home stand shall be provided with a sewer riser pipe consistent with the standards of the Township Plumbing Code. The sewer riser pipe shall be located on each stand to connect vertically with the mobile home.

b. The connection shall have an inside diameter and slope as required by the Township Plumbing Code. All joints shall be water-tight.

c. All material used for sewer connections shall be semi-rigid, corrosive resistant, nonabsorbent and durable. The inner surface shall be smooth.

d. Provision shall be made for plugging the sewer riser pipe when a mobile home does not occupy the lot. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least half inch above ground elevation.

C. Underground Utilities. All electric, natural gas, telephone, cable television and any other utility lines shall be placed underground in all mobile home parks and each shall have the necessary shut-off valves and other safety requirements normally associated with safe operations. All utility connections shall be appropriately capped for safety purposes whenever a mobile home stand is not occupied.

§ 22-805. PERMITS, LICENSES, FEES AND INSPECTIONS

A. Permits Required

1. Lots for Sale. In those mobile home parks wherein some or all of the mobile home lots will be sold individually (whether totally fee simple, fee simple with a

homeowners association, condominium, or cooperative), no lot to be conveyed shall be developed or mobile home or other structure placed or constructed thereon until the subdivision and/or land development plan has been properly approved and the proper building and construction permits have been issued to the lot in accordance with standard procedures for any building activity in the Township. No mobile home or other structure shall be occupied until a valid occupancy permit has been issued by the Township.

2. Lots for Lease. In those mobile home parks wherein some or all of the mobile home lots will be leased, the following regulations shall apply to the entire development exclusive of the lots being sold individually:

   a. Initial Permits. It shall be unlawful for any person or group to construct, alter, extend, or operate a mobile home park unless and until that person or group obtain:

      i. Valid permit(s) authorizing construction of initial occupancy issued by the Township Code Enforcement Officer in the name of the operator. All permits for water supply and sewage systems shall have been obtained.
      ii. Compliance with all other requirements contained herein.

      iii. Final approval of the application by the Board of Supervisors.

B. Fees. Fees for the initial application and preliminary and final approvals of any mobile home park shall be set by the Board of Supervisors.

C. Inspection. Upon notification to the licensee, manager or person in charge of a mobile home park with lots for lease, the Building Inspector or Zoning Officer may inspect a mobile home park after due notice to determine compliance with this Article.

D. Modular and Mobile Home Inspections. The applicant or developer shall inform the Township Engineer of the delivery date of a modular and/or mobile home. The Township Building Inspector shall inspect the modular or mobile home upon its arrival at the site prior to installation, to determine if it meets the standards of Part 5, Standards for the Installation of Mobile Homes (ANSI/NFPA) publication #501A 1977. The Township Building Inspector shall also inspect a modular home after its installation and prior to occupancy by residents, in order to determine its compliance with installation instruction outlined in the Building System Approval Report, which shall be provided by the applicant or developer.

ARTICLE IX

ADMINISTRATION, FEES AND ENFORCEMENT

§22-900. GENERAL ADMINISTRATION

All provisions of this ordinance shall be administered by the Board of Supervisors or their officially designated representatives.

§22-901. RECORDS

The Township shall keep a public record of its correspondence, findings, recommendations, and actions relating to plans filed for review, in accordance with the policies, procedures, and guidelines established by the Board of Supervisors and Planning Commission.

§22-902. FEES AND COSTS

A. No application for preliminary or final plan approval shall be received and processed until the fees and/or escrow deposit, as set forth below, shall have been paid.

B. The Board of Supervisors shall adopt and amend by resolution a schedule of fees, payable by the applicant to the Township for the filing of preliminary and final plans.

C. The Board of Supervisors shall adopt and amend by resolution a schedule of escrow deposits to be paid by the applicant to the Township at the time of filing of an application, sufficient to pay all Township expenditures anticipated in the course of its review and disposition of plans.

1. Costs incurred by the Township in excess of the escrowed amount shall be paid by the applicant prior to the granting of approvals or permits.

2. If costs incurred by the Township are less than the escrowed amount, the difference shall be refunded to the applicant following disposition of the plans.

D. Township expenditures subject to escrow as in §22-902.C, above, include but are not limited to the following:

1. Engineering and other technical services such as plan review and construction inspections.

2. Materials and facilities tests.

3. Services of the Township Solicitor in reviewing and/or preparing documents related to the plan reviews.

E. Disputes. In the event that the applicant disputes the amount of any such review fees, the applicant shall within ten (10) days of the billing date of the notice of withdrawal

by the Township of an amount for deposit, notify the Township that the fees are disputed, in such case the Township shall not delay or disapprove a subdivision or land development due to the applicant's request over disputed fees. The following steps shall be taken to resolve disputes over contested review fees:

1. In the event that the Township and the applicant cannot agree on the amount of any review fees which are reasonable and necessary, then the Township and applicant shall jointly by mutual agreement, appoint another professional engineer to examine the disputed review fees and make a determination as to the amount thereof which are fair and reasonable within fifty (50) days.

2. Following the independent engineers decision, the applicant shall pay the entire amount determined immediately.

3. If the Township and applicant cannot agree on an independent engineer within twenty (20) days of the billing date, then upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the municipality is located shall appoint an engineer who shall be neither the Township engineer or any professional engineer who has been retained by, or performed services for the Township or applicant within the preceding five (5) years.

4. The fee of the appointed professional engineer for determining the reasonable and necessary review fees shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment is less than the original bill by one thousand (1000) dollars, or more, the Township shall pay the professional engineers fees. Otherwise, the applicant and township should each pay one half (1/2) of the fees of the professional engineer.

§22-903. WAIVER OF REQUIREMENTS

Upon review and recommendation by the Township Planning Commission, the Board of Supervisors may grant a modification of the requirements of one or more provisions of this ordinance if the literal enforcement of them would exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification(s) will not be contrary to the public interest and that the purpose and intent of this ordinance is observed. All requests for modification(s) shall:

A. Be in writing and part of an application for subdivision and/or land development.

B. State the grounds and facts of unreasonableness or hardship on which the request in based.

C. List the provision(s) of the Ordinance involved.

D. State the minimum modification necessary.

E. Estimated amount of waiver.

§22-904. ENFORCEMENT

A. Preventative Remedies.

1. In addition to other remedies, the Township may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building.

2. The Township may refuse to issue any permit or grant any approval necessary to further improve any real property which has been developed or has resulted from a subdivision in violation to this Ordinance. As an additional condition for the issuance of any permit or approval, the Township may require compliance with the conditions that would have been applicable to the property at which time the applicant acquired it.

B. Any person, partnership, or corporation who or which has violated the provisions of this Subdivision and Land Development Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than $500 plus all court costs, including the reasonable attorney fees incurred by the Township as a result thereof.

C. No judgment shall commence or be imposed, levied, or be payable until the date of the determination of a violation by the district justice.

D. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.

E. 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 the Ordinance 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.

F. All fines collected for such violations shall be paid to the Township.

ARTICLE X

AMENDMENTS; VALIDITY; REPEALER

§22-1000. AMENDMENT PROCEDURE

The Board of Supervisors may, from time to time, amend, supplement, change, modify, or repeal this ordinance by proceeding in accordance with the regulations of this Article. The Board of Supervisors shall, by resolution adopted at a regular or special meeting, fix the time and place of a public hearing on the proposed amendment and cause public notice thereof to be given as follows:

A. By publishing a notice thereof once each week for two successive weeks in a newspaper of general circulation within the Township. The first notice shall not be more than thirty (30) days, or less than seven (7) days, from the date of the hearing.

B. The notice shall state the time and place of the hearing, the general nature of the proposed amendment and that full opportunity to be heard will be given to any citizen and all parties with an interest attending such hearing.

C. Whenever a proposed amendment affects a particular property, there shall be posted upon said property or premises at such place or places as the Board of Supervisors may direct, notice of said proposed amendment.

§22-1001. REFERRAL TO PLANNING COMMISSION

All proposed amendments before adoption shall be referred to the Township and Montgomery County Planning Commission at least thirty (30) days prior to the public hearing, for recommendation and report, which shall be advisory.

§ 22-1002. VALIDITY

Should any section of this Ordinance be declared to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole or any other part thereof.

§22-1003. REPEALER

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed upon the legally effective date of this Ordinance.

APPENDICES

APPENDIX A

RECOMMENDED PLANT MATERIAL LIST

SHADE OR CANOPY TREES --- Suitable for confined root areas such as tree wells for Street Trees or in Landscape Islands in Parking Lots as well as for Buffers and Screens where the roots may be in a confined area. *(Minimum Mature Height --- 30 feet or more)*

Scientific Name	**Common Name**
Acer rubrum (Buffer strips around parking lots, not parking lot islands)	Red Maple (native)
Acer x Freemani	Freeman Maple
Celtis occidentalis	Hackberry (native)
Cladastris lutea	Yellowood (native)
Ginkgo biloba 'Princeton Sentry'	Ginkgo (male only)
Gleditsia triacanthos inermis	Thornless Honeylocust
Koelreuteria paniculata	Golden Rain Tree
Liquidamber styraciflua	Sweet Gum (native)
Platanus occidentalis	Sycamore (native)
Platanus x acerifolia 'Bloodgood'	London Planetree
Quercus accutissima	Sawtooth Oak
Quercus bicolor	Swamp White Oak (native)
Quercus borealis	North Red Oak (native)
Quercus coccinea	Scarlet Oak (native)
Quercus imbricaria	Shingle Oak (native)
Quercus phellos	Willow Oak (native)
Quercus rubra	Red Oak (native)
Quercus shumardii	Shumard Oak
Sophora japonica	Japanese Pagodatree
Taxodium distichum 'Shawnee Brave'	Shawnee Brave Bald Cypress
Tilia americana	American Linden (native)
Tilia cordata	Little Leaf Linden
Tilia tomentosa	Silver Linden
Ulmus parvifolia	Chinese Lacebark Elm
Zelkova serrata	Japanese Zelkova

SHADE OR CANOPY TREES --- Suitable for non---vehicular and non---confined root areas such as Property Line Buffers. *(Minimum Mature Height --- 30 feet or more)*

Scientific Name	**Common Name**
Acer saccharum	Sugar Maple (native)
Betula nigra	River Birch (native)
Fagus grandifolia	American Beech (native)
Fagus sylvatica	European Beech
Liriodendron tulipifera	Tuliptree (native)
Metasequoia glypostroboides	Dawn Redwood
Ostrya virginiana	Hop Hornbeam (native)
Phellodendron amurense	Amur Cork Tree

Plantanus acerifolia	London Plane
Quercus alba	White Oak (native)
Quercus coccinea	Scarlet Oak (native)
Quercus palustris	Pin Oak (native)
Quercus vellutina	Black Oak (native)
Sassafras albidum	Sassafras (native)

UNDERSTORY TREES --- Suitable as Street Trees beneath Overhead Utility Lines. *(Mature Height = 15---35 feet)*

Scientific Name	**Common Name**
Amelanchier canadensis	Shadblow Serviceberry (native)
Amelanchier laevis	Allegheny Serviceberry (native)
Carpinus carolinia	Ironwood (native)
Cercis candensis	Redbud (native)
Chionanthus virginicus	Fringetree (native)
Cornus florida	Flowering Dogwood (native)
Cornus kousa chinensis	Chinese Kousa Dogwood
Cornus mas	Cornelian**c**herry Dogwood
Cornus x rutgersensis 'Aurora'	Flowering Dogwood
Crataegus 'Toba'	Toba Hawthorn
Crataegus phaenopyrum	Washington Hawthorn
Crataegus viridis 'Winter King'	Winter King Hawthorn
Halesia carolinia	Silverbells (native)
Hammamelis virginiana	Witch Hazel (native)
Koelreuteria paniculata	Golden Raintree
Laburnum x watereri	Goldenchain Tree
Magnolia soulangeana	Saucer Magnolia
Magnolia virginiana	Sweetbay Magnolia (native)
Malus (cultivars)	Crab**a**pple (disease resistant varieties)
Oxydendrum arboreum	Sourwood (native)
Prunus sargentii	Sargent Cherry
Prunus serrulata 'Kwanzan'	Kwanzan Cherry
Prunus yedoensis	Yoshino Cherry
Pyrus calleryana 'Aristocrat'	Aristocrat Flowering Pear
Styrax japonica	Japanese Snowbell
Syringa reticulata	Japanese Tree Lilac

LARGE DECIDUOUS SHRUBS --- Suitable for Use in Property Line Buffers or Site Element Screen (not clipped hedges). *(Minimum Mature Height --- 15 feet or more)*

Scientific Name	**Common Name**
Aronia arbutifolia	Black Chokeberry (native)
Calycanthus floridus	Sweet**s**hrub (native)
Cephalanthus occidentalis	Buttonbush (native)
Clethra alnifolia	Summersweet (native)
Cornus sericea	Redosier Dogwood (native)
Enkianthus campanulatus	Redvien Enkianthus
Forsythia species.	Forsythia
Fothergilla major	Large Fothergilla (native)

Hammamelis x intermedia	Witchhazel hybrids
Ilex verticilata	Winterberry (native)
Lindera benzoin	Spicebush (native)
Lonicera fragrantissima	Winter Honeysuckle
Myrica pennsylvanica	Bayberry (native)
Philadelphus coronaris	Mock**o**range
Physocarpus opulifolius	Common Ninebark
Rhus glabra	Smooth Sumac (native)
Rhus typhina	Staghorn Sumac (native)
Sambucus canadensis	Elderberry (native)
Spirea nipponica	Snow Mound Spirea
Vaccinium corymbosum	Blueberry (native)
Viburnum dentatum	Arrow Wood (native)
Viburnum lentago	Nannyberry (native)
Viburnum prunifolium	Black Haw (native)
Viburnum opulus	European Cranberrybush Viburnum
Viburnum trilobum	American Cranberry (native)

DECIDUOUS OR EVERGREEN SHRUBS --- Suitable for Clipped Hedges in Property Line Buffers or Site Element Screens. *(Minimum Mature Height --- 4 feet or more)*

Scientific Name	**Common Name**
Aronia arbutifolia	Black Chokeberry (native)
Cornus mas	Cornelian**c**herry Dogwood
Cotoneaster salicifolia	Willowleaf Cotoneaster
Ilex crenata	Japanese Holly
Ilex glabra	Inkberry (native)
Juniperus chinensis 'Hetzii Glauca'	Hetz Blue Juniper
Juniperus chinensis 'Pfitzeriana Compacta'	Compact Pfitzer Juniper
Ligustrum ibolium	Ibolium Privet
Lonicera fragrantissima	Winter Honeysuckle
Philadelphus lemoinei	Mock**o**range
Ribes alpinum	Currant
Taxus baccata	English Yew
Taxus x media	Hybrid Yew
Viburnum dentatum	Arrow Wood (native)
Viburnum lentago	Nannyberry (native)
Viburnum opulus	European Cranberry Bush
Viburnum prunifolium	Black Haw (native)
Thuja occidentalis	American Arborvitae (native)

EVERGREEN SHRUBS --- Suitable for Site Element Screens. *(Minimum Mature Height --- 4 feet)*

Scientific Name	**Common Name**
Azalea --- evergreen varieties --- must reach 3 foot height	Azalea
Ilex crenata	Japanese Holly
Ilex glabra	Inkberry (native)
Ilex x meserveae	Blue Holly
Juniperus chinensis 'Hetzii Glauca'	Hetz Blue Juniper

Juniperus virginiana	Eastern Red Cedar (native)
Kalmia latifolia and cultivars	Mountain Laurel (native)
Leucothoe fontanessiana	Leucothoe
Pieris floribunda	Mountain Andromeda (native)
Pieris japonica	Japanese Andromeda
Rhododendron species	Various large Rhododendrons
Taxus species	Yew
Thuja species	Arborvitae
Viburnum rhytidophyllum	Leatherleaf Viburum

EVERGREEN TREES --- Suitable for Property Line Buffers or Site Element Screens. *(Minimum Mature Height --- 20 feet)*

Scientific Name	**Common Name**
Abies concolor	White Fir
Chamaecyparis obtusa	Hinoki Falsecypress
Chamaecyparis pisifera	Japanese Falsecypress
Cryptomeria japonica	Japanese Cryptomeria, Japanese Cedar
Cupressus × leylandii	Leyland Cypress
Ilex opaca	American Holly (native)
Ilex x attenuate 'Fosteri'	Foster Holly
Juniperus virginiana	Eastern Red Cedar (native)
Picea abies	Norway Spruce
Picea glauca	White Spruce
Picea omorika	Siberian Spruce
Picea pungens	Colorado Spruce
Pinus strobus	White Pine (native)
Pinus thunbergii	Japanese Black Pine
Pseudotsuga menziesii	Douglas Fir

CANOPY TREES --- Suitable for Stormwater Detention Basins and Bioretention Areas

	Scientific Name	**Common Name**
+	Acer rubrum	Red Maple
*	Acer saccharinum	Silver Maple
*	Betula nigra	River Birch
	Celtis occidentalis	Common Hackberry
+	Liquidamber styraciflua	Sweet Gum
	Liriodendron tulipifera	Tulip Poplar
*	Nyssa sylvatica	Black Gum
	Platanus occidentalis	Sycamore
	Platanus x acerifolia	London Planetree
	Prunus serrotina	Black Cherry
	Quercus alba	White Oak
*	Quercus phellos	Willow Oak
+	Quercus bicolor	Swamp White Oak
*	Quercus palustris	Pin Oak
	Quercus shumardi	Shumard Oak
	Sassafras albidum	Sassafras
+	Taxodium distichum	Bald Cypress

* Suitable for usually well---drained areas that may be subject to occasional flooding.
\+ Suitable for permanently wet areas.

DECIDUOUS/EVERGREEN ORNAMENTAL TREES --- Suitable for Stormwater Detention Basins and Bioretention Areas

	Scientific Name	Common Name
*	Amelanchir canadensis	Shadblow Serviceberry
*	Carpinus carolinia	Ironwood
	Chamaecyparis thyoides	Atlantic Whitecedar
*	Chionanthus virginicus	Fringetree
*	Magnolia virginiana	Sweetbay
	Ostrya virginiana	Hophornbeam
+	Salix caprea	Willow sp.
+	Salix discolor	Pussy Willow sp.
*	Thuja occidentalis 'Nigra'	Arborvitae

DECIDUOUS OR EVERGREEN SHRUBS --- Suitable for Stormwater Detention Basins and Bioretention Areas

	Scientific Name	Common Name
	Alnus serrulata	Smooth Alder
+	Aronia arbutifolia	Red Chokeberry
	Aronia melanocarpa	Black Chokeberry
*	Caly canthus florida	Sweetshrub
+	Cephalanthus occidentalis	Button**b**ush
+	Clethra alnifolia	Summersweet
+	Cornus amonum	Silky Dogwood
	Cornus racemosa	Gray Dogwood
+	Cornus sericea	Redosier Dogwood
	Ilex decidua	Possumhaw
+	Ilex glabra	Inkberry
+	Ilex verticilata	Winterberry
	Itea virginiana	Virginia Sweetspire
	Juniperus virginiana	Eastern Redcedar
*	Lindera benzoin	Spicebush
*	Myrica cerifera	Southern Bayberry
+	Myrica pennsylvanica	Northern Bayberry
	Rhododendron atlanticum	Coast Azalea
+	Rhododendron nudiflorum	Pinxterbloom Azalea
+	Rhododendron viscosum	Swamp Azalea
*	Sambucus canadensis	Elderberry
	Sambucus racemosa	Red Elder
	Spirea latifolia	Meadowsweet
*	Viburnum cassanoides	Witherod
*	Viburnum dentatum	Arrow**w**ood
*	Viburnum lentago	Nannyberry
	Viburnum prunifolium	Blackhaw

*	Viburnum tribolum	American Cranberrybush

HERBACEOUS PERENNIALS --- Suitable for Stormwater Detention Basins and Bioretention Areas

	Scientific Name	**Common Name**
	Acorus calamus	Sweetflag
	Andropogon virginicus	Broomsedge
	Aquilegia canadensis	Wild Columbine
	Asclepias incarnata	Swamp Milkweed
	Asclepias tuberosa	Butterflyweed
*	Aster novae angliae	New England Aster
	Aster novae---belgii	New York Aster
	Caltha palustris	Marsh Marigold
	Chelone glabra	White Turtlehead
	Chelone lyonii	Pink Turtlehead
*	Chrysanthemum lencanthemum	Ox---Eye Daisy
*	Echinacea purpurea	Purple Cornflower
+*	Eupatorium dubium	Joe Pye Weed
+*	Eupatorium fistulosum	Hollow Joe Pye Weed
	Filipendula rubra	Queen of the Prairie
*	Hemerocallis species	Day Lily
*	Hesperis matronalis	Dames Rocket
+	Hibiscus moshentos	Rose Mallow
+*	Iris pseudocaris	Yellow Iris
+	Iris vericolor	Blue Flag
	Lilium superbum	Meadow Lily
	Liatris spicata	Blazing Star
+*	Lobelia cardinalis	Cardinal Flower
+*	Lobelia siphilitica	Blue Lobelia
*	Monarda didyma	Bee Balm
+*	Panicum virgatum	Switchgrass
*	Phalaris arundinacae	Canary Reed Grass
*	Rudbeckia species	Black---Eyed Susan
+	Scirpus acustus	Hard Stem Bullrush
+	Spartina alternifolia	Cordgrass
	Tradescantia ohiensis	Spiderwort
+	Typha angustifolia	Narrowleaf Cattail
+	Typha latifolia	Common Cattail
+*	Vernonia noveboracensis	New York Iron Weed

* Suitable for usually well---drained areas that may be subject to occasional flooding.
\+ Suitable for permanently wet areas.

APPENDIX B

INVASIVE TREE SPECIES LIST

The following tree species may be considered as invasive, exotic, or undesirable in sensitive plant communities. Their removal may be warranted for ecological restoration purposes. Removals of these species should not require mitigation, as set forth in Section 612. New plantings of these species is highly undesirable.

TREES	
Acer ginnala	Amur Maple
Acer platanoides	Norway Maple
Acer pseudoplatanus	Sycamore Maple, Mock Plane
Ailanthus altissima	Tree of Heaven, Chinese/Stinking Sumac, Tree of Hell
Albizia julibrissin	Mimosa, Persian Silk Tree, Silktree, Silky Acacia
Alnus glutinosa	European Black Alder, Common Alder
Aralia elata	Japanese Angelica Tree
Broussonetia papyrifera	Paper Mulberry
Morus alba	Mulberry, White mulberry, Common/Chinese/Russian White Mulberry
Paulownia tomentosa	Empress Tree, Princess Tree, Royal Paulownia
Phellodenron amurense	Amur Cork Tree (female)
Phellodendron japonicum	Japanese Corktree
Phellodendron lavellei	Lavella Corktree
Prunus avium	Sweet Cherry
Pyrus calleryana	Callery Pear
Robinia pseudoacacia	Black Locust
Tetradium daniellii	Bee---bee Tree, Euodia, (Korean) Evodia
Ulmus pumila	Siberian Elm
SHRUBS	
Berberis thunbergii	Japanese Barberry, Red Barberry, Thunberg's Barberry
Berberis vulgaris	European Barberry, Common Barberry
Buddleja davidii	Butterfly Bush, Orange---Eye Butterfly Bush
Elaeagnus angustifolia	Russian Olive Oleaster, Wild Olive
Elaeagnus umbellata	Autumn olive
Euonymus alata	Winged Euonymus, Burning Bush, Winged Burning Bush, Winged Wahoo
Frangula alnus	Glossy Buckthorn
Lespedeza bicolor	Shrubby Bushclover Shrubby Lespedeza
Lespedeza cuneata	Chinese Bushclover Chinese Lespedeza, Sericea Lespedeza
Ligustrum japonicum	Japanese Privet Waxleaf Ligustrum, Wax Privet
Ligustrum obtusifolium	Border Privet, Blunt---Leaved/Obtuse---Leaved/Regal Privet
Ligustrum sinense	Chinese Privet
Ligustrum vulgare	Common Privet, European Privet, Wild Privet
Lonicera mackii	Amur Honeysuckle
Lonicera morrowii	Morrow's Honeysuckle

Lonicera xbella	Bell's Honeysuckle, Bella/Showy Bush/ Pretty Honeysuckle
Lonicera standishii	Standish Honeysuckle
Lonicera tatarica	Tartarian Honeysuckle
Phyllostachys species	Golden Bamboo, Yellow Grove Bamboo, Fish Pole Bamboo, Incense Bamboo, Areocaulis Bamboo, Harbin Inversa, Green Groove Bamboo, Bisset's bamboo, Biddet's Dwarf Bamboo, Sweetshoot Bamboo, Glauca Bamboo, Humilis, Decora Bamboo, Black Bamboo, Folsom Black Bamboo, Hale Bamboo, Othello Bamboo, Nuda Bamboo, Rubromarginata Bamboo, Vivax Bamboo, Green Stripe Vivax
Pseudosasa japonica	Arrow (Yadake) Bamboo
Rhamnus cathartica	Common Buckthorn, Purging Buckthorn
Rhodotypos scandens	Jetbead, Black Jetbead
Rosa multiflora	Multiflora Rose, Rambler/Japanese/Baby/Seven---Sisters Rose
Rubus phoenicolasius	Wineberry, Wine Raspberry, Japanese Wineberry
Spiraea japonica	Japanese Spiraea, Japanese Meadowsweet, Nippon Spiraea
Viburnum dilatatum	Linden Viburnum, Linden Arrowwood
Viburnum opulus	Guelder Rose, Cranberrybush Viburnum, Red Elder, Cramp Bark
Viburnum plicatum	Doublefile Viburnum, Japanese Snowball Bush
Viburnum sieboldii	Siebold Viburnum, Siebold's Arrowwood

AQUATIC PLANTS

Cabomba caroliniana	Carolina Fanwort, Green Cabomba, Fish Grass, Washington Grass
Didymoshenia geminate	Didymo, Rock Snot
Egeria densa	Brazilian Water---Weed
Hydrilla verticillata	Hydrilla, Esthwaite Waterweed
Ludwigia peploides	Floating Seedbox, Water Primrose
Myriophyllum aquaticum	Parrot Feather, Watermilfoil Parrotfeather
Myriophyllum spicatum	Eurasian Water---Milfoil, Eurasian Milfoil, Spike Watermilfoil
Potamogeton crispus	Curly/Curly---Leaved/Curlyleaf/Crispy---Leaved Pondweed
Trapa natans	European Water Chestnut, Devil Pod
Typha angustifolia	Narrow---Leaved Cattail, Narrow Lead Cattail, Nail Rod
Typha x glauca	Hybrid Cattail

VINES & GROUNDCOVERS

Pachysandra terminalis	Japanese Pachysandra, Japanese Spurge, Chinese Fever Vine
Hedera helix	Common Ivy, English Ivy, European Ivy
Toxicodendron radicans	Poison Ivy
Vinca major	Bigleaf Periwinkle, Greater Periwinkle
Vinca minor	Common Periwinkle, Ground Myrtle
Wisteria floribunda	Japanese Wisteria
Wisteria sinensis	Chinese Wisteria

HERBS AND FORBES

Aegopodium podagraria	Goutweed Bishop's Weed, Snow---On---The---Mountain, Holy Hay
Alliaria petiolata	Garlic Mustard, Hedge Mustard
Anthriscus sylvestris	Wild Chervil, Cow Parsley, Keck, Bur Chervil

Cardamine impatiens	Narrowleaf Bittercress, Bushy Rock---Cress
Carduus nutans	Musk Thistle, Nodding Thistle
Centaurea jacea	Brown Knapweed, Horse---Knobs, Rayed Knapweed, Hardheads
Centaurea nigra	Black Knapweed, Lesser/Common Knapweed, Hardheads
Centaurea stoebe	Spotted Knapweed
Chelidonium majus	Greater Celandine, Tetterwort
Cirsium arvense	Canada/Canadian Thistle
Cirsium vulgare	Bull Thistle
Conium maculatum	Poison Hemlock
Datura stramonium	Jimsonweed, Jamestown Weed, Devil's Trumpet, Thorn Apple
Epilobium hirsutum	Hairy Willow Herb, Great Willowherb
Epilobium parviflorum	Smallflower Hairy Willowherb
Fallopia japonica	Japanese Knotweed, Fleeceflower, Mexican Bamboo, Japanese Bamboo
Fallopia sachalinensis	Giant Knotweed, Sakhalin Knotweed
Galega officinalis	Goatsrue, Holy Hay, Professor---Weed, Italian Fitch
Hemerocallis	Orange Daylily, Tawny Daylily, Tiger Daylily, Fulvous Day---lily, Ditch Lily, Railroad Daylily, Roadside Daylily, Outhouse Lily, Tiger Lily, Wash---house Lily
Heracleum mantegazzianum	Giant Hogweed, Giant Cow Parsnip Or Parsley, Cartwheel Flower
Hesperis matronalis	Dames Rocket, Dame's Violet, Dame's Gillyflower, Dame's Wort
Iris pseudacorus	Yellow Flag Iris
Lysimachia nummularia	Moneywort, Creeping Jenny/Charlie, Wandering Sailor
Lythrum salicaria	Purple Loosestrife, Swamp Loosestrife
Ornithogalum nutans/O. umbellatum	Star---Of---Bethlehem, Silver Bells, Drooping Star---Of---Bethlehem
Pastinaca sativa	Wild Parsnip, Garden Parsnip
Perilla frutescens	Beefsteak Plant, Chinese Basil, Purple Mint
Persicaria longiseta	Bristled Knotweed, Oriental Lady's Thumb, Asiatic Smartweed
Ranunculus ficaria	Lesser Celandine Fig Buttercup, Pilewort

GRASSES

Arthraxon hispidus	Small Carpetgrass, Joint---Head Grass, Hairy Joint Grass, Jointhead
Bromus sterilis	Poverty Brome
Bromus tectorum	Cheatgrass, Downy/Drooping Brome, Bronco Grass, June Grass
Microstegium vimineum	Japanese Stiltgrass, Nepalese Browntop, Packing Grass
Phalaris australis	Reed Canary Grass
Phragmites australis ssp. australis	Common Reed
Sorghum bicolor ssp. drummondii	Shattercane
Sorghum halepense	Johnson Grass
Holcus lanatus	Velvet Grass, Yorkshire Fog
Miscanthus sinensis	Eulalia Grass, Chinese Silvergrass, Zebra Grass, Maidenhair Grass, Chinese Silver Grass, Eulalia Grass, Maiden Grass, Zebra Grass, Susuki Grass, Porcupine Grass
Oplismenus hirtellus	Wavyleaf Basketgrass
Poa trivialis	Rough Bluegrass

Saccharum ravennae	Ravenna Grass, Hardy Pampas Grass
Schedonorus arundinaceus	Tall Fescue

CHAPTER 1

SWIMMING POOLS

(Reserved to accommodate future enactments)

CHAPTER 1

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PART 1

REALTY TRANSFER TAX

§24-101. SHORT TITLE

This Part shall be known as the "Realty Transfer Tax Ordinance."

§24-102. AUTHORITY

A realty transfer tax for general revenue purposes is hereby imposed upon the transfer of real estate or interest in real estate situated within the Township of Upper Salford, regardless of where the documents making the transfer are made, executed or delivered or where the actual settlements on such transfer took place as authorized by Article XI–D, "Local Real Estate Transfer Tax," 72 P. S. §8101-D et seq.

§24-103. DEFINITIONS

ASSOCIATION – a partnership, limited partnership, or any other form of unincorporated enterprise owned or conducted by two (2) or more persons other than a private trust or decedent's estate.

CORPORATION – A corporation, joint-stock association, business, trust, or banking institution which is organized under the laws of this Commonwealth, the United States, or any other State, territory, foreign country or dependency.

DOCUMENT – any deed, instrument or writing which conveys, transfers, demises, vests, confirms or evidences any transfer or demise of title to real estate, but does not include wills, mortgages, deeds of trust or other instruments of like character given as security for a debt and deeds of release thereof to the debtor, land contracts whereby the legal title does not pass to the grantee until the total consideration specified in the contract has been paid or any cancellation thereof unless the consideration is payable over a period of time exceeding thirty (30) years, or instruments which solely grant, vest or confirm a public utility easement. "Document" shall also include a declaration of acquisition required to be presented for recording under §102 of this Part.

GOVERNING BODY – the Board of Supervisors of the Township of Upper Salford.

FAMILY FARM CORPORATION – a corporation of which at least seventy-five (75) percent of its assets are devoted to the business of agriculture and at least seventy-five (75) percent of each class of stock of the corporation is continuously owned by members of the same family. The business of agriculture shall not be deemed to include:

1. Recreational activities such as, but not limited to, hunting, fishing, camping, skiing, show competition or racing.
2. The raising, breeding, or training of game animals or game birds, fish, cats, dogs, or pets or animals intended for use in sporting or recreational activities.
3. Fur farming.

4. Stockyard and slaughterhouse operations.
5. Manufacturing or processing operations of any kind.

MEMBERS OF THE SAME FAMILY – any individual, such individual's brothers and sisters, the brothers and sisters of such individual's parents and grandparents, the ancestors and lineal descendants of any of the foregoing, a spouse of any of the foregoing, and the estate of any of the foregoing, a spouse of any of the foregoing. Individuals related by the half-blood or legal adoption shall be treated as if they were related by the whole-blood.

PERSON – every natural person, association, or corporation. Whenever used in any clause prescribing and imposing a fine or imprisonment, or both, the term "person: as applied to associations, shall include the responsible members or general partners thereof, and as applied to corporations, the officers thereof.

REAL ESTATE –

1. All lands, tenements or hereditaments within the Township of Upper Salford including, without limitations, building, structures, fixtures, mines, minerals, oil, gas, quarries, spaces with or without upper or lower boundaries, trees, and other improvements, immovables or interests which by custom, usage or law pass with a conveyance or land, but excluding permanently attached machinery and equipment in an industrial plant.

2. A condominium unit.

3. A tenant-stockholder's interest in a cooperative housing corporation, trust or association under a proprietary lease or occupancy agreement.

REAL ESTATE COMPANY – a corporation or association which is primarily engaged in the business of holding, selling or leasing real estate, ninety (90) percent or more of the ownership interest in which is held by thirty-five (35) or fewer persons and which:

1. Derives sixty (60) percent or more of its annual gross receipts from the ownership or disposition of real estate.

2. Holds real estate, the value of which comprises ninety (90) percent or more of the value of its entire tangible asset holdings exclusive of tangible assets which are freely transferable and actively traded on an established market.

TITLE TO REAL ESTATE-

1. 1. Any interest in real estate which endures for a period of time, the termination of which is not fixed or ascertained by a specific number of years including, without limitation, an estate in fee simple, life estate, or perpetual leasehold.

2. Any interest in real estate enduring for a fixed period of years but which, either by reason of the length of the term of the grant of a right to extend the term by renewal or otherwise, consists of a group of rights approximating those of an estate in fee

simple, life estate or perpetual leasehold including, without limitation, a leasehold interest or possessory interest under a lease or occupancy agreement for a term of thirty (30) years or more or a leasehold interest or possessory interest in real estate in which the lessee has equity.

TRANSACTION- the making, executing, delivering, accepting, or presenting for recording of a document.

VALUE –

1. In the case of any bona fide sale of real estate at arm's length for actual monetary worth, the amount of the actual consideration therefore, paid or to be paid, including liens or other encumbrances thereon existing before the transfer and not removed thereby, whether or not the underlying indebtedness is assumed, and ground rents, or a commensurate part thereof where such liens or other encumbrances and ground rents also encumber or are charged against other real estate; provided, that where such documents shall set forth a nominal consideration, the "value" thereof shall be determined from the price set forth in or actual consideration for the contract of sale.

2. In the case of a gift, sale by execution upon a judgment or upon the foreclosure of a mortgage by a judicial officer, transactions without consideration or for consideration less than the actual monetary worth of the real estate, a taxable lease, an occupancy agreement, a leasehold or possessory interest, any exchange of properties, or the real estate of an acquired company, the actual monetary worth of the monetary worth of the real estate determined by adjusting the assessed value of the real estate for local real estate tax purpose for the common level ratio factor developed by the Pennsylvania Department of Revenue for Pennsylvania realty transfer tax base calculations.

3. In the case of an easement or other interest in real estate the value of which is not determinable under subsection (1) or (2), the actual monetary worth of such interest.

4. The actual consideration for or actual monetary worth of any executor agreement for the construction of buildings, structures or other permanent improvements to real estate between the grantor and other persons existing before the transfer and not removed thereby or between the grantor, the agent or principal of the grantor of a related corporation, association or partnership and the grantee existing before or effective with the transfer.

§24-104. IMPOSITION OF TAX; INTEREST

1. 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 one (1) percent 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 thirty (30) days of acceptance of such document or within thirty (30) days of becoming an acquired company.

2. The payment of the tax imposed herein shall be evidenced by the affixing of an official stamp or writing by the Recorder of Deeds whereon the date of the payment of the tax, amount of the tax and the signature of the collecting agent shall be set forth.
3. It is the intent of this Part that the entire burden of the tax imposed herein on a person or transfer shall not exceed the limitations prescribed in The Local Tax Enabling Act, Act of December 31, 1965, P.L. 1257, 53 P.S. §6901 et seq., so that if any other political subdivision shall impose or hereafter shall impose such tax on the same person or transfer then the tax levied by the Township of Upper Salford under the authority of that Act shall during the time such duplication of the tax exists, except as hereinafter otherwise provided, be one-half of the rate and such one-half rate shall become effective without any action on the part of the Township of Upper Salford; provided, however, that the Township of Upper Salford and any other political subdivision which impose such tax on the same person or transfer agree that, instead of limiting their respective rates to one-half of the rate herein provided, they will impose respectively different rates, the total of which shall not exceed the maximum rate permitted under "The Local Tax Enabling Act."

4. If for any reason the tax is not paid when due, interest at the rate in effect at the time the tax is due, shall be added and collected.

§24-105. EXEMPT PARTIES

The United States, the Commonwealth, or any of their instrumentalities, agencies or political subdivisions shall be exempt from payment or the tax imposed by this Part. The exemption of such governmental bodies shall not, however, relieve any other party to a transaction from liability for the tax.

§24-106. EXCLUDED TRANSACTIONS

The tax imposed by §24-104 shall not be imposed upon:

A. A transfer to the Commonwealth, or to any of its instrumentalities, agencies or political subdivisions, by gift, dedication or deed in lieu of condemnation or deed of confirmation in connection with condemnation proceedings, or a re-conveyance by the condemning body of the property condemned to the owner of record at the time of

condemnation which re-conveyance may include property line adjustments provided said re-conveyance is made within one (1) year from the date of condemnation.

B. A document which the Township of Upper Salford is prohibited from taxing under the Constitution or statutes of the United States.

C. A conveyance to a municipality, township, school district or county pursuant to acquisition by the municipality, township, school district or county of a tax delinquent property at sheriff sale or tax claim bureau sale.

D. A transfer for no or nominal actual consideration of property passed by testate or intestate succession and held by co-tenants; however, if any of the parties take shares greater in value than their undivided interest, tax is due on the excess.

E. A transfer of division in kind for no or nominal actual consideration of property passed by testate or intestate succession and held by co-tenants; however, if any of the parties take shares greater in value than their undivided interest, tax is due on the excess.

F. A transfer between husband, wife, between persons who were previously husband and wife who have since been divorced, provided the property or interest therein subject to such transfer was acquired by the husband and wife, or husband or wife prior to the granting of the final decree in divorce, between parent and child or the spouse of such child, between brother or sister or spouse of a brother or sister, and between a grandparent and grandchild or the spouse of such grandchild, except that a subsequent transfer by the grantee within one (1) year shall be subject to tax as if the grantor were making such transfer.

G. A transfer for no or nominal actual consideration of property passing by testate or intestate succession from a personal representative of a decedent to the decedent's devisee or heir.

H. A transfer for no or nominal actual consideration to a trustee of an ordinary trust where the transfer of the same property would be exempt if the transfer was made directly from the grantor to all of the possible beneficiaries, whether or not such beneficiaries are contingent or specifically names. No such exemption shall be granted unless the Recorder of Deeds is presented with a copy of the trust instrument that clearly indentifies that grantor and all possible beneficiaries.

I. A transfer for no or nominal actual consideration from a trustee to a beneficiary of an ordinary trust.

J. A transfer for no or nominal actual consideration from trustee to successor trustee.

K. A transfer (1) for no or nominal actual consideration between principal and agent or straw party; or, (2) from or to an agent or straw party where, if the agent or straw party were his principal, no tax would be imposed under this Part.

Where the document by which title is acquired by a grantee or statement of value fails to set forth that the property was acquired by the grantee from, or for the benefit of, his principal, there is a rebuttable presumption that the property is the property of the grantee in his individual capacity if the grantee claims an exemption from taxation under this subsection.

L. A transfer made pursuant to the statutory merger or consolidation of a corporation or statutory division of a nonprofit corporation, except where the department reasonably determines that the primary intent for such merger, consolidation or division is avoidance of the tax imposed by this Part.

M. A transfer from a corporation or association of real estate held of record in the name of the corporation or association where the grantee owns stock of the corporation or an interest in the association in the same proportion as his interest in or ownership of the real estate being conveyed and where the stock of the corporation or the interest in the association has been held by the grantee for more than two (2) years.

N. A transfer from a nonprofit industrial development agency or authority to a grantee of property conveyed by the grantee to that agency or authority as security for a debt or the grantee or a transfer to a nonprofit industrial development agency or authority.

O. A transfer from a nonprofit industrial development agency or authority to a grantee purchasing directly from it, but only if: (1) the grantee shall directly use such real estate for the primary purpose of manufacturing, fabricating, compounding, processing, publishing, research and development, transportation, energy conversion, energy production, pollution control, warehousing or agriculture; and (2) the agency or authority has the full ownership interest in the real estate transferred.

P. A transfer by a mortgagor to the holder of a bona fide mortgage in default in lieu of a foreclosure or a transfer pursuant to a judicial sale in which the successful bidder is the bona fide holder of a mortgage, unless the holder assigns the bid to another person.

Q. Any transfer between religious organizations or other bodies or person holding title for a religious organization if such real estate is not being or has not been used by such transferor for commercial purposes.

R. A transfer to a conservancy which possesses a tax exempt status pursuant to §501 (c)(3) of the Internal Revenue Code of 1954, (68A Stat. 3, 26 U.S.C. §501 (c)(3)) and which has as its primary purpose preservation of land for historic, recreational, scenic, agricultural or open space opportunities.

S. A transfer of real estate devoted to the business of agriculture to a family farm corporation by a member of the same family which directly owns at least seventy-five (75) percent of each class of the stock thereof.

T. A transfer between members of the same family of an ownership interest in a real estate company or family farm corporation.

U. A transaction wherein the tax due is one ($1.00) dollar or less.

V. Leases for the production or extraction of coal, oil, natural gas or minerals and assignments thereof.

In order to exercise any exclusion provided in this Section, the true, full and complete value of the transfer shall be shown on the statement of value. A copy of the Pennsylvania Realty Transfer Tax Statement of Value may be submitted for this purpose. For leases of coal, oil, natural gas or minerals, the statement of value may be limited to an explanation of the reason such document is not subject to tax under this Part.

§24-107. DOCUMENTS RELATING TO ASSOCIATIONS OR CORPORATIONS AND MEMBERS, PARTNERS, STOCKHOLDERS OR SHAREHOLDERS THEREOF

Except as otherwise provided in §24-106, documents which make, confirm or evidence any transfer or demise of title to real estate between associations or corporations and the members partners, shareholders or stockholders thereof are fully taxable. For the purposes of this Part, corporations and associations are entities separate from their members, partners, stockholders or shareholders.

§24-108. ACQUIRED COMPANY

A. A real estate company is an acquired company upon a change in the ownership interest in the company, however effected, if the change does not affect the continuity of the company; and of itself or together with prior changes has the effect of transferring, directly or indirectly, ninety (90) percent or more of the total ownership interest in the company within a period of three (3) years.

B. With respect to real estate acquired after February 16, 1986, a family farm corporation is an acquired company when, because of voluntary or involuntary dissolution, it ceases to be a family farm corporation or when, because of issuance or transfer of stock or because of acquisition or transfer of assets that are devoted to the business of agriculture, it fails to meet the minimum requirements of a family farm corporation under this Part.

C. Within thirty (30) days after becoming an acquired company, the company shall present a declaration of acquisition with the recorder of each county in which it holds real estate for the affixation of documentary stamps and recording. Such declaration shall set forth the value of real estate holdings of the acquired company in such county. A copy of the Pennsylvania Realty Transfer Tax Declaration of Acquisition may be submitted for this purpose.

§24-109. CREDITS AGAINST TAX

A. Where there is a transfer of a residential property by a licensed real estate broker which property was transferred to him within the preceding year as consideration for the purchase of other residential property, a credit for the amount of the tax paid at the time of the transfer to him shall be given to him toward the amount of the tax due upon the transfer.

B. Where there is a transfer by a builder of residential property which was transferred to the builder within the preceding year as consideration for the purchase of new, previously unoccupied residential property, a credit for the amount of the tax paid at the time of the transfer to the builder shall be given to the builder toward the amount of the tax due upon the transfer.

C. Where there is a transfer of real estate which is leased by the grantor, a credit for the amount of tax paid at the time of the lease shall be given to the grantor toward the tax due upon the transfer.

D. Where that is a conveyance by deed of real estate which was previously sold under a land contract by the grantor, a credit for the amount of tax paid at the time of the sale shall be given the grantor toward the tax due upon the deed.

E. If the tax due upon the transfer is greater than the credit given under this Section, the difference shall be paid. If the credit allowed is greater than the amount of tax due, no refund or carryover credit shall be allowed.

§24-110. EXTENSION OF LEASE

In determining the term of a lease, it shall be presumed that a right or option to renew or extend a lease will be exercised if the rental charge to the lessee is fixed or if a method for calculating the rental charge is established.

§24-111. PROCEEDS OF JUDICIAL SALE

The tax herein imposed shall be fully paid, and have priority out of the proceeds or any judicial sale of real estate before any other obligation, claim, lien, judgment, estate or costs of the sale and of the writ upon which the sale is made except the State realty transfer tax, and the sheriff, or other officer, conducting said sale, shall pay the tax herein imposed out of the first moneys paid to him in connection therewith. If the proceeds of the sale are insufficient to pay the entire tax herein imposed, the purchaser shall be liable for the remaining tax.

§24-112. DUTIES OF RECORDER OF DEEDS

A. As provided in 16 P.S. §11011-6, as amended by Act of July 7, 1983 (P.L. 41, No. 21), the Recorder of Deeds shall be the collection agent for the local realty transfer tax, including any amount payable to the Township of Upper Salford.

B. In order to ascertain the amount of taxes due when the property is located in more than one (1) political subdivision, the recorder shall not accept for recording such a deed unless it is accompanied by a statement of value showing what taxes are due each municipality.

C. On or before the tenth of each month, the recorder shall pay over the Township of Upper Salford all local realty transfer taxes collected, less two (2) percent for use of the county, together with a report containing the information as is required by the Commonwealth of Pennsylvania in reporting collections of the Pennsylvania realty transfer tax. The two (2)-percent commission shall be paid to the county.

D. Upon a redetermination of the amount of realty transfer tax due by the Commonwealth of Pennsylvania, the recorder shall rerecord the deed or record the additional realty transfer tax form only when both the State and local amounts and a rerecording or recording fee has been tendered.

§24-113. STATEMENT OF VALUE

Every document lodged with or presented to the Recorder of Deeds for recording, shall set forth therein and as a part of such document the true, full and complete value thereof, or shall be accompanied by a statement of value executed by a responsible person connected with the transaction showing such connection and setting forth the true, full and complete value thereof or the reason, if any, why such document is not subject to tax under this Part. A copy of the Pennsylvania Realty Transfer Tax Statement of Value may be submitted for this purpose. The provisions of this Subsection shall not apply to any excludable real estate transfers which are exempt from taxation based on family relationship. Other documents presented for the affixation of stamps shall be accompanied by a certified copy of the document and statement of value executed by a responsible person connected with the transaction showing such connection and setting forth the true, full and complete value thereof or the reasons, if any, why such document is not subject to tax under this Part.

§24-114. CIVIL PENALTIES

A. If any part of any underpayment of tax imposed by this Part is due to fraud, there shall be added to the tax an amount equal to fifty (50) percent of the underpayment.

B. In the case of failure to record a declaration required under this Part on the date prescribed therefore, unless it is shown that such failure is due to reasonable cause, there shall be added to the tax five (5) percent of the amount of such tax if the failure is for not more than one (1) month, with an additional five (5) percent for each additional month or fraction thereof during which such failure continues, not exceeding fifty (50) percent in the aggregate.

§24-115. LIEN

The tax imposed by this Part shall become a lien upon the lands, tenements, or hereditaments, or any interest therein, lying, being situated, wholly or in part within the

boundaries of the Township of Upper Salford, which lands, tenements, hereditaments, or interest therein, are described in or conveyed by or transferred by the deed which is the subject of the tax imposed, assessed and levied by this Part, said lien to begin at the time when the tax under this Part is due and payable, and continue until discharge by payment, or in accordance with the law, and the Solicitor is authorized to file a municipal or tax claim in the Court of Common Pleas of Montgomery County, in accordance with the provisions of the Municipal Claims and Liens Act of 1923, 53 P.S. §7101 et seq, its supplements and amendments.

§24-116. ENFORCEMENT

All taxes imposed by this Part together with interest and penalties prescribed herein, shall be recoverable as other debts of like character are recovered.

§24-117. REGULATIONS

The regulations which have been promulgated by the Pennsylvania Department of Revenue under 72 P.S. §8101-C et seq. are incorporated into and made a part of this Part.

PART 2

EARNED INCOME AND NET PROFITS TAX

§24-201. DEFINITIONS

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Part to have the meaning indicated in this Section. The singular shall include the plural and the masculine gender shall include the feminine and neuter.

ASSOCIATION – A partnership, limited partnership, or any other group of two (2) or more persons.

BUSINESS – an enterprise, activity, profession or any other undertaking of an unincorporated nature conducted for profit or ordinarily conducted for profit whether by a person, partnership, association, or any other entity.

CORPORATION – a corporation or joint stock association organized under the laws of the United States, the Commonwealth of Pennsylvania, or any other State, territory, foreign country or dependency.

CURRENT YEAR – the calendar year for which the tax is levied.

DOMICILE – the place where one lives and has his permanent home and to which he has the intention of returning whenever he is absent. Actual residence is not necessarily domicile, for domicile is the fixed place of abode which, in the intention of the taxpayer, is permanent rather than transitory. Domicile is the place in which a man has voluntarily fixed the habitation of himself and his family, not for a mere special or limited purpose, but with the present intention of making a permanent home, until some event occurs to induce him to adopt some other permanent home. In the case of businesses, or associations, the domicile is that place considered as the center of business affairs and the place where its functions are discharged.

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

EARNED INCOME TAX COLLECTOR or OFFICER – person, public employee or private agency designated by the Supervisors of Upper Salford Township to collect and administer the tax on earned income and net profits.

EMPLOYER – a person, partnership, association, corporation, institution, governmental body or unit or agency, or any other entity employing one (1) or more persons for a salary, wage, commission or other compensation.

NET PROFITS – the net income from the operation of a business, profession, or other activity, except corporations, after provision for all costs and expenses incurred in the conduct thereof, determined either on a cash or accrual basis, in accordance with the accounting system used in such business profession, or other activity, but without deduction of taxes based on income.

NON-RESIDENT – a person, partnership, association or other entity domiciled outside of Upper Salford Township.

PERSON or INDIVIDUAL – a natural person.

PRECEDING YEAR – the calendar year before the current year.

RESIDENT – a person, partnership, association or other entity domiciled in Upper Salford Township.

SUCCEEDING YEAR – the calendar year following the current year.

TAXPAYER – a person, partnership, association or any other entity required hereunder to file a return of earned income or net profits, or to pay a tax thereon.

TOWNSHIP – Township of Upper Salford.

§24-202. IMPOSITION OF TAX

A tax for general Township revenue purposes of one (1) percent is hereby imposed on the following:

A. Salaries, wages, commissions and other compensation earned on and after January 1, 1974, by residents of the Township and non-residents of the Township within the confines of the Township.

B. Net profits, earned on and after August 1, 1974, of businesses, professions, and other activities conducted by residents of the Township and by non-residents of the Township within the confines of the Township.

C. The tax levied under this Part shall be applicable to earned income received and to net profits earned by residents of the Township and by non-residents of the Township, within the confines of the Township, for the period commencing January 1 of the current year and ending December 31, or for the taxpayer's fiscal year beginning in the current year, and the tax shall continue in force on a calendar year basis or taxpayer fiscal year basis without annual reenactment unless the rate of the

tax is subsequently changed. The Township may, by ordinance, change the rate. Such change shall become effective on the date specified in this Part.

§24-203. DECLARATION AND PAYMENT OF TAX

A. Net Profits.

1. Beginning with the calendar year January 1, 1974, every taxpayer who makes any net profits shall on or before April 15 of the then current year and each year thereafter make and file with the tax collector on a form prescribed by the tax collector, a declaration of his estimated net profits during the period beginning January 1 and ending December 31 of the then current year. Taxpayer shall pay to the tax collector the total amount determined to be due under the estimate in four (4) equal payments as follows:

    (a) First payment on or before April 15 with declaration.

    (b) Second payment on or before June 15.

    (c) Third payment on or before September 15.

    (d) Final payment on or before January 15 of the succeeding year.

2. Any taxpayer who first anticipates any net profit after April 15 of the current year, shall make and file the declaration hereinabove required on or before June 15, September 15, and December 31 of the then current year whichever of these dates next follows the date on which the taxpayer first anticipates such net profits. Taxpayer shall pay to the tax collector in equal installments the amount of tax due thereon on or before the quarterly payment dates which remain after the filing of his first declaration.

3. On or before April 15 of the succeeding year, every taxpayer shall make and file with the tax collector on a form prescribed or approved by the tax collector a final return showing the amount of net profits earned during the period beginning January 1 of the current year, and ending December 31 of the current year, the total amount of tax due thereon and the total amount of tax paid thereon. At the time of filing the final return, the taxpayer shall pay to the officer the balance of tax due or shall make demand for refund or credit in the case of over payment.

4. The Township shall provide by resolution regulations for the making and filing of adjusted declarations of estimated net profits, and for the payment of the estimated tax in cases where a taxpayer who has filed the declaration hereinabove required anticipates additional net profits not previously declared or finds that he has overestimated his anticipated profits.

5. Every taxpayer who discontinues business prior to December 31 of the current year, shall, within thirty (30) days after the discontinuance of business, file his final return as hereinabove required and pay the tax due.

B. Earned Income.

1. **Annual Earned Income Tax Return**. Every taxpayer shall, on or before April 15 of the succeeding year, make and file with the earned income tax collector a final return on a form prescribed, prepared and supplied by the earned income tax collector, a final return showing the total amount of earned income received during the period beginning January 1 of the current year, and ending December 31 of the current year, the total amount of tax due thereon, the amount of tax paid thereon, the amount of tax thereon that has been withheld pursuant to the provisions relating to the collection at source and the balance of tax due. At the time of filing the final return, the taxpayer shall pay the balance of the tax due or shall make demand for refund or credit in the case of overpayment.

2. **Earned Income not Subject to Withholding**. Every taxpayer who is employed for salary, wage, commission or other compensation who received any earned income not subject to the provisions of this Part relating to collection at the source shall make and file with the earned income tax collector on a form prepared, supplied and prescribed by the earned income tax collector a quarterly return on or before April 30 of the current year, July 31 of the current year, October 31 of the current year and January 31 of the succeeding year setting forth the aggregate amount of earned income not subject to withholding by him during the three (3) – month period ending March 31 of the current year, June 30 of the current year, September 30 of the current year and December 31 of the current year respectively and subject to the tax together with such other information as the earned income tax collector shall require. Every taxpayer who makes such a return shall, at the filing of the return with the earned income tax collector, pay to the collector the amount of tax shown as due thereon.

§24-204. COLLECTION AT SOURCE

A. Every employer having an office, factory, workshop, branch, warehouse, or other place of business within the Township, who employees one (1) or more persons, other than domestic servants for a salary, wage, commission or other compensation, who has not previously registered shall, without fifteen (15) days after becoming an employer, register with the officer his name and address and such other information as the officer may require.

B. Every employer having an office, factory, workshop, branch, warehouse or other place of business or employment within the Township, who employes one (1) or more persons, other than domestic servants, for salary, wage, commission or other compensation, shall deduct at the time of payment thereof, the tax imposed by this Part on the earned income due to his employee or employees, and shall on or before

April 30 of the current year, July 31 of the current year, October 31 of the current year and January 31 of the succeeding year, file a return and pay to the earned income tax collector the amount of taxes deducted during the preceding three (3)-month periods ending March 31 of the current year, June 30 of the current year, September 30 of the current year and December 30 of the current year respectively. Such return, unless otherwise agreed upon between the earned income tax collector and employer, shall show the name and social security number or identification number supplied by the tax collector of each such employee, the earned income of such employee during the preceding three (3)-month period, the tax deducted therefrom, the political subdivision imposing such tax, the total earned income of all such employees during the preceding three (3)-month period, and the total tax deducted therefrom and paid with the return.

C. Monthly Reporting. Any employer who for two (2) of the preceding four (4) quarterly periods has failed to deduct the property tax, or any part thereof, or has failed to pay over the proper amount of tax to the Township of Upper Salford, may be required by the earned income tax collector to file his return and pay the tax monthly. In such cases, payment of tax shall be made to the earned income tax collector on or before that last day of the month succeeding the month for which the tax was withheld.

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

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

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

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

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

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

§24-205. EARNED INCOME TAX COLLECTOR: POWERS, DUTIES AND REGULATIONS

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

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

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

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

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

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

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

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

I. Any person who, except as permitted by the provisions of the foregoing Subsection (7) of this Part, divulges any information which is confidential under the provisions of this Part shall, upon conviction thereof before any court of competent jurisdiction be sentenced to pay a fine of not more than five hundred ($500.00) dollars for each offense and costs; or suffer imprisonment for a period of thirty (30) days or both.

§24-206. SUIT FOR COLLECTION OF TAX

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

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

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

2. Where an examination of the declaration or return filed by any person, or other evidence relating to such declaration or return in the possession of the officer reveals a fraudulent evasion of taxes, there shall be no limitation.

3. In the case of substantial understatement of tax liability of twenty-five (25) percent or more, and there is not fraud, suit shall be begun within six (6) years.

4. Where any person has deducted taxes under the provisions of this Part, and has failed to pay the amount so deducted to the officer, or where any person has willfully failed or omitted to make the deduction required by this Part, there shall be no limitation.

5. This Part shall not be construed to limit Upper Salford Township from recovering the delinquent taxes by any other means provided in the Local Tax Enabling Act.

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

§24-207. INTEREST AND PENALTIES

If for any reason the tax is not paid when due, interest at the rate of six (6) percent per annum on the amount of said tax, and an additional penalty of one-half (½) of one (1) percent of the amount of the unpaid tax for each month or fraction thereof during which the tax remains unpaid, shall be added and collected. Where suit is brought for the recovery of any such tax, the person liable therefore shall, in addition, be liable for the costs of collection and the interest and penalties herein imposed.

§24-208. FINES AND PENALTIES FOR VIOLATION OF ORDINANCE

A. Any person who fails, neglects, or refuses to make any declaration or return required by this Part; any employer who fails, neglects or refuses to register or to pay the tax deducted from his employee, or fails, neglects or refuses to deduct or withhold the tax from his employees; any person who refuses to permit the officer, or any agent designated by him, to examine his books, records, and papers and any person who knowingly makes any incomplete, false or fraudulent return, or attempts to do anything whatsoever to avoid the full disclosure of the amount of his net profits or earned income in order to avoid the payment of the whole of any part of the tax imposed by this Part shall, upon conviction thereof before any district justice or court of competent jurisdiction in the county in which the political subdivision imposing the tax is located, be sentenced to pay a fine of not more than five hundred ($500.00) dollars for each offense, and costs, or, imprisonment for a period not exceeding thirty (30) days, or both.

B. The penalties imposed under this Section shall be in addition to any other penalty imposed by any other section of this Part.

C. The failure of any person to receive or procure forms required for making the declarations or returns required by this Part shall not excuse him from making such declarations or returns.

§24-209. APPLICABILITY

This Part shall not apply to personal property or persons to whom or which is beyond the legal power of the Township to impose the tax herein provided; the net profits of any institution, organization, trust, association or foundation operated for public, religious, educational or charitable purposes; provided, that this Section not operate to relieve or

exempt any such entity from collection at source of earned income of its employees and remittance of such collections to the officer.

§24-210. EFFECTIVE DATE

This Part shall become effective the first (1st) day of January, A.D. 1974, for the period January 1, 1974, to December 31, 1974, and for all calendar years thereafter.

PART 3

AMUSEMENTS TAX

§24-301. AUTHORITY FOR ENACTMENT

This Part is enacted under authority of the Local Tax Enabling Act, P.L. 1257, No. 511, December 31, 1965, 53 P.S. §6901 et seq. (1982), as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

§24-302. DEFINITIONS

As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

ADMISSION – monetary charge of any character, including contributions, donations, dues or membership fees, periodic or otherwise, charged for the privilege of attending or engaging in amusements as hereinafter defined; provided, "admission" shall not include tax added or charge expressly subject to the Tax Reform Code of 1971, P.L. 6, No. 2, March 4, 1971, 72 P.S. §7161 et seq. (1982) as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

AMUSEMENT – all manner or form of entertainment, diversion, sport, pastime or recreation within the Township for which admission is charged or paid, except motion picture theaters.

PERSON – any individual, partnership, limited partnership, association, firm or corporation. Whenever used in any clause prescribing or imposing a penalty, "person" as applied to associations, shall mean the partners thereof; and as applied to corporations, the officers thereof.

TAX COLLECTOR - for purposes of this Ordinance, the term Tax Collector shall be defined as the Board of Supervisors, or that individual as designated by the Board of Supervisors at such time and for such term as the Board of Supervisors shall, from time to time determine.

The singular shall include the plural; the plural shall include the singular; the masculine shall include the feminine.

§24-303. IMPOSITION OF TAX

A tax is imposed, for general revenue purposes, at the rate of ten (10) percent of the admission price to each amusement within the Township for which the individual admission price is ten (.10¢) cents or more. The tax shall not be charged and collected on:

A. Monetary charge paid by any bona fide student in a public school or college for the privilege of attending amusements conducted or participated in by such school or college.

B. Admission accompanying or incidental to the serving of food or drink or the sale of merchandise, where the charge for admission is wholly included in the price paid for food, refreshment or merchandise, and the price for food, refreshment or

merchandise is not increased during the time when such entertainment is offered. In the event that the price of such food, refreshment or merchandise is increased during times the entertainment is offered, then such increase in the price as is paid by one purchasing such food, refreshment or merchandise shall be deemed to be an admission.

§24-304. RATE OF TAX

A. Where the admission is fixed, the tax shall be at the rate of ten percent (10%) of the price of admission, provided that, should the imposition of this tax on certain amusements as provided in Local Tax Enabling Act, P.L. 1257, No. 511, December 31, 1965, 53 P.S. §6901 et seq., be permitted on only a portion of that price of admission, this section shall be construed to permit the tax to be imposed only on that portion of the admission as may be permitted by law.

B. Where the admission is not fixed, the tax shall be based upon the gross admissions collected.

§24-305. PERMIT REQUIRED

After the effective date of this Part, any person desiring to conduct or to continue to conduct any amusement within the Township shall file with the tax collector an application for a permanent amusement permit or a temporary amusement permit, as the case may be. A permanent permit shall be issued to an amusement that is to continue for longer than thirty (30) days. A temporary permit shall be issued to an amusement that is to continue for less than thirty (30) days.

§24-306. PERMIT EXPIRATION

Permanent permits shall expire on December 31 of the year in which issued. Temporary permits shall be valid until the last day the amusement is conducted, but not exceeding thirty (30) days from the date of issue.

§24-307. PERMIT APPLICATION

A. On forms supplied by the tax collector, the following information shall be printed in ink or typewritten:
    1. Name of the Township;
    2. Whether a "temporary" or a "permanent" permit;
    3. Name and address of the person receiving the permit;
    4. Location of the amusement covered by the permit;
    5. Type of amusement;
    6. Period for which the permit is issued;
    7. Number of the permit; and
    8. Date the permit is issued.

B. Every permit shall be signed by the permittee and issued in duplicate. The original shall be given to the permittee and the duplicate shall be kept on file by the Township.

C. In case of loss, defacement, or destruction of any permit, the permittee shall apply to the tax collector for re-issuance.

§24-308. PAYMENT OF TAX DUE; REPORT TO BE SUBMITTED BY PERMIT HOLDERS

A. Every holder of a permanent permit shall, on or before the last day of every calendar month, transmit to the tax collector under oath or affirmation, a report of the total admissions charged or collected by him during the preceding calendar month and of the total tax due thereon under this Part. When he submits this report, he shall pay the tax collector the entire amount of tax due.

B. Every holder of a temporary permit shall at the close of each day the amusement was held, transmit to the tax collector under oath or affirmation a report of the total admission charged or collected by him on such day and of the total tax due thereon under this Part. When he submits this report, he shall pay the tax collector the entire amount of tax due. On the day of expiration of the temporary permit, the permittee shall, in addition, submit to the Township, under oath or affirmation, a report of all admissions charged or collected during the period in which such temporary permit was in effect and of all taxes due and paid. When he submits this report, he shall pay the entire amount of taxes remaining unpaid.

1. Provided: Any holder of a temporary permit who is a resident of the Township, or who has a permanent place of business therein, may submit the reports hereinabove required of himself on the day following the days hereinabove specified.

2. Provided: In every case, the tax collector shall furnish to the person paying any tax levied under this Part a receipt for the payment of such tax.

§24-309. DUTIES OF THE TAX COLLECTOR

A. The tax collector is charged with the duties of collecting and receiving taxes, fines, and penalties imposed by this Part. It shall be his duty to keep a record showing the amount received by him, from whom received, and the date of such receipt.

B. The tax collector and his duly appointed agents are hereby empowered with the approval of the Board of Supervisors of the Township to prescribe, adopt and promulgate rules and regulations relating to any matter pertaining to the administration and enforcement of this Part, and charged with enforcing the provisions of this Part and any rules and/or regulations promulgated pursuant hereto.

C. If any person required to secure a permit under this Part shall fail to file a report at the time specified herein or shall file a report which on its face appears incorrect or insufficient, the tax collector or his duly appointed agents shall assess said person or persons an amount of tax which said tax collector or his agents deem reasonable and appropriate. In all cases of assessment, the tax collector or his duly appointed agents shall give the parties assessed a notice in which shall be stated the amount of the tax imposed or levied.

D. Every holder of an amusement permit shall keep and maintain complete records showing the daily admissions charged or collected, the amount of tax due and any other information necessary to determine the amount of tax due.

E. Any person aggrieved by any decision of the tax collector shall have the right to appeal to the Court of Common Pleas, as in all other cases.

§24-310. CONFIDENTIAL NATURE OF RETURNS

Any information gained by the tax collector or any other official, agent or employee of the Township, as a result of any returns, investigations, hearings, or verifications required or authorized by this Part shall be confidential, except in accordance with proper judicial order or as otherwise provided by law.

§24-311. PENALTIES

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred ($600.00) dollars, and in default of payment to imprisonment for a term not to exceed thirty (30) days.

A. Any person, corporation, company, partnership, or other entity maintaining a place of amusement subject to this tax, who or which as violated any provision of this Chapter 24, Taxation, Special, shall upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of $500 plus all court costs, including the reasonable attorney fees incurred by the Township as a result thereof.

B. No judgment shall commence or be imposed, levied, or be payable until the date of the determination of a violation by the District Justice.

C. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.

D. 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 the Ordinance 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 date that a violation continues shall constitute a separate violation.

E. All fines collected for such violations shall be paid to the Township.

PART 4

PER CAPITA TAX

§24-401. AUTHORITY FOR ENACTMENT

This Part is enacted under authority of the Local Tax Enabling Act, P.L. 1257, No. 511, December 31, 1965, 53 P.S. §6901 et seq. (1982), as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

§24-402. "RESIDENT" DEFINED

The word "resident" as used in this Part shall mean every adult eighteen (18) years of age or older who lives within the Township.

§24-403. IMPOSITION OF TAX

Every resident shall pay five ($5.00) dollars for the present calendar year and each year hereafter; [provided, the tax hereby imposed shall not be levied upon any resident whose total income during the taxable year is any figure less than or equal to $10,000.00].

§24-404. COLLECTION

All taxes, interests, costs and penalties imposed by this Part shall be collected by the Township tax collector.

§24-405. PENALTY

Any resident or inhabitant who fails or refuses to pay the tax or to render accurate information to an assessor concerning his residence or age, shall, upon conviction thereof, be sentenced to pay a fine not more than six hundred ($600) dollars and in default of payment, to imprisonment for a term not to exceed thirty (30) days.

PART

REAL ESTATE TAX DISCOUNTS

§24-501. DISCOUNTS ON TAXES

All taxpayers subject to the payment of real estate taxes assessed by the Township of Upper Salford shall be entitled to a discount of two (2) percent from the amount of such tax upon making payment of the whole amount thereof within two (2) months after the date of the tax notice.

§24-502. PENALTIES ON TAXES

All taxpayers subject to the payment of real estate taxes assessed by the Township of Upper Salford who shall fail to make payment of any such taxes charged against them for four (4) months after the date of the tax notice shall be charged a penalty of ten (10) percent which penalty shall be added to the taxes and collected by the tax collector.

§24-503. EFFECTIVE DATE

This Part and the discounts and penalties established herein shall become effective January 1, 1977 and shall continue in effect from year to year until further modified or repealed by the Board of Supervisors.

PART

REFUND OF REAL ESTATE TAXES

24-601. REFUND OF REAL ESTATE TAXES

The Upper Salford Township Treasurer is authorized to refund real estate taxes paid upon receipt of certification by the Tax Collector that such a refund is warranted and proper. Upon receipt of such certification, which shall be submitted on a form approved by the Township Solicitor, the Township Treasurer shall be authorized to refund such taxes paid as certified by the Tax Collector. Such refunds shall be payable from the funds maintained by the Township for which the tax was assessed and paid.

24-602. REPORT OF TREASURER

On a monthly basis, on or before the date for the regular monthly meeting of the Board of Supervisors, the Township Treasurer shall provide to the Board of Supervisors a list of all requests for refund of taxes together with the certifications submitted by the Tax Collector. No report shall be required in months when no requests have been submitted.

CHAPTER 25

TREES

(Reserved to accommodate future ordinances)

CHAPTER 26

WATER

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CHAPTER 26

SECTION 1

§27-101. BACKGROUND; LEGISLATIVE INTENT; CONNECTION REQUIRED

This Ordinance is enacted in accordance with Article VI of the Municipalities Planning Code for the purpose of promoting the health, safety, and the general welfare of the Township. The Ordinance is to establish a public water service district within the Township to be provided by Schwenksville Borough Authority, requiring the connection of specific properties to the public water system, requiring the abandonment of private water wells for properties connected to the public water system, and establishing enforcement procedures and penalties for violations of the provisions of this chapter,

A. It has been determined that groundwater and private water wells drawing water from that groundwater is contaminated with hazardous substances, including 1,1,-TCA; 1,1,2-TCA; 1,1-DCA; 1,1-DCE; 1,2-DCA; 1,4 dioxane; chloroform; TCE; and vinyl chloride. The EPA has placed the contamination site on the National Priorities List under CERCLA, and determined that connection of properties to proposed water lines of Schwenksville Borough Authority is the most viable and cost-effective solution to the groundwater contamination which will best address the health, safety, and welfare of the residents and business owners in the impacted area.

B. Once a connection to the public water system has occurred, no property owner shall disconnect a property from the public water system.

C. All connections to the public water system shall be subject to the specifications of the water authority.

D. In the event that a property owner shall neglect or refuse to connect a property to the public water system in violation of this Chapter, for a period of 60 days following a notice to connect from the Township, the Township, or its agents, may enter upon the property owner's property and complete the connection to the public water system. In that event, the costs of such connection shall be upon the property owner and a lien to cover the cost in that amount may be recorded against the property benefitted by the improvement. The Township may also take such other action to recover the cost of such connection.

§27-102. COSTS

A. The cost of physically connecting the properties whose addresses are listed in Exhibit A1 to the public water system shall be paid by the EPA. The foregoing notwithstanding, where the owner of a property listed in Exhibit A2 refuses to allow connection of a property listed in Exhibit A to the public water system for a period of 90 days from the date of the Township notice to connect. In addition, if the Township is required to enter the property under §26-101.D. and connect the property to the public water system, the cost of such connection shall be the responsibility of the property owner and shall be imposed as a lien on the property in §26-101D.

B. Except as otherwise provided in §26-102.A, the cost of physically connecting a property in the impacted are to the public water system shall be paid by the property owner. In the event the Township is required to enter a property under §26-101.D. and connect a property to the water system under §26-101.D. above, a lien in the amount of the cost of the connection may be recorded against the property that is benefitted by the connection.

§27-103. ABANDONMENT OF WELLS

A. Within 60 days after notice from the Township to connect to the public water system, and in conjunction with such connection, a property's connection to a private well shall be disconnected and abandoned. The disconnection shall include, without limitation, the disconnection of any internal water and plumbing system and any external water and plumbing system from the private well, and the sealing of the private well to prevent the further potential contamination of groundwater.

B. In addition to the well disconnection, the well shall be closed and the method of closure shall comply with any applicable regulations or requirements of Montgomery County Health Department and DEP.

C. The cost of closure, abandonment, and sealing of the private wells shall be the responsibility of the EPA under Section V.A. 7of the 2014 Action Memorandum, as amended.

D. No new private groundwater wells shall be constructed within the Site Area as defined in this Chapter 26.

§27-104. PROTECTION OF THE PUBLIC WATER SYSTEM

No person shall maliciously, willfully, or negligently damage, destroy, deface, block, or otherwise tamper with any water line or other structure or equipment which is part of the public water system or a component of EPA's remedial action addressing the contaminated groundwater plume at the site. Any person violating this section shall be in violation of this article.

§27-105. ADOPTION OF ADDITIONAL RULES AND REGULATIONS

The Township reserves the right to adopt from time-to-time additional rules and regulations as it deems necessary and proper relating to connections to and use of the public water system, which rules and regulations shall be construed as part of this article.

§27-106. NOTICE

Any notice required by this article shall be given to the property owner either by personal service or by Certified Mail, return receipt requested, concurrently with first class mail. The mailing date of the notice shall be considered the date of service and service shall be presumed to duly given if the notice is not returned "undeliverable" by the post office.

CHAPTER 26

§27-107. ENFORCEMENT; VIOLATIONS AND PENALTIES

In addition to any other remedy available under law or equity any person convicted of a violation of this article shall be subject to a criminal fine in an amount not to exceed $1,000 per day per violation together with costs of prosecution including, without limitation, attorney fees. Each twenty-four hour period during which failure to comply continues shall constitute a separate offense. Enforcement of this article shall be brough by a civil action with a magisterial district justice.

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ZONING

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Zoning Ordinance History

ARTICLE I

SHORT TITLE; EFFECTIVE DATE; DECLARATION OF LEGISLATIVE INTENT; STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES

§27-100 SHORT TITLE; EFFECTIVE DATE

This Chapter shall be known and may be cited as the Upper Salford Township Zoning Ordinance.

§27-101. DECLARATION OF LEGISLATIVE INTENT

This Ordinance is enacted in accordance with Article VI of the Municipalities Planning Code for the purpose of promoting the health, safety, and the general welfare of the Township. The Ordinance is intended to implement the policies and recommendations of the Indian Valley Regional Comprehensive Plan, as revised and amended, as well as the Upper Salford Township and Schwenksville Borough Joint Open Space and Environmental Protection Plan of 1996 and the Upper Salford Township Open Space Plan of 2005, as revised and amended, and is designed to:

A. Minimize congestion on the roads and highways.

B. Secure safety from fire, panic and other danger.

C. Provide adequate access to sunlight and air.

D. Prevent the overcrowding of land.

E. Avoid undue congestion of population.

F. Protect and preserve significant natural features.

G. Facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements.

H. Conserve the values of buildings as well as the value of farmland, farmland soils, agriculture and agricultural operations within the Township.

I. Encourage the most appropriate use of land throughout the Township.

§27-102. STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES

The provisions of this Ordinance reflect the policies and recommendations of Upper Salford Township, as identified in the Indian Valley Regional Comprehensive Plan, as revised and amended, the Upper Salford Township and Schwenksville Borough Joint Open Space and Environmental Protection Plan of 1996, and the Upper Salford Township Open Space Plan of 2005, as revised and amended, and they are the minimum needed to achieve the Legislative Intent identified in §27-101, herein. In addition, the following are specific objectives of this Ordinance:

A. Guiding and encouraging the future development of the Township in accordance with comprehensive planning of land use and population density that represents the most beneficial and convenient relationship among the residential, commercial, agricultural, industrial, conservation, recreational, and other areas within the Township, having regard for their suitability for the various uses appropriate to each of them and their potentiality for such uses, as indicated by topography and soil conditions, existing man-made conditions, and trends in population, in the direction and manner of the use of land, in building development, and in economic activity, considering such conditions and trends both within the Township and with respect to the relationship of the Township to surrounding areas.

B. Protecting the character and the social and economic stability of each of such areas and encouraging their orderly and beneficial growth.

C. To preserve woodlands and other vegetation to moderate the effects of storms, absorb pollutants and noise, shelter wildlife, and provide a diverse natural environment.

D. To protect and conserve the integrity of significant natural features, such as watercourses, floodplains, steep slopes, scenic vistas, underground aquifers, prime agricultural land, wetlands, wooded areas and woodlands.

E. Protecting and conserving the value of land and buildings throughout the Township, depending upon need and circumstance applicable to any of the various zoning districts established herein.

F. Bringing about gradual conformity of land use to the Township's comprehensive plan, and minimizing conflicts among the uses structures impose upon the land.

G. Aiding the most beneficial relationship between land use and the circulation of vehicular and non-vehicular traffic throughout the Township, with particular regard to highway access, egress and ingress, avoidance of street congestion, and provision of safe and convenient vehicular and non-vehicular access appropriate to the various permitted uses of land.

H. Aiding in providing a guide for public policy and action in the efficient provisions of public facilities and services, in the provision of safe and suitable sewage disposal, building development as private enterprise, investment and other economic activity relating to land use.

I. Protecting the high quality of human environment within Upper Salford Township by regulating air, sunlight, water, noise, pollution, and development which may endanger human life, and by requiring certain open spaces, conservation districts, and buffer strips, and by providing special regulations applicable to floodplain and riparian areas including:

    1. Encouragement of the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.

2. Minimizing danger to public health by protecting the water supply and natural drainage.

3. Reducing the financial burdens imposed on the community, its government units, and its residents by preventing excessive development in areas subject to flooding.

4. Minimizing the danger of debris washing downstream as a result of flooding.

5. Minimizing flood height by minimizing obstruction and debris in the floodplain.
6. Minimizing danger to human life due to flooding.

J. Insuring security from fire, flood and other calamities through the regulation of height and elevation of structures, the prohibition of certain uses in districts established by this Chapter, and by the establishment of a Floodplain Conservation District.

§27-103. INTERPRETATION

The provisions of this Chapter shall be the minimum requirements to insure the promotion of health, safety and welfare. The Comprehensive Plan, in accordance with this Chapter enacted, is reflected in the provisions of this Chapter. The Comprehensive Plan and this Chapter have been formulated to implement the purposes set forth in §27-101, as well as the Community Development Objectives set forth in §27-102. It is the further intent of this Chapter that any recommendations made by any planning agency to any governing body shall be advisory only. When referenced in this document, Comprehensive Plan shall be construed to mean the Indian Valley Regional Comprehensive Plan of 2005, as amended. Where this Ordinance makes reference to or incorporates by reference any published standards or publications, it is intended, unless specifically stated otherwise, that the standards or publications referenced or incorporated are the standards or publications as amended or revised as of the date of filing of any application, request for interpretation, or for any other purpose under this Chapter 27. It is further intended that any reference to any official Maps, Studies, or Plans of the Township of Upper Salford or other Chapters of this Code of Ordinances shall be to the provisions or versions of such maps, studies, or plans, or other Chapters of this Code of Ordinances as amended or revised as of the date of filing of any application, request for interpretation, or for any other purpose under this Chapter 27.

§27-104. CONFLICT

It is not intended by this Chapter to repeal, abrogate, annul or interfere with any existing ordinances or enactment, or with any rule, regulation or permit adopted or issued thereunder, except insofar as the same may be inconsistent or in conflict with any of the provisions of this Chapter; provided, that where this Chapter imposes greater restrictions upon the use of buildings or land, or upon the height and bulk of buildings, or prescribes larger open spaces that are required by the provisions of such ordinance, enactment, rule, regulation or permit, then the provisions of this Chapter shall control.

ARTICLE II

DEFINITIONS

§27-200. GENERAL

A. For the purposes of this Code, words and terms used herein shall be interpreted as follows, unless a contrary intention clearly appears in the text of a specific section:

1. Words used in the present tense shall include the future tense.
2. The singular shall also include the plural.
3. The word "person" shall include a corporation, partnership and association as well as the individual.
4. The word "lot" shall be interchangeable with the words "plot" or "parcel."
5. The term "shall" is to be construed as mandatory.
6. The word "used" or "occupied" as applied to any land or building shall be construed to include the words: "intended, arranged or designed to be used or occupied.

B. Any word or term not specifically defined herein shall be construed with a meaning of standard usage.

C. All uses shall be construed in accordance with the Use Standards set forth in Article III hereof.

D. Unless a contrary intention clearly appears in any specific section of this Code, the following words and phrases shall have, for the purpose of this Code, the meanings given in the following clauses.

§27-201. ACCESSORY BUILDING

A building subordinate to the principal building on the lot and used for purposes customarily incidental to those of the principal building.

§27-202. ACCESSORY USE

A use subordinate to the principal use of land or of a building on the same lot and customarily incidental thereto. Accessory uses within any zoning district shall be limited to those specifically permitted in such district.

§27-203. ACCESS STRIP

A strip of land not less than fifty (50) feet wide throughout the length of a flag lot. It begins at the road access point and extends throughout the lot to a location on the lot which best provides access to adjoining lots which may, at a later date, be subject to subdivision or development. Flag lot access strips shall not be permitted to abut each other. There shall be one full-frontage lot for every flag lot permitted. For purposes of lot area calculations, no area within the access strip shall be included in the lot area calculation.

§ 27-204. ACRE, DEVELOPABLE

The area of the site upon which development is to be located and appropriately placed. The area of a site remaining after completion of the site capacity calculations required under §27-2224 of this Chapter. Also referred to as Net Buildable Site Area.

§27-205. AGRICULTURE; AGRICULTURAL OPERATIONS

The business of producing food products or crops by tilling and cultivating the soil, horticulture, floriculture, aquatic plants and animals and their byproducts, raising and keeping of horses either for commercial or non-commercial purposes, the breeding, raising and feeding of cattle, livestock, bees, poultry, or other animals which produce a food product or are themselves a food product. Agricultural Operations shall include the activities, practices, equipment and procedures adopted, used or engaged in the production and preparation for market of poultry, livestock and their products and in the production, harvesting and preparation for market use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. These terms shall not be construed to include Intensive Agricultural Operations or a commercial or non-commercial kennel.

§27-206. ALLUVIAL SOILS

Areas of land which are subject to periodic flooding and are classified as having "components of alluvium" by the U.S. Department of Agriculture Natural Resources Conversation Service (NRCS) Web Soil Survey. The following soils, found in Upper Salford Township, have been designated as containing "components of alluvium":

Bo – Bowmansville – Knauers silt loams
BwA - Buckingham Silt Loam
BwB - Buckingham Silt Loam
CrB – Croton Silt Loam
CsB – Croton Silt Loam
RaA – Raritan Silt Loam
RaB – Raritan Silt Loam
Rt – Rowland Silt Loam
RwA – Rowland Silt Loam
RwB – Rowland Silt Loam

§27-207. ALTERATIONS

As applied to a building or structure, a change or rearrangement in the structural parts, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another. In the case of a nonconforming use, an alteration is any change in or addition to a building which would prolong the life of such use or building.

§27-208. BOARD

The body granted jurisdiction under a land use ordinance or under this Chapter to render final adjudications.

§ 27-209. BUFFER AREA; BUFFER YARD

A strip of land or required yard space adjacent to the boundary of a property or District, not less in width than is designated in this Ordinance or in the Upper Salford Township Subdivision and Land Development Ordinance, and on which is placed year-round shrubbery, hedges, evergreens, or other suitable plantings in accordance with the requirements of the Upper Salford Township Subdivision and Land Development Ordinance.

§27-210. BUILDING

Any structure, including a trailer, having a roof supported by columns, piers, or walls used for the housing or enclosure of persons, animals or chattels.

A. Detached. A building which has no party wall.
B. Semi-detached. A building which has only one party wall in common with an adjacent building.
C. Attached. A building which has two party walls in common with adjacent buildings.

§ 27-211 BUILDING, PRINCIPAL

A building in which is conducted the principal use of the lot on which it is situated.

§27-212. BUILDING AREA

The aggregate of the maximum horizontal cross-section areas of all buildings on a lot above the ground level, measured at the greatest outside dimensions excluding cornices, eaves, gutters, or chimneys projecting not more than eighteen (18) inches, bay windows extending five (5) feet, one (1) story open porches or decks projecting not more than ten (10) feet, porte-cochere or carport open on three (3) sides and not more than fourteen (14) feet high and twenty (20) feet in length, steps and balconies.

§27-213. BUILDING COVERAGE

A measure of the intensity of the use of land expressed as the percentage of the lot area covered by the building area.

§ 27-214. BUILDING ENVELOPE

The area of a lot exclusive of any of the required yards, including buffer yards, and provided that driveways may cross yards. The building envelope shall not contain any of the following:

A. The ultimate right of way of existing and proposed public or private streets, including those streets proposed in any subject development.
B. Resource Protection Land as defined in §27-264 hereof.
C. Steep slopes as defined and regulated in Article XVII hereof.

D. Existing and proposed easements and rights of way, including those easements and rights of way proposed in any subject development.

§27-215. BUILDING HEIGHT

A building's vertical measurement from the mean level of the finished lot grade surrounding the building to a point midway between the highest and lowest points of the roof, provided that chimneys, spires, towers, elevator penthouses, heating, ventilation and air conditioning equipment, tanks and other similar projections shall not be included in calculating height.

§27-216. BUILDING LINE

The line at which the minimum lot width is measured. Except as permitted in §27-2220.C.4.b. hereof relating to flag lots, the building line shall parallel a public street to which the lot has access and spans the lot at the minimum depth of the required front yard in the district as measured from the ultimate right of way line.

§27-217. CALIPER

A. Where this term is used in connection with the measurement of existing trees on a site, it shall be construed to be a measurement of the diameter of the main trunk of a tree taken at a point on the trunk four and one-half (4 1/2) feet above natural grade.

B. Where this term is used in connection with the installation of new or replacement trees, it shall be construed to be a measurement of the diameter of the main trunk measured twelve (12") inches from the ground level, or the top of the root ball.

§27-218. CENTRAL, COMMUNITY AND/OR INDIVIDUAL ON-LOT SEWAGE SYSTEMS,

A. Where used within this Chapter 27, Zoning, the term 'Central system' shall be construed to include only a central sewage collection and treatment system as operated by Upper Salford Township or a municipal authority created by Upper Salford Township or specifically authorized by resolution of the Board of Supervisors of Upper Salford Township to operate within Upper Salford Township.

B. Where used within this Chapter 27, Zoning, the term 'Community system' shall be construed to include such land-based sewage treatment systems including community in-ground systems, community elevated sand mound systems, community drip irrigation systems, and community spray irrigation systems, as regulated by the Pennsylvania Department of Environmental Protection and Township regulations. This term shall not be construed to include alternate or experimental systems or package stream discharge systems, including constructed wetland disposal systems, except as such systems are permitted within the Township's Act 537 Sewage Facilities Plan, upon grant of a conditional use.

C. Where used within this Chapter 27, Zoning, the term 'Individual on-lot sewage system' or 'individual sewage system' or 'individual system' or any variant thereof shall be construed to include only on-lot soils-based sewage disposal methods, including conventional systems, elevated sand mound systems, individual spray irrigation systems, individual drip irrigation systems and excluding, for the purposes of this ordinance, holding tanks, A/B systems, individual stream discharge systems, and evapotranspiration systems. For any Rural Subdivision or any reduced lot option subdivision, all sewage facilities shall be individual on-lot sewage disposal systems as defined herein.

§27-219. COMPREHENSIVE PLAN

The 2005 Indian Valley Regional Comprehensive Plan, as amended, as most recently adopted by the Board of Supervisors of Upper Salford Township.

§ 27-220. CONDOMINIUM

A condominium is an ownership arrangement and not a land use. Therefore, it is permitted in any district and under the same restrictions of the land use of which it is comprised. A condominium is a dwelling unit which has all of the following characteristics:

A. The unit (the interior and associated exterior areas designated for private use in the development plan) is owned by the occupant.

B. The unit may be any permitted building or dwelling type in the district in which the property is located.

C. All or a portion of the exterior open space and any community interior spaces are owned and maintained in accordance with the Pennsylvania Unit Property Act, as most recently amended, and in accordance with the provisions for open space, roads or other development features in this Ordinance and the Land Development and Subdivision Ordinance.

§27-221. DENSITY; DENSITY, NET

Density is a measure of the intensity of the use of land expressed in terms of the number of dwelling units per developable acre. It shall be expressed in dwelling units per acre. Net density is the maximum density permitted in the buildable portion of the site, as calculated by dividing the total number of dwelling units by the developable acreage as defined by §27-204, hereof.

§27-222. DEVELOPMENT

Any man made change to an improved or unimproved parcel of land, including but not limited to buildings or other structures, the placement of mobile homes, streets or other paving, utilities, mining, dredging, filling, grading, excavation or drilling operations. For purposes of application of this term to Open Space as defined and regulated under this Chapter, the placement of individual on lot septic systems or community systems, including

spray irrigation systems (but excluding any stream discharge systems) shall not be considered development within the terms of this definition.

§27-223. DWELLING

A. A building containing one or more dwelling units.

B. Single Family: A building, on a lot, designed and occupied exclusively as a residence for one family, including trailers or mobile homes.

C. Two Family: A building, on a lot, designed and occupied exclusively as a residence for two families with one family living wholly or partly next to or over the other, or a combination thereof.

D. Multi-Family: A building, on a lot, designed and used exclusively as a residence for three (3) or more families, in various arrangements.

§27-224.A DWELLING UNIT

One (1) or more rooms designed and equipped for one (1) family, or persons living together as one (1) family, to occupy as a residence, but shall not include tourist homes, or cabins, lodging houses, hotels, motels or other similar places offering overnight accommodations for transients. A Temporary Dwelling Unit shall be defined as a building or portion thereof providing complete or partial housekeeping facilities for one (1) family for seasonal or summer occupancy. Such dwelling units may not be occupied more than four (4) months out of any twelve (12). As used in this Chapter 27, this term shall not be construed to authorize the construction or location of any Accessory Dwelling Unit whether proposed as part of the principal dwelling unit or an accessory structure on the same lot.

§27-224.B ACCESSORY DWELLING UNIT

A self-contained room or arrangement of rooms, accessory to the principal dwelling structure or located in an accessory structure on the same lot as the principal dwelling; a self-contained unit, accessory to the principal dwelling designed, designated improved, or intended as a separate living area:

1. Consisting of a single room or suite of rooms that results from initial construction, an addition to, and/or the conversion of any portion of a single-family detached dwelling to include an accessory dwelling, or the creation of an accessory dwelling area within a detached accessory structure;
2. Includes the following improvements or amenities:
    i. Food preparation and/or cooking area, kitchen, kitchenette, built in oven, free standing or built in stove or range, any appliances or utilities that could be used in food preparation;
    ii. Bathroom facilities;
    iii. Provides direct access to the exterior of the dwelling or to a hall from which there is direct access to the exterior of the structure, and which is located on the lot.
3. Without limitation, this term shall include in-law suites, family apartments, servants' quarters, watchman's quarters.

§27-225. EMPLOYEES OR NUMBER OF EMPLOYEES

The greatest number of persons to be employed on the premises in question at any one time of the day or night.

§27-226. FAMILY

A person or two or more persons related by blood, marriage or adoption, or a group not exceeding four (4) persons not related by blood or marriage, occupying a premises and living as a single, non-profit housekeeping unit, who share the area where food is prepared and consumed. This definition shall exclude occupants of a club, fraternity house, lodge, residential club, rooming house or group home (housing more than four (4) persons).

§27-227. FARMLAND – AGRICULTURAL SOILS

Areas of agricultural soils classified as prime farmland and additional farmland of statewide importance by the "Important Farmland Survey," Soil Conservation Service, as last revised. Farmland shall also be those areas on which sound conservation and best management practices have been implemented, including but not limited to soil erosion and sedimentation control, and nutrient management to enhance the ability of the land to sustain long term soil productivity.

Farmland shall be further defined as Prime Farmland and Farmland of Statewide Importance, which shall be construed as followed:

A. Prime Farmland is land which is best suited for producing food, feed, forage, fiber and oilseed crops, and also available for these uses. The land could be cropland, pastureland, rangeland, forest land, or other land but not developed land or water. Prime Farmland has the soil quality, growing season and moisture supply needed to produce sustained high yields of crops economically when treated and managed, including water management, according to modern farming methods. Prime Farmland meets the criteria set by the U.S. Department of Agriculture, as amended. The soils currently classified by the U.S. Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey that qualify as prime farmland in Montgomery County include, but are not limited to:

AsB – Athol silt loam
BnA – Birdsboro silt loam
BnB – Birdsboro silt loam
BsB – Brecknock channery silt loam
CaA – Califon loam
CaB – Califon loam
CgA – Chester silt loam
CgB – Chester silt loam
Ch – Codorus silt loam
DuB – Duffield silt loam
EcB – Edgemont channery loam
GdB – Gladstone gravelly loam
GnB – Glenelg silt loam
GsA – Glenville silt loam
GsB – Glenville silt loam
LaA – Lansdale loam
LaB – Lansdale loam
LeA – Lawrenceville silt loam
LhA – Lehigh silt loam
LhB – Lehigh silt loam
MaB – Manor loam
MoA – Mount Lucas silt loam
MoB – Mount Lucas silt loam
NhB – Neshaminy silt loam
PaB – Parker gravelly loam
PcA – Penn channery silt loam
PcB – Penn channery silt loam
PlB – Penn-Lansdale complex
RaA – Raritan silt loam
RaB – Raritan silt loam
ReA – Readington silt loam
Rt – Rowland silt loam
RwA – Rowland silt loam
RwB – Rowland silt loam

If the U.S. Department of Agriculture finally adopts new or revised soil criteria which revises or supplements the foregoing list of soils, any such amendments to the current USDA criteria are adopted herein as Prime Farmland, by reference.

B. Farmland of Statewide Importance is land, in addition to prime farmland, that is of statewide importance for the production of food, feed, fiber, forage and oilseed crops. The Natural Resource Conservation Service has designated Capability Class II soils and Capability Class III soils that do not qualify as Prime Farmland as additional farmland of Statewide Importance in Pennsylvania. The soils currently listed by the U.S. Department of Agriculture, Natural Resources Conservation Service that qualify as Farmland of Statewide Importance in Montgomery County include, but are not limited to, the following:

AbA – Abbottstown silt loam
AbB – Abbottstown silt loam
AsC - Athol silt loam
BsC – Brecknock channery silt loam
BwA – Buckingham silt loam
BwB – Buckingham silt loam
DuC – Duffield silt loam
EcC – Edgemont channery loam
GdC – Gladstone gravelly loam
GnC – Glenelg silt loam
KlB – Klinesville channery silt loam
LaC – Lansdale loam
LeB – Lawrenceville silt loam
LhC – Lehigh silt loam
MaC – Manor loam
MoC – Mount Lucas silt loam
NhC – Neshaminy silt loam
PaC – Parker gravelly loam
PcC – Penn channery silt loam
PeC – Penn silt loam
PlC – Penn-Lansdale complex
ReB – Readington silt loam
ReC – Readington silt loam
RhA – Reaville silt loam
RhB – Reaville silt loam
RhC – Reaville silt loam

If the U.S. Department of Agriculture finally adopts new or revised soil criteria which revises or supplements the foregoing list of soils, any such amendments to the current USDA criteria are adopted herein as Farmland of Statewide Importance, by reference.

C. Where utilized in this Chapter 27, Zoning, Farmland shall be construed to be consistent with the definition of 'Prime Agricultural Land' as defined in the Pennsylvania Municipalities Planning Code. Conversely, where utilized in this

Chapter 27, Zoning, Prime Agricultural Land shall be construed to mean Farmland as defined herein.

§27-228. FARM BUILDING

Any building used for storing agricultural equipment or farm produce, housing livestock or poultry, and processing dairy products. The term "Farm Building" shall not include dwellings or buildings used, whether partially or wholly in connection with a Commercial Kennel, as defined herein.

§27-229. FLAG LOT

A lot completely surrounded by adjacent lots except for a strip of land, being part of the same parcel and defined as an access strip, which provides the lot with access to a public street, or the potential of access to a public street. No more than one flag lot shall be proposed for each full width lot proposed. The ratio between flag lots proposed and full width lots proposed shall not exceed 1:1.

§27-230. FLOODPLAIN, FLOODWAY, FLOODWAY FRINGE, APPROXIMATED FLOODPLAIN; SUPPLEMENTARY FLOODPLAIN

These terms shall be construed in accordance with the definition of these terms as set forth in Chapter XVI hereof.

§27-231. FLOOR AREA

The sum of the areas of the several floors of the building or structure, including areas used for human occupancy or required for the conduct of the business or use, and basements, attics and penthouses, as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, attics in residential buildings or structures not used for human occupancy, nor any floor space in an accessory building or in the main building intended or designed for the parking of motor vehicles in order to meet the parking requirements of this Chapter, or any floor space intended and designed for accessory heating and ventilating equipment.

§ 27-232. FLOOR AREA RATIO

The ratio of the floor area to the lot area, as determined by dividing the floor area by the lot area.

§27-233. FORESTRY

The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

§27-234. GROUP HOME

A facility which provides resident services to not more than six (6) unrelated persons who are handicapped, aged, mentally retarded or disabled, which is licensed by a Federal or State agency and which provides residents with a program of service and protective supervision in a home setting. Also known as a Community Living Arrangement.

§ 27-235. HYDRIC SOILS

A soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions that favor the growth and regeneration of wetlands vegetation. Wetlands vegetation are those plant species that have adapted to the saturated soils and periodic inundations occurring in wetlands. The following soils, classified by the U.S. Department of Agriculture, Natural Resources Conservation Service in the Web Soil Survey program, are hydric soils:

AbA – Abbottstown silt loam
AbB – Abbottstown silt loam
BnA – Birdsboro silt loam
BnB – Birdsboro silt loam
Bo – Bowmansville – Knauers silt loams
BwA - Buckingham silt loam
BwB - Buckingham silt loam
CaA – Califon loam
CaB - Califon loam
CfA - Chalfont silt loam
CfB – Chalfont silt loam
Ch – Codorus silt loam
CrA – Croton silt loam
CrB – Croton silt loam
CsB – Croton silt loam
DsA – Doylestown silt loam
DsB – Doylestown silt loam
DuB– Duffield silt loam
EcB– Edgemont channery loam
EcC – Edgemont channery loam
EcD– Edgemont channery loam
ExD – Edgemont channery sandy loam
ExF – Edgemont channery sandy loam
Gc – Gilbraltar silt loam
GdB – Gladstone gravelly loam
GdC – Gladstone gravelly loam
GdD– Gladstone gravelly loam
GsA – Glenville silt loam
GsB – Glenville silt loam
Ha – Hatboro silt loam
LeA– Lawrenceville silt loam
LeB – Lawrenceville silt loam
LhA – Lehigh silt loam
LhB– Lehigh silt loam

LhC – Lehigh silt loam
LsB – Lehigh soil loam
LsD – Lehigh soil loam
MaB – Manor loam
MaC – Manor loam
MoA – Mount Lucas silt loam
MoB – Mount Lucas silt loam
MoC – Mount Lucas silt loam
MpB – Mount Lucas silt loam
MpD – Mount Lucas silt loam
NhB – Neshaminy silt loam
NhC – Neshaminy silt loam
NhD – Neshaminy silt loam
NkB – Neshaminy gravelly silt loam
NkD – Neshaminy gravelly silt loam
NkF – Neshaminy gravelly silt loam
PcA – Penn channery silt loam
PcB – Penn channery silt loam
PcC – Penn channery silt loam
PcD – Penn channery silt loam
PkD – Penn-Klinesville channery silt loams
RaA – Raritan silt loam
RaB – Raritan silt loam
ReA – Readington silt loam
ReB – Readington silt loam
ReC – Readington silt loam
RhA – Reaville silt loam
RhB – Reaville silt loam
RhC – Reaville silt loam
Rt – Rowland silt loam
RwA – Rowland silt loam
RwB – Rowland silt loam
ToA – Towhee silt loam
ToB – Towhee silt loam
TrB – Towhee silt loam
Udp – Udorthents, sanitary landfill
UdsD – Udorthents, schist and gneiss
UdtB – Udorthents, shale and sandstone
UdtD – Udorthents, shale and sandstone
UrhB – Urban land-Duffield complex
UrhD – Urban land-Duffield complex
UrkB – Urban land-Edgemont complex
UrkB – Urban land-Edgemont complex
UrlB – Urban land-Gladstone complex
UrlB – Urban land-Gladstone complex
UroB – Urban land-Lawrenceville complex
UruB – Urban land-Neshaminy complex
UrxB – Urban land-Penn complex
UrxD – Urban land – Penn complex

UryB – Urban land – Readington complex
UugB – Urban land – Udorthents, schist and gneiss
UugD – Urban land – Udorthents, schist and gneiss
WaA – Watchung silt loam
WaB – Watchung silt loam
WcB – Watchung silt loam

§27-236. IMPERVIOUS SURFACE
Those surfaces which do not absorb rain. All buildings, parking areas, driveways, roads, sidewalks, and any area in concrete, asphalt and packed stone, including, without limitation, swimming pools, shall be considered impervious surfaces. In addition, other areas determined by the Township Engineer to be impervious within the meaning of this definition shall also be classified as impervious surface.

§27-237. IMPERVIOUS SURFACE RATIO
The impervious surface ratio is a measure of the intensity of use of land. It is measured by dividing the total area of all impervious surfaces within the site by the area of developable acreage.

§27-238. INTERIOR LOT
A lot with road frontage on only one (1) side.

§27-239. INTENSIVE AGRICULTURAL OPERATION
The raising of large numbers of livestock, generally on small or limited lot areas. This shall include any mushroom house, feedlot, and livestock operation, regardless of acreage involving a combined total of more than fifty animal units of livestock. For purposes of this definition, an animal unit shall include 1 beef cattle, 1 dairy cattle, 1 horse, 3 hogs, sheep or goats, 20 chickens or turkeys or 20 small animals (rabbits, minks, guinea pigs.) For purposes of this Article 27, Intensive Agricultural Operation shall not include the processing or composting of food waste.

§27-240. JUNKYARD
A junkyard shall include any of the following:

A. A lot, land or structure, or part thereof, used primarily for the collection, storage, and sale of wastepaper, rags, scrap metal, or discarded materials, including, without limitation, automobiles, appliances and machinery of any type, or for the collection, dismantling, storage or salvaging of machinery or vehicles not currently registered with the Pennsylvania Department of Transportation, or for the sale of parts thereof harvested from vehicles stored on the site.

B. A "Junkyard" as defined in Chapter 13, Part 3, §13-302 of the Upper Salford Township Code, as amended.

§27-241. KENNEL
A kennel shall be classified as either a Commercial Kennel or a Non-Commercial Kennel.

A. A Commercial Kennel shall include any facilities, whether enclosed or open, and whether conducted as a business or not, in which five (5) of any one or any combination of eight (8) or more domestic or exotic animals, including dogs, cats, llamas, emus, ostriches and other "exotic" fowl (but excluding horses, sheep, cattle or other farm animals), of six (6) months of age or older, are kept for any purpose, including breeding, boarding, sale or show purposes. In addition, any facility conducted as a business in connection with breeding, boarding, sale or show purposes (including sale of by-products), regardless of the number or age of the animals kept, shall be considered a Commercial Kennel.

B. A Non-Commercial Kennel shall include any facilities, whether enclosed or open, where no more than four (4) of any one or any combination of no more than seven (7) domestic or exotic animals of six (6) months of age or older are kept for any purpose whatsoever. This shall include any enclosed or open facility, but shall exclude any facility conducted as a business, regardless of the number or age of the animals kept.

§27-242. LAKES AND PONDS
A natural or artificial body of water which retain water, exclusive of detention basins. Artificial ponds may be created by dams, or result from excavation. The shoreline of such water bodies shall be measured from the spillway, crest elevation rather than permanent pool if there is any difference. Lakes are bodies of water two (2) acres or more in area. Ponds are any water body less than two (2) acres and greater than 5,000 sq. ft. in area.

§27-243. LAKE AND POND SHORELINES
The landside edges of lakes and ponds from established shoreline to an upland boundary. Lake and pond shorelines shall be measured one hundred (100) feet from the spillway crest elevation.

§27-244. LAND DEVELOPMENT
Any of the following activities:

A. The improvement of one (1) or more contiguous lots, tracts or parcels of land for any purpose involving:

1. A group of two (2) or more residential or any non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building or structure on a lot or lots regardless of the number of occupants or tenure;

2. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means

of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

B. The subdivision of land.

C. Developments which meet the definition of § 503(1.1) of the Pennsylvania Municipalities Planning Code, as amended.

§27-245. LOADING AREA

A space, accessible from a street or way, in a building or on a lot, for the temporary use of vehicles, while loading or unloading merchandise or materials. Such space shall be of a size as required by the district in which it is located, exclusive of access aisles and maneuvering spaces.

§27-246. LOT

A parcel of land which is occupied or proposed to be occupied by one (1) principal use, building or other structure, together with any accessory buildings and the required open spaces (including yard areas). The area of a lot, for purposes of determining compliance with the lot area requirements of this Chapter, shall not include any land within the limits of the ultimate right of way of any private or public street, even if the fee ownership of such area is by the owner of the lot. As applicable to flag lots, no area within the access strip shall be included in the lot for purposes of determining compliance with the lot area requirements of this Chapter.

§27-247. LOT AREA

The area contained within the property lines of the individual parcels of land shown on a subdivision plan or required by the terms of this Chapter, excluding any area within the existing or designated future street rights of way, or any area required as open space under this Chapter, or the area of any easements, whether existing or proposed. As applicable to flag lots, no area within the access strip shall be included in the lot for purposes of determining compliance with the lot area requirements of this Chapter.

§27-248. LOT, CORNER

A parcel of land situate at the junction of and fronting on two or more intersecting streets.

§27-249. LOT LINES

The lines bounding a lot, expressed in courses and distances, provided however, that any street lines, for such portion of the lot which abuts the street, shall be considered lot lines for purposes of this Chapter.

§27-250. LOT, WIDTH
The width of a lot as measured at the street line. The minimum lot width shall be maintained throughout the depth of the lot, from the street line to the rear yard setback line.

§27-251. MIXED RESIDENTIAL DEVELOPMENT
A subdivision or land development in which mixed residential dwelling types are encouraged or required in order to promote sound land planning and to provide a mixture of housing choices.

§27-252. MOBILE HOME
A transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit or in two (2) or more units designed to be joined together into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy, except for minor and incidental unpacking and assembly operations and constructed so that it may be used without a permanent foundation. This term shall also include "Trailer."

§27-253. MOBILE HOME LOT
A parcel of land contained within a mobile home park use, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

§27-254. MOTEL
A building or group of buildings for the accommodation of transient guests, chiefly motorists, containing guest rooms for rent. This term shall also include the term "Motor Court" and "Rooming House.," provided that, where permitted, a rooming house shall be limited in capacity to providing accommodations for fewer than ten (10) persons.

§27-255. NONCONFORMING
A lot, building or other structure, or use, lawful when created, which for reason of design, size or use does not conform with the requirements of the district or districts in which it is located.

§ 27-256. OFF STREET PARKING SPACE
A space containing the minimum area required in the district in which it is located, for the parking of an automobile. In determining the dimensions of such space, access drives and aisles shall not be included. Minimum vertical clearance shall be six and one-half (6 1/2) feet.

Where provided in this Chapter, an "All Weather Parking Space" shall be defined as an off street parking space surfaced to whatever extent necessary to permit the reasonable use under all conditions of weather.

§27-257. OPEN SPACE

Open space is land used for recreation, resource protection, amenity, or buffers; is freely accessible to all residents; and is protected by the provisions of this Chapter and by the Subdivision and Land Development Ordinance to ensure that it remains in such uses. Open space does not include land occupied by any buildings, roads, or road rights of way nor does it include the yards or lots of single or multi-family dwelling or parking areas as required by the provisions of this Chapter. Open space shall be left in a natural state except in the case of recreational uses which may contain impervious surfaces. Such impervious surfaces shall be included in the calculation of the impervious surface ratio.

Open space is configured as one or more of the following:

A. Greenway Land - That portion of a conservation subdivision that is set aside for the protection of sensitive natural features, farmland, scenic views and other unique features. Greenway land may be accessible to the residents of the development and/or the municipality, or it may contain areas of estate lots not accessible to the public. Greenway land shall be required to meet the standards of §27-2206 herein.

B. Trail Connection - Lands identified in the Upper Salford Township Open Space and Environmental Resource Protection Plan as an open space linkage, including abandoned rail lines, existing trails and proposed trails. Trail connections are protected by conservation easements to ensure perpetual public use.

C. Active Recreation - Open space utilized for play fields, playgrounds and courts, meeting the standards of §27-2206 herein for conservation subdivisions.

D. Farmland - Those areas of open space consisting of predominant areas of Prime Agricultural Soils and Soils of Statewide Importance as defined in §27-227 herein, which is preserved and maintained as active farmland.

E. Central Green - Centrally located open space within a Neighborhood Mixed Residential development that is accessible from all lots and dwelling units in the development by means of a sidewalk or paved trail, providing access for every dwelling unit. Central greens also contain improvements consisting of a gazebo, pavilion, or paved patio area with a fountain at least 250 square feet in size.

F. Central Open Space - Land within a Neighborhood Mixed Residential development designed to provide residents with useful, visually prominent and accessible open space. Central open space shall include the following:

1. Cul de sac Island - Open space located in the bulb of a cul-de-sac, having a radius of at least 30 feet within it.

2. Eyebrow - Open space surrounded by streets on all sides, generally configured as a semi-circle so that a circle with a radius of 30 feet can fit within it.

3. Parkway - Open space surrounded by streets on all sides having a length of at least 150 feet with a minimum average width of 35 feet.

4. Village Green - Open space surrounded along at least half its perimeter by roads and configured so that a circle with a radius of 50 feet can fit within its confines.

G. Neighborhood Open Space - Open space, configured as a village green or parkway, which is provided for neighborhoods in a conservation subdivision having twenty or more residential lots. Neighborhood Open Space shall also be consistent with design requirements of §27-2207 herein.

§27-258. OPEN SPACE RATIO

The open space ratio is a measure of the intensity of land use. It is arrived at by dividing the total amount of open space provided by the area of developable acreage.

§27-259. PERFORMANCE STANDARDS

Measures and standards by which the suitability of a proposed use can be measured by the extent of its external effects. Those standards incorporated by the Site Capacity Calculations incorporated in §27-2224 hereof.

§27-260. PROFESSIONAL OFFICE

The office or studio of a doctor, dentist, teacher, accountant, lawyer, architect, healer or practitioner of similar character, excluding, however, veterinarians, animal hospitals and kennels.

§27-261. PUBLIC WATER AND PUBLIC SEWER

Public Water is any municipally or privately owned water system for the distribution and sale of water, in accordance with the laws of the Commonwealth of Pennsylvania. Public Sewer is any municipally or privately owned sewer system in which sewage is collected from buildings and piped to an approved sewage disposal plant or central septic tank disposal system and approved by the Montgomery County Department of Health and the Board of Supervisors. This shall include, but not be limited to community sewage disposal systems serving one or more residential developments, whether configured as a community on lot system, a spray irrigation system or a stream discharge system.

§27-262. PUBLIC UTILITIES FACILITIES

A building or structure, together with related equipment, used for the transmission and exchange of telephone, radio, telephone, gas, power, sewer and water facilities. This shall not include cellular or digital telecommunications towers or related equipment, which shall be regulated as private commercial activities.

§27-263. PUBLIC GROUNDS

Land which is utilized for the following uses:

A. Parks, playgrounds, trails, paths and other active and passive recreational areas and other public and semi-public areas, including Recreation Land as provided in §27-2206 hereof.

B. Sites for schools, sewage treatment facilities, refuse disposal and other publicly owned or operated facilities.

C. Publicly owned or operated scenic or historic sites.

§27-264. RESOURCE PROTECTION LAND

Resource protection land is land which is not suitable for building or for residential use, and which requires special protection when subject to development or disturbance. Resource protection land shall include all land containing Flood Plains, Flood Plain Soils, Lakes or Ponds, Wetlands, Steep Slopes and Riparian Corridors. For purposes of site capacity calculations under §27-2224, woodlands shall also be included in this definition. Resource Protection Land shall not be permitted to be located within any building envelope as defined herein.

§27-265. RIGHT OF WAY

A defined piece of land occupied or proposed to be occupied by a street, alley, driveway, sanitary or storm sewer, stream, drainage ditch, utility transmission or distribution lines, or for other specialized uses to provide necessary services to the public.

§27-266. SIGN

Any structure, device, display or part thereof, or device attached thereto, or painted or represented thereon, located outside, on or within the building in such a manner that the sign is viewed from outside the building, which shall be used for the purpose of bringing the subject thereto to the attention of the public or which displays or includes any letter, word, motto, banner, pennant, flag, insignia, device or representation which is in the nature of an advertisement, announcement, direction or attraction, but not including the flag, emblem or insignia of the United States of America, the Commonwealth of Pennsylvania, or any political subdivision thereof. This term is also further defined in Article XX hereof.

§27-267. SINGLE AND SEPARATE OWNERSHIP

The ownership of a lot by one (1) or more persons, partnerships, or corporations, which ownership is separate and distinct from that of any adjoining lot. An owner of a lot shall have the burden of establishing the single and separate ownership. For purposes of this Ordinance, such proof shall include, without limitation, whether the title to the lot was acquired by a deed separate and distinct from any other parcel or lot and whether the lot is assigned a separate and unique tax parcel number. The use of any lot in connection with a use on an adjacent lot shall be evidence of the merger of that lot to the adjoining lot.

§27-268. SITE AREA
All land area within the site as defined by the deed. Area shall be calculated from an actual site survey rather than from the deed description.

§27-269. SITE AREA, BASE
A calculated area derived by subtracting from the Site Area the following:

A. Land within the ultimate right of way of existing or proposed roads, utility easements and rights of way.

B. Land which is not contiguous, including a separate parcel which does not abut or adjoin, nor share common boundaries with the remainder of the Site Area; land which is cut off from the main parcel by a road, railroad, existing land uses, or major stream. Parcels which meet at a single point, such as at a corner of two such parcels, or at any common line for a distance of less than 50 feet, shall be considered as non-contiguous parcels.

C. Land which was reserved for resource reasons such as flooding, stormwater management, or for recreation or open space, in a prior approved subdivision.

D. Land used or zoned for another use, i.e. land which is used or proposed to be used for commercial or industrial uses in a residential development or land in a different zoning district than the primary use.

§27-270. SITE AREA, NET BUILDABLE
The area of a tract upon which development or building may be located. It is calculated by deducting from the Base Site Area all areas within the Non-Buildable Site Area and open space, where specifically provided. Only that part of the tract within the Net Buildable Site Area shall be developed. This area may be referred to as NBSA. Also may be referred to as Developable Acre.

§27-271. STEEP SLOPES
Areas of land in which the average ground slope exceeds ten (10%) percent, which, because of this slope, are subject to high rates of stormwater runoff and, therefore, erosion and flooding. This term is further defined in Article XVII hereof.

§27-272. STORY
That part of a building located between a floor and the floor or roof next above. The first story of a building is the lowest story having seventy-five (75%) percent or more of its wall area above grade level.

§27-273. STREAM
A watercourse having banks and channel which has a continuous flow of water, or for a majority of the year. This term is further defined in Article XVI hereof.

§27-274. STREET

A. A public or private open way used or intended to be used for passage or travel by automotive vehicles. If private, such way must be used or intended to be used as the principal means of access to abutting lot or lots or to more than two (2) dwellings on a lot on which a private way is exclusively located.

B. Streets are further classified as follows:

1. Arterial Road - Designed for large volumes and high speed traffic with access to abutting properties restricted.

2. Collector Road - Designed to carry a moderate volume of fast moving traffic from primary and secondary streets to arterial streets, with access to abutting properties restricted.

3. Primary Street - Designed to carry a moderate volume of traffic, to intercept secondary streets, to provide routes to collector roads and to community facilities and to provide access to abutting properties.

4. Rural Road - Designed at present to provide access to abutting properties, the design in the future will be identical to the design for primary streets.

5. Secondary Street - Designed to provide access to abutting properties and a route to primary streets.

6. Marginal Access Street - a secondary street which is parallel to and adjacent to an arterial or collector road and which provides access to abutting properties and protection from through traffic.

§27-275. STREET LINE

The dividing line between the street and the lot. The street line shall be the same as the outside boundary or ultimate legal right of way line of a public street or the outside boundary of a private road over which the owners or tenants of two (2) or more lots each held in single and separate ownership have the right of way.

§27-276. STRUCTURE

Anything constructed or erected having an ascertainable stationary location on or in land or water, whether or not affixed to the land, including, without limitation, fences and trailers.

§27-277. SWALE

A watercourse having a channel which is part of the natural or man-made stormwater drainage system. Stormwater runoff is the only source of water flow. Floodplain soils may or may not be found within a swale.

§27-278. TREE PROTECTION ZONE (TPZ)
An area that is radial to the trunk of a tree in which no construction activity shall occur. The tree protection zone shall be fifteen (15) feet from the trunk of the tree to be retained, or the distance from the trunk to the dripline, whichever is greater. Where there is a group of trees or woodlands, the tree protection zone shall be the aggregate of the protection zones for the individual trees.

§27-279. WATERCOURSE
Any natural or artificial stream, river, creek, ditch, channel, canal, waterway, gully, or ravine in which water flows in a definite direction or course, either continuously or intermittently, and has a defined bed and banks.

§27-280. WETLANDS
Those areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas. Any areas defined as Wetlands by the Army Corps of Engineers.

§27-281. WETLANDS MARGINS
A transitional area extending from the outer limit of the wetland. This area is to be protected in order to preserve and promote the health and proper operation of wetlands.

§27-282. WOODLANDS
One-quarter acre (1/4) or more of wooded land where the largest trees measure at least six (6) inches in caliper. The woodland shall be measured from the dripline of the outer trees. Woodlands are also a grove of trees forming one canopy where ten (10) or more trees measure at least ten (10) inches in caliper.

§27-283. YARD

A. Front Yard – An open space on a lot extending the full width of the lot and measured from the edge of the ultimate right of way and extending to a depth as required in the zoning district in which the property is located.

B. Rear Yard - An open space on a lot extending the full width of the lot and measured from the rear lot line and extending to a depth as required in the zoning district in which the property is located.

C. Side Yard - An open space on a lot measured from the side lot lines of a lot and extending from the front yard to the rear yard and at the depth as required in the zoning district in which the property is located.

§27-284. YIELD PLAN

A plan of subdivision for use in planning and developing conservation subdivisions, based upon an actual field survey, location of all required natural features completion of all site capacity calculations required under §27-2224 of this Chapter, and laying out the site with streets and lots, building envelopes and individual on-lot sewage treatment and disposal systems. The purpose of the Yield Plan is to calculate the yield of residential lots which a site may support given the natural resources and features of the specific site, including the ability of the site to utilize on-lot soils-based sewage disposal methods; to ensure that the proposed lots could properly be laid out in compliance with the zoning and subdivision and land development ordinances of the Township; to establish that the lots proposed in any development can be laid out with proper preservation and protection of natural features; and to ensure that the lots projected could be served by an individual on-lot soils-based sewage disposal method (excluding, for the purposes of this ordinance, holding tanks, A/B systems, individual stream discharge systems, and evapotranspiration systems.) All lots laid out on a yield plan shall strictly comply with all requirements of the district in which the subdivision or land development is proposed and be prepared in strict compliance with the dimensional, lot area and public improvement requirements of this Chapter and with the Subdivision and Land Development Ordinance. Yield plans shall be prepared in conformity with the drafting and submission requirements of preliminary plan submission as required by the Subdivision and Land Development Ordinance, provided that in lieu of the completion of specific studies which would not be required by a conservation subdivision, the Board may, upon recommendation of the Township Engineer, accept such information which will demonstrate the ability of the applicant to comply with such studies.

ARTICLE III

USE REGULATIONS

§27-300. REGULATION OF USES

Except as provided for by law, no building, structure, land, lot, or premises, shall be used for any purposes other than as permitted in this Ordinance.

§27-301. PURPOSE

It is the intent of this Article to provide clear and specific definitions of uses permitted within the various Upper Salford Township Zoning Districts, including design standards for uses permitted in more the one district.

§27-302. APPLICABILITY AND INTERPRETATION

A. When a use is proposed, the Zoning Officer shall determine which use code classification described herein best defines or matches the use being proposed.

B. When a proposed use does not precisely match a use code classification defined herein, the Zoning Officer shall determine which described use it most closely matches. If the principal use proposed is similar in most respects to a given described use, then the proposed use shall be classified according to the use code established herein.

C. All uses permitted by right, conditional approval, or special exception shall be subject to use regulations, district regulations regarding lot size, yard widths, building, greenway and impervious coverage, and height regulations, easements, off-street parking requirements, other such general, special, or design regulations, and all other provisions as are specified in this Ordinance.

D. Principal Uses:
   1. A building or structure shall be permitted only one principal use. A building, structure, lot or premises within the Commercial Business, (CB), Limited Industrial (LI), and Light Limited Industrial (LLI) zoning districts shall be permitted one principal use, provided, however, that the Board of Supervisors may, by conditional use approve a combination of uses permitted of right within such districts within a building or structure and on a lot when proposed as a unified development, and under and subject to the following specific criteria:

      a. No more than three (3) identified principal uses as listed in the applicable zoning district regulations as a use by right (and excluding uses permitted by special exception or conditional use) shall be permitted to be proposed, or located on a single lot (or multiple lots where such lots have been assembled and utilized for a single use) and there shall be no combination of uses under this Section which includes any residential use in combination with any commercial uses either within a single building or

on a lot or combination of lots proposed to be developed. All uses proposed shall be developed pursuant to a common, unified plan of development and shall utilize a unified, consistent architectural appearance.

b. Each proposed principal use shall conform to all operational, area and dimensional requirements of that use as contained within §27- 304 of this ordinance.

c. There shall be no increase in the amount of impervious surface, building coverage ratios or percentages or reduction in the minimum green area required within the applicable district as a result of this combination of uses.

d. Where there is a conflict in the operational, area and dimensional requirements between the uses proposed, the most restrictive regulations shall apply to the entire development.)

2. A lot or premises within the Residential Agriculture District (RA-5), Rural Residential District (R-2), Village Commercial/Rural Residential District (R-30), Institutional District (IN), Recreational District (REC) shall be permitted one principal use; in addition, the zoning officer may issue a permit for the conduct of another use permitted by right in the applicable zoning district provided, however, that the use shall be permitted only as an accessory or secondary use, and the zoning officer shall be authorized to impose such conditions as are necessary to confirm that the secondary permitted use shall remain accessory to the principal use, and provided that such secondary or accessory uses (excluding Uses B-1, Forestry, B-2 General Farming, B-3 Intensive Farming, B-4, Nursery/Greenhouse, and B-5, Riding Academy/Stable) shall be limited to an area no more than ten (10%) percent of the lot area. In any lot located within a residential district or within the Institutional District or the Recreational District and improved with a residential structure as of the date of adoption of this ordinance, the residential use shall be considered as the principal use.

E. A building, structure, lot, premises, or use may not be altered, partitioned or subdivided in any manner for the purpose of creating an additional principal use, or additional accessory use, except as may be provided for in this Ordinance.

§27-303. PERMITTED USES

A. Use by Right. In any given district, a use is permitted by right, provided it is listed as such in the district regulations, provided it can comply with the applicable use regulations stated herein, and provided a use and occupancy permit has been duly issued by Upper Salford Township, as specified in this Ordinance.

B. Use by Conditional Use Approval. In any district, a use is permitted by Conditional Use Approval, provided it is listed and meets the conditions in the district regulations, and provided it can comply with the applicable use regulations stated herein. In addition, the use is subject to approval or denial by the Board of

Supervisors. If approved, the Board of Supervisors may impose further conditions to insure the protection of adjacent uses and the health, safety and general welfare of the residents. Following approval and conditions of the Board of Supervisors, the use is subject to all other applicable codes, permits, regulations, and standards expressed in this Ordinance. See §27-2410 - Conditional Uses.

C. Use by Special Exception. In any district, a use is permitted by Special Exception, provided it is listed as such in the district regulations, and provided it can comply with the applicable use regulations stated herein. In addition, the use is subject to approval or denial by the Township Zoning Hearing board. If approved, the Zoning Hearing Board may impose further conditions to insure the protection of adjacent uses and the health, safety and general welfare of the residents. Following approval and conditions of the Zoning Hearing Board, the use is subject to all other applicable codes, permits, regulations, and standards expressed in this Ordinance. See §27-2409 - Special Exceptions.

D. Accessory Uses Permitted.

1. An accessory use is permitted if it is listed as a permitted accessory use in the district use provisions. Accessory uses not listed as such are not permitted.

2. Accessory uses, when permitted, are subject to the district regulations, the provisions of the uses regulations established herein, and all other applicable sections of this Ordinance.

§ 27-304. CATEGORIES OF PERMITTED USES

A. Accessory Uses.

1. **Use A-1: Agricultural Accessory Structures.** Such use shall include a detached accessory building or structure for uses customarily incidental to those legally established as the agricultural use of the premises, including greenhouses, silos, barns, and roadside stands.

a. The maximum height of agricultural accessory structures erected or enlarged shall be as follows:

Total Lot Area	Height Permitted
Less Than 2 Acres	14 feet
2 - 5 Acres	20 feet
5 - 10 Acres	25 feet
Greater Than 10 acres	35 feet

b. Agricultural accessory structures erected or enlarged may exceed the standards of §27-304.A.1.a, above, when permitted as a conditional use by the Board of Supervisors consistent with (i), and (ii) below:

i. The structure shall not be used in conjunction with any home occupational use other than in connection with a permitted agricultural accessory use.

ii. Such other reasonable conditions and safeguards as may be deemed necessary by the Board of Supervisors to ensure the protection of adjacent uses from adverse impacts that may be determined from credible testimony.

2. **Use A-2: Bed and Breakfast Accommodations**: Bed and breakfast accommodations, as defined in this ordinance, may be operated in single family detached dwellings, subject to the following regulations:

a. The lot for a bed and breakfast use must have access from a Principal Arterial, Minor Arterial, or Major Collector road.

b. There shall be no more than 5 guest bedrooms, accommodating no more than 10 guests at any one time; no paying guest shall stay on any one visit for more than 30 days.

c. Meal service is limited to two daily meals per paying overnight guest and shall not include the sale of alcoholic beverages. Owners shall comply with all federal, state, and local requirements for the preparation, handling, and serving of food. Meals service is not intended for the general public and shall be limited to paying overnight guests only.

d. Owner shall maintain a current guest register, subject to inspection by the Township.

e. Each bed and breakfast facility shall be equipped with smoke detectors and fire extinguishers in accordance with the requirements of the Pennsylvania Department of Labor and Industry and with the stipulations of the Township Fire Code. Guest shall be provided with information regarding the floor plan of the building and the location of emergency exits.

f. If the facility is served by an on-site sewage system, the owner must obtain written approval from the Township Sewage Enforcement Officer, (the Montgomery County Health Department), confirming the adequacy of the system to serve the increased demand resulting from the facility.

g. The rented rooms shall not contain kitchen facilities and shall not constitute separate dwelling units.

3. **Use A-3: Cellular Communications Antennae**: An apparatus, external to or attached to the exterior of a building, or located on the ground, together with any supporting structures for sending or receiving electromagnetic waves:

a. Purposes.

i. To accommodate the need for cellular communications antennae while regulating their location and number in the Township.

ii. To minimize adverse visual effects of cellular communications antennae and antenna support structures through proper design, siting and vegetative screening.

iii. To avoid potential damage to adjacent properties from antenna support structure failure or falling ice, through engineering and proper siting of antenna support structures.

iv. To encourage the joint use of any new antenna support structures, to reduce the number of such structures needed in the future.

b. Use Regulations.

i. A cell site with antenna that is attached to an existing communications tower, smoke stack, water tower or other tall structure is permitted in all zoning districts. The height of the antenna shall not exceed the height of the existing structure by more than fifteen (15) feet. If the antenna is to be mounted on an existing structure, a full site plan shall not be required.

ii. A cell site with antenna that is either not mounted on an existing structure, or is more than fifteen (15) feet higher than the structures on which it is mounted, shall be permitted only in the LLI - Light Limited Industrial, LI - Limited Industrial districts by Special Exception. In order to provide adequate warning to rescue helicopters, where determined necessary by the Board of Supervisors, any new cell tower constructed after the date of this Ordinance shall be required to install an FAA compliant strobe or blinking light on the tower structure, whether such light is required under FAA regulations or not.

iii. All other uses ancillary to the antenna and associated equipment (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from the cell site, unless otherwise permitted in the zoning district in which the cell site is located.

c. Standards for Approval of Special Exceptions.

i. The cellular communications company shall be required to demonstrate, using technological evidence that the antenna must go where it is proposed in order to satisfy its function in the company's grid system.

ii. If the cellular communications carrier proposes to build a tower, as distinguished from mounting the antenna on an existing structure, it shall demonstrate with clear and convincing evidence that it has contacted the owners of all tall structures within the limits of the Township and within a one-quarter mile radius of the site proposed, requesting permission to install the antenna on those structures, and was

denied for reasons other than economic reasons. In addition, if the applicant seeks a special exception to construct a tower, it must establish with clear and convincing evidence, in addition to all other requirements of this Ordinance, that its communications grid cannot be modified in any fashion to accommodate an antenna placed on an existing structure located within the Township or within a one-quarter mile radius of the proposed site.

iii. For purposes of subsection (a) of this section the term 'tall structures' shall be construed to include smoke stacks, water towers, tall buildings, antenna support structures (including those of other cellular communications companies, other communications towers, and other tall structures).

iv. Any special exception application for the construction of a new tower structure shall be denied if the Zoning Hearing Board shall conclude that the applicant has failed to make a reasonable, good faith effort to mount the antenna on an existing structure or has failed to make a reasonable, good faith effort to modify its communications grid to accommodate the placement of its antenna on another structure.

v. When determined appropriate by the Zoning Hearing Board to safeguard the health, safety and welfare of the community, the applicant for a special exception under subsection B hereof shall be required to fabricate its antenna support structure as a 'stealth' structure so as to shield the visual impact of the structure, unless requested otherwise by the Board of Supervisors for the purpose of accommodating other potential and future carriers proposing to use the structure.

vi. When determined appropriate by the Zoning Hearing Board to safeguard the health, safety and welfare of the community, the applicant for a special exception under subsection B hereof shall be required to fabricate its antenna support structure in such manner as to enable the placement of other antennae, including those of other potential carriers and cellular communications companies, on the tower.

vii. The applicant for a special exception under subsection B hereof shall be required to provide to the Township Zoning Officer annual certification of ongoing and continued use of any tower constructed in the Township, whether constructed by special exception or of right use, and shall remove or dismantle the tower upon it being abandoned or remaining unused by the applicant for a period of three (3) months or longer, and an exception, provided to the Zoning Hearing Board, a plan for the removal and dismantlement of the tower upon it being abandoned or remaining unused by the applicant, its successors or assigns for a period of three (3) months or longer. The Zoning Hearing Board, as a condition of the grant of a special exception, require the posting of financial security for the removal of the tower, in an amount not to exceed $10,000, such financial security to be in the form of a letter of credit or cash deposit to be held by

the Township in its general accounts, to be released only upon certification by the Zoning Officer that the tower has been satisfactorily removed.

viii. The subsequent addition of any antenna by any carrier other than the original applicant, after the granting of a special exception pursuant to this code, shall require the submission of an application for approval of the addition by the Board of Supervisors after review of the application by the Planning Commission. The application shall set forth the manner in which the placement of the antenna shall comply, to the extent applicable, with all requirements contained in this §27-304.A.3, and shall be accompanied with such review fees as the Township shall, from time to time set.

d. Standards for Approval for All Cellular Communications Antennae.

i. Antenna Height. The applicant shall demonstrate that the antenna is the minimum height required to function satisfactorily. No antenna that is taller than the demonstrated minimum height shall be approved.

ii. Setbacks from Base of Antenna Support Structure. If a new antenna structure is constructed (as opposed to mounting the antenna on an existing structure), the minimum distance between the base of the support structure or any guy wire anchors and any property line shall be the largest of the following:

a. Thirty (30) percent of antenna height.

b. The minimum setback in the underlying zoning district

c. Forty (40) feet.

iii. Antenna Support Structure Safety. The applicant shall demonstrate to the Zoning Hearing Board that the proposed antenna and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris, electromagnetic fields or radio frequency interference. All support structures shall be fitted with anti-climbing devices, as approved by the manufacturers.

iv. Fencing. Fencing shall be required around the antenna support structure and other equipment, unless the antenna is mounted on an existing structure. The fence shall be between six (6) and eight (8) feet in height.

v. Landscaping. The following landscaping shall be required to screen as much of the support structure as possible, the fence surrounding the support structure and any other ground level features (such as a building) and, in general, soften the appearance of the cell site. The Zoning Hearing Board may authorized any combination of existing vegetation,

topography, walls, decorative fences or other features instead of landscaping, if such features achieve the same degree of screening as required landscaping. If the antenna is mounted on an existing structure, and other equipment is housed inside an existing structure, landscaping shall not be required.

a. An evergreen screen shall surround the site. The screen may be either a hedge or row of evergreen trees. The planting material shall be spaced (planted on center) a manner that will create a one-hundred (100) percent opaque screen within five (5) years. The evergreen screen shall be a minimum height of six (6) feet at planting and shall grow to a minimum of fifteen (15) feet at maturity.

b. Existing vegetation on and around the site shall be preserved to the greatest extent possible.

c. If the requirements of the Township Subdivision and Land Development Ordinance (Chapter 22) require additional buffering or screening, the requirements of such ordinance shall also apply.

vi. In order to reduce the number of antenna support structures needed in the community in the future, the proposed antenna support structures shall be required to accommodate other users, including other cellular communications companies and local police, fire and ambulance companies.

vii. The cellular communication company must demonstrate that it is licensed by the Federal Communications Commission.

viii. Required Parking. If the cell site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of attendants on the largest shift.

ix. Antenna support structures under two hundred (200) feet in height shall be painted silver or have a galvanized finish in order to reduce the visual impact. Support structures may be painted green up to the height of nearby trees. Support structures two hundred (200) feet in height or taller, or those near airports, shall meet all Federal Aviation Administration regulations. No antenna support structure shall be artificially lighted except as shall be required by the regulations of the Federal Aviation Administration.

x. Establishment of a cell site shall be regarded as a land development and shall be subject to the requirements of the Upper Salford Township Subdivision and Land Development Ordinance (Chapter 22) with respect to the submission and approval of plans and other requirements. Such plans shall indicate the location of the antenna, antenna support structure, buildings, fencing, buffering, access and all other items

required in the Township and Land Development Ordinance (Chapter 22). A plan and land development approval shall not be required if the antenna is to be mounted on an existing structure.

4. **Use A-4: Commercial Vehicles**: The parking of tractor trailers, panel trucks, vans and similar vehicles on lots or parcels, whether containing advertising or not:

   a. The area on which they are parked cannot be parking spaces required for uses already on the lot.

   b. Commercial vehicles cannot be parked in any restricted yard setback.

   c. Commercial vehicles cannot be parked on a public street.

   d. In addition to the above requirements, commercial vehicles parked on a residential property shall meet the following requirements:

      i. The minimum lot area shall 10,000 square feet.

      ii. No more than 2 commercial vehicles shall be permitted on a residential lot, of which only 1 commercial vehicle may have a gross vehicle weight (GVW) greater than 10,000.

      iii. Commercial vehicles having a GVW greater than 10,000 may not be started or left with the ignition on before 6 a.m. or after 11 p.m., prevailing time.

5. **Use A-5: Domestic Animals**: The keeping of horses or other large animals such as cattle, sheep, or goats, not in conjunction with agriculture, or the keeping or housing of small domestic animals. This use shall not be done in conjunction with any associated commercial activity.

   a. Non-Commercial Kennel. The keeping of small domestic animals in accordance with the following:

      i Structures for domesticated household pets shall not be located in any restricted yard setback, and shall in no case be located closer than 10 feet from any property line.

      ii. On lots smaller than 40,000 square feet, a maximum of 4 domestic animals may be kept, including not more than 3 dogs more than six months old, or 3 cats more than six months old.

      iii. On lots between 40,000 square feet and 80,000 square feet, a maximum of 6 domestic animals may be kept, including not more than 4 dogs more than six months old, or 4 cats more than six months old.

iv. On lots a minimum of 80,000 square feet, a maximum of 7 domestic animals may be kept, including not more than 5 dogs more than six months old, or 5 cats more than six months old.

b. The keeping of horses or other large animals such as cattle, sheep, or goats, not in conjunction with agriculture, shall comply with the following standards:

i. A minimum lot size of 80,000 square feet shall be required to keep 1 such animal.

ii. Any accessory building or structure, excluding fencing, used for the keeping or raising of domestic farm animals shall be situated not less than 100 feet from any property line.

iii. One additional animal may be kept for each acre of lot size in excess of 80,000 square feet. Offspring may be kept with the mother(s) as needed according to the following time schedule - Horses: 6 months; Cattle: 6 to 8 months; Sheep and Goats: 2 months.

iv. Fencing sufficient to properly confine the animals on the owner's property shall be installed by the owner of the property around any pasture or paddock area used in the keeping or pasturing of any horses or other large animals. Fencing for all pasture or area used for the keeping of horses or other large animals shall be set back from the front, rear and side property lines abutting any public street a minimum of ten (10) feet from the ultimate right-of-way. In addition, such fencing shall be placed a minimum of one hundred (100) feet from any existing residential dwelling on any adjacent property, including residential dwellings separated by public or private roads

6. **Use A-6: Drive-In Facilities**: A building, design, facility, or structure, or portion thereof, from which a business, product or service is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during the transaction:

a. A minimum of six automobile waiting spaces are provided for each drive-in lane.

b. These spaces shall not interfere with parking spaces, loading, unloading, or the internal circulation of the site.

c. Lots fronting an arterial highway shall provide ingress to the drive-in facility from an aisleway within the interior circulation of the lot.

7. **Use A-7: Fences and Walls**. Any artificially constructed barrier or structure of any material or combination of materials, erected to enclose or screen areas of land located within the yard requirement of the zoning district:

a. No fence or wall shall be erected along or within any of the yards required by this chapter which shall exceed a height of 8 feet in industrial districts, except where required for uses D-2 and D-3.

b. A fence or wall erected in any other zoning district shall not exceed 4 feet in the front restricted yard area or 6 feet in the side or rear restricted yard areas (excepting a retaining wall or the wall of a building permitted under the terms of this chapter), unless a special exception is granted by the Zoning Hearing Board.

c. A fence or wall may not be erected in, or interfere with the sight triangle for vehicular traffic.

d. A fence may not be erected within a floodplain area, swale, or other watercourse system that impedes the flow of stormwater from the site or that of an adjoining property.

8. **Use A-8: Home Child Day-Care Facilities**: A facility located on any premises or in a dwelling unit other than the child's own home where the child care areas are being used as a family residence, operated for profit or not for profit, in which child day care is provided to children who are not relatives of the caregiver. Includes both family day-care (6 or fewer children) and group day-care (more than 6 children but fewer than 12):

a. General Provisions.

i. Categories Included. The provisions of this section pertain to day care service for children by caregivers in family and group day care homes, subject to regulations of the Pennsylvania Department of Human Services (DHS). Day care service for children shall include out-of-home child day care service for part of a 24-hour day for children under 16 years of age by caregivers, excluding care provided by relatives. Day care service for children shall not include babysitting or day care furnished in places of worship during religious services.

ii. Registration and Licensing. Family day care homes, as defined in this ordinance, must hold an approved and currently valid DHS registration certificate. Group day care homes, as defined in this ordinance, must hold an approved and currently valid DHS license. In addition, all child day care facilities shall comply with all current DHS regulations including those standards governing adequate indoor space, accessible outdoor play space, and any applicable state or township building and fire safety codes.

iii. General Safety. No portion of a child day care facility shall be located within a 300 foot distance from any potentially hazardous land use or activity which could pose a threat to the safety and welfare of the children, staff, and other occupants at the facility. Hazardous land uses or activities include, but shall not be limited to gasoline service stations,

heavy industrial operations, storage of flammable or high-pressure underground pipelines, truck or rail loading areas, etc.

iv. Hours of Outside Play. Outside play shall be limited to the hours between 7:00 a.m. and sunset, as defined by the National Weather Service.

v. Outdoor Play Area. An outdoor play area, as required by DHS regulations, shall be provided for any proposed child day care facility.

a. On-Site Outdoor Play Area. An on-site outdoor structured play area or areas of high outdoor activity shall be located within yard setback areas which provide adequate separation, safety, and protection from adjoining uses, properties, and roadways. Whenever possible, the on-site outdoor play area shall not be located in the front yard. The outdoor play area should be located immediately adjacent to the child care facility.

b. Off-Site Outdoor Play Area. In accordance with DHS standards, a child day care facility may utilize off-site play areas in lieu of or as a supplement to an on-site play area. These standards permit the use of off-site play areas which are located within a one-half mile distance of the facility, measured from the property line of the facility. The route to the play area shall not involve the crossing of primary arterial or collector streets. Pedestrian access on sidewalks or improved walkways shall be required.

vi. Altering Exterior of Residential Structures. Any addition or improvement to an existing residential structure or property for purposes of child day care shall preserve its residential character. The scale, bulk, height, and roof pitch of any addition and the building materials used shall be compatible with the existing structure.

vii. On-Lot Sewage Disposal. For properties utilizing an on-lot sewage disposal system, the applicant shall demonstrate that the system is properly sized to accommodate sewage flows from the registered or licensed capacity of the child day care facility.

b. Family Day Care Homes.

i. Conditional Use Standards. Family Day Care Homes shall be permitted by conditional use, provided the following additional standards are satisfied.

a. Drop-Off Area. One on-site drop-off space for children shall be provided. An existing driveway or common parking lot space may be used as the drop-off area if it can be demonstrated that there is sufficient space available in the driveway that is not otherwise occupied or committed, to safely accommodate a parked vehicle. If a driveway is used for the drop-off area and the proposed use

fronts a primary arterial, collector, or feeder street, an on-site turnaround area shall be provided so that vehicles can exit the site driving forward. In cases where the existing driveway cannot function as a drop-off area, an on-site drop off space shall be provided. The drop-off area shall conform to the township dimensional standards for residential parking spaces.

b. Fencing. If there are unsafe areas, such as open drainage ditches, wells, holes, heavy street traffic, etc., in or near to an outdoor play area, there shall be fencing to restrict children from these areas. Natural or physical barriers, such as hedgerows, walls, or dense vegetation may be used in place of fencing so long as such barriers functionally restrict children from unsafe areas.

c. The hours of operation shall be limited to the hours between 6:30 a.m. and 8:00 p.m.

d. The applicant shall demonstrate that the children in the apartment can safely, quickly, and easily vacate the premises in case of emergency.

c. Group Day Care Homes.

i. Conditional Use Standards. Group Day Care Homes shall be permitted by conditional use only, provided the following additional standards are satisfied.

a. Minimum Lot size. 25,000 square feet. The lot shall be subject to the standards of the zoning district in which the facility is located and the additional conditional use standards in this section, whichever are more restrictive.

b. Minimum Distance between Facilities.

1. Residential Zoning Districts. In order to avoid a concentration of individual group day care homes in residential neighborhoods, group day care homes shall be located a minimum of 300 feet from each other as measured from the respective property lines.

2. Non-Residential Zoning Districts. No minimum distance requirement applies.

c. On-Site Parking. There shall be one additional on-site parking space provided for a non-resident employee above the number of spaces required for the residential use.

d. Drop-Off Area: A drop-off area shall be provided with sufficient area to allow the temporary parking of two vehicles. An existing

driveway may be used for the drop-off area if it can be demonstrated that there is sufficient space available in the driveway that is not otherwise occupied or committed, to safely accommodate two parked vehicles. If a driveway is used for the drop-off area and the proposed use fronts a primary arterial, collector, or feeder street, an on-site turnaround area shall be provided so that vehicles can exit the site driving forward. In cases where the existing driveway cannot function as a drop-off area, two new on-site drop-off spaces shall be provided.

e. Fencing of Outdoor Play Area. In order to physically contain the activity of children in the outdoor play area, a minimum four foot high fence shall be erected along the perimeter of the outdoor play area. When applicable, the fence shall be located along property lines. Natural or physical barriers, such as hedgerows, walls, or dense vegetation may be used in place of fencing so long as such barriers functionally restrict children from unsafe areas.

9. **Use A-9: Home Occupation**. An activity, occupation, or use that is professional in nature, and clearly customary, incidental, and accessory to the use of the premises as a single family detached dwelling unit, and which does not alter the exterior of the property or affect the residential character of the neighborhood. This use does not include home day care operations:

   a. Home occupations must be conducted entirely within the dwelling or accessory structures.

   b. Such home occupations shall be conducted solely by resident occupants of the residential dwelling, except that up to one (1) person not a resident of the dwelling may be employed.

   c. There shall be no use of show windows, displays, or advertising visible on the premises, including marking on vehicles parked by occupants of the premises, except as may be provided for in Article XX (Sign Regulations).

   d. No more than five hundred (500) square feet of building area may be used for the home occupation.

   e. The home occupation shall not have any business related exterior storage or display of goods and/or merchandise.

   f. There shall be no sale of retail goods on the premises.

   g. The home occupation shall not alter the exterior of the dwelling and accessory structure.

   h. The accessory home occupation shall not generate more than 5 vehicle trips per day in excess of that which is required for the primary use.

   i. The operation of a clinic, hospital, restaurant, motel, hotel, animal hospital,

mortuary, or any similar use shall not be deemed to be a home occupation.

j. There shall be no regular deliveries to or from a home occupation from a vehicle with more than two (2) axles.

k. No home occupation shall require trash pick-up in excess of that required normally in single-family residential areas.

l. Clients are permitted by appointment between the hours of 8:00 am and 9:00 pm only.

10. **Use A-10: Non-Impact Home-Based Business**. A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

b. The business activity shall be compatible with the residential use of the property and surrounding residential uses.

c. The business shall employ no employees other than family members residing in the dwelling.

d. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

e. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

f. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

g. The business activity may not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.

h. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.

h. The business may not involve any illegal activity.

11. **Use A-11: Non-Residential Accessory Structure**. Such use shall include a detached accessory building or structure for uses customarily incidental to those permitted in non-residential zoning districts and legally established as the principal use of the premises:

a. The location of the accessory building shall not violate any district provision or use in which it is located, or any aspect of an approved land development plan. An area already impervious, but not required for parking or other zoning use purposes will not be considered in conflict with an approved development plan.

b. A trailer, freezer, or shipping container, whether or not removed from its wheels, may not be used as an accessory building.

c. An accessory building or structure may not be located closer than 15 feet from any other building or property line and may not be located within the front yard area.

d. An accessory building or structure may not be used to establish a new or unrelated use on the premises.

12. **Use A-12: Outdoor Storage and Waste Disposal**. The outdoor keeping of junk, material, merchandise, commercial vehicles, or any goods in an unroofed or open area, or unenclosed building for more than 24 hours:

    a. All outdoor storage facilities for fuel, flammable or explosive materials and raw materials shall be enclosed by walls which measure a minimum of 6 feet in height in order to shield the facilities from the direct view of any adjacent property and to prevent the access of children and other members of the general public.

    b. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces.

    c. All material or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise be attractive to rodents or insects shall be stored outdoors only in closed, sealed containers.

    d. All outdoor storage and/or waste disposal areas must be located within the building envelope, as created by the yard setback requirements. In addition, no outdoor storage and/or waste disposal area shall be located between the primary building(s) on a site and public streets.

    e. No dangerous materials or substances, as defined in §27-1606.H, herein, or wastes of any form may be stored in a floodplain area.

    f. All solid and liquid wastes shall be disposed on a timely basis and in an environmentally safe manner.

13. **Use A-13: Recreational Vehicles**. The temporary or seasonal outdoor storage of boats, campers, motor bikes, and other recreational vehicles in residential zoning districts.

a. Minimum lot area shall be 10,000 square feet.

b. Storage of the recreational vehicle shall not diminish the required on-lot parking spaces.

c. Recreational vehicles cannot be parked in any restricted yard setback.

d. No such vehicle shall be parked on a public street.

e. No more than 2 recreational vehicles not parked in a garage shall be parked outside of the principal building.

14. **Use A-14 Residential Accessory Structure**. A building or structure erected for the private use of the owner or occupant of a single family dwelling unit, which is situated on the same lot as the residence, and used for common household purposes, storage, or vehicular parking. Such use may include, but is not limited to, garages and storage sheds.

    a. The maximum height of residential accessory structures erected or enlarged shall be as follows:

Total Lot Area	Height Permitted
Less Than 2 Acres	14 feet
Greater Than 2 Acres	20 feet

    b. A detached accessory building or structure may not be erected within the front yard restricted area, public rights-of-way, easements, or stormwater swales.

    c. A trailer, freezer, or shipping container, whether or not removed from its wheels, may not be used as an accessory building.

    d. A residential accessory structure shall not be used for commercial use, except in conjunction with a permitted home occupation.

    e. In the R-2, Rural Residential District, R-30, Residential/Village Commercial District, REC Recreational District, IN Institutional, and CB Commercial Business District (where residential development is permitted), Residential Accessory Structures not exceeding 170 square feet may be constructed within the required rear yard, provided that the minimum distance from the rear property line to the structure shall not be less than ten (10) feet. In the RA-5, Residential Agricultural District, Residential Accessory Structures not exceeding 170 square feet may be constructed within the required rear yard, provided that the minimum distance from the rear property line to the structure shall not be less than thirty (30) feet.

15. **Use A-15: Roadside Stand**: Either temporary or permanent, for the sale of only such agricultural and home products as are produced on the same lot on

which the sale of the products is offered shall be permitted under the following conditions:

a. A roadside stand erected upon a permanent foundation shall be erected in strict conformity with the regulations of the district wherein it is located, including all yard setbacks.

b. A roadside stand without a permanent foundation is considered temporary, and shall be located not less than 20 feet from any street line, and shall be dismantled for a minimum of four consecutive months for every eight consecutive months erected.

c. No stand shall be located nearer than 50 feet to any intersection.

d. Parking for stopping vehicles shall be provided off the paved portion of the street and shall be of sufficient width so as not to interfere with the safety of traffic stopping or using the street. Parking nearer than 50 feet to an intersection shall not be permitted. No produce, goods, signs, or other impediments shall be placed or located upon the lot in such a manner as to interfere with parking.

16. **Use A-16: Swimming Pool**. A body of water or receptacle for water having a depth at any point greater than 30 inches which is primarily used or intended to be used for swimming or bathing.

a. A zoning permit shall be required to locate, construct, or maintain a residential swimming pool.

b. A swimming pool, filters, pumps and other mechanical equipment shall not be permitted in the front yard and shall conform to the rear and side yard setbacks of the applicable zoning district.

c. Swimming pools, whether above or below ground, not removed prior to the first day of November each year shall be considered permanent and are required to meet the zoning district requirements with respect to impervious surface.

d. At the time of application for a zoning permit it shall be demonstrated that the drainage, including stormwater runoff, for a pool is adequate and will not interfere with the water supply system, existing sewage facilities, public streets, and shall not drain onto a neighboring property.

e. Water contained in swimming pools must be kept healthy and sanitary at all times and shall not emit offensive odor that creates a nuisance or unhealthy condition.

f. Abandoned pools must be removed or appropriately filled in and covered under ground.

g. The pool shall meet current UCC regulations or shall be completely enclosed by a fence or wall not less than 4 feet in height, with a self-locking gate as access. In addition, swimming pools equipped with elevated platforms or walkways that are at least 4 feet above the ground need not be fenced if the design prevents access by ladders or steps which can be made inaccessible and locked when not attended or in use.

17. **Use A-17: Tennis/Sports Court**. A recreational playing court accessory to residential properties for the sport or game intended. The court consists of the playing surfaces and any structures designed to contain the playing area surrounding the court:

a. The outer edge of the playing area, including any fence designed to contain the playing area, may not be located closer than 10 feet from any property line, and may not be located in the front yard restricted area.

b. A fence containing the playing areas may be as high as 12 feet provided the setback of 10 feet is maintained.

c. Tennis/Sports courts will be calculated into the impervious restriction on the property.

d. Residential tennis/sports courts shall conform to the lighting standards for residential properties in §27-2210.

B. Agricultural Uses.

1. **Use B-1: Forestry**:

a. Forestry activities, including timber harvesting, shall be permitted in all zoning districts as a permitted use. Forestry shall not be construed to include the operation of a sawmill or any commercial use relating to the sale or distribution of lumber or lumber products, and such activities shall not be permitted except as permitted in the underlying zoning district.

b. A person or entity proposing to conduct forestry activities shall be required to obtain a zoning permit prior to commencement of any forestry activity. Prior to the issuance of any zoning permit, the applicant shall submit to the Township a Forest and Woodland Maintenance and Management Plan which shall consist of the following components:

i. The name of the applicant and owner(s) of the property

ii. Location of subject property, including tax block and unit number

iii. A general description of all forestry activities proposed, including the anticipated time frame for completion of all activities

iv. The name and address of the party(ies) to perform all work

v. A statement completed by a Certified Arborist or professional forester containing the following information:

A. A statement of the qualifications of the arborist or professional forester.

B. A general description of all forested or wooded areas on the property or parcels covered by the plan.

C. A comprehensive field survey with a site plan of the forested or wooded areas affected or impacted, including a listing of species and general condition of the trees located in the areas of anticipated or proposed forestry activities, including the construction of any access roads.

D. An inventory of all trees to be removed, an inventory of all trees in excess of thirty-six (36") inches in diameter.

E. A description of the steps to be taken for the appropriate maintenance and/or preservation of the forested or wooded areas not included in the area of proposed forestry activities.

F. A description of all erosion and sedimentation controls or measures required by the proposed forestry activities or construction of access roads.

G. A certification that the proposed forestry activities are part of a generally acceptable means of maintenance and management of forested or wooded open space and that the proposed activities constitute a sound and economically viable use of forested lands, as well as a narrative description as to how the activities meet these standards.

vi. Once submitted and approved, the Forest and Woodland Management and Maintenance Plan shall be incorporated in the zoning permit and compliance with the approved plan shall be a condition of any permit issued.

c. i. Forestry activities within the Floodplain Conservation District (Article XVI) shall be permitted provided, however, that no access roads or staging areas for the collection and removal of harvested trees shall be located within the defined limits of the district.

ii. Forestry activities within the Steep Slope Conservation Overlay District (Article XVII) shall be permitted within the disturbance limitations of each regulated steep slope category, as provided in §27-1703.

iii. Forestry activities within the Riparian Corridor Conservation Overlay District (Article XVIII) shall be permitted, subject to the management requirements of §27-1807.

d. Prior to the issuance of any zoning permit, the application shall be submitted to the Planning Commission for review and comment, and for approval by the Board of Supervisors. In reviewing the application, the Planning Commission may recommend and the Board of Supervisors may impose as a condition on any approval of the application, such modifications to the Plan and proposed forestry activities as may be warranted by reference to generally accepted foresting practices. The Planning Commission and Board of Supervisors may retain such professionals as deemed necessary to assist in the review of any application.

e. A Forest and Woodland Management and Maintenance Plan shall not be required for forestry activities on lots less than two acres in area, or where the forestry activities involves less than twenty thousand square feet of forest or woodland. When the cumulative area on which forestry activities are undertaken reaches or exceeds two acres, the owner shall be obligated to submit a Forest and Woodland Management and Maintenance Plan prior to the commencement of any additional forestry activities.

2. **Use B-2: General Farming**: A use and related structures on a parcel or lot that is primarily used for soil-dependant cultivation of agricultural crop production and/or the keeping or raising of livestock:

a. Minimum lot area: 3 acres.

b. Any accessory building or structure, excluding fencing used for the keeping or raising of livestock shall be situated not less than 100 feet from any property line.

c. Any building or structure, other than noted in b. above shall conform with all yard and setback requirements of the applicable zoning district.

d. The keeping or raising of livestock on lots between 3 and 10 acres is limited to a per-acre rate as follows:

i. 1 head of large stock (horses, cows, etc); offspring may be kept with the mother(s) as needed according to the following time schedule - Horses: 6 months; Cattle: 6 to 8 months.

ii. 5 head of medium stock (goats, sheep, etc.); offspring may be kept with mother(s) as needed according to the following schedule - Sheep and Goats: 2 months.

iii. 100 head of fowl or other animal of similar size.

e. Fencing for any pasture or area used for the keeping of horses or other large animals shall be set back from the front, rear and side property lines a minimum of ten (10) feet from any abutting ultimate right of way to any public street. In addition, such fencing shall be placed a minimum of one hundred (100) feet from any existing residential dwelling on any adjacent property, including residential dwellings separated by public or private roads.

3. **Use B-3: Intensive Agriculture**: Any parcel or structure used for a mushroom house, feedlot, confinement livestock or poultry operation taking place in structures or closed pens:

a. Minimum lot area: 10 acres.

b. Maximum impervious surface: 20 percent.

c. Any accessory building or structure, excluding fencing used for the keeping or raising of livestock shall be situated not less than 100 feet from any property line.

d. Any building or structure, other than noted in c. above shall conform with all yard and setback requirements of the applicable zoning district.

e. Livestock may be kept as part of an intensive agricultural operation without numerical limit, provided they are kept in accordance with applicable state statutes dealing with nutrient management.

f. No area for the storage or processing of manure, or spent mushroom compost or structures for the cultivation of mushrooms shall be situated less than 100 feet from any street or property line.

g. Fencing for any pasture or area used for the keeping of horses or other large animals shall be set back from the front, rear and side property lines a minimum of ten (10) feet from any abutting ultimate right of way to any public street. In addition, such fencing shall be placed a minimum of one hundred (100) feet from any existing residential dwelling on any adjacent property, including residential dwellings separated by public or private roads.

h. The composting or processing of food waste or garbage is not permitted under this use.

4. **Use B-4: Nursery/Greenhouse**: The raising of plants, shrubs and trees for sale and transplantation, either outdoors or in temporary or seasonal greenhouse covering.

a. Minimum lot area: 2 acres.

b. Any building or structure shall be located within yard setback areas for the zoning district in which the use is permitted.

c. The impervious surface area for the lot, as required by the applicable zoning district, may be increased by a maximum of 3 percentage points.

5. **Use B-5: Riding Academy/Stable**. Public riding academy, livery, or commercial boarding of horses shall be permitted, provided that:

a. Minimum lot area: 5 acres.

b. Animal sheds and storage buildings shall not be located closer than 100 feet from any property line, or the minimum applicable yard setback, whichever is greater.

c. Fencing for any pasture or area used for the keeping of horses or other large animals shall be set back from the front, rear and side property lines a minimum of ten (10) feet from any abutting ultimate right of way to any public street. In addition, such fencing shall be placed a minimum of one hundred (100) feet from any existing residential dwelling on any adjacent property.

d. The number of horses, including those owned by the owners or operators of the Riding Academy/Stable and those owned by others, shall not exceed the lesser of 2 per acre of fenced, dedicated pasture land or a maximum of 50.

C. Commercial Uses.

1. **Use C-1: Club**: A group of individuals, together with buildings and facilities owned or operated by an association, corporation, or other legal entity, convening for educational. Social, or recreational purposes, not incidental to other business, and not operated primarily for profit, or to render a service that is customarily carried on as a business enterprise:

a. The use shall be for dues-paying members and their authorized guests only, and such use shall not be open to the general public, except for special fund raising events.

b. A club shall not include uses specifically defined elsewhere within this section of the Ordinance.

c. Clubs serving alcohol must be licensed by the Pennsylvania Liquor Control Board.

2. **Use C-2: Commercial Kennel**. Any structure or premises in which 8 or more domestic animals may be kept, including more than 5 dogs more than six months old, or 5 cats more than six months old, where grooming, breeding, boarding, training or selling of animals is conducted for profit:

a. Minimum lot area: 5 acres.

b. The establishment shall be licensed by the state to operate as a kennel.

c. The total number of dogs or cats shall not exceed five per acre, excluding dogs or cats under six months old.

d. No shelter or other structure for the use, including a run, shall be permitted within 200 feet of any property line or street line.

e. Buildings shall be adequately soundproofed so that sounds generated within the building cannot be perceived at the lot boundary.

f. No shows or competitions are permitted.

g. No animals shall be permitted outdoors between the hours of 8 p.m. and 8 a.m.

3. **Use C-3: Commercial School**: Such use shall include a commercial school, trade school, professional school, music school, dance school, and the like.

4. **Use C-4: Convenience Store/Mini-Market**. An individual store where retail trade intended for quick sale and carry-out is the principal use. Such use does not specialize in a particular product, but offers an array of different items including but not limited to takeout coffee, dairy products, delicatessen, dry goods, foodstuffs, grocery items, newspapers, tobacco, and similar product lines:

   a. A minimum of two separate and remote trash receptacles must be provided and maintained outdoors.

   b. No outside vending machines, outside sales, ATMs, or phones are permitted.

   c. Facilities for dumpsters must be screened, according to the provisions of this Ordinance, or inside trash compactors and storage must be provided.

   d. The gross retail floor area may not exceed 3,000 square feet.

   e. Motor vehicle repairs and motor vehicle fuel sales shall not be permitted as an accessory use or second principal use.

5. **Use C-5: Dry Cleaners (Drop-Off)**. A dry cleaning establishment which does not have any on-site cleaning equipment or processes other than clothes pressing.

6. **Use C-6: Hotel/Motel/Inn**. A facility offering transient lodging accommodations on a daily or weekly basis to the general public, and providing additional services such as restaurants, meeting rooms and recreational facilities.

7. **Use C-7: Laundry (Self-Service)**: A business or use that provides home type washing, cleaning, and drying machines, for hire or rent, to be used by customers on the premises.

8. **Use C-8: Personal Care Business**. A personal care business requires direct, physical contact with the customer in the performance of a personal service, and shall include such uses as barber, beautician, nail manicure, and tattooing. Such uses generally require a license from the State Department of Professional Occupations.

9. **Use C-9: Repair Shop**. A repair shop shall include any business where the primary function is the repair of items such as appliances, bicycles, computers, guns, lawn mowers, locks, stereos, televisions, VCRs, watches, small business or electronic machines, and similar products:

    a. The use does not include auto or vehicle repair.

    b. All items must be repaired on the premises in an enclosed and roofed building.

    c. Retail sales must be accessory to the use and are limited to 10 percent of the gross floor area.

    d. No outside storage is permitted.

10. **Use C-10: Restaurant**: An establishment, or other retail use, or portion thereof, where food or beverages are sold for direct consumption on the premises to persons seated within the building.

11. **Use C-11: Retail Shop**. A small shop or store where the single principal use of the premises is the retail sale of goods and merchandise, and whose market place draw is largely local in scope or services.

    a. There shall be no outdoor display or storage unless permitted by district regulations.

    b. The gross leasable floor area devoted to retail use and storage shall not exceed 10,000 square feet.

    c. The retail use employs no more than 2 employees per 1000 square feet of gross leasable floor area devoted to retail use.

    d. A minimum of two separate and remote trash receptacles must be provided and maintained outdoors.

    e. No outside vending machines, outside sales, ATMs, or phones are permitted.

f. Facilities for dumpsters must be screened, according to the provisions of this Ordinance, or inside trash compactors and storage must be provided.

g. The building footprint for any retail shop use shall be limited to 5,000 square feet.

12. **Use C-12: Tavern/Bar**: Any premises wherein alcoholic beverages are served or sold at retail for consumption on the premises, of which the principal business is the sale of such beverages. It shall not include establishments where alcoholic beverages are sold in conjunction with the sale of food consumed on the premises, and the sale of alcohol comprises less than 25 percent of gross receipts.

a. The facility must be licensed by the Pennsylvania Liquor Control Board.

13. **Use C-13: Veterinary Clinic**: Such use shall include the office of a veterinarian with accessory animal pens, which shall not be allowed as a primary use:

a. A minimum lot size of 1 acre shall be required when the use includes interior pens.

b. If outdoor pens or animal runways are provided, the minimum lot size shall be 2 acres.

c. Buildings shall be adequately soundproofed so that sounds generated within the building cannot be perceived at the lot boundary.

d. No shelter or other structure for the use, including a run, shall be permitted within 200 feet of any property line or street line.

D. Industrial Uses.

1. **Use D-1: Adult Entertainment Uses**

a. Intent. The Township of Upper Salford has determined that adult entertainment uses tend to bring with them situations that can affect the health, safety, and welfare of Township residents. These situations include difficulties with law enforcement, municipal maintenance, trash, negative effects on business and residential property values, increased crime, corruption of the morals of minors, and prostitution. The Township of Upper Salford considers that limiting the location of and requiring permitting for adult entertainment uses are legitimate and reasonable means of addressing the secondary effects of such uses without affecting or suppressing any activities protected by the First Amendment of the U.S. Constitution.

b. Definitions.

i. ADULT ARCADE - Any place to which the public is permitted or invited to operate still or motion producing devices which show images to five or

fewer persons per machine at any one time and where the image so displayed or distinguished or characterized depicts or describes 'specified anatomical areas' or 'specified sexual activities.'

ii. ADULT BOOKSTORE OR ADULT VIDEO STORE - Any commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

a. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes or video productions, slides, or other visual representations which depict or describe 'specified sexual activities' or 'specified anatomical areas'; or

b. Instruments, devices, or paraphernalia which are designed for use in connection with 'specified sexual activities.'

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing 'specified sexual activities' or 'specified anatomical areas' and still be categorized as ADULT BOOKSTORE or ADULT VIDEO STORE. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an ADULT BOOKSTORE or ADULT VIDEO STORE so long as one of its principal business purposes is offering for sale or rental for consideration the specified materials which depict or describe 'specified sexual activities' or 'specified anatomical areas.'

iii. ADULT CABARET/DANCE HALL/PRIVATE CLUB/BAR/TAVERN/NIGHT CLUB/RESTAURANT/ OR SIMILAR COMMERCIAL ESTABLISHMENT - Any type of establishment offering 'adult entertainment' which presents material distinguished or characterized by an emphasis on matter depicting or describing 'specific sexual activities' or 'specified anatomical areas' for observation by patrons therein. Such presentation or material may be live or through films, motion pictures, video cassettes, slides, or other means of photographic reproduction.

iv. ADULT ENTERTAINMENT - Live or non-live entertainment containing 'specified sexual activities' or displaying or presenting 'specified anatomical areas.' This definition is a broad overall definition which includes the activities of adult arcades/cabarets/dance halls/private clubs/bars/gentlemen's bars/taverns/ adult bookstore, adult video store, adult mini motion picture theaters and peep shows, adult motels, and sexual encounter centers as part of its definition for adult entertainment.

v. ADULT MOTION PICTURE THEATER - Any structure which houses an establishment used for presenting material distinguished or characterized

by an emphasis on matter depicting or describing 'specified sexual activities' or 'specified anatomical areas,' for observation by patrons therein.

vi. ADULT MOTEL - A hotel, motel, or similar commercial establishment which offers accommodation to the public for any form of consideration; provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are used for presenting material distinguished or characterized by an emphasis on matter depicting or describing 'specified sexual activities' or 'specified anatomical areas.'

vii. NUDITY - The appearance of the 'specified anatomical areas' without any coverings on the body area.

viii. PEEP SHOWS - Any structure which houses a commercial establishment with the capacity for one or more persons, used for presenting material distinguished or characterized by an emphasis on matter depicting or describing 'specified sexual activity' or 'specified anatomical areas' for observation by parties therein.

ix. SEMI-NUDITY - State of dress in which clothing partially or transparently covers the 'specified anatomical areas.'

x. SEXUAL ENCOUNTER CENTER - A business or commercial enterprise that as one of its primary business purposes offers physical contact in the form of wresting or tumbling between persons of the opposite sex; or activities between two or more persons when one or more of the persons is in a state of nudity or semi-nudity.

xi. SPECIFIED ANATOMICAL AREAS - Human genitals, pubic region, anus, buttocks, female breasts below the top of the areola, or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

xii. SPECIFIED SEXUAL ACTIVITIES - Activities which include any of the following:

a. Human genitals in a state of sexual stimulation or arousal;

b. Acts or simulated acts of sexual intercourse, masturbation, sodomy, oral copulations, or bestiality; or

c. Fondling or other erotic touching of 'specified anatomical areas'.

c. Classification. Adult entertainment uses are classified as any of the following activities:

i. Adult Arcade

ii. Adult Cabaret, Dance Hall, Private Club, Bar, Tavern, Night Club, Restaurant, or similar commercial establishment

iii. Adult Material Sales, including Adult Bookstore and Adult Video Store

iv. Adult Motion Picture Theater

v. Adult Motel

vi. Peep Shows

vii. Sexual Encounter Center

d. Development Regulations. All adult entertainment uses shall meet the following conditions:

i. Adult entertainment uses shall not be located in any zoning district except as specifically and expressly permitted, nor shall adult entertainment uses be permitted as an accessory use to any other permitted use. No general clause relating to uses permitted within any district shall be construed as specifically or expressly permitting adult entertainment uses as a permitted use or as an accessory use.

ii. No adult entertainment use shall be located within 500 feet of an existing residence or residential zoning district.

iii. No adult entertainment use shall be located within 1,000 feet of a church, existing or proposed school or school property line, child day care facility, playground, park, or township bicycle trail.

iv. No adult entertainment use shall be located within 1,000 feet of another adult entertainment use.

v. Adult uses shall be housed in completely enclosed buildings, designed and used in a manner which prevents the viewing of adult use activities or materials from outside the building. No exterior display of products, activities, or shows shall be permitted, except for a sign which identifies the name of the establishment and its hours of operation, in conformance with the requirements of Article XX herein.

vi. If any portion of a use meets the definition of adult entertainment use, except for limited sale of adult materials, as listed under the adult bookstore definition, then that portion must comply with the requirements of this section.

e. Permit.

i. Any person who operates an adult entertainment use, as defined herein, is required to obtain a permit from the Township to operate such use.

Each permit shall expire one year from the date of issuance and may only be renewed by making application for a new permit.

ii. The annual fee for an adult entertainment use permit shall be set by the Upper Salford Board of Supervisors.

iii. The application for an adult entertainment use permit shall include a sketch or diagram of the configuration of the premises and a list of all individuals who have a ten percent (10%) or greater interest in the adult use, and any other information deemed necessary by the Zoning Officer.

iv. The Township shall deny initial applications for a permit if any one of the following conditions is found to be true.

a. The applicant is under eighteen (18) years of age.

b. An applicant or the spouse of an applicant is delinquent in payment of any monies owed to the township.

c. The premises for the adult entertainment use have been disapproved by the Fire Marshal or Building Inspector.

d. An applicant, any individual or corporation having a direct interest of ten percent (10%) or greater in the adult entertainment use, or the person in charge of the operation of the business have been convicted of an offence involving sexual misconduct within the Commonwealth of Pennsylvania or convicted of any offense in any other jurisdiction that would have constituted an offense involving sexual misconduct if committed within the Commonwealth of Pennsylvania.

f. Expiration and Renewal of Permit

i. Each permit shall expire one year from the date of issuance and may only be renewed by meeting the application requirements for permits outlined above in §27-304.D.1.e. Applications for renewal shall be made at least thirty (30) days before the expiration date.

ii. Permits shall not be renewed during a suspension or revocation time period.

g. Inspection. The applicant or permittee shall permit the Township Police Department, Fire Marshal, Building Inspector, Zoning Officer, or other Township Official to inspect the premises of the adult entertainment use to ensure compliance with the law at any time that the use is open for business.

h. Suspension. The Zoning Officer shall suspend a permit for not more than thirty (30) days if he finds that the permittee or an employee has violated any section of this ordinance, refused to allow inspections as authorized by this

section, or has knowingly permitted gambling by any person on the adult entertainment use premises.

i. Revocation. The Zoning Officer shall revoke a permit if a cause of suspension occurs and the permit has been suspended within the preceding twelve (12) months. Further, the Zoning Officer shall revoke a permit if any of the conditions set forth in §27-304.D.1.e.iv, is found to be true; if any information submitted for the permitting process is found to be false; if the permittee or an employee has knowingly allowed the possession, use, or sale of controlled substances on the premises, allowed prostitution on the premises, or allowed any act of sexual contact to occur in or on the premises. When the Zoning Officer revokes a permit, the revocation shall continue for a period of one (1) year from the date of revocation.

j. The maximum building footprint shall not exceed 15,000 square feet.

2. **Use D-2: Quarrying Operation**:

a. Minimum lot size shall be at least 25 acres.

b. The operation is conducted in accordance with all necessary water quality management and/or other permits or approvals required and issued by the Pennsylvania Department of Environmental Protection, Bureau of Mining and Reclamation, and any other local, state, and/or federal agency having jurisdiction.

c. No mining or excavation shall be permitted to occur within 300 feet of the following:

i. Any zoning district boundary.

ii. The right-of-way line of any public street.

iii. Any stream, lake, or other natural body of water.

iv. Any residence or property line.

d. Landscaped Buffer and Screening. A landscaped buffer strip, at least 100 feet in width, shall be created adjacent to any existing developed use, any zoning district boundary line, or the right-of-way of any public street and maintained in the following manner:

i. No uses, including but not limited to the storage of overburden, shall be permitted within the buffer strip.

ii. Earthen berms shall be constructed within the buffer area to a height of not less than 3 feet above the median existing grade and shall be a slope ratio of not more than 3:1.

iii. The earthen berms shall be constructed of topsoil and shall be planted with both high and low level plant material, of sufficient density to initially provide an effective year-round visually opaque screen to a height of not less than 8 feet from the median existing grade at the time of the planting or construction. This screen shall be provided in free form planting beds to avoid the appearance of a straight line or a 'wall' of planting material. No single planting bed shall exceed 200 feet in length, with sequential beds arranged in an overlapping manner to protect the integrity of the visual barrier.

iv. A fence not less than 8 feet in height shall be erected within the buffer area between the berm and areas of excavation.

v. The buffer area shall be planted in accordance with the standards contained in the township's subdivision and land development ordinance.

vi. The Township Supervisors may allow the use of existing vegetation and/or topography as a full or partial substitute for the buffer plantings and berm.

e. The following regulations shall apply to the storage of overburden at quarrying operations:

i. The height of overburden piles shall not exceed 35 feet or the effective height of the nearest buffer planting screen, whichever is less.

ii. All reasonable precautions shall be taken to prevent any materials or wastes deposited upon any overburden stockpile from being washed, blown, or otherwise transferred off the site by natural causes or forces. Stockpiles shall be stabilized with grass, stabilization fabric, or a combination of the two materials.

f. Procedures for reclamation upon cessation of quarrying operations:

i. All areas of excavation shall be reclaimed in accordance with terms of the operating permit issued by the Pennsylvania Department of Environmental Protection or other applicable agency.

ii. In addition to the above requirements, all exposed surfaces capable of supporting plant material shall be planted with wild flowers, grasses, or similar vegetative ground cover.

iii. Upon closure of the quarrying operation, all overburden shall be returned to the excavation area from which it was taken prior to disturbance. The area which was formerly used for overburden storage shall be regraded to a slope of not more than 3 percent and shall be seeded with wild flowers, grasses, or similar vegetative ground cover.

g. All drainage from the site of quarrying operations shall be controlled by dikes, barriers, or drainage structures sufficient to prevent any silt, debris, or other loose materials from filling any existing drainage course or encroaching on streets and adjacent properties.

3. **Use D-3: Solid Waste**: A facility storing, processing, or treating of any municipal waste, residual waste, hazardous waste, agricultural waste, industrial waste, food processing waste or other solid waste as defined by the Solid Waste Management Act, 35 P.S. 6018.103, et seq. as most recently amended. This use shall not include trash transfer stations, but shall include a junk yard as well as the composting of food waste or garbage.

a. Minimum lot size for all uses shall be at least 25 acres.

b. All activities not involving land disposal of solid waste shall be conducted in a completely enclosed and roofed building, provided that the maximum building footprint for all buildings shall not exceed 15,000 square feet.

c. Vehicular Access.

i. Any public road used to provide direct access to these facilities for routine, daily use shall be paved and maintained in good condition, in compliance with the standards of the Pennsylvania Department of Transportation, for the types of trucking which are necessary for operation.

ii. The Board of Supervisors may designate safe and adequate access routes and prohibit the use of other roads, except for local trash pickup purposes.

iii. The minimum paved cartway for access roads shall be 26 feet, with four-foot wide improved shoulders on both sides.

iv. No more than 1 primary access road shall be constructed to the entrance of the facility. In addition, the access driveway into these facilities shall be of sufficient length to provide stacking room on the facility property, so that vehicles entering the facility shall not block the public road outside the facility. A second access may be provided for employees only.

v. The costs of upgrading and maintaining major access roads to these facilities shall be paid for by these facilities in a means suitable to the Board of Supervisors. Assessments and/or dumping fees are examples of suitable methods.

vi. Landfills shall provide an all-weather access driveway negotiable by loaded collection vehicles between the entrance and the dumping area.

vii. Access roads and driveways shall be cleaned daily.

d. Fencing and Litter Control.

i. All facilities used to process, store, transfer, or dispose of solid waste shall be provide a chain link fence of a minimum height of 8 feet and served by lockable gates for security purposes. Scavenging shall not be permitted.

ii. Appropriate precautions shall be taken to prevent trash from being scattered on the site by wind or other means. Fencing, walls, and other enclosures may be required for this purpose. Any scattered litter shall be collected daily and be properly disposed.

iii. Landfills shall have a maximum active dumping area of 3 acres and shall provide a chain link fence of a minimum height of 12 feet along all boundary lines of the area which is approved for use as a sanitary landfill by the Pennsylvania Department of Environmental Protection. The fence shall not contain openings greater than 9 square inches.

e. Grading. These facilities site shall be graded and provided with appropriate drainage facilities to minimize runoff, prevent erosion, and prevent collection of standing water, except in basins designed for that purpose.

f. Landscaped Buffer and Screening.

i. In addition to the applicable district setback requirements, no solid waste operations, including but not limited to storage of vehicles, solid waste storage, collection, processing, or disposal equipment, gas combustion equipment, sewage treatment plants, or cooling towers shall be carried on or located within 100 feet of any property line or within 100 feet of any street right-of-way.

ii. Collected, stored, transferred, or processed materials, buildings, and equipment at these facilities shall be screened from view from adjacent roads or properties by complete enclosures in a building, opaque screening by solid fencing, or walls, and dense vegetation, or by location on the site such that the operation is not visible or is screened by existing vegetation on the site.

g. Fire Safety. All buildings shall be equipped with fire and smoke detection and extinguishing facilities in compliance with the regulations of the Pennsylvania Department of Labor and Industry, the National Fire Protection Association, ICC (International Code Council) and/or other more stringent regulations, if determined appropriate by the Board of Supervisors.

h. Scales. An on-site scale shall be used to weigh all solid waste delivered to a site and accurate and complete records shall be maintained by the operator, and which records shall be available for inspection by the Board of Supervisors or their designee.

i. Availability of Records. A certified copy of all reports, data, plans and other material or information required to be submitted to the Pennsylvania

Department of Environmental Protection shall also be submitted to the Board of Supervisors.

j. Tire Cleaning. A tire cleaning area shall be provided on the access road for a solid waste disposal, processing, storage, or transfer site. All tires on all trucks leaving the disposal site shall be cleaned. Run-off from the tire cleaning area shall be controlled in accordance with the provisions of the township's storm water management regulations within the subdivision and land development ordinance.

k. Equipment Cleaning. An equipment cleaning area shall be provided on the solid waste disposal or transfer site. All equipment used in the disposal operation shall be cleaned at the end of the working day to prevent odors and other nuisances or health hazards. All drainage from equipment cleaning areas shall be managed so as to prevent water pollution, and shall be discharged to a sanitary sewer system or other facilities approved by the Board of Supervisors.

l. Groundwater Monitoring. At the site of a solid waste disposal facility, groundwater monitoring wells shall be required and shall be located both along the interior boundary lines of the buffer zone and outside the boundary lines of the site as determined by the Pennsylvania Department of Environmental Protection (PADEP). Copies of PADEP monitoring reports shall be promptly provided to the Board of Supervisors. Any unsafe conditions shall be reported immediately to the Board of Supervisors.

m. Emergency Systems. All solid waste facilities, equipment and personnel shall be equipped with both an internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel, and a device immediately available at the scene of operations, such as a telephone or a hand held two-way radio, capable of summoning emergency assistance from local police and fire departments.

n. Emergency Access. All solid waste facilities shall have at least one emergency access entrance, which shall be locked except when used during an emergency situation. The operator shall provide a key to this entrance to the Board of Supervisors.

o. Hours of Operation. Solid waste facilities may operate on a 24 hour basis, provided that waste delivery hours for all sites or facilities shall be limited to 7:00 AM to 6:00 PM on weekdays and 7:30 AM to 12:00 noon on Saturdays. No waste deliveries shall be permitted at any other time unless approved in advance by the Board of Supervisors or their designee. Also, the site or facility shall be closed to waste deliveries on Christmas Day, New Year's Day, Thanksgiving Day, Labor Day, Memorial Day, and Fourth of July.

p. Additional Standards and Criteria for Special Exception Applications. In addition to complying with the other standards of this Article and Articles XXIV of this ordinance, applications for a special exception for solid waste

facilities shall provide the information, comply with the requirements, and be evaluated by the Zoning Hearing Board in accordance with the standards, criteria, requirements, and regulations of this section.

i. Plan Conformance: The applicant shall provide a statement identifying the relationship of the proposed use to the Indian Valley Regional Comprehensive Plan, as revised, Montgomery County Municipal Waste Management Plan, state and federal regulations, and other policies and controls for the proposed use and the affected area, including a statement as to how the proposed use may conform or conflict with the objectives and specific terms of those documents, including a statement of the following:

a. Primary and secondary effects of the use and its capacity to stimulate or induce changes in patterns of social and/or economic activities.

b. Impact on existing community facilities and activities, changes in natural conditions, etc.

c. Local need for the solid waste facility.

ii. Traffic.

a. The applicant shall demonstrate through the performance of a traffic study that the existing public road system will be able to accommodate the traffic generated by the use in a safe and efficient manner without infringing on existing residential and school traffic flow, including a statement of the estimated number of vehicles weighing over 20,000 pounds, loaded, which are expected to use the site on a daily basis during the first two years of operation.

b. Based upon the findings, the Zoning Hearing Board may require other improvements, both on-site and off-site, to alleviate hazardous or congested situations attributable to the proposed development, as a condition of approval.

q. Permits. The operator of any solid waste facility as defined hereunder shall obtain and maintain all permits as may be required under Pennsylvania Law for the operation of such facilities. The operator of any solid waste facility shall provide a copy of a current, valid license to the Township on an annual basis to establish compliance with this provision.

E. Community Service Uses.

1. **Use E-1: Adult / Child Day Care**: Such use shall include a day nursery, nursery school, kindergarten, or other agency giving day care to children or senior citizens, and shall be the primary use on the lot, parcel, or premises:

a. Where no more than 10 individuals are to be provided day care, the minimum lot size shall be one-half acre. An additional one-half acre shall be provided for each additional group of 10 individuals, or fraction thereof, of design capacity.

2. **Use E-2: Cemetery**: Land used or intended to be used for the burial of the dead, dedicated for such purposes and licensed by the state authority having jurisdiction. It includes crematoriums, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of the cemetery:

   a. The minimum lot size shall be 10 acres for any newly proposed cemetery use.

   b. No more than 10 percent of the area, to a maximum of 5 acres, may be devoted to above-ground buildings not serving as burial markers, memorials, such as business and administrative offices, maintenance facilities bath-houses, greenhouses, work houses, repair shops, and the like. This restriction includes parking facilities.

   c. A 40 foot buffer strip, unoccupied except for landscaping and walkways, shall be provided between any building or burial site and the cemetery property line.

3. **Use E-3: Conservation/Recreation**: A lot parcel, or area of land which is dedicated or deed-restricted for open space, forest stream, or wildlife preservation, or for some other general conservation purpose. Areas so dedicated in conjunction with a subdivision or land development shall follow the standards for greenway land in §27-2206. Such use shall also include a recreational facility or park, owned or operated by the municipality or other governmental agency.

4. **Use E-4: Emergency Services**: Such use shall include ambulance, fire, police, rescue, and other emergency services of a municipal or volunteer nature.

5. **Use E-5: Library / Museum**: Such use shall include a library or museum open to the public or connected with a permitted educational use, conducted as a non-profit operation, and not conducted as a private, gainful business.

6. **Use E-6: Municipal Complex**: Such use shall include a municipal administration building, police barracks, library, or road maintenance facility.

7. **Use E-7: Place of Worship**: A tax-exempt institution that people regularly attend to participate in or hold religious services, meetings, and other activities related to religious ceremonies. The term church shall include those buildings and structures in which religious services are held:

   a. If the place of worship is located on a parcel of property in conjunction with a school as defined in this article, the minimum lot size shall be 10 acres, and use conditions associated with schools shall also apply.

8. **Use E-8: School - Public / Private**: A facility, building, lot, parcel, use, or group of facilities, buildings, and uses that provides a broad educational curriculum to individuals enrolled therein, and is licensed by the State Department of Education, including private and public kindergartens, elementary, junior and senior high schools, and colleges and universities:

    a. The minimum lot area shall be 10 acres.

    b. Outdoor play area and fields shall be screened when any portion thereof is located within 100 feet of an off-site residential land use.

    c. Temporary classroom trailers are permitted provided they meet the district yard requirements.

9. **Use E-9: Utility Operating Facility**: Such use shall include a transformer station, pumping station, relay station, electric or telephone towers, substation, sewage treatment plant, and any similar or related installation, not including any electrical or power generation facilities, including solar energy or wind energy facilities to be installed on the ground, except as regulated or permitted by the Pennsylvania Public Utilities Commission, or any uses defined by §27-304.D.3 (Use D-3: Solid Waste).

    a. No public business office, retail activity, or storage is permitted in connection with the use.

    b. Except when located in utility or public rights-of-way, such structures and uses other than bus shelters shall meet the required dimensional criteria for the district in which they are located.

    c. Wherever possible such uses shall be located underground.

F. Office Uses

1. **Use F-1: Professional Office**: Such use shall include an office for the services of a dentist, doctor, chiropractor, architect, engineer, lawyer, real estate broker, or similar professional office, including such assistants as are necessary to perform the service, but not including other professionals with separate practices.

G. Entertainment / Recreational Uses.

1. **Use G-1: Amusement Park**: An outdoor entertainment facility designed for mechanical or electronic rides, games, and accessory uses such as booths, snack bars, and special exhibit halls:

    a. The minimum lot area shall be 20 acres.

    b. Amusement parks may not be an accessory use.

2. **Use G-2: Athletic Club**: A building, facility or structure, which through membership and/or compensation, offers facilities and programs operated by a non-governmental agency for athletic, health or recreational workout and training, including but not limited to gymnasiums, exercise and weight rooms, game courts, locker rooms, jacuzzi and sauna, reduction and training salons, weight control programs, classes, group instruction, and accessory pro and health food snack shops:

   a. Outdoor play courts, if provided, shall meet approved playing size standards exclusive of any required green areas.

   b. Outdoor play courts, if provided, shall meet the setback requirements of the applicable zoning district.

3. **Use G-3: Golf Course**: A golf course may include a club house, restaurant, and other accessory uses, provided these are clearly accessory to the golf course:
   a. A minimum lot area of 100 acres shall be provided.

   b. No building shall be any closer than 100 feet to any lot line.

   c. Golf courses permitted as conditional uses in any zoning district shall comply with the following:

      i. No miniature golf shall be permitted.

      ii. Driving ranges may not use lighting facilities and no part of the driving range, including the designated landing area, shall be located closer than 100 feet to any lot line, or lot line of any residential lot.

4. **Use G-4: Indoor Recreation**: An indoor facility designed to accommodate sports such as bowling, ice skating, roller skating, roller blading, skateboarding, and similar activities.

5. **Use G-5: Outdoor Recreation**: Outdoor recreation, including public or private miniature golf courses, ball courts, tennis courts, ball fields, trails, and similar uses which are not enclosed in buildings and are operated on a commercial or membership basis, primarily for the use of patrons who do not reside on the same lot or premises. Outdoor recreation shall not include an amusement park, public campground, or other uses specifically provided in this Ordinance.

6. **Use G-6: Public Campground**: A property upon which 2 or more campsites are located, established, or maintained for occupancy as temporary living quarters for recreation or vacation purposes.

   a. Spaces or camp sites for the use of travel trailers and campers shall be rented by the day or week only.

   b. Occupants of camp sites or space shall not remain in the same public campground for more than 15 consecutive days, including a maximum of 30 days during any one calendar year.

7. **Use G-7: Home-Based Occupation Craft Alcohol Production Facility:** A small, independent facility where alcoholic beverages are brewed or distilled for wholesale distribution, and whose flavor derives from traditional or innovative ingredients, manufacturing techniques, and their fermentation or distillation. Any facility established under this Use G-7, shall be ancillary to a single-family residential dwelling and primarily owned and operated by individuals residing on the property or their immediate relatives.
   a. The principal use of the property shall be any residential use permitted as a By-Right Use. The Home-based Occupation Craft Alcohol Production Facility shall be deemed to be and conducted solely as a residential accessory or secondary use of the Property, as provided in Section 27-302.D.2., and 27-303.D., and shall not be permitted to be conducted as a primary use of any property.

   b. The minimum lot area for any property on which Use G-7 is proposed shall be four (4) acres in area, as that term is otherwise defined in Chapter 27 of the Upper Salford Township Code of Ordinances.

   c. All distilling, brewing, production, bottling, storage of inventory, packaging and shipping activities shall occur on-site and be conducted within an enclosed accessory building or structure on the property. Under no circumstances shall any loading or off-loading activities be performed on any roadway. Delivery and shipping activities shall be limited to the hours of 7:00am and 7:00pm.

   d. As a specific limitation on the conduct of this accessory use G-7 (which shall not be construed as a limitation on the activities authorized under the license issued by the Pennsylvania Liquor Control Board), there shall be no tasting room, on-site retail sale, or retail display of alcoholic beverages, or preparation or sale of any other food or beverages, which shall include food vendors or food trucks. Additionally, no entertainment shall be permitted on site.

   e. Prior to commencing operations, the business must establish that the owner and operator of the Use G-7 has been issued and possesses a current, valid license in good standing from the Pennsylvania Liquor Control Board to conduct the brewing or distilling activity permitted by Use G-7, and has obtained such other permits as may be required by any other governmental agency having jurisdiction over the proposed use or its facilities. The requirements of this subsection shall be satisfied by providing a copy of the licenses or permits issued. The obligation to maintain all licenses and permits in current and good standing shall be an ongoing obligation of the business.

   f. The ownership of the business shall be limited to individuals residing on the property and their immediate relatives (child, parent, or sibling). In the event that the business shall be conducted by a corporation, partnership, LLC, or other entity, the business shall be obligated to certify annually to the Zoning Officer that the ownership of the entity complies with the requirements of this subsection. Employees may include any of the above designated persons, plus one non-related individual.

   g. Any buildings or structures erected in connection with the business shall be designed in a manner that they remain consistent with the residential character of the surrounding neighborhood.

   h. A single sign shall be permitted that meets the requirements of Section 27-

2006.B.1.f. applicable to Home Occupation Uses. Any sign installed shall not exceed six (6) square feet in area or four (4) feet in height, and may be double-sided freestanding or monument sign. Signs permitted under this Section for Use G-7 shall not be permitted to be illuminated, either internally or externally.

i. The business shall not use equipment or processes that create objectionable noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with radio or television reception.

j. The business shall not generate solid waste or sewage discharge in volume or type not normally associated with residential use. Any zoning permit issued pursuant to this paragraph shall be subject to the following submission and review process:

1. Prior to the issuance of any permit to conduct Use G-7, and as a condition to any permit issued, the business shall be obligated to provide to the Zoning Officer, a solid waste treatment and disposal plan which shall detail the manner in which the applicant shall treat and dispose of all solid waste generated by the distilling and brewing process. Ongoing compliance with the Solid Waste Treatment and Disposal Plan shall be a continuing condition of any zoning permit issued.
2. Prior to the issuance of any permit to conduct Use G-7, and as a condition thereof, the business shall be obligated to provide to the Zoning Officer a wastewater disposal and treat plan, prepared by a competent wastewater professional to provide an outline of the plan for the proposed treatment (including pre-treatment) and disposal of all liquid and solid waste products from the distilling and brewing processes to be conducted. Ongoing compliance with the Wastewater Treatment and Disposal Plan shall be a continuing condition of any zoning permit issued.
3. In any onsite wastewater treatment from the distillery and brewing process is proposed, prior to the issuance of any permit, the Zoning Officer shall require the business to provide evidence from a competent wastewater professional that any waste product from the distilling and brewing processes proposed to be discharged into the on-lot sewerage disposal system servicing the property will not cause any malfunction or failure of the on-lot sewage disposal system, or violate any condition of any permit for the on-lot sewage disposal system.
4. Under no circumstances shall a zoning permit be issued for Use G-7 where the business proposes the discharge of any wastewater generated by the distillery or brewing process in toa non-permitted on-lot sewage treatment and disposal system.
5. In reviewing the sufficiency of any waste treatment plan submitted under this Section, the Zoning Officer may consult with such professionals as may be approved by the Board of Supervisors and obtain a review of the plans. The expense of such review shall be charged to the applicant as part of the permit processing fee, and payment of such fees shall be made prior to the issuance of any zoning permit for Use G-7.

H. Residential Uses.

1. **Use H-1: Estate Dwelling Unit (single-family detached)**: A large privately owned lot of at least 10 acres, comprising all or part of an area of deed-restricted greenway land, and limited to a small bailable area. The purpose of the estate lot is to provide surrounding residents with visual access to open land while keeping the land under private ownership and maintenance. Estate dwelling units are permitted as part of conservation subdivisions.

2. **Use H-2: Single Family Detached Dwelling**: A dwelling unit designed and used exclusively as the residence for only 1 family unit, is the only dwelling unit located on the parcel it is situated on, and is not attached to any other structures or dwelling units, except accessory structures permitted in this ordinance:

3. **Use H-3: Village Single**: A single family detached dwelling with design features intended to create a pedestrian friendly village character. Village singles houses must meet all of the following criteria:

    a. They shall contain a roofed but unenclosed porch extending across at least half of the front of the dwelling and being at least 7 feet in depth.

    b. All front facing garages for village houses must be located at least 10 feet behind the building's front facade. All other off-street parking, including other garages or unenclosed parking spaces, must be located behind the building's front facade.

    c. All village houses shall contain at least one of the following features:

        i. A front yard raised above sidewalk grade by at least 2 feet.

        ii. A front yard enclosed by a permanent ornamental wall or wooden fence between 2 and 3 feet in height or enclosed by a hedge of shrubs planted 18 inches apart across the width of the front yard.

        iii. A first floor level of the house, including the front porch, that is raised at least 2 feet above ground level at the front facade of the building.

    d. The side wall of a village single located within 10 feet of a property line and facing the wall of an adjacent structure shall not contain windows or other transparent surface exceeding 3% of the wall surface.

4. **Use H-4: Residential School Campus:** A facility, building, lot, parcel, use, or group of facilities, buildings, and uses that provide a broad educational curriculum to individuals enrolled therein, licensed by the State Department of Education, including private and public kindergartens, elementary, junior and senior high schools, vocational, charter and alternative schools, and colleges and universities that provide for residential living in connection with the educational curriculum. Provided however, the use shall meet the following requirements:

    a. The minimum lot area shall be 10 acres.

    b. When any portion of an outdoor recreation area or playing field is located within 100 feet of an off-site residential land use or zoning district boundary (where the zoning district boundary separates the property on which the H-4

use is proposed from property not owned by the owner of such property), such outdoor recreation areas and playing fields shall be screened utilizing a screening buffer as defined in §22-612 E.5. of the Upper Salford Township Subdivision and Land Development Ordinance.

c. Temporary classroom trailers are permitted provided they meet the district yard requirements, and the impervious surface limitations in the applicable zoning district, and provided that any classroom trailer shall be permitted for a period not to exceed a single school year, or one (1) calendar year, whichever is greater.

ARTICLE IV

ZONING DISTRICT CLASSIFICATIONS

§ 27-400. ZONING DISTRICTS

For the purposes of this ordinance, Upper Salford Township is hereby divided into the zoning districts listed herein. These are shown on the Upper Salford Township Zoning Map, as amended, which is hereby made a part of this ordinance. The Zoning Map and all notations, references, and other data thereon shall be as much a part of this ordinance as if fully described herein.

RA-5 - Residential Agricultural District
R-2 - Rural Residential District
R-30 - Village Commercial/Rural Residential District
IN - Institutional District
REC - Recreational District
CB - Commercial Business District
LLI - Light Limited Industrial District
LI - Limited Industrial District

§27-401. OVERLAY DISTRICTS

For the purposes of this ordinance, the following overlay districts are applied over the mapped districts listed in §27-400, herein. These districts serve the intent and purposes identified in the individual overlay districts, which relate primarily to the prevention of hazards and degradation of the natural environment, as well as protection of environmental amenities.

FPC - Floodplain Conservation Overlay District
SSC - Steep Slope Conservation Overlay District
RCC - Riparian Corridor Conservation Overlay District

§ 27-402. ZONING DISTRICT BOUNDARIES

The boundaries of districts listed in §27-401, herein, are shown on the Zoning Map, and are intended to follow one or more of the following:

A. Centerlines of streets, utility company rights-of-way, railroad rights-of-way, and/or extensions thereof.

B. Property lines, municipal boundary lines, and/or extensions thereof.

C. Centerlines of creeks shown on the map.

D. Where zoning district boundaries appear to follow one or more of the above criteria, they shall be considered to follow those criteria. Any question of boundary determination shall be resolved by the Zoning Officer, who may seek the advice of

the township's planning commission.

§ 27-403. FEDERAL AND STATE OWNED PROPERTIES

When federal or state owned property is included in one or more zoning districts, it shall be subject to the provisions of this ordinance only insofar as permitted by the Constitution and laws of the United States of America and the Commonwealth of Pennsylvania.

ARTICLE V

RA-5 RESIDENTIAL AGRICULTURAL DISTRICT

§ 27-500. PURPOSES

In expansion of the Declaration of Legislative Intent found in Article I, §27-101 of this Chapter, and the Statement of Community Development Objectives found in Article I, §27-102 of this Chapter, the purpose of this Article, among others, is as follows:

A. Direct lower density residential development to areas of the Township that are more rural in character and less likely to be served by centralized sewer and water system networks.

B. Maintaining natural and rural vistas, especially from public areas such as roads and waterways.

C. Establish reasonable standards that permit the continued operation of agricultural uses while allowing limited development of single-family detached dwelling units.

§27-501. USE REGULATIONS

A building may be erected, altered or used, and a lot may be occupied or used, in whole or part, for any of the following uses and no other, provided that such uses comply with the district regulations in this Article, and all other applicable sections of this Ordinance, including the use standards contained in Article III.

A. Uses By-Right.

1. B-1 Forestry
2. B-2 General Farming
3. B-3 Intensive Agriculture
4. B-4 Nursery/Greenhouse
5. B-5 Riding Academy/Stable
6. E-3 Conservation/Recreation
7. E-6 Municipal Complex
8. E-9 Utility Operating Facility
9. H-2 Single-Family Detached Dwelling
10. The following Accessory Uses:

a. A-1 Agricultural Accessory Structure
b. A-2 Bed and Breakfast
c. A-4 Commercial Vehicle
d. A-5 Domestic Animals
e. A-7 Fences/Walls
f. A-9 Home Occupation
g. A-10 No-Impact Home-Based Business
h. A-13 Recreational Vehicles
i. A-14 Residential Accessory Structure
j. A-15 Roadside Stand
k. A-16 Swimming Pool
l. A-17 Tennis/Sports Court

B. Conditional Uses.

1. A-8 Home Child Day-Care Facilities
2. G-3 Golf Course

§27-502. DENSITY AND DIMENSIONAL STANDARDS

Standards	**Requirement**
Maximum Density	1 du / 5 ac (gross)
Minimum Lot Area	5 acres
Minimum Lot Width	300 feet
Front Yard Setback	150 feet
Rear Yard Setback	150 feet
Side Yard Setback	100 feet
Maximum Impervious	15 percent

NOTE: The above chart is provided for informational and reference purposes. Where there is any discrepancy between the chart and the text of the density and dimensional standards provided in the text of this Article or the use definition under §27-304, the text of this Article or the use definition under §27-304, whichever is most restrictive, shall prevail. In all cases, the density and dimensional standards contained in the use definitions under §27-304 shall be the minimum standards applicable to such use in all districts.

A. Standards for Residential Agricultural Subdivisions.

1. Maximum Density: 1 dwelling unit per 5 acres.

2. Minimum Lot Area: 5 acres.

3. Minimum Lot Width at Street Line: 300 feet.

4. Yard Regulations:

   a. Front Yard: 150 feet from the street right-of-way (or, in the case of an interior lot, the front lot line).

   b. Rear Yard: 150 feet

   c. Side Yard: Each lot shall have two side yards each having a width of not less than 100 feet.

5. Maximum Impervious Coverage: 15 percent limit on each lot.

6. Maximum Height of Principal Structure: 35 feet.

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ARTICLE VI

R-2 RURAL RESIDENTIAL DISTRICT

§27-600. PURPOSES

In expansion of the Declaration of Legislative Intent found in Article I, §27-101 of this Chapter and the Statement of Community Development Objectives found in Article I, §27-102 of this Chapter, the purpose of this Article, among others, is as follows:

A. To preserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, floodplains and wetlands, by setting them aside from development.

B. To preserve scenic views and elements of the Township's rural character, and to minimize perceived density, by minimizing views of new development from existing roads;

C. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for residential development.

D. To create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space, and with a strong neighborhood identity.

E. To reduce erosion and sedimentation by the retention of existing vegetation, and the minimization of development on steep slopes.

F. To preserve areas of the Township with productive agricultural soils for continued or future agricultural use, by preserving blocks of land large enough to allow for efficient farm operations.

G. To 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.

H. To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences, so that the community's population diversity may be maintained;

I. To implement adopted township land use, transportation, and community policies, as identified in the township's Comprehensive Plan;

J. To implement adopted township policies to conserve a variety of irreplaceable and environmentally sensitive resource lands as set forth in the Upper Salford Township Open Space Plan and Greenway Guidebook, including provisions for reasonable incentives to create a greenway system for the benefit of present and future residents; and

K. To provide standards reflecting the varying circumstances and interests of individual landowners, and the individual characteristics of their properties.

L. To provide multiple options for landowners in order to minimize impacts on environmental resources (sensitive lands such as wetlands, floodplain, and steep slopes) and disturbance of natural or cultural features (such as mature woodlands, hedgerows and tree lines, critical wildlife habitats, historic buildings, and fieldstone walls).

§27-601. USE REGULATIONS

A building may be erected, altered or used, and a lot may be occupied or used, in whole or part, for any of the following uses and no other, provided that such uses comply with the district regulations in this Article, and other applicable sections of this Ordinance, including the use standards contained in Article III.

A. Uses By-Right.

1. B-1 Forestry
2. B-2 General Farming
3. B-3 Intensive Agriculture
4. B-4 Nursery/Greenhouse
5. B-5 Riding Academy/Stable
6. E-3 Conservation/Recreation
7. E-6 Municipal Complex
8. E-9 Utility Operating Facility
9. H-1 Estate Dwelling Unit (Single-Family Detached)
10. H-2 Single-Family Detached Dwelling
11. H-3 Village Single – in conservation subdivision only
12. H-4 Residential School Campus
13. The following Accessory Uses:

a. A-1 Agricultural Accessory Structure
b. A-2 Bed and Breakfast
c. A-4 Commercial Vehicle
d. A-5 Domestic Animals
e. A-7 Fences/Walls
f. A-9 Home Occupation
g. A-10 No-Impact Home-Based Business
h. A-13 Recreational Vehicles
i. A-14 Residential Accessory Structure
j. A-15 Roadside Stand
k. A-16 Swimming Pool
l. A-17 Tennis/Sports Court

B. Conditional Uses.

1. A-8 Home Child Day-Care Facilities
2. G-3 Golf Course

§27-602. DENSITY AND DIMENSIONAL STANDARDS

Standards	Rural Subdivision	Conservation Subdivision
Maximum Density	1 d.u. per 160,000 sq. ft. [1]	1 d.u. per 80,000 sq. ft. [2]
Open Space Ratio[3]	None	60% of Base Site Area
Sewage Disposal Options	Individual on-lot systems only	Central, community, or individual systems
Minimum Lot Area **Maximum Lot Area** **Minimum Building Envelope**	160,000 sq. ft. N/A 40, 000 sq. ft.	15,000 sq. ft. 80,000 sq. ft. [4] N.A
Minimum Lot Width	250 feet	125 feet
Front Yard Setback	60 feet	20 feet
Rear Yard Setback	60 feet	40 feet
Side Yard Setback	40 feet (100 foot aggregate)	5 feet (30 foot aggregate)
Maximum Impervious surface	15 percent	30 percent of NBSA 15 percent per individual lot

[1]Density Calculated per §27-2224.B.4
[2]Density Calculated per §27-2224.B.5.
[3]Open space calculated per §27-2224.B.3. Open Space, as used in this chart, shall include greenway land as used in this Article.
[4]The Maximum Lot Area limitation may be relaxed to accommodate "estate lots" as permitted for open space/greenway land configuration under §27-602.B. provided

that such "estate lots" shall be counted toward the calculated density and not as an additional lot(s).

NOTE: The above chart is provided for informational and reference purposes. Where there is any discrepancy between the chart and the text of the density and dimensional standards provided in the text of this Article or the use definition under §27-304, the text of this Article or the use definition under §27-304, whichever is most restrictive, shall prevail. In all cases, the density and dimensional standards contained in the use definitions under §27-304 shall be the minimum standards applicable to such use in all districts.

A. Standards for Rural Subdivisions. The following standards apply only to subdivisions of tracts ten (10) acres or greater in area of the calculated Base Site Area that propose to utilize individual on-lot sewage systems. Subdivisions that propose connection to or provision for a central or community sewage system shall conform to standards for conservation subdivisions under §27-602.B. herein.

1. Minimum Lot Area: 160,000 square feet.

2. Sewage Disposal: Individual on-lot systems only.

3. Minimum Lot Width at Street Line: 250 feet.

4. Yard Regulations:

   a. Front Yard: 60 feet from the street right-of-way (or, in the case of an interior lot, the front lot line).

   b. Rear Yard: 60 feet

   c. Side Yard: Each lot shall have two side yards having an aggregate width of not less than 100 feet, neither side yard having a width of not less than 40 feet.

5. Minimum Building Envelope: 40,000 square feet

6. Maximum Impervious Coverage: 15 percent limit on each lot.

7 Maximum Height of Principal Structure: 35 feet.

B. Standards for Conservation Subdivisions. The following standards may apply to the subdivision of any tract greater than ten acres in area as of the date of the adoption of this Ordinance proposed within the R-2 Rural Residential District. These standards shall be required for subdivisions that propose connection to or provision for central or community sewage system.

1. Yield Plan: Determination of the maximum number of permitted dwelling units shall be based upon the standards in §27-602.A., as demonstrated by an actual yield plan. The yield plan must be prepared as a layout plan in accordance with the standards of the township's subdivision and land development ordinance, containing proposed lots, streets, rights-of-way, and other pertinent features. The yield plan shall utilize a minimum lot area of 80,000 square feet for all lots depicted, and also reflect the dimensional standards for rural subdivisions found in §27-602.A., herein. The yield plan shall be prepared in compliance with §27-284 hereof, and must identify the site's primary and secondary resources, as identified as part of the natural features plan, and demonstrate that the primary resources could be successfully absorbed in the development process without disturbance, by allocating this area to proposed single-family dwelling lots which conform to the standards for rural subdivisions.

2. Minimum Required Greenway Land: The subdivision shall include at least 60 percent of the gross tract acreage as greenway land. The greenway land must not be used for residential lots and shall be consistent with §27-2206, except as provided below.

    a. Large estate lots may be proposed to occupy up to fifty (50%) of the required greenway land, however, there shall be no more than one estate lot for every two neighborhoods proposed. Estate lots shall be at least ten acres in area. If the required greenway land is less than twenty acres, however, estates lots shall not be utilized or permitted. Estate lots are intended to be counted as a lot as calculated under the Site Capacity Calculations under § 27-2224 of this Article and confirmed by a yield plan, and not in addition to the lots to be laid out as a conservation subdivision. Estate lots shall be deed restricted from any further subdivision in accordance with Chapter 22 hereof, and use of the estate lot shall be limited to those uses permitted under §27-2206.A.1, 2, and 8, in addition to those uses permitted under §27-601 A, subsections 1, 2, 5, 9, 10, 13.a., 13.e., 13.f., 13.g., 13.h., 13.i., 13.j., 13.k., and 13.l. An individual on-lot sewage disposal system servicing only the estate lot must also be located on the estate lot. The principal use of the estate lot shall be residential.

3. Subdivision Design: The subdivision shall be designed in conformance with the standards for conservation design in §27-2207.

4. Ownership and Maintenance of Common Facilities and Greenway Land: Common facilities and greenway land shall be owned and maintained in conformance with the requirements of §27-2208.

5. Sewage Disposal: Individual systems are preferred. If community or central systems are proposed, the applicant shall be obligated to provide an alternative analysis to establish that the maximum density as calculated under §27-2224 hereof cannot be attained utilizing individual on-lot systems. Under no circumstances shall a community system or central system be permitted where individual on-lot systems can be utilized.

6. Minimum Lot Area: 15,000 square feet.

7. Maximum Lot Area: 80,000 square feet

8. Minimum Lot Width at Building Line: 125 feet.

9. Yard Regulations: The builder or developer is urged to consider variations in the principal building position and orientation, but shall observe the following minimum standards:

    a. Front Yard: 20 feet.

    b. Rear Yard: 40 feet.

    c. Side Yard: 30 feet separation for principal buildings, with no side yard less than 5 feet.

10. Maximum Impervious Coverage: 30 percent of Net Buildable Site Area, not to exceed 15 percent on any given lot proposed.

11. Maximum Height of Principal Structure: 35 feet.

12. Phasing: Conservation subdivisions may be phased and estate lots may be created by subdivision prior to neighborhood development, in accordance with a 1unified development plan for the entire tract and the following requirements.

    a. An inventory and analysis of the entire tract shall be completed in accordance with the Upper Salford Township Subdivision and Land Development Ordinance.

    b. The unified development plan for the tract shall be approved as a sketch plan, and shall be made a part of a binding development agreement between the applicant and the township.

    c. When estate lots are subdivided prior to neighborhood development, the following standards shall apply:

        i. If neighborhood development is desired in the future, the plan must be designed so that sufficient land area is set aside in a suitable configuration for that purpose.

        ii. The maximum density permitted within the neighborhood development shall be based upon the acreage of the original tract, minus the dwelling units on the estate lots.

iii. Any estate lot created shall be restricted from further subdivision by permanent recorded conservation easement and/or deed restriction. Such conservation easement and/or deed restriction shall be imposed upon the estate lots when they are created, and recorded in the Office of Recorder of Deeds of Montgomery County prior to any conveyance of the lots to a third party, including any subsidiary of the developer.

iv. Any future neighborhood development shall be consistent with the approved sketch plan and development agreement.

C. Reduced Lot Area Option

Conditional Use: The Board of Supervisors may grant by conditional use, the reduction in the required minimum lot area to no less than 80,000 square feet provided that as a result of such reduction there shall be no increase in density from that permitted by a Rural Subdivision. The reduced lot option shall not be utilized for a Yield Plan in connection with a proposal for a Conservation Subdivision. The conditional use may be permitted in order to provide permanently preserved greenway land, under the following conditions:

1. A sketch plan is provided consistent with the Upper Salford Township Subdivision and Land Development Ordinance, showing the location and total area of the proposed greenway land; and the reduction in minimum lot size needed to accommodate the proposed lots.

2. At the discretion of the township, the land to be preserved as greenway land must serve one or more of the following purposes:

   a. Greenway or trail connection identified in the township's Comprehensive Plan, Open Space Plan or Greenway Guidebook.

   b. Active recreation in areas identified by the township, serving both residents of the proposed subdivision and residents beyond the proposed subdivision.

   c. "Village green" or "parkway", as defined in §27-2207.K.2, provided the land is ninety (90) percent free of environmental constraints and contains, at a minimum, an area equal to 5,000 square feet per lot, and provided that no more than twenty-five percent of the greenway is proposed within village green or parkway uses.

3. The amount of permanently preserved greenway shall be a minimum of 80,000 square feet. The amount of permanently preserved greenway land may be less than 80,000 square feet provided the township determines the purposes listed in §27-602.C.2., above, are satisfactorily achieved.

4. Ownership of the greenway land is consistent with §27-2208.B.1 through 4, and proper public access is provided.

5. For each lot below the required minimum lot size of 160,000 square feet, the amount below 160,000 square feet must be permanently preserved as greenway land. Reduction in lot size below 160,000 square feet may not be used to increase the size of another lot.

6. Each proposed lot is served by an individual on-lot sewage disposal system.

7. Based on proposed lot size, the following standards shall be met for all lots below 160,000 square feet:

Lot Size	80,000 sq. ft. – 159,999 sq. ft.
Minimum Lot Width	200 feet
Front Yard Setback	60 feet
Rear Yard Setback	60 feet
Side Yard Setback	40 feet (100 foot aggregate)
Maximum Impervious	15 percent

NOTE: The above chart is provided for informational and reference purposes. Where there is any discrepancy between the chart and the text of the density and dimensional standards provided in the text of this Article or the use definition under §27-304, the text of this Article or the use definition under §27-304, whichever is most restrictive, shall prevail. In all cases, the density and dimensional standards contained in the use definitions under §27-304 shall be the minimum standards applicable to such use in all districts.

D. Standards for Residential School Campuses. In addition to those minimum requirements under §27-304, the following standards shall apply to any application for a conditional use for use H-4, Residential School Campus proposed within the R-2 Rural Residential District.

1. The site of the residential school campus shall be located adjacent to land zoned IN Institutional District, and must have 400 feet of road frontage on a collector road.

2. The minimum site area is 65 acres.

3. Minimum required greenway land: The residential school campus shall include at least 75% of the gross tract acreage as greenway land. The

greenway land shall meet the requirements of §27-2206 "Greenway Land" of Article XXII of this Chapter 27 - Zoning.

4. Ownership and maintenance of common facilities in greenway land: Common facilities and greenway land shall be owned and maintained by the operator of the residential school campus, but greenway land shall be deed restricted against further development and permanently preserved by conservation easements held by the Township, a land conservancy or private conservation organization. The Township shall be provided a right of enforcement of any conservation easement.

5. Sewage disposal: Central, community, or individual systems are permitted, provided that no central sewage treatment facilities shall be located within Upper Salford Township excepting only collection and transmission facilities. Connection to a central sewage treatment facility shall be subject to the specific approval of the Board of Supervisors, in accordance with the Township's Sewage Facilities Plan.

6. Maximum impervious coverage: 20%

7. Maximum height of principal structures: 35 feet, provided, however, that chimneys, spires, towers, elevator penthouses, tanks, solar energy apparatus and similar projections shall be permitted to extend not more than 15 feet above the maximum building height to a maximum building height of 50 feet.

8. Minimum building set back from perimeter property lines: 150 feet

9. Phasing: Residential school campus development may be phased, and applicants shall be required to meet the following requirements:

    a. An inventory and analysis of the entire tract shall be completed in accordance with the Upper Salford Township subdivision and Land Development Ordinance.

    b. The Unified Development Plan for the tract shall be approved as a sketch plan and shall be made part of a binding development agreement between the applicant and the township.

    c. Areas may be proposed for future residential school campus development and shall be consistent with the approved sketch plan and development agreement.

10. Ownership: The tract of land on which the residential school campus is constructed shall, in its entirety, be owned and operated as a single and common management and maintenance unit with parking, utility, maintenance and service facilities.

11. Delivery Areas: Adequate off-street loading and unloading space with proper access from a street, highway or common service driveway shall be provided

for all residential school campus uses, in accordance with the requirements of the Upper Salford Subdivision and Land Development Ordinance.

12. Landscaping: In order to achieve the purposes of the R-2 Rural Residential District, all residential school campus developments shall provide landscaping to minimize perceived density and views of the campus development from existing roads. Landscaping shall comply with the requirements of the Upper Salford Subdivision and Land Development Ordinance.

E. Rural Subdivisions – Tracts less than ten (10) acres in area:

1. Minimum Lot Area: 80,000 square feet.

2. Sewage Disposal: Individual on-lot systems only.

3. Minimum Lot Width at Street Line: 200 feet.

4. Yard Regulations

a. Front Yard: 60 feet from the street right-of-way (or, in the case of an interior lot, the front lot line).

b. Rear Yard: 60 feet

c. Side Yard: Each lot shall have two side yards having an aggregate width of not less than 100 feet, neither side yard having a width of not less than 40 feet.

5. Maximum Impervious Coverage: 15 percent limit on each lot.

6. Maximum Height of Principal Structure: 35 feet.

ARTICLE VII

[RESERVED FOR FUTURE USE]

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ARTICLE VIII

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ARTICLE IX

R-30 RESIDENTIAL/VILLAGE COMMERCIAL

§27-900. PURPOSES

In expansion of the Declaration of Legislative Intent found in Article I, §27-101 of this Chapter and the Statement of Community Development Objectives found in Article I, §27-102 of this Chapter, the purpose of this Article, among others, is as follows:

A. To preserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, floodplains and wetlands, by setting them aside from development.

B. To preserve scenic views and elements of the Township's rural character, and to minimize perceived density, by minimizing views of new development from existing roads;

C. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for residential development.

D. To create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space, and with a strong neighborhood identity.

E. To reduce erosion and sedimentation by the retention of existing vegetation, and the minimization of development on steep slopes.

F. To preserve areas of the Township with productive agricultural soils for continued or future agricultural use, by preserving blocks of land large enough to allow for efficient farm operations.

G. To 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.

H. To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences, so that the community's population diversity may be maintained;

I. To implement adopted township land use, transportation, and community policies, as identified in the township's Comprehensive Plan;

J. To implement adopted township policies to conserve a variety of irreplaceable and environmentally sensitive resource lands as set forth in the Upper Salford Township Open Space Plan and Greenway Guidebook, including provisions for reasonable incentives to create a greenway system for the benefit of present and future residents; and

K. To provide standards reflecting the varying circumstances and interests of individual landowners, and the individual characteristics of their properties.

L. To provide multiple options for landowners in order to minimize impacts on environmental resources (sensitive lands such as wetlands, floodplain, and steep slopes) and disturbance of natural or cultural features (such as mature woodlands, hedgerows and tree lines, critical wildlife habitats, historic buildings, and fieldstone walls).

M. Encourage the retention of existing buildings by permitting a variety of commercial, office, and residential uses which are compatible with the existing structural types, lot sizes, and other physical, visual, and historic characteristics.

N. Encourage the consolidation of driveways, parking, and curb cuts to provide more efficient, economical, and safe access and parking.

§27-901. USE REGULATIONS

A building may be erected, altered or used, and a lot may be occupied or used, in whole or part, for any one of the following principal uses and no other, provided that such uses comply with the district regulations in this Article, and other applicable sections of this Chapter, including the use standards contained in Article III.

A. Uses By-Right.

1. B-1 Forestry

2. B-2 General Farming

3. E-3 Conservation/Recreation

4. E-6 Municipal Complex

5. E-9 Utility Operating Facility

6. H-1 Estate Dwelling Unit (Single-Family Detached)

7. H-2 Single-Family Detached Dwelling

8. H-3 Village Single

9. The following Accessory Uses:
   a. A-2 Bed and Breakfast
   b. A-4 Commercial Vehicle
   c. A-5 Domestic Animals
   d. A-7 Fences/Walls
   e. A-9 Home Occupations
   f. A-10 No-Impact Home-Based Business
   g. A-11 Non-Residential Accessory Structure

h. A-13 Recreational Vehicles
i. A-14 Residential Accessory Structure
j. A-16 Swimming Pool
k. A-17 Tennis/Sports Court

B. Uses by Conditional Use.

1. B-3 Intensive Agriculture
2. B-4 Nursery/Greenhouse
3. B-5 Riding Academy/Stable

4. The following Accessory Uses:
   a. A-1 Agricultural Accessory Use (only in conjunction with Uses B-2, B-3, and B-4)
   b. A-8 Home Child Day-Care Facilities

5. The following uses on lots having frontage along Old Skippack Road, provided the requirements in §27-903 are satisfied and a conditional use is granted in accordance with §27-2410:
   a. C-4 Convenience Store/Mini-Market
   b. C-5 Dry Cleaners (Drop-Off)
   c. C-6 Hotel/Motel/Inn
   d. C-8 Personal Care Business
   e. C-10 Restaurant
   f. C-11 Retail Shop
   g. C-12 Tavern/Bar
   h. F-1 Professional Office

§27-902. DENSITY AND DIMENSIONAL STANDARDS

Standards	Rural Subdivision	Conservation Subdivision
Maximum Density	1 d.u. per 60,000 sq. ft. 1	1 d.u. per 60,000 sq. ft.[2]
Open Space Ratio[3]	None	60% of Base Site Area
Sewage Disposal Options	Individual on-lot systems only	Central, community, or individual systems
Minimum Lot Area **Maximum Lot Area** **Maximum Building Envelope**	60,000 sq ft N/A 20,000 sq. ft.	12,000 sq ft 40,000 sq ft[4] N/A
Minimum Lot Width	185 feet	100 feet
Front Yard Setback	50 feet	20 feet
Rear Yard Setback	50 feet	25 feet
Side Yard Setback	25 feet (60 foot aggregate)	5 feet (20 foot aggregate)

Maximum Impervious	15 percent	30 percent of NBSA 15 percent per individual lot

[1]Density Calculated per §27-2224.B.4.
[2]Density Calculated per §27-2224.B.5.
[3]Open Space calculated per §27-2224.B.3. Open Space, as used in this chart, shall include greenway land as used in this Article.
[4]The Maximum Lot Area limitation may be relaxed by approval of the Board of Supervisors to accommodate "estate lots" as permitted for open space/greenway land configuration under §27-902.B. provided that such "estate lots" shall be counted toward the calculated density and not as an additional lot(s).

NOTE: The above chart is provided for informational and reference purposes. Where there is any discrepancy between the chart and the text of the density and dimensional standards provided in the text of this Article or the use definition under §27-304, the text of this Article or the use definition under §27-304, whichever is most restrictive, shall prevail. In all cases, the density and dimensional standards contained in the use definitions under §27-304 shall be the minimum standards applicable to such use in all districts.

A. Standards for Rural Subdivisions. The following standards apply only to subdivisions that propose to utilize individual on-lot sewage systems. Subdivisions that propose connection to or provision for a central or community sewage system shall conform to standards for conservation subdivisions under §27-902.B, herein.

1. Minimum Lot Area: 60,000 square feet.

2. Sewage Disposal: Individual on-lot systems only.

3. Minimum Lot Width at Street Line: 185 feet.

4. Yard Regulations:

   a. Front Yard: 50 feet from the street right-of-way (or, in the case of an interior lot, the front lot line).

   b. Rear Yard: 50 feet

   c. Side Yard: Each lot shall have two side yards having an aggregate width of not less than 60 feet, neither side yard having a width of not less than 25 feet.

5. Maximum Impervious Coverage: 15 percent limit on each lot.

6. Maximum Height of Principal Structure: 35 feet.

B. Standards for Conservation Subdivisions. The following standards may apply to any subdivision proposed within the R-30 Rural Residential/Village Commercial

District. These standards shall be required for subdivisions that propose connection to or provision for a central or community sewage system.

1. Yield Plan: Determination of the maximum number of permitted dwelling units shall be based upon the standards in §27-902.A., as demonstrated by an actual yield plan. The yield plan must be prepared as a layout plan in accordance with the standards of the township's subdivision and land development ordinance, containing proposed lots, streets, rights-of-way, and other pertinent features. The yield plan shall utilize a minimum lot area of 60,000 square feet for all lots depicted, and also reflect the dimensional standards for rural subdivisions found in §27-902.A., herein. The yield plan shall be prepared in compliance with §27-284 hereof, and must identify the site's primary and secondary resources, as identified as part of the natural features plan, and demonstrate that the primary resources could be successfully absorbed in the development process without disturbance, by allocating this area to proposed single-family dwelling lots which conform to the standards for rural subdivisions.

2. Minimum Required Greenway Land: The subdivision shall include at least 60 percent of the gross tract acreage as greenway land. The greenway land must not be used for residential lots and shall be consistent with §27-2206, except as provided below.

    a. Large estate lots may be proposed to occupy up to fifty (50%) of the required greenway land, however, there shall be no more than one estate lot for every two neighborhoods proposed. Estate lots shall be at least ten acres in area. If the required greenway land is less than twenty acres, however, estates lots shall not be utilized or permitted. Estate lots are intended to be counted as a lot as calculated under the Site Capacity Calculations under §27-2224 of this Article and confirmed by a yield plan, and not in addition to the lots to be laid out as a conservation subdivision. Estate lots shall be deed restricted from any further subdivision in accordance with Chapter 22 – Subdivision and Land Development, and use of the estate lot shall be limited to those uses permitted under §27-2206.A.1, 2, and 8, in addition to those uses permitted under §27-601 A, subsections 1, 2, 5, 9, 10, 13.a., 13.e., 13.f., 13.i., 13.j., 13.k., and 13.l. An individual on-lot sewage disposal system servicing only the estate lot must also be located on the estate lot. The principal use of the estate lot shall be residential.

3. Subdivision Design: The subdivision shall be designed in conformance with the standards for conservation design in §27-2207.

4. Ownership and Maintenance of Common Facilities and Greenway Land: Common facilities and greenway land shall be owned and maintained in conformance with the requirements of §27-2208.

5. Sewage Disposal: Individual systems are preferred. If community or central systems are proposed, the applicant shall be obligated to provide an alternative analysis to establish that the maximum density as calculated under §27-2224 hereof cannot be attained utilizing individual on-lot systems. Under no

circumstances shall a community system or central system be permitted where individual on-lot systems can be utilized.

6. Minimum Lot Area: 12,000 square feet.

7. Maximum Lot Area: 40,000 square feet

8. Minimum Lot Width at Building Line: 100 feet.

9. Yard Regulations: The builder or developer is urged to consider variations in the principal building position and orientation, but shall observe the following minimum standards:
   a. Front Yard: 20 feet.

   b. Rear Yard: 25 feet.

   c. Side Yard: 20 feet separation for principal buildings, with no side yard less than 5 feet.

10. Maximum Impervious Coverage: 30 percent of Net Buildable Site Area, not to exceed 15 percent on any given lot proposed.

11. Maximum Height of Principal Structure: 35 feet.

12. Phasing: Conservation subdivisions may be phased and estate lots may be created by subdivision prior to neighborhood development, in accordance with a unified development plan for the entire tract and the following requirements.

    a. An inventory and analysis of the entire tract shall be completed in accordance with the Upper Salford Township Subdivision and Land Development Ordinance.

    b. The unified development plan for the tract shall be approved as a sketch plan, and shall be made a part of a binding development agreement between the applicant and the township.

    c. When estate lots are subdivided prior to neighborhood development, the following standards shall apply:

       i. If neighborhood development is desired in the future, the plan must be designed so that sufficient land area is set aside in a suitable configuration for that purpose.

       ii. The maximum density permitted within the neighborhood development shall be based upon the acreage of the original tract, minus the dwelling units on the estate lots.

iii. Any estate lot created shall be restricted from further subdivision by permanent recorded conservation easement and/or deed restriction. Such conservation easement and/or deed restriction shall be imposed upon the estate lots when they are created, and recorded in the Office of Recorder of Deeds of Montgomery County prior to any conveyance of the lots to a third party, including any subsidiary of the developer.

iv. Any future neighborhood development shall be consistent with the approved sketch plan and development agreement.

C. Reduced Lot Area Option

Conditional Use: The Board of Supervisors may grant a reduction in the required minimum lot area to not less than 30,000 square feet without any increase in density. The conditional use may be permitted in order to provide permanently preserved greenway land, under the following conditions:

1. A sketch plan is provided consistent with the Upper Salford Township Subdivision and Land Development Ordinance, showing the location and total area of the proposed greenway land; and the reduction in minimum lot size needed to accommodate the proposed lots.

2. At the discretion of the township, the land to be preserved as greenway land must serve one or more of the following purposes:

   a. Greenway or trail connection identified in the township's Greenway Guidebook.

   b. Active recreation in areas identified by the township, serving both residents of the proposed subdivision and residents beyond the proposed subdivision.

   c. "Village green" or "parkway", as defined in §27-2207.K.2, provided the land is ninety (90) percent free of environmental constraints and contains, at a minimum, an area equal to 5,000 square feet per lot, and provided that no more than twenty-five percent of the greenway is proposed within village green or parkway uses.

3. The amount of permanently preserved greenway shall be a minimum of 30,000 square feet. The amount of permanently preserved greenway land may be less than 30,000 square feet provided the township determines the purposes listed in § 27-902.C.2, above, are satisfactorily achieved.

4. Ownership of the greenway land is consistent with §27-2208.B.1 through 4, and proper public access is provided.

5. For each lot below the required minimum lot size of 60,000 square feet, the amount below 60,000 square feet must be preserved as greenway land. Reduction in lot size below 60,000 square feet may not be used to increase the size of another lot.

6. Each proposed lot is served by an individual on-lot sewage disposal system.

7. Based on proposed lot size, the following standards shall be met for all lots below 60,000 square feet.

Lot Size	30,000 sq. ft. – 59,999 sq. ft.
Minimum Lot Width	100 feet
Front Yard Setback	50 feet
Rear Yard Setback	50 feet
Side Yard Setback	15 feet (50 foot aggregate)
Maximum Impervious	25 percent

NOTE: The above chart is provided for informational and reference purposes. Where there is any discrepancy between the chart and the text of the density and dimensional standards provided in the text of this Article or the use definition under §27-304, the text of this Article or the use definition under §27-304, whichever is most restrictive, shall prevail. In all cases, the density and dimensional standards contained in the use definitions under §27-304 shall be the minimum standards applicable to such use in all districts.

§27-903. CONDITIONAL USE STANDARDS FOR VILLAGE COMMERCIAL

Lots having frontage along Old Skippack Road may be granted to allow non-residential uses, provided the following requirements are met:

A. All buildings, structures, driveways and parking for the proposed non-residential use shall be located within 300 feet of the ultimate right-of-way of Old Skippack Road.

B. All proposed non-residential uses shall be consistent with the following dimensional requirements:

Standards	Non-Residential Uses
Minimum Lot Area	80,000 sq. ft.
Minimum Lot Width	200 feet
Front Yard Setback	Equal to the lessor of front yards of the two adjoining lots, or 15 feet, whichever is greater
Side Yard Setback	25 feet (60 foot aggregate)
Rear Yard Setback	50 feet
Spacing Between Buildings on the Same Lot	20 feet for one story and 30 feet for two story buildings.
Maximum Individual Building Footprint	2,000 square feet
Maximum Building Coverage	10 percent
Maximum Impervious	25 percent
Maximum Building Height	35 feet

NOTE: The above chart is provided for informational and reference purposes. Where there is any discrepancy between the chart and the text of the density and dimensional standards provided in the text of this Article or the use definition under §27-304, the text of this Article or the use definition under §27-304, whichever is most restrictive, shall prevail. In all cases, the density and dimensional standards contained in the use definitions under §27-304 shall be the minimum standards applicable to such use in all districts.

C. All proposed uses shall be consistent with the following standards for vehicular access, parking, and sidewalks:

1. Vehicular Access:

a. Traffic Volume: Generators of large volumes (more than 3,000 vehicle trips per day) of vehicular traffic or frequent customer turnover, especially during peak traffic periods of adjacent streets, shall not be permitted. Use of individual lots shall be limited to those that require Low Volume or Minimum Use Driveways, according to PennDOT standards. Projected traffic generation data shall be provided by the applicant for conditional uses, for evaluation by the Township Engineer. (Note: Low Volume driveway is between 50 and 1,500 vehicle trips per day; minimum use is less than 50 vehicular trips per day.)

b. Number of Curb Cuts: Each lot shall have not 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, Board of Supervisors may approve two curb cuts for two one-way driveways, subject to approval by PennDOT, where applicable.

c. Shared Access: Applicants should seek agreements for shared vehicular access as the preferred means of reducing the total number of curb cuts within the district, for traffic safety and congestion reasons.

i. When two or more abutting lots share an access driveway, that driveway should be designed as the main access to those lots, and one or more existing access driveways should then be closed.

ii. Where development of three or more adjoining parcels consolidates vehicular access into one shared driveway, that driveway may be upgraded into a medium volume (between 1,500 and 3,000 vehicle trips per day) driveway according to PennDOT standards.

iii. Shared access may be located entirely on one lot or be split along a common lot line.

iv. Access easements and maintenance agreements or other suitable legal mechanisms shall be provided, acceptable to the Board of Supervisors in consultation with the Township Solicitor.

v. Liability safeguards for all property owners and lessees served by the shared access shall be guaranteed to the satisfaction of the Board of Supervisors in consultation with the Township Solicitor.

d. Driveway setbacks from intersections:

i. On individual lots, driveways shall be located as far from street intersections as feasible.

ii. Where two or more lots share an access driveway, it shall be located as far from street intersections as feasible, preferably not on the corner lot.

e. Driveway widths and grades are regulated by the Upper Salford Township Subdivision and Land Development Ordinance.

2. Parking Regulations:

a. Parking capacity shall comply with the standards of Article XIX, Off-Street Parking, including the standards for reserve parking.

b. Shared parking is encouraged and may be located along, or across a common lot line. The required aggregate parking capacity may be reduced by Board of Supervisors, at its discretion, where shared parking allows greater efficiency for the uses proposed, subject to review and recommendation by the

Township Engineer. Any subsequent changes in use shall require reevaluation by Board of Supervisors.

c. Parking Setbacks.

i. Parking spaces and driveways serving the spaces shall be set back a minimum of five feet from rear and side property lines abutting nonresidential uses within the R-30 District unless parking is shared with an abutting lot, in which case parking may abut or cross the property lines shared by the common users. Where landscaped buffers or screens are required along lot lines, the parking and driveways shall be setback a sufficient distance to accommodate the buffer or screen.

ii. Parking spaces and driveways serving the spaces shall be set back a minimum of ten (10) feet from rear and side property lines abutting residential uses within the R-30 District. Where landscaped buffers or screens are required along lot lines, the parking and driveways shall be setback a sufficient distance to accommodate the buffer or screen.

iii. Parking spaces and driveways shall be set back a minimum of 20 feet from the boundary line of a property located in a residential district.

iv. Parking spaces shall be set back a minimum of ten (10) feet from all buildings.

v. Parking shall not be permitted within the front yard.

3. Sidewalks: Sidewalks shall provide access from the street and parking lots to the building(s).

D. At least 75 percent of the lot must remain free of buildings and/or impervious paving materials and be landscaped according to the Upper Salford Township Subdivision and Land Development Ordinance.

E. Any development that complies with the following standards regarding the retention and modification of existing buildings may increase the maximum building coverage to 20 percent, and the maximum impervious coverage to 55 percent, including a 20 percent decrease in the landscaped area required in §27-903.D, above:

1. Retention of the existing dwellings and barns, especially those built prior to 1940 and contributing to the historic character of the village. Front and side building facades and porches, if any, shall be preserved.

2. Additions to existing buildings or new buildings shall be located to the side or rear and should be compatible with the existing building in the following respects:

a. Height, proportion and scale (relation of the building height to width).

b. Bulk and general massing (i.e. are existing buildings simple and box-like or articulated by porches, turrets, and bay windows?).

c. Materials, colors, and textures of buildings and signage. In general, natural materials such as stone, red brick, wood siding, shingles, slate, etc., are preferred to industrial or artificial materials such as raw concrete, anodized or galvanized material, tinted glass, plastics, vinyls, etc.

d. Any fire escapes or similar features not part of the original building shall be at the rear of the property.

3. The applicant shall submit sufficient information in the form of architectural elevations or sketches of building additions, restoration, or new buildings in order to determine to what extent the above requirements have been followed.

ARTICLE X

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ARTICLE XI

IN INSTITUTIONAL DISTRICT

§27-1100. PURPOSES

In expansion of the Declaration of Legislative Intent found in Article I, §27-101 of this Ordinance, and the Statement of Community Development Objectives found in Article I, §27-102 of this Ordinance, the purpose of this Article, among others, is as follows:

A. Ensure that institutional uses are appropriately located within the Township, in relation to population and other existing development

B. Optimize compatibility with nearby properties by minimizing potentially detrimental impacts, including those caused by traffic, noise, or lighting.

C. Provide locational, dimensional, and development standards specific to the types of uses permitted.

§27-1101. USE REGULATIONS

A building may be erected or used or a lot may be used or occupied for any of the following class of uses and only in accordance with the standards contained in this Ordinance, including the use standards in Article III.

A. By-Right Uses.

1. Residential Uses. A tract may be developed as a Rural Subdivision, Conservation Subdivision, Reduced Lot Option and Rural Subdivision for tracts less than ten acres in area as permitted under §27-602 of this Chapter, provided that all residential uses shall comply with the requirements set forth in §27-602 of this Chapter as applicable to such options selected.

2. B-1 Forestry

3. B-2 General Farming

4. E-3 Conservation/Recreation

5. E-9 Utility Operating Facility

6. Class I Uses.

   a. E-1 Adult/Child Day Care
   b. E-4 Emergency Services
   c. E-5 Library/Museum
   d. E-7 Place of Worship

7. Class II Uses.

a. C-1 Club

8. Class III Uses.

a. E-2 Cemetery
b. E-8 School - Public/Private

9. The following Accessory Uses:

a. A-4 Commercial Vehicles
b. A-7 Fences and Walls
c. A-10 No-Impact Home-Based Business
d. A-11 Non-Residential Accessory Use

§27-1102. DIMENSIONAL STANDARDS

Standard	**Class I Uses**	**Class II Uses**	**Class III Uses**
Minimum Lot Size	2 acres	4 acres	10 acres
Minimum Lot Width at Ultimate ROW	200 feet	300 feet	400 feet
Maximum Building Area	35%	35%	25%
Maximum Impervious Surface	25%	25%	35%
Minimum Green Area	50%	50%	60%
Minimum Front Yard Setback	100 feet	100 feet	100 feet
Minimum Side Yard Setback	50 feet (both sides)	75 feet (both sides)	100 feet (both sides)
Minimum Rear Yard Setback	50 feet	75 feet	100 feet
Maximum Building Height	45 feet *	45 feet *	45 feet *
Maximum Building Length	150 feet	175 feet	200 feet

Minimum Building Separation	50 feet	50 feet	50 feet

*Chimneys, spires, towers, elevator penthouses, tanks, solar energy apparatus and similar projections shall be permitted to extend not more than 15 feet above the maximum building height to a maximum height of 60 feet.

NOTE: The above chart is provided for informational and reference purposes. Where there is any discrepancy between the chart and the text of the density and dimensional standards provided in the text of this Article or the use definition under §27-304, the text of this Article or the use definition under §27-304, whichever is most restrictive, shall prevail. In all cases, the density and dimensional standards contained in the use definitions under §27-304 shall be the minimum standards applicable to such use in all districts.

§27-1103. GENERAL REGULATIONS

All Institutional uses shall comply with the following standards:

A. Ownership. The tract of land on which a permitted use is constructed shall, in its entirety, be owned and operated as a single or common management and maintenance unit with parking, utility, maintenance, and service facilities.

B. Access. Properties with frontages of 600 feet or less on any individual street are only permitted 1 driveway intersection per street. Properties with frontages greater than 600 feet may be permitted a maximum of 2 driveways per street frontage, provided that such driveways are at least 300 feet apart. Regardless of frontage, a development may be restricted to a single driveway depending on usage and interior and exterior traffic patterns.

C. Parking Regulations. Parking shall not be permitted in the required yard areas.

D. Drop-off/Pick-up Area. All institutional uses shall provide an on-site drop-off/pick-up area with sufficient capacity for the type of facility proposed, consistent with the following standards:

1. All sites shall provide sufficient turnaround area so that vehicles can exit the site driving forward. On sites with 600 feet or more of street frontage, these areas may exit the site via a second driveway.

2. Minimum dimensions for a drop-off/pick-up area shall be 9 feet by 60 feet (3 car spaces), with appropriate tapers from and to the driveway it adjoins, subject to the approval of the Township Engineer.

E. Delivery Areas. Adequate off-street loading and unloading space with proper access from a street, highway or common service driveway shall be provided for all IN Institutional uses. All areas for loading and unloading of delivery trucks and other vehicles and for the servicing of establishments or shops by refuse collection, fuel and other service vehicles shall have adequate and unobstructed access from a street

or service driveway and shall be so arranged that they may be used without blocking or otherwise interfering with the use of automobile accessways, parking facilities, or pedestrian ways. They shall also be arranged that they may be used without backing out onto a street.

F. Landscaping. All Institutional uses shall provide a landscape buffer within each minimum yard setback area, designed and maintained in compliance with the landscaping standards contained within the township's subdivision and land development ordinance.

§ 27-1104. CONDITIONS GOVERNING EXISTING INSTITUTIONAL FACILITY EXPANSION

A. Expansion of an existing facility must be related to an increase of existing services or to allow for the addition of use, ancillary or accessory to the established use. A second primary facility, operated by a non-parent or non-subsidiary is not permitted without subdivision of property with conforming lot dimensions.

B. All expansion must serve to maintain the existing character of the buildings on the site, and with the character of surrounding residential neighborhoods.

§27-1105. REVIEW OF PLANS FOR INSTITUTIONAL USES

When an application for a zoning or use and occupancy permit is received by the Township for any use within the IN Institutional District for which no land development application is required, the Zoning Officer shall, prior to the issuance of a zoning or use and occupancy permit, refer the application to the Board of Supervisors to ascertain whether the Board wishes additional information regarding the application. Where the Board of Supervisors determines that the proposed use should be reviewed, it may refer the application to the Planning Commission for its review and recommendation and may thereafter impose such reasonable of conditions upon the approval of any use and occupancy permit consistent with the following provisions:

A. A plot plan, satisfying the minimum requirements for a sketch plan submission in accordance with Chapter 22, Land Development and Subdivision shall be submitted depicting the location of all existing and proposed structures, sidewalks and other areas to be devoted to pedestrian use, drives, parking lots, loading and unloading areas, and other features of the lot, including, without limitation, all structures, streets, alleys, highways, streams and other topographical features of the land. If determined necessary by the Planning Commission or the Township Engineer, the applicant shall also set forth such like information relating to the area within 200 feet of any lot line.

B. If interior or exterior modifications to existing structures are proposed, which modifications include the removal or addition of any partition walls or other structural elements, the Planning Commission or Township Engineer may require the submission of architectural plans for such interior or exterior modifications.

C. Where landscaping is required under this Chapter or under Chapter 22, Land Development and Subdivision, the Planning Commission may require the submission of a landscaping plan showing the location, dimension and arrangement of areas to be devoted to planting, lawns, trees or any other landscape element.

D. The applicant shall submit a narrative description of the proposed use, the approximate or anticipated number of employees, hours of operation, number of clients, students or customers which will use the facility.

E. The applicant shall provide a certification that the existing sewage treatment facilities are in proper operation and that they are sufficient to meet the sewage treatment needs of the proposed use.

F. The Planning Commission may request additional information specific to the proposed use.

G. Upon the information submitted, the Planning Commission shall issue a recommendation to the Board of Supervisors as to appropriate and reasonable conditions on the approval of any zoning permit or use and occupancy permit for the use proposed.

H. The Board of Supervisors may impose such reasonable conditions upon the applicant as to ensure that the proposed use will be consistent with the stated goals and objectives of this district.

I. The Board of Supervisors, upon recommendation of the Planning Commission, may waive compliance with any or all requirements of this section for proposed uses which are determined to be of minimal or negligible impact.

J. Nothing in this Section shall be construed as to affect the requirements under Article XXI of this Chapter

ARTICLE XII

REC RECREATIONAL DISTRICT

§27-1200. PURPOSES

In expansion of the Declaration of Legislative Intent found in Article I, §27-101 of this Chapter and the Statement of Community Development Objectives found in Article I, §27-102 of this Chapter, the purpose of this Article, among others, is to establish reasonable standards of performance and selection of uses in order to maintain and protect the desirable benefits which recreational uses have throughout the community.

§27-1201. USE REGULATIONS

A building may be erected, altered or used, and a lot may be occupied or used, in whole or part, for any of the following uses and no other, provided that such uses comply with the district regulations in this Article, and all other applicable sections of this Ordinance, including the use standards contained in Article III.

A. By-Right Uses.

1. B-1 Forestry
2. B-2 General Farming
3. B-5 Riding Academy/Stable
4. E-3 Conservation/Recreation
5. E-9 Utility Operating Facility
6. G-1 Amusement Park
7. G-3 Golf Course
8. G-4 Indoor Recreation
9. G-5 Outdoor Recreation
10. G-6 Campground
11. H-1 Estate Dwelling Unit (Single-Family Detached)
12. H-2 Single-Family Detached Dwelling
13. H-3 Village Single
14. The following Accessory Uses:

a. A-1 Agricultural Accessory Structure
b. A-2 Bed and Breakfast Accommodations
c. A-4 Commercial Vehicles
d. A-5 Domestic Animals
e. A-7 Fences and Walls
f. A-9 Home Occupation
g. A-10 No-Impact Home-Based Business
h. A-11 Non-Residential Accessory Structure
i. A-13 Recreational Vehicle
j. A-14 Residential Accessory Structure
k. A-15 Roadside Stand
l. A-16 Swimming Pool
m. A-17 Tennis/Sports Court
n. G-7 Home-Based Occupation Craft Alcohol Production Facility

§27-1202. DIMENSIONAL STANDARDS

Standard	**Non-Residential/Recreational Uses**
Sewage Disposal Options	Central, Community, or Individual systems
Minimum Lot Area	200,000 sq. ft.
Minimum Lot Width (at Ultimate Right of Way)	300 feet
Front Yard Setback	100 feet
Rear Yard Setback	50 feet
Side Yard Setback	50 feet (both sides)
Maximum Impervious	20 percent of NBSA
Minimum Open Space	80 percent of Base Site Area
Maximum Building Height	35 feet

NOTE: The above chart is provided for informational and reference purposes. Where there is any discrepancy between the chart and the text of the density and dimensional standards provided in the text of this Article or the use definition under §27-304, the text of this Article or the use definition under §27-304, whichever is most restrictive, shall prevail. In all cases, the density and dimensional standards contained in the use definitions under §27-304 shall be the minimum standards applicable to such use in all districts.

A. Residential Uses. A tract may be developed as a Rural Subdivision, Conservation Subdivision, Reduced Lot Option and Rural Subdivision for tracts less than ten

acres in area as permitted under §27-602 of this Chapter, provided that all residential uses shall comply with the requirements set forth in §27-602 of this Chapter as applicable to such options selected.

§27-1203. GENERAL REGULATIONS

A. Recreational Uses. All recreational uses shall comply with the following standards:

1. Ownership. The tract of land on which a permitted use is constructed shall, in its entirety, be owned and operated as a single or common management and maintenance unit with parking, utility, maintenance, and service facilities.

2. Access. Properties with frontages of 600 feet or less on any individual street are only permitted 1 driveway intersection per street. Properties with frontages greater than 600 feet may be permitted a maximum of 2 driveways per street frontage, provided that such driveways are at least 300 feet apart. Regardless of frontage, a development may be restricted to a single driveway depending on usage and interior and exterior traffic patterns.

3. Parking Regulations. Parking shall not be permitted in the required yard areas.

4. Delivery Areas. Adequate off-street loading and unloading space with proper access from a street, highway or common service driveway shall be provided for all REC Recreational uses. All areas for loading and unloading of delivery trucks and other vehicles and for the servicing of establishments or shops by refuse collection, fuel and other service vehicles shall have adequate and unobstructed access from a street or service driveway and shall be so arranged that they may be used without blocking or otherwise interfering with the use of automobile accessways, parking facilities, or pedestrian ways. They shall also be arranged that they may be used without backing out onto a street.

5. Landscaping. All Recreational uses shall provide a landscape buffer within each minimum yard setback area, designed and maintained in compliance with the landscaping standards contained within the township's subdivision and land development ordinance.

§27-1204. REVIEW OF PLANS FOR RECREATIONAL USES

When an application for a zoning or use and occupancy permit is received by the Township for any use within the REC Recreational District for which no land development application is required, the Zoning Officer shall, prior to the issuance of a zoning or use and occupancy permit, refer the application to the Board of Supervisors to ascertain whether the Board wishes additional information regarding the application. Where the Board of Supervisors determines that the proposed use should be reviewed, it may refer the application to the Planning Commission for its review and recommendation and may thereafter impose such reasonable of conditions upon the approval of any use and occupancy permit consistent with the following provisions:

A. A plot plan, satisfying the minimum requirements for a sketch plan submission in accordance with Chapter 22, Land Development and Subdivision shall be submitted depicting the location of all existing and proposed structures, sidewalks and other areas to be devoted to pedestrian use, drives, parking lots, loading and unloading areas, and other features of the lot, including, without limitation, all structures, streets, alleys, highways, streams and other topographical features of the land. If determined necessary by the Planning Commission or the Township Engineer, the applicant shall also set forth such like information relating to the area within 200 feet of any lot line.

B. If interior or exterior modifications to existing structures are proposed, which modifications include the removal or addition of any partition walls or other structural elements, the Planning Commission or Township Engineer may require the submission of architectural plans for such interior or exterior modifications.

C. Where landscaping is required under this Chapter or under Chapter 22, Land Development and Subdivision, the Planning Commission may require the submission of a landscaping plan showing the location, dimension and arrangement of areas to be devoted to planting, lawns, trees or any other landscape element.

D. The applicant shall submit a narrative description of the proposed use, the approximate or anticipated number of employees, hours of operation, number of clients, students or customers which will use the facility.

E. The applicant shall provide a certification that the existing sewage treatment facilities are in proper operation and that they are sufficient to meet the sewage treatment needs of the proposed use.

F. The Planning Commission may request additional information specific to the proposed use.

G. Upon the information submitted, the Planning Commission shall issue a recommendation to the Board of Supervisors as to appropriate and reasonable conditions on the approval of any zoning permit or use and occupancy permit for the use proposed.

H. The Board of Supervisors may impose such reasonable conditions upon the applicant as to ensure that the proposed use will be consistent with the stated goals and objectives of this district.

I. The Board of Supervisors, upon recommendation of the Planning Commission, may waive compliance with any or all requirements of this section for proposed uses which are determined to be of minimal or negligible impact.

J. Nothing in this Section shall be construed as to affect the requirements under Article XXI of this Chapter.

ARTICLE XIII

CB COMMERCIAL BUSINESS DISTRICT

§ 27-1300. PURPOSES

In expansion of the Declaration of Legislative Intent found in Article I, §27-101 of this Chapter, and the Statement of Community Development Objectives found in Article I, §27-102 of this Chapter, the purpose of this Article, among others, is as follows:

A. Provide well-planned integrated developments for retail sales and service establishments to serve the needs of the Township.

B. Relate specific types of uses to appropriate minimum lot sizes to ensure adequate land relative to use classification and intensities.

C. Provide regulations that minimize conflicts between commercial facilities and adjacent residential and institutional properties.

D. Provide regulations that minimize congestion, hazardous traffic conditions, and potential noise, glare and pollution, resulting from commercial development.

§ 27-1301. USE REGULATIONS

A building may be erected, altered or used, and a lot may be occupied or used, in whole or part, for any of the following uses and no other, provided that such uses comply with the district regulations in this Article, and all other applicable sections of this Ordinance, including the use standards contained in Article III.

A. By-Right Uses.

1. Residential Uses. A tract may be developed as a Rural Subdivision, Conservation Subdivision, Reduced Lot Option and Rural Subdivision for tracts less than ten (10) acres in area as permitted under §27-602 of this Chapter, provided that all residential uses shall comply with the requirements set forth in §27-602 of this Chapter as applicable to such options selected.

2. B-1 Forestry

3. B-2 General Farming

4. B-4 Nursery/Greenhouse

5. C-1 Club

6. C-2 Commercial Kennel

7. C-3 Commercial School

8. C-4 Convenience Store/Mini-Market

9. C-5 Dry Cleaners (Drop-Off)

10. C-6 Hotel/Motel/Inn

11. C-7 Laundry (Self-Service)

12. C-8 Personal Care Business

13. C-9 Repair Shop

14. C-10 Restaurant

15. C-11 Retail Shop

16 C-12 Tavern/Bar

17. C-13 Veterinary Clinic

18. E-1 Adult/Child Day-Care

19. E-3 Conservation/Recreation

20. E-5 Library/Museum

21. E-6 Municipal Complex

22. E-9 Utility Operating Facility

23. F-1 Professional Office

24. G-2 Athletic Club

25. G-4 Indoor Recreation

26. G-5 Outdoor Recreation

27. The following Accessory Uses:

a. A-4 Commercial Vehicles
b. A-5 Domestic Animals
c. A-6 Drive-In Facilities
d. A-7 Fences and Walls
e. A-8 Home Child Day-Care Facilities
f. A-9 Home Occupation
g. A-10 No-Impact Home-Based Business
h. A-11 Non-Residential Accessory Structures
i. A-12 Outdoor Storage and Waste Disposal

j. A-14 Residential Accessory Structure
k. A-16 Swimming Pool
l. A-17 Tennis/Sports Court

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§27-1302. DENSITY AND DIMENSIONAL STANDARDS - NON-RESIDENTIAL USES

Standards	**Central Sewer and Water**	**On-Site Sewer and/or Water**
Minimum Lot Size	None, provided green area and dimensional requirements are met.	40,000 sq. ft.
Minimum Lot Width	150 feet	150 feet
Required Front Facade Location (measured from ultimate right-of-way line)	Not less than 15 feet or more than 25 feet.	Not less than 15 feet or more than 25 feet. When front yard is the most suitable land for on-lot disposal, the setback may be increased the minimum distance necessary to accommodate the sewage disposal area.
Minimum Side Yard	15 feet (both sides)	15 feet (40 foot aggregate)
Minimum Rear Yard	30 feet	50 feet
Maximum Building Height	35 feet	35 feet
Maximum Impervious Coverage	30%	30%
Minimum Green Area	50%	50%
Maximum Building Dimension	150 feet	150 feet
Minimum Building Setback from Residential District	50 feet	50 feet
Standards	**Central Sewer and Water**	**On-Site Sewer and/or Water**
Minimum Parking or Driveway Setback from Residential District	25 Feet	25 feet
Minimum Loading Area Setback from Residential District	40 feet	40 feet

NOTE: The above chart is provided for informational and reference purposes. Where there is any discrepancy between the chart and the text of the density and dimensional standards provided in the text of this Article or the use definition under §27-304, the text of this Article or the use definition under §27-304, whichever is most restrictive, shall prevail. In all cases, the density and dimensional standards contained in the use definitions under §27-304 shall be the minimum standards applicable to such use in all districts.

§27-1303. GENERAL REGULATIONS

The following general regulations shall apply to all commercial uses, including shopping centers:

A. Landscaping. The required green area must remain free of buildings and/or impervious paving materials and be landscaped according to the Upper Salford Township Subdivision and Land Development Ordinance.

B. Vehicular Access. All tracts of land to be developed in the CB District shall be required to share access with an adjacent CB District property when available, consistent with §27-1303.B.2. If shared access cannot be provided by an existing driveway intersection, the applicant shall provide access in a way that maximizes the potential for shared access in the future, consistent with §27-1303.B.3. When the requirements of §§27-1303.B.2 or 27-1303.B.3 cannot be satisfied an independent access may be permitted consistent with §27-1303.B.4. Multiple access may be provided when the requirements of §27-1303.B.5 are satisfied.

1. Existing Driveways. All existing driveways providing access to the property from public roads shall be eliminated.

2. Shared Access via Existing Driveways.

a. When the nearest edge of an existing driveway on an adjacent nonresidential property zoned CB Commercial Business having frontage on the same street is within 50 feet of the subject tract, the subject tract shall utilize the driveway on the adjacent tract as a shared access, provided that an easement granting access to the subject tract has been recorded.

b. The shared access shall be the sole access to the site unless a second driveway is permitted consistent with §27-1303.B.5, herein.

c. When shared access can be provided among two or more abutting lots, only one shall be permitted. Shared access shall not be required when all possible interconnections between the two abutting lots would cross wetlands, floodplains, slopes 15% or more, or if such interconnection would necessitate the removal of any healthy tree with a diameter of 12 inches or more dbh.

d. Shared access may be located entirely on one lot or be split along a common lot line.

3. Shared Access via New Driveways.

   a. When shared access cannot be provided via an existing driveway consistent with §27-1303.B.2, above, a maximum of one new driveway intersection shall be permitted per street frontage.

   b. This new driveway shall be located on a side lot line bordering a property zoned CB Commercial Business. In order to accommodate required site distances, or preserve environmental features, the driveway may be setback from the side lot line no greater than 50 feet. Shared access shall not be required when all possible interconnections between the two abutting lots would cross wetlands, floodplains, or slopes 15% or more, or if such interconnection would necessitate the removal of any healthy tree with a diameter of 12 inches or more dbh.

   c. Each nonresidential use shall provide an access easement for this driveway guaranteeing access to all abutting lots zoned CB Commercial Business. In addition, the access easement shall provide access from the closest adjacent property line to the driveway. The easement between the driveway and the closest adjacent lot shall have a minimum width of 35 feet and shall be located between 50 and 100 feet from the street ultimate right-of-way line. The portion of the lot area guaranteeing access to abutting lots zoned CB Commercial Business, including the driveway, are not required to be included in the calculation of the lot's maximum impervious coverage or minimum green area, whether or not shared access is currently being provided.

   d. The location of the driveway intersection shall be subject to approval by the Board of Supervisors based on its ability to minimize the need for future driveways and/or maximizing the distance from existing street and driveway intersections, including consideration for site distances.

4. Independent Access.

   a. When future shared access cannot be provided consistent with §27-1303.B.2 or 3, above, a maximum of one driveway intersection per street shall be permitted.

   b. The driveway intersection shall be separated from existing driveway intersections by a minimum of 300 feet.

5. Dual Access.

   a. A second driveway intersection per street may be permitted when it can be located at least 300 feet from the first driveway intersection and at least 300 feet from adjacent property lines.

   b. When a second driveway can be permitted consistent with §27-1303.B.5.a,

above, the separation from adjacent property lines may be reduced in order to provide future shared access, provided the second driveway is located within 50 feet of an adjacent property line and at least 300 feet from any other driveway intersection. The adjacent property must be zoned CB Commercial Business and the potential interconnection shall not cross wetlands, floodplain, or slopes 15% or more. Each nonresidential use shall provide access easements to all abutting lots zoned CB Commercial Business consistent with §27-1303.B.3.c.

C. Sidewalks. Sidewalks shall connect nonresidential buildings with all parking areas, sidewalks along streets and trails or sidewalks on abutting property.

D. Parking Regulations. The following regulations shall pertain to parking for all tracts of land to be developed in the CB – Commercial Business District.

1. Parking shall not be permitted within the front yard.

2. Each nonresidential use shall provide access easements for its driveways, parking aisles, and parking lots, guaranteeing convenient, safe, and direct access to all abutting lots zoned CB Commercial Business.

3. Parking lot entranceways taking access from existing or future shared driveways shall be setback from the street ultimate right-of-way line a minimum of 50 feet. In addition, no parking spaces having direct access to the existing or future shared driveway shall be permitted between the street ultimate right-of-way line and rear edge of the easement granting access to the abutting lot.

4. Interconnected Parking. Parking lots on adjacent tracts shall be interconnected consistent with the following requirements:

   a. When the nearest edge of an existing parking area on an adjacent lot is within 50 feet of a common property line, this parking area shall be directly connected by a driveway to the parking area on the subject tract, provided an easement granting access to the adjacent tract has been recorded.

   b. An interconnection shall not be required when all possible interconnections between the two abutting lots would cross wetlands, floodplain, or slopes 15% or more, or if such interconnection would necessitate the removal of any healthy tree with a diameter of 12 inches or more dbh.

   c. When interconnected parking is possible with two adjacent tracts only one interconnection will be required. The location of the interconnection shall be approved by the Board of Supervisors based on the ability to maximize the benefit of parking lot interconnections and/or minimizing interference with parking area circulation.

5. Parking spaces and driveways serving the spaces shall be setback a minimum of ten feet from rear and side property lines abutting nonresidential uses within the CB Commercial Business District unless parking is shared or connected with

an abutting lot, in which case parking may abut or cross the property lines shared by the common users.

6. Parking spaces and driveways serving the spaces shall be setback a minimum of 25 feet from rear and side property lines abutting residential uses.

E. Signs. Signs shall be designed and placed in conformance with the provisions contained in Article XX of this Chapter 27- Zoning.

F. Off-Street Parking. Parking shall be provided in accordance with the provisions of Article XIX of this Chapter 27 - Zoning and in accordance with applicable standards of Chapter 22 – Subdivision and Land Development.

§27-1304. REVIEW OF PLANS FOR COMMERCIAL USES

When an application for a zoning or use and occupancy permit is received by the Township for any use within the CB Commercial Business District other than a Shopping Center use, for which no land development application is required, the Zoning Officer shall, prior to the issuance of a zoning or use and occupancy permit, refer the application to the Board of Supervisors to ascertain whether the Board wishes additional information regarding the application. Where the Board of Supervisors determines that the proposed use should be reviewed, it may refer the application to the Planning Commission for its review and recommendation and may thereafter impose such reasonable of conditions upon the approval of any use and occupancy permit consistent with the following provisions:

A. A plot plan, satisfying the minimum requirements for a sketch plan submission in accordance with Chapter 22, Land Development and Subdivision shall be submitted depicting the location of all existing and proposed structures, sidewalks and other areas to be devoted to pedestrian use, drives, parking lots, loading and unloading areas, and other features of the lot, including, without limitation, all structures, streets, alleys, highways, streams and other topographical features of the land. If determined necessary by the Planning Commission or the Township Engineer, the applicant shall also set forth such like information relating to the area within 200 feet of any lot line.

B. If interior or exterior modifications to existing structures are proposed, which modifications include the removal or addition of any partition walls or other structural elements, the Planning Commission or Township Engineer may require the submission of architectural plans for such interior or exterior modifications.

C. Where landscaping is required under this Chapter or under Chapter 22, Land Development and Subdivision, the Planning Commission may require the submission of a landscaping plan showing the location, dimension and arrangement of areas to be devoted to planting, lawns, trees or any other landscape element.

D. The applicant shall submit a narrative description of the proposed use, the approximate or anticipated number of employees, hours of operation, number of clients, students or customers which will use the facility.

E. The applicant shall provide a certification that the existing sewage treatment facilities are in proper operation and that they are sufficient to meet the sewage treatment needs of the proposed use.

F. The Planning Commission may request additional information specific to the proposed use.

G. Upon the information submitted, the Planning Commission shall issue a recommendation to the Board of Supervisors as to appropriate and reasonable conditions on the approval of any zoning permit or use and occupancy permit for the use proposed.

H. The Board of Supervisors may impose such reasonable conditions upon the applicant as to ensure that the proposed use will be consistent with the stated goals and objectives of this district.

I. The Board of Supervisors, upon recommendation of the Planning Commission, may waive compliance with any or all requirements of this section for proposed uses which are determined to be of minimal or negligible impact.

J. Nothing in this Section shall be construed as to affect the requirements under Article XXI of this Chapter 27.

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ARTICLE XIV

LLI LIGHT LIMITED INDUSTRIAL DISTRICT

§27-1400. PURPOSES

In expansion of the Declaration of Legislative Intent found in Article I, §27-101 of this Chapter and the Statement of Community Development Objectives found in Article I, §27-102 of this Chapter, the purpose of this Article, among others, is as follows:

A. To provide a broad range of light limited industrial uses with suitable open space and buffering to help preserve the Township's rural character.

B. Permit service oriented commercial uses which supplement the office and industrial development in the district, meet local and regional needs and market demands, but which do not create the character, magnitude, and/or intensity of development permitted under the CB Commercial Business District.

C. Provide light limited industrial development that is free from offensive noise, vibrations, odors, and other nuisances through use of strict performance standards.

D. Protect light limited industrial uses against congestion by limiting the bulk of buildings in relation to each other and to the land area around them.

§ 27-1401. USE REGULATIONS

A building may be erected, altered or used, and a lot may be occupied or used, in whole or part, for any of the following uses and no other, provided that such uses comply with the district regulations in this Article, and all other applicable sections of this Ordinance, including the use standards contained in Article III of this Chapter 27 - Zoning.

A. By-Right Uses.

1. B-1 Forestry
2. B-2 General Farming
3. B-3 Intensive Agriculture
4. C-1 Club
5. C-5 Dry Cleaners (Drop-Off)
6. C-6 Hotel/Motel/Inn
7. C-8 Personal Care Business
8. C-9 Repair Shop

9. C-10 Restaurant

10. C-11 Retail Shop

11. C-13 Veterinary Clinic

12. E-1 Adult/Child Day Care

13. E-3 Conservation/Recreation

14. E-4 Emergency Services

15. E-6 Municipal Complex

16. E-9 Utility Operating Facility

17. F-1 Professional Office

18. G-2 Athletic Club

19. The following Accessory Uses.

    a. A-4 Commercial Vehicles
    b. A-6 Drive-In Facilities
    c. A-7 Fences and Walls
    d. A-10 No-Impact Home-Based Business
    e. A-11 Non-Residential Accessory Structure
    f. A-12 Outdoor Storage and Waste Disposal
    g. A-15 Roadside Stand

B. Conditional Uses.

1. Any use of the same general character as those listed in §27-1401.A, herein, when approved as a conditional use and subject to the conditional use requirements of Article XXIV of this Chapter 27 - Zoning.

C. Special Exceptions.

1. A-3 Cellular Communications Antennae

§27-1402. DIMENSIONAL STANDARDS

Minimum Lot Size	2 acres or as provided in Article III hereof applicable to use
Minimum Lot Width	150 feet
Minimum Front Yard	Not less than 15 feet and no more than 25 feet. When on-lot disposal is used and the front yard is the most suitable land, the setback shall be increased to 100 feet.
Minimum Side Yard	50 feet (both sides)
Minimum Rear Yard	50 feet
Maximum Building Height	35 feet
Maximum Building Coverage	15,000 sq ft
Floor Area Ratio	N/A
Maximum Impervious Coverage	30%
Minimum Green Area	50%
Maximum Building Dimension	150 feet
Minimum Building Setback from Residential District	150 feet

NOTE: The above chart is provided for informational and reference purposes. Where there is any discrepancy between the chart and the text of the density and dimensional standards provided in the text of this Article or the use definition under §27-304, the text of this Article or the use definition under §27-304, whichever is most restrictive, shall prevail. In all cases, the density and dimensional standards contained in the use definitions under §27-304 shall be the minimum standards applicable to such use in all districts.

§27-1403. GENERAL REGULATIONS

A. Landscaping. The required green area must remain free of buildings and/or impervious paving materials and be landscaped according to the Upper Salford Township Subdivision and Land Development Ordinance.

B. Signs. Signs shall be designed and placed in conformance with the provisions contained in Article XX of this Chapter 27 - Zoning.

C. Off-Street Parking. Parking shall be provided in accordance with the provisions of Article XIX of this Chapter and in accordance with applicable standards of Chapter 22 – Subdivision and Land Development.

§ 27-1404. REGULATIONS

The following general regulations shall apply to all proposed uses:

A. Vehicular Access. Properties with frontages of 600 feet or less on any individual street are only permitted 1 driveway intersection per street. Properties with frontages greater than 600 feet may be permitted a maximum of 2 driveways per street frontage, provided that such driveways are at least 300 feet apart. Regardless of frontage, a development may be restricted to a single driveway depending on usage and interior and exterior traffic patterns.

B. Sidewalks. Sidewalks shall connect nonresidential buildings with all parking areas, sidewalks along streets and trails or sidewalks on abutting property.

C. Parking Regulations. The following regulations shall pertain to parking for all uses to be developed in the LLI Light Limited Industrial District.

1. Parking shall not be permitted within the front yard.

2. Parking spaces and driveways serving the spaces shall be setback a minimum of ten feet from rear and side property lines abutting nonresidential uses within the LLI Light Limited Industrial District.

3. Parking spaces and driveways serving the spaces shall be setback a minimum of 25 feet from rear and side property lines abutting residential uses.

§27-1405 REVIEW OF PLANS FOR LIGHT LIMITED INDUSTRIAL USES

When an application for a zoning or use and occupancy permit is received by the Township for any use within the LLI Light Limited Industrial District, for which no land development application is required, the Zoning Officer shall, prior to the issuance of a zoning or use and occupancy permit, refer the application to the Board of Supervisors to ascertain whether the Board wishes additional information regarding the application. Where the Board of Supervisors determines that the proposed use should be reviewed, it may refer the application to the Planning Commission for its review and recommendation and may thereafter impose such reasonable of conditions upon the approval of any use and occupancy permit consistent with the following provisions:

A. A plot plan, satisfying the minimum requirements for a sketch plan submission in accordance with Chapter 22, Land Development and Subdivision shall be submitted depicting the location of all existing and proposed structures, sidewalks and other areas to be devoted to pedestrian use, drives, parking lots, loading and unloading

areas, and other features of the lot, including, without limitation, all structures, streets, alleys, highways, streams and other topographical features of the land. If determined necessary by the Planning Commission or the Township Engineer, the applicant shall also set forth such like information relating to the area within 200 feet of any lot line.

B. If interior or exterior modifications to existing structures are proposed, which modifications include the removal or addition of any partition walls or other structural elements, the Planning Commission or Township Engineer may require the submission of architectural plans for such interior or exterior modifications.

C. Where landscaping is required under this Chapter or under Chapter 22, Land Development and Subdivision, the Planning Commission may require the submission of a landscaping plan showing the location, dimension and arrangement of areas to be devoted to planting, lawns, trees or any other landscape element.

D. The applicant shall submit a narrative description of the proposed use, the approximate or anticipated number of employees, hours of operation, number of clients, students or customers which will use the facility.

E. The applicant shall provide a certification that the existing sewage treatment facilities are in proper operation and that they are sufficient to meet the sewage treatment needs of the proposed use.

F. The Planning Commission may request additional information specific to the proposed use.

G. Upon the information submitted, the Planning Commission shall issue a recommendation to the Board of Supervisors as to appropriate and reasonable conditions on the approval of any zoning permit or use and occupancy permit for the use proposed.

H. The Board of Supervisors may impose such reasonable conditions upon the applicant as to ensure that the proposed use will be consistent with the stated goals and objectives of this district.

I. The Board of Supervisors, upon recommendation of the Planning Commission, may waive compliance with any or all requirements of this section for proposed uses which are determined to be of minimal or negligible impact.

J. Nothing in this Section shall be construed as to affect the requirements under Article XXI of this Chapter 27 – Zoning.

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ARTICLE XV

LI LIMITED INDUSTRIAL DISTRICT

§27-1500. PURPOSES

In expansion of the Declaration of Legislative Intent found in Article I, §27-101 of this Chapter and the Statement of Community Development Objectives found in Article I, §27-102 of this Chapter, the purpose of this Article, among others, is as follows:

A. To provide a broad range of limited industrial uses with suitable open space and buffering to help preserve the Township's rural character.

B. Provide limited industrial development that is free from offensive noise, vibrations, odors, and other nuisances through use of strict performance standards.

C. Protect industrial uses against congestion by limiting the bulk of buildings in relation to each other and to the land area around them.

§27-1501. USE REGULATIONS

A building may be erected, altered or used, and a lot may be occupied or used, in whole or part, for any of the following uses and no other, provided that such uses comply with the district regulations in this Article, and all other applicable sections of this Ordinance, including the use standards contained in Article III of this Chapter 27 - Zoning.

A. By-Right Uses.

1. B-1 Forestry
2. B-2 General Farming
3. B-3 Intensive Agriculture
4. C-1 Club
5. C-5 Dry Cleaners (Drop-Off)
6. C-6 Hotel/Motel/Inn
7. C-8 Personal Care Business
8. C-9 Repair Shop
9. C-10 Restaurant
10. C-11 Retail Shop

11. C-13 Veterinary Clinic

12. E-1 Adult/Child Day Care

13. E-3 Conservation/Recreation

14. E-9 Utility Operating Facility

15. G-1 Amusement Park

16. G-3 Golf Course

17. The following Accessory Uses.

    a. A-4 Commercial Vehicles
    b. A-7 Fences and Walls
    c. A-10 No-Impact Home Based Business
    d. A-11 Non-Residential Accessory Structure
    e. A-12 Outdoor Storage and Waste Disposal
    f. A-15 Roadside Stand

B. Uses by Special Exceptions.

1. A-3 Cellular Communications Antennae

2. D-1 Adult Entertainment

3. On tracts 25 acres or more:

    a. D-2 Quarrying Operation
    b. D-3 Solid Waste

C. Uses by Conditional Use

1. Any use not specifically permitted or provided for in Article III of this Chapter and deemed to be excluded from the uses permitted within the participating municipalities under the Indian Valley Regional Comprehensive Plan may be permitted as a conditional use by the Board of Supervisors, provided all applicable standards within Article XXII can be satisfied, following a Planning Commission review in accordance with §27-1504, and subject to the conditional use regulations of Article XXIV of this Chapter 27 - Zoning.

2. Any use of the same general character as those listed in §27-1501.A, herein, when approved as a conditional use, subject to a comparable limitation on intensity of use as provided for the permitted uses thereof and incorporated in Chapter 3 of this Chapter, and subject to the conditional use regulations of Article XXIV of this Chapter 27 - Zoning.

§27-1502. DIMENSIONAL STANDARDS

Standard	Limited Industrial Uses
Minimum Lot Area	2 acres or as provided in Article III hereof applicable to use
Floor Area Ratio	35 percent
Maximum Building Coverage	15,000 sq ft
Maximum Impervious Coverage	30 percent
Minimum Green Area	50 percent
Front Yard Setback (measured from the ultimate right-of-way)	100 feet
Side Yard Setback	50 feet (each side)
Rear Yard Setback	50 feet
Building Setback from Residential District or Existing Residential Building	200 feet
Parking Setback from Residential District or Existing Residential Building	100 feet
Building Separation	50 feet
Maximum Building Height	45 feet (Chimneys, spires, towers, elevator penthouses, tanks, solar energy apparatus and similar projections shall be permitted to extend not more than 15 feet above the maximum building height to a maximum height of 60 feet)

NOTE: The above chart is provided for informational and reference purposes. Where there is any discrepancy between the chart and the text of the density and dimensional standards provided in the text of this Article or the use definition under §27-304, the text of this Article or the use definition under §27-304, whichever is most restrictive, shall prevail. In all cases, the density and dimensional standards contained in the use definitions under §27-304 shall be the minimum standards applicable to such use in all districts.

§27-1503. ADDITIONAL DEVELOPMENT REGULATIONS

A. Access. A planned system of efficient ingress, egress, and internal circulation of traffic shall be required. Loading and unloading areas shall be provided to the rear or side of the proposed use, and arranged so that they may be used without blocking or interfering with the use of driveways or parking areas. There shall be a maximum of one access road per 200 feet of frontage and in no case more than two access roads per frontage.

B. The applicant shall specify the amount and exact nature of all industrial or chemical wastes to be generated by the proposed operation.

C. Landscaping. All developments in the LI Limited Industrial District shall be designed and maintained so as to provide a complete and effective, year-round landscape buffer between itself and any development of any other adjacent district in compliance with the landscaping standards contained within the township's subdivision and land development ordinance.

D. Off-Street Parking. Parking shall be provided in accordance with the provisions of Article XIX of this Ordinance and in accordance with applicable standards of the township=s subdivision and land development ordinance.

§ 27-1504. REVIEW OF PLANS FOR LIMITED INDUSTRIAL USES

When an application for a zoning or use and occupancy permit is received by the Township for any use within the LI Limited Industrial District, for which no land development application is required, the Zoning Officer shall, prior to the issuance of a zoning or use and occupancy permit, refer the application to the Board of Supervisors to ascertain whether the Board wishes additional information regarding the application. Where the Board of Supervisors determines that the proposed use should be reviewed, it may refer the application to the Planning Commission for its review and recommendation and may thereafter impose such reasonable of conditions upon the approval of any use and occupancy permit consistent with the following provisions:

A. A plot plan, satisfying the minimum requirements for a sketch plan submission in accordance with Chapter 22, Land Development and Subdivision shall be submitted depicting the location of all existing and proposed structures, sidewalks and other areas to be devoted to pedestrian use, drives, parking lots, loading and unloading areas, and other features of the lot, including, without limitation, all structures, streets, alleys, highways, streams and other topographical features of the land. If determined necessary by the Planning Commission or the Township Engineer, the applicant shall also set forth such like information relating to the area within 200 feet of any lot line.

B. If interior or exterior modifications to existing structures are proposed, which modifications include the removal or addition of any partition walls or other structural elements, the Planning Commission or Township Engineer may require the submission of architectural plans for such interior or exterior

modifications.

C. Where landscaping is required under this Chapter or under Chapter 22, Land Development and Subdivision, the Planning Commission may require the submission of a landscaping plan showing the location, dimension and arrangement of areas to be devoted to planting, lawns, trees or any other landscape element.

D. The applicant shall submit a narrative description of the proposed use, the approximate or anticipated number of employees, hours of operation, number of clients, students or customers which will use the facility.

E. The applicant shall provide a certification that the existing sewage treatment facilities are in proper operation and that they are sufficient to meet the sewage treatment needs of the proposed use.

F. The Planning Commission may request additional information specific to the proposed use.

G. Upon the information submitted, the Planning Commission shall issue a recommendation to the Board of Supervisors as to appropriate and reasonable conditions on the approval of any zoning permit or use and occupancy permit for the use proposed.

H. The Board of Supervisors may impose such reasonable conditions upon the applicant as to ensure that the proposed use will be consistent with the stated goals and objectives of this district.

I. The Board of Supervisors, upon recommendation of the Planning Commission, may waive compliance with any or all requirements of this section for proposed uses which are determined to be of minimal or negligible impact.

J. Nothing in this Section shall be construed as to affect the requirements under Article XXI of this Chapter 27 - Zoning.

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ARTICLE XVI

FLOODPLAIN CONSERVATION DISTRICT

§27---1600. PURPOSES

The purpose of this Ordinance is to:

A. Promote the general health, welfare, and safety of the community.

B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.

C. Minimize danger to public health by protecting water supply and natural drainage.

D. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.

E. Comply with federal and state floodplain management requirements.

F. Protect areas of floodplain subject to and necessary for flood waters and to permit and encourage the retention of open land uses which will be so located and designed as to constitute a harmonious and appropriate part of the physical development of the Township as provided for in the Comprehensive Plan.

§ 27---1601. STATUTORY AUTHORIZATION

The legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local government units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, the Board of Supervisors of Upper Salford Township does hereby order as follows.

§27---1602. ESTABLISHMENT OF THE FLOODPLAIN CONSERVATION DISTRICT

A. The identified floodplain area shall be:
    1. Any areas of Upper Salford township, classified as Special Flood Hazard Areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated March 2, 2016 and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study, and,

    2. Any areas of Upper Salford Township delineated as Alluvia Soil by the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS) Web Soil Survey.

    3. The above---reference FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by Upper Salford Township and declared to be a part of this Ordinance.

B. Should a dispute arise over the identification of the boundaries of this district, or should various natural conditions necessitate a change in the boundaries of this district, an initial determination shall be made by the Floodplain Administrator and thereafter change may be
B. affected through the provision set forth in §27---1610.

C. The Floodplain Conservation District shall be deemed to be an overlay in any zoning district now or hereafter applicable to any lot. Should the Floodplain Conservation District be declared inapplicable to any tract by reason of: (A) the Board of Supervisors amending this Ordinance; (B) the Zoning Officer, Planning Commission, Zoning Hearing Board, or any court of competent jurisdiction in interpreting the same, or (C) the Zoning Hearing Board or any court of competent jurisdiction in determining the legal effect of the same; the zoning applicable to such lot shall be located without consideration of this Part.

§27---1603. DEFINITIONS

BASE FLOOD – a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100---year flood" or one---percent (1%) annual chance flood).

BASE FLOOD ELEVATION (BFE) – the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1---A30 that indicates the water surface elevation resulting from a flood that has a 1---percent or greater chance of being equaled or exceeded in any given year.

BASEMENT – any area of the building having its floor below ground level on all sides.

CONSTRUCTION --- the construction, reconstruction, substantial improvements, renovation, repair, extension, alteration, or relocation of a building or structure, including the placement of a manufactured home.

DEVELOPMENT --- any man---made change to improved or unimproved real estate including, but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading, and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION – the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD – a temporary inundation of normally dry land areas.

FLOOD INSURANCE RATE MAP (FIRM) – the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) – the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

FLOODPLAIN AREA – a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse, and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

FLOODPROOFING --- any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their content. Floodproofing regulations are as prescribed in §27---1609 and any other applicable, provisions of this Chapter.

FLOODWAY – the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

LOWER FLOOR – the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parting of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non---elevation design requirements of this ordinance.

MANUFACTURED HOME --- a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a foundation when connected to the required utilities. The term includes park trailers, travel trailers, recreational, and other similar vehicles placed on a site for more than one hundred eighty consecutive days.

MANUFACTURED HOME PARK OR SUBDIVISION – a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

NEW CONSTRUCTION – structures for which the start of construction commenced on or after March 2, 2016 and includes any subsequent improvements to such structures. Any construction started after December 6, 1974 and before March 2, 2016 is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

NEW MANUFACTURED HOME PARK OR SUBDIVISION – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

OBSTRUCTION --- any wall, dam, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure or any

other things or matter in, along, across, or projecting into any channel, watercourse, or floodprone area (1) which may impeded, retard or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water, or (2) which is placed where the flow of the water might carry it downstream to the damage of life and property.

RECREATIONAL VEHICLE – a vehicle which is:

A. built on a single chassis;
B. not more than 400 square feet, measured at the largest horizontal projections;
C. designed to be self---propelled or permanently towable by a light---duty truck;
D. not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOOD ELEVATION – the base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of one and one---half (1½) feet.

SPECIAL FLOOD HAZARD AREA (SFHA) – means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1---A30, AE, A99, or AH.

START OF CONSTRUCTION – includes substantial improvement and other proposed new development and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days after the date of the permit and shall be completed within twelve (12) months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE – a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE – damage from any cause sustained by a structure whereby the cost of restoring the structure to its before---damaged condition would equal or exceed firty (50) percent or more of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT --- any reconstruction, rehabilitation, addition, or other improvement of a structure, of which the cost equals or exceeds fifty (50) percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage” regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to

correct existing violations of state of local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

VIOLATION – means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATERCOURSE --- for purposes of this Chapter, a 'watercourse' shall be considered to be any natural channel conveying water which is shown in the Special Flood Hazard Areas of the Federal Flood Insurance Study and maps accompanying that study; however, applicants should be aware that State law further requires that relocation, alteration, improvement of or encroachment upon every and any watercourse, as defined in Article II, is subject to approval by the Pennsylvania Department of Environmental Protection (DEP), Bureau of Dams and Waterway Management. A DEP permit may be required. Exceptions can be specified by DEP only.

§27---1604. USES PERMITTED IN THE FLOODPLAIN CONSERVATION DISTRICT

The following uses and no other shall be permitted in the Floodplain Conservation District. All permitted uses are subject to floodproofing regulations as set forth in §27---1609 hereof. Any of the uses or development activities in this Section shall not be permitted within the designated floodway unless the effect of such development or activity on the flood heights is fully offset by accompanying improvements and permitted by the Pennsylvania Department Environmental Protection, Bureau of Dams and Waterway Management.

A. Wildlife sanctuary, woodland preserve, arboretum.

B. Game farm, fish hatchery (excluding rearing structure), hunting and fishing reserves.

C. Forestry, lumbering and reforestation excluding storage and mill structure.

D. Harvesting of any wild crops such as marsh hay, ferns, moss, berries, or wild rice, in accordance with recognized soil conservation practices.

E. Outdoor plant nursery, orchard.

F. Pasture, grazing land.

G. Recreation use such as park, day camp, picnic grove, golf course, hunting, fishing and boating club, excluding structures.

H. Front, side or rear yards and required lot area for any district.

I. Parking areas where required by regulations for the district applicable to the lot.

J. Structures accessory to residential uses existing at the date of enactment of this Ordinance, provided that the structure shall not be designed or used for human habiation; moreover,

such accessory structures which do not amount to a substantial improvement need not comply with §27---1609, herein.

K. Roads and driveways accessory to any of the above uses.

L. Dams, culverts and bridges provided that all approvals set forth in §27---1606.D., herein, have been obtained and that the approval of the Township Engineer has been obtained.

§27---1605. USES PERMITTED BY SPECIAL EXCEPTION IN THE FLOODPLAIN CONSERVATION DISTRICT

The following uses may be permitted by a special exception provided that they are subject to the floodproofing regulations set forth in §27---1609, herein. Any of the uses or development activities in this Section shall not be permitted within the designated floodway unless the effect of such development or activity on flood heights is fully offset by accompanying improvements and a permit is obtained from the Pennsylvania Department of Environmental Protection, Bureau of Dams and Waterway Management.

A. Utility transmission lines.

B. Structures accessory to uses permitted in §27---1604, excluding manufactured homes.

C. Sewage treatment plant, outlet installations for sewage treatment plants and sewage pumping stations with the approval of the Township Engineer, appropriate sewer authorities and the Pennsylvania Department of Environmental Protection, provided plans for such clearly show a necessity for locating within the boundaries of the floodplain Conservation District and that the burden of proof of such need rests with the applicant.

D. Sealed public water supply wells, with the approval of the Township Engineer and the Pennsylvania Department of Environmental Protection.

E. Dams, culverts and bridges provided that all approvals set forth in the §27---1611 have been obtained.

E. Sanitary or storm sewers and impoundment basins, with the approval of the Township Engineer and the Pennsylvania Department of Environmental Protection.

§27---1606 PROHIBITED USES

The following uses are prohibited in the Floodplain Conservation District:

A. All structures, man---made obstructions or retaining walls with the exception of:

1. Those structures specifically permitted in §27---1604.

2. Those structures specifically permitted by special exception in §27---1605.

B. Construction, enlargement or expansion of any of the obstructions and activities which are set forth in §538.6 of the Pennsylvania Department of Community Affairs Floodplain Management Regulations, adopted pursuant to the Floodplain Management Act (Act 166 of

1978), 32 P.S. §679.101 et sq., as presenting special hazards in the floodplain is prohibited in this Township's Floodplain Conservation District. Specifically prohibited are:

1. Hospitals, (public or private).

2. Nursing homes (public or private).

3. Jails or prisons.

4. Manufactured home parks and manufactured home subdivisions.

5. Manufactured homes.

C. The filling or removal of topsoil beyond that which may be necessary to maintain the topography of the floodplain as it existed at the date of enactment of this Chapter.

D. Relocation, alteration, improvement of or encroachment upon any watercourse without compliance with the following requirements:

1. Approval shall be obtained from the Township's Board of Supervisors which shall first have received recommendations on the plan from the Township Planning Commission, Township Engineer, and adjoining municipalities, where applicable. Prior to any approval, the proof of the below required permits and notifications must be provided to the Township.

2. Required permits or approvals shall be obtained by the developer from the Pennsylvania Department of Environmental Protection, Bureau of Dams and Waterway Management.

3. Documentation shall be available to the public to indicate that all adjacent municipalities which may be affected by such action have been notified of the intent of such action by the Board of Supervisors.

4. FEMA and the Pennsylvania Department of Community and Economic Development shall be notified prior to any alteration or relocation of any watercourse.

5. It can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.

E. Sanitary landfills, dumps, junkyards, outdoor storage of vehicles and materials, and, except as permitted in §27---1604, paved or all---weather parking lots.

F. On---site sewage disposal systems.

G. Development which may endanger human life as defined in §27---1609.H.

§27---1607. CHANGES TO THE BOUNDARIES OF THE FLOODPLAIN CONSERVATION DISTRICT

A. Changes to the Floodplain Conservation District boundaries which appear on the Flood Insurance Study may result from:

1. The Identified Floodplain Area may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change to the Special Flood Hazard Area, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify FEMA of the changes to the Special Flood Hazard Area by submitting technical or scientific data.

2. Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by Upper Salford Township and any party aggrieved by this decision or determination may appeal to the Board of Supervisors. The burden of proof shall be on the appellant.

B. Changes to Floodplain Conservation District boundaries delineated by reference to alluvial soil type may occur with approval of the Township Board of Supervisors which shall act upon the affirmative recommendation of the Township Planning Commission, receipt of a detailed on---site survey as would be approved by the Natural Resources Conservation Service, and validation by the Township Engineer. The burden of proving that soils shown on the Montgomery County Soils Survey as alluvial soils are not alluvial shall rest with the petitioner.

§27---1608. DESCRIPTION AND SPECIAL REQUIREMENTS OF IDENTIFIED FLOODPLAIN AREAS

The identified floodplain area shall consist of the following specific areas:

A. The Floodway Area shall be those areas identified in the FIS and the FIRM as floodway and which represent the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base blood without increasing the water surface elevation by more than one (1) foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those Special Flood Hazard Areas where no floodway has been identified in the FIS and FIRM.

1. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2. Within any floodway area, no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.

B. The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided.

1. The AE Area adjacent to the floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided and a floodway has been delineated.

2. AE Area without floodway shall be those areas identified as an AE zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided but no floodway has been determined.

   a. No permit shall be granted for any construction, development, use, or activity within any AE Area/District without floodway unless it is demonstrated that the cumulative effect of the proposed development would not, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.

   b. No new construction or development shall be located within the area measured fifty (50) feet landward from the top---of---bank of any watercourse, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.

C. The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no base flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State, or other acceptable sources shall be used when available. Where other acceptable information is not available, the base flood elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

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

§27---1609. FLOODPROOFING REGULATIONS

Any new construction or substantial improvements permitted by special exception, variance or otherwise, in the Floodplain Conservation District, shall be so constructed and placed on a lot so as to offer minimum obstruction to the flow of water, and shall be designed to have a minimum effect upon the flow and height of floodwater. The following provisions apply to all such development:

A. Residential Structures

1. In AE, A1---A30, and AH Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation.

2. In A Zones, where there are no Base Flood Elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation determined in accordance with §27---1608.C of this ordinance.

3. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401---405 as amended) shall be utilized, where they are more restrictive.

B. Nonresidential Structures

1. In AE, A1---A30 and AH Zones, any new construction or substantial improvement of a non---residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed below the regulatory flood elevation:

    a. Is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and,

    b. Has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

2. In A Zones, where no Base Flood Elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the regulatory flood elevation determined in accordance with S27---1608.C of this ordinance.

3. Any non---residential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood---Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 192) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

4. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401---405 as amended) shall be utilized, where they are more restrictive.

C. Space below the lowest floor

1. Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.

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

    a. A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.

b. The bottom of all openings shall be no higher than one (1) foot above grade.

c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

D. Water and Sanitary Sewer Facilities and Systems

1. All new or replacement water supply sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.

2. Sanitary Sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.

3. No part of any on---site waste disposal system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

4. The design and construction provisions of the UCC and FEMA #348, "Protecting Building Utilities From Flood Damages" and "The International Private Sewage Disposal Code" shall be utilized.

E. Minimum Construction Standards

The following minimum standards apply for all construction and development proposed within any identified floodplain area:

1. Fill

Within any Identified Floodplain Area the use of fill shall be prohibited except as permitted by §27---1606.C. If a variance is obtained in accordance with the criteria in this Ordinance, then the following provisions apply:

If fill is used, it shall:

a. Extend laterally at least fifteen (15) feet beyond the building line from all points;

b. Consist of soil or small rock materials only – Sanitary Landfills shall not be permitted;

c. Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;

d. Be no steeper than one (1) vertical to two (2) horizontal feet unless substantiated data justifying the steeper slopes are submitted to, and approved by the Floodplain Administrator, and;

e. Be used to the extent to which it does not adversely affect adjacent properties.

2. Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall ensure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

3. Water and Sanitary Sewer Facilities and Systems

    a. All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood water.

    b. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.

    c. No part of any on---site waste disposal system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

    d. The design and construction provisions of the UCC and FEMA #348, "Protecting Building Utilities From Flood Damages" and "The International Private Sewage Disposal Code" shall be utilized.

4. All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

5. The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

6. Storage. All materials that are buoyant, flammable, explosive, or in times of flooding, could be injuries to human, animal, or plant life, and not listed in §27---1609.H.1, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation or floodproofed to the maximum extent possible.

7. All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

8. Anchoring

    a. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.

    b. All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.

9. Floors, Walls and Ceilings

    a. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.

    b. Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water---resistant" variety.

    c. Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are "water---resistant" and will withstand inundation.

    d. Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other "water---resistant" material.

10. Paints and Adhesives

    a. Paints and other finishes used at or below the regulatory flood elevation shall be of "marine" or "water---resistant" quality.

    b. Adhesives used at or below the regulatory flood elevation shall be of al "marine" or "water---resistant" variety.

    c. All wooden components (doors, trim, cabinets, etc.) used at or below the regulatory flood elevation shall be finished with a "marine" or "water---resistant" paint or other finishing material.

11. Electrical Components

    a. Electrical distribution panels shall be at least three (3) feet above the base flood elevation.

    b. Separate electrical circuits shall serve lower levels and shall be dropped from above.

12. Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation.

13. All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

14. Uniform Construction Code Coordination. The Standards and Specifications contained in 34 PA Code (Chapters 401---405), as amended and not limited to the following provisions shall apply to the above and other sections and sub---sections of this ordinance, to the extent that they are more restrictive and supplement the requirement of this ordinance.

    International Building Code (IBC) 2009 or the latest edition thereof:
    Sections 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.
    International Residential Building Code (IRC) 2009 or the latest edition thereof:
    Sections R104, R105, R109, R322, Appendix E, and Appendix J.

F. Special Requirements for Manufactured Homes

1. Where permitted within any Identified Floodplain Area, all manufactured homes, and any improvements thereto, shall be:

    a. Placed on a permanent foundation;

    b. Elevated so that the lowest floor of the manufactured home is at least one and one half (1½) feet above base flood elevation;

    c. Anchored to resist flotation, collapse, or lateral movement.

    d. Have all ductwork and utilities including HVAC/heat pump elevated to the Regulatory Flood Elevation.

2. Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2009 "International Residential Building Code" of the "U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing," 1984 Edition, draft or latest revision thereto and 34 PA Code Chapters 401---405 shall apply.

3. Consideration shall be given to the installation requirements of the 2009 IBC, and the 2009 IRC or the most recent revisions thereto and 34 PA Code, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the proposed unit(s) installation.

G. Special Requirements for Recreational Vehicles

Recreational vehicles in Zones, A, A1---A30, AH and AE must either:

1. Be on the site for fewer than 180 consecutive days, and

2. Be fully licensed and ready for highway use, or

3. Obtain a variance in accordance with the criteria in this Ordinance and meet the construction requirements for manufactured homes in §27---1609.E.

H. Development Which May Endanger Human Life

Within any Identified Floodplain Area, any structure of the kind described in Subsection §27---1609.H.1., below, shall be prohibited. If a variance is obtained in accordance with this Ordinance, then the following provisions apply:

1. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the department of Community and Economic Development as required by the Act, any new or substantially improved structure which:

    a. Will be used for the production or storage of any of the following dangerous materials or substances; or,

    b. Will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,

    c. Will involve the production, storage, or use of any amount of radioactive substances;

    Shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life.

    - Acetone
    - Ammonia
    - Benzene
    - Calcium carbide
    - Carbon disulfide
    - Celluloid
    - Chlorine
    - Hydrochloric acid
    - Hydrocyanic acid
    - Magnesium
    - Nitric acid and oxides of nitrogen
    - Petroleum products (gasoline, fuel oil, etc.)
    - Phosphorus
    - Potassium
    - Sodium
    - Sulfur and sulfur products
    - Pesticides (including insecticides, fungicides, and rodenticides)
    - Radioactive substances, insofar as such substances are not otherwise regulated

2. Where permitted within any Identified Floodplain Area, any new or substantially improved residential structure of the kind described in §27---1609.H.1., above, shall be elevated to remain completely dry up to at least one and one half (1½) feet above base flood elevation and built in accordance with §27---1909.

3. Where permitted within any Identified Floodplain Area, any new or substantially improved non---residential structure of the kind described in §27---1609.H.1. above, shall be built in accordance with §27---1909 including:

    a. Elevated, or designed and constructed to remain completely dry up to at least one and one half (1½) feet above base flood elevation, and
    b. Designed to prevent pollution from the structure or activity during the course of a base flood.

    Any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood---Proofing Regulations (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.

§27---1610. ADMINISTRATION

A. Designation of Floodplain Administrator

The Zoning Officer is hereby appointed to administer and enforce this ordinance and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may; (A) Fulfill the duties and responsibilities set forth in these regulations, (B) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees, or (C) Enter into a written agreement or written contract with another agency or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

B. A Permit shall be required before any construction or development is undertaken within any area of Upper Salford Township. Application for such a Permit shall be made, in writing, to the Floodplain Administrator on forms supplied by Upper Salford Township. Such application shall contain the information outlined in §27---1611.

C. Duties and Responsibilities of the Floodplain Administrator

1. The Floodplain Administrator shall issue a Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.

2. Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966---537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978---325, as amended); the Pennsylvania Clan Streams Act (Act 1937---394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.

3. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.

4. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this ordinance.

5. In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the Permit and report such fact to the Board of Supervisors for whatever action it considers necessary.

6. The Floodplain Administrator shall maintain in perpetuity all records associated with the requirements of this ordinance including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.

7. The Floodplain Administrator is the official responsible for submitting a biennial report to FEMA concerning community participation in the National Flood Insurance Program.

8. The responsibility, authority and means to implement the commitments of the Floodplain Administrator can be delegated from the person identified. However, the ultimate responsibility lies with the person identified in the floodplain ordinance as the Floodplain Administrator/Manager.

9. The Floodplain Administrator shall consider the requirements of the 34 PA Code and the 2009 IBC and the 2009 IRC or latest revisions thereof.

D. Review of Application by Others

1. A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval shall be submitted by the Floodplain Administrator to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment.

2. All plans for structures within a distance of one hundred feet of the Floodplain Conservation District, and all plans for the development of a recreational or utility use within or adjacent to the District shall require the review of the Township Planning Commission and approval of the Township Board of Supervisors.

E. Applications Requiring Special Exception or Variance.

1. Applications requiring special exception or variance hearings shall be forwarded to the Zoning Hearing Board by the Zoning Officer along with the Zoning Officer's determination of the suitability of the plan and any pertinent data that has been requested of the applicant by the Zoning Officer.

2. In hearing an appeal for floodplain use, the Zoning Hearing Board shall be guided by criteria set forth in §§27---1609 and 27---1612 and Article XXIV of this Ordinance.

F. Subdivision and Development Proposals

All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in Identified Floodplain Areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision and Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

G. Changes

After the issuance of a Permit by the Floodplain Administrator, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Floodplain Administrator. Requests for any such change shall be in writing, and shall be submitted by the applicant to Floodplain Administrator for consideration.

H. Placards

In addition to the Permit, the Floodplain Administrator shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the Permit, the date of its issuance, and be signed by the Floodplain Administrator.

I. Start of Construction

Work on the proposed construction or development shall begin within 180 days after the date of issuance of the development permit. Work shall also be completed within twelve (12) months after the date of issuance of the permit or the permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. The issuance of development permit does not refer to the zoning approval.

The actual start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start or construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Time extensions shall be granted only if a written request is submitted by the applicant, who sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request and the original permit is compliant with the ordinances & FIRM/FIS in effect at the time the extension is granted.

§27---1611. APPLICATION PROCEDURE

For any use of land or other development in the Floodplain Conservation District, excepting uses existing as of the date of enactment of this Chapter, an application for a floodplain use permit shall be filed, in writing, with the Zoning Officer by the owner or authorized agent of the land on forms prescribed by the Zoning Officer. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make a determination of compliance with the Ordinance.

A. Completed Permit Application Form containing:
   1. Name & address of applicant.
   2. Name & address of owner of land on which proposed construction is to occur.
   3. Name & address of contractor.
   4. Site location including address.
   5. Listing of other permits required.
   6. Brief description of proposed work and estimate cost, including a breakout of flood---related cost and the market value of the building before the flood damage occurred, where appropriate.

B. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:
   1. All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
   2. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage;
   3. Adequate drainage is provided so as to reduce exposure to flood hazards;
   4. Structures will be anchored to prevent floatation, collapse, or lateral movement;
   5. Building materials are flood---resistant;
   6. Appropriate practices that minimize flood damage have been used; and
   7. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.

C. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:

1. The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;

2. The elevation of the base flood;

3. Supplemental information as may be necessary under 34 PA Code, the 2009 IBC or the 2009 IRC.

D. A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to one hundred feet or less, showing the following:

1. Topography based upon the North American Vertical Datum (NAVD) of 1988, showing existing and proposed contours at intervals of two (2) feet.

2. The elevation of the base flood.

3. All property and lot lines including dimensions and the size of the site expressed in acres or square feet.

4. The location of all existing and proposed structures or other improvements including the location of any existing or proposed subdivision or land development.

5. The location of all existing streets, drives and other access ways.

6. The location of any existing bodies of water or water courses, those areas being identified as being within the Floodplain Conservation District, information pertinent to the floodway, if any, including the direction and velocity of the flow of water.

7. The approximate location of the floodplain boundary line.

E. The following data and documentation:

1. Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the base flood.

2. A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the base flood elevations, pressures, velocities, impact and uplift forces associated with the base flood.

   Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.

3. The appropriate component of the Department of Environmental Protection 'Planning Module for Land Development.'

4. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control.

5. Detailed information concerning any proposed floodproofing measures and corresponding elevations.

6. Detailed information needed to determine compliance with §27---1606.G and §27---1609.H., Development Which May Endanger Human Life, including:

    a. The amount, location and purpose of any materials or substances referred to in §27---1609.H.1., which are intended to be used, produced, stored or otherwise maintained on site.

    b. A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in §27---1609.H.1. during a base flood.

§27---1612. ADDITIONAL CRITERIA FOR SPECIAL EXCEPTIONS AND VARIANCES

In addition to the criteria set forth in §27---1609, and in Article XXIV, the following shall apply for special exceptions and variances in the Floodplain Conservation District:

A. If granted, a variance shall involve the least modification necessary to provide relief.

B. An affirmative decision shall not be issued by the Zoning Hearing Board for an application within the designated floodway unless the effect of such proposed activity on the flood heights is fully offset by accompanying stream improvements and required permits have been issued by the Pennsylvania Department of Environmental Protection, Bureau of Dams and Waterways Management.

C. The Zoning Hearing Board shall notify the applicant in writing that:

    1. Issuance of a decision to allow construction of a building below the base flood elevation increases premium rates for flood insurance.

    2. Such construction below the base flood elevation increases risk to life and property. Such notification shall be maintained with a record of all decisions as required.

D. The Zoning Hearing Board shall:

    1. Supply a record of all decisions including justification for the issuance of such decision to the Board of Supervisors.

    2. Report such decisions as are issued in the annual report submitted to the Federal Insurance Administration by the Township.

E. No variance shall be granted for:

F.

1. The commencement of any of the activities; or the construction, enlargement, or expansion for any structure used, or intended to be used, for any of the uses as prohibited by §27---1606.B.

2. Any construction, development, use or activity within any Floodway Area/District that would cause any increase in the Base Flood Elevation.

3. Any construction, development, use or activity within any AE Area/District without floodway that would, together with all other existing and anticipated development, increase the Base Flood Elevation more than one (1) foot at any point.

F. In reviewing any request for a variance in the Floodplain Conservation District, the Zoning Hearing Board shall consider, but not be limited to, the following criteria in addition to what is set forth in Article XXIV:

1. There is good and sufficient cause.

2. Failure to grant the variance would result in extremely harsh and exceptional hardship to the applicant.

3. The granting of the variance will:

a. Neither result in the unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense.

b. Nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable State statue or regulation, or local ordinance or regulation.

G. Notwithstanding any of the above, however, all structures permitted by variance, special exception or otherwise shall comply with all applicable requirements of the National Flood Insurance Program. Regulations (§60.3A.B,) including the requirements for elevation, floodproofing, and anchoring. The applicant must also comply with any other requirements considered necessary by the Township.

§27---1613. ABROGATION AND GREATER RESTRICTIONS

This Part supersedes any other conflicting provisions which may be in effect in the Floodplain Conservation District; however, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive.

§27---1614. WARNING AND DISCLAIMER OF LIABILITY

A. The degree of flood protection sought by the provisions of this Part is based on a reasonable legislative determination of the minimum protection necessary and on acceptable methods of study. Larger flood may occur. Flood heights may be increased by man---made or natural causes, such as ice jams and bridge openings being restricted by debris. This Part does not

imply that areas outside the Floodplain Conservation District, will be free from flooding or flood damage.

B. This Article shall not create liability on the part of the township or of any office or employee of the Township for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.

§27---1615. SEVERABILITY

If any Section, subsection, paragraph, sentence, clause, or phrase of this Part shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Chapter, which shall remain in full force and effect, and for this purpose the provisions of this Part are hereby declared to be severable.

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ARTICLE XVII

SS STEEP SLOPE CONSERVATION OVERLAY DISTRICT

§27-1700. PURPOSES

In expansion of the Declaration of Legislative Intent found in Article I, §27-101 of this Chapter 27 – Zoning and the Statement of Community Development Objectives found in Article I, §27-102 of this Chapter 27 - Zoning, the purpose of this Article, among others, is as follows:

A. Preserve the natural character and aesthetic value of mountains and hillsides.

B. Guard against property damage and personal injury, and minimize the potential for erosion, soil failure, stream siltation, and contamination of surface waters caused by the misuse of steep slope areas.

C. Encourage innovative residential development by allowing the flexibility necessary to maximize conservation of steep slopes and produce unique, environmentally sensitive projects.

D. Conserve existing woodlands for air and water quality benefits, to provide habitat for wildlife, and to maintain the ecological balance among the natural systems on steep slope areas.

§27-1701. DEFINITION AND ESTABLISHMENT OF STEEP SLOPE CONSERVATION OVERLAY DISTRICT

The Steep Slope Conservation Overlay District is established as all those areas of the township with a slope of 10 percent or more, referred to as “steep slopes” or “steep slope areas.” This district may be referred to as the “Steep Slope District.”

A. Applicants shall show the boundaries of Steep Slope Areas on all subdivision and land development plans, based on an on-site survey prepared by a Registered Professional Engineer or Surveyor.

B. The Steep Slope Areas to be shown on all subdivision and land development plans shall be further divided into the following 4 categories when measured over 3 or more contour lines at 2 foot intervals:

1. Slopes of at least 10 percent but less than 15 percent.

2. Slopes of at least 15 percent but less than 20 percent.

3. Slopes of at least 20 percent but less than 25 percent.

4. Slopes of at least 25 percent or greater.

C. The Township may exempt manmade slopes from the provisions of this Article if it is determined that alteration, regrading, clearing, or construction upon such slopes can be accomplished without causing erosion of the slope, and will not result in soil failure, stream siltation, and contamination of surface waters and/or increase total runoff into any watercourse or an increase in the point discharge levels or velocities at any given point of collection and discharge and will not be injurious to the health, safety, and welfare of township residents. It shall be the burden of the applicant to demonstrate that the slopes were manmade and to establish the absence of impact in accordance with the criteria stated herein.

§27-1702. OVERLAY CONCEPT

The Steep Slope Conservation District shall be an overlay on all zoning districts and shall function in accordance with the following:

A. For any lot or portion thereof lying within the Steep Slope Conservation District, the regulations of the overlay district shall take precedence over the regulations of the underlying district.

B. Should the underlying zoning of any lot or any part thereof which is located in the Steep Slope Conservation District be changed through any legislative or judicial action, such change shall have no effect on the overlying Steep Slope Conservation District unless such change was included as part of the original application.

C. All uses, activities and development occurring within the Steep Slope Conservation District shall be undertaken only in strict compliance with the provisions of this Article, with all federal and state laws, and with all other applicable Township codes and ordinances.

§27-1703. GENERAL REGULATIONS

In all zoning districts, for those portions of a lot or tract having steep slope areas, as defined in §27-1701, herein, the following standards shall apply for all proposed uses:

A. Disturbance Limits. Based upon steep slope category, the following disturbance limits shall be the maximum area of such slopes that may be disturbed, regraded and/or stripped of vegetation:

Steep Slope Category	**Disturbance Limit**
Slopes at least 10% but less than 15%	25%
Slopes at least 15% but less than 20%	15%
Slopes at least 20% but less than 25%	5%
Slopes at least 25% or greater	0%

1. Non-residential lots within the REC Recreational District shall be permitted to disturb a maximum of 30 percent of steep slope areas within each steep slope category, provided it is the minimum disturbance necessary to allow a permitted non-residential, recreational use, as approved by the Board of Supervisors upon recommendation of the Planning Commission in accordance with §27-1204 of this Chapter or the course of plan review under the Chapter 22 - Subdivision and Land Development.

B. Grading or earthmoving on steep slope areas including slopes less than 25% shall not result in earth cuts or fills whose highest vertical dimensions exceed 10 feet, except where no reasonable alternatives exist for construction of public roads, public drainage structures, and other public improvements, in which case such vertical dimensions shall not exceed 15 feet. Finished slopes of all cuts and fills shall not exceed three to one (3:1), unless the applicant shall demonstrate that steeper slopes can be stabilized and maintained adequately and safely. All retaining walls proposed for the stabilization of areas of cut and fill shall be designed and certified by a registered professional structural engineer, and reviewed by the Township Engineer. An applicant proposing the use of a retaining wall for stabilization of any areas of cut and fill shall be obligated to provide such design criteria and construction detail, including the required certification thereof as determined necessary by the Township Engineer. The use of retaining walls which has the effect of increasing the area of any building or improvement on the property shall not be permitted or approved. The landscape shall be preserved in its natural state, except as specifically provided herein.

C. There shall be no disturbance of steep slope areas including slopes 25% or greater, subject to the exception set forth in §27-1703.A.1. of this Article, and providing that agricultural practices which involve no-till planting shall be permitted.

§27-1704. DEVELOPMENT REGULATIONS

The requirements of the following zoning districts shall be modified on all land containing steep slopes, as defined in §27-1701, herein, as designated below:

A. Each parcel of land located in the R-2, IN, REC, or CB zoning district, having a steep slope ratio (area of steep slopes / gross site area) of 10 percent or more and proposed for residential use, shall be subdivided consistent with one of the following optional requirements:

1. Option 1 - Conservation Subdivision. In order to encourage preservation of the steep slopes, and other significant natural features, the applicant's proposed design shall be consistent with the standards for conservation subdivision within the underlying zoning district and shall locate the steep slopes within the required greenway land, considering the greenway delineation standards within the Upper Salford Township Subdivision and Land Development Ordinance. In this case, no portion of the steep slopes is to be located on any proposed or existing building lot.

2. Option 2 - As a conditional use, each lot hereinafter created by subdivision having a steep slope ratio of 10 percent or greater shall increase the required minimum lot size by a factor of 150% and adjust the maximum impervious surface limit by a reduction of 50% per lot.

B. Tracts hereinafter subdivided or proposed for land development for non-residential use in the R-30, IN, REC, CB, LLI, or LI zoning district, having a steep slope ratio of 10 percent but less than 25 percent, shall locate all buildings, parking areas, driveways, access roads, utilities, or improvements of any other nature, on areas of the tract outside of the defined steep slope areas, provided, however, that disturbance of defined steep slope areas for driveways, access roads, or utilities may be located within the defined steep slope areas provided that the disturbance limitations of §27-1703.A. are not exceeded.

§27-1705. CONDITIONAL USE APPLICATION

Applications for conditional uses shall comply with the procedures in Article XXIV of this Chapter and provide the following information and documentation.

A. A plan by a Registered Professional Engineer or Surveyor which accurately locates the proposed use with respect to the Steep Slope District boundaries and existing development within 200 feet of the proposed use, together with all pertinent information describing the parcel, and a topographical survey with contour elevations at no greater than 5-foot intervals.

B. A plan of proposed development or use of the site, conforming to the preliminary plan requirements of the subdivision and land development ordinance, with contours shown at 2-foot intervals, where feasible, throughout the steep slope areas proposed for development or use. Contours shall be accurately drawn from on-site survey or aerial photographic sources.

C. Proposed modifications to the existing topography and vegetative cover, as well as the means of accommodating stormwater runoff.

D. Documentation of any additional engineering and/or conservation techniques designed to alleviate environmental problems created by the proposed activities.

E. Specifications of building materials and construction including filling, grading, materials storage, water supply, and sewage disposal facilities.

F. An erosion and sediment control plan in compliance with the erosion and sediment control practices set forth in the Erosion and Sediment Pollution Control Program Manual of the Department of Environmental Protection, 1990, and any subsequent amendments thereto.

G. The location of all trees having a diameter of 8 inches or more dbh.

§27-1706. CONDITIONAL USE STANDARDS AND CRITERIA

In considering a conditional use application, the Board of Supervisors shall consider the following:

A. Relationship of the proposed use to the objectives set forth in §27-1700.

B. Adverse effects on abutting properties.

C. The need for a woodland management plan on wooded steep slope areas.

D. Evidence that:

1. Alternative placements on non-steep slope areas were carefully evaluated for structures, including buildings, retaining walls, swimming pools, roads, access driveways, parking facilities and other development, and can be shown to be inappropriate or infeasible to the satisfaction of the Board of Supervisors.
2. Proposed buildings and structures are of sound engineering design and that footings are designed to extend to stable soil and/or rock.

3. Proposed roads, drives and parking areas are designed so that land clearing and/or grading will not cause accelerated erosion. Both vertical and horizontal alignment of such facilities shall be so designed that hazardous conditions are not created.

4. Surface run-off of water will not create unstable conditions, including erosion, and that appropriate stormwater management facilities will be constructed as necessary.

5. Proposed non-agricultural displacement of soil shall be for cause consistent with the intent of this ordinance and shall be executed in the manner that will not cause erosion or other unstable conditions. The applicant shall provide an erosion and sediment control plan and supporting evidence.

6. Proposed on-lot sewage disposal facilities shall be properly designed and constructed in conformity with applicable regulations.

§27-1707. LIMIT OF MUNICIPAL LIABILITY

The granting of a use and occupancy permit or the approval of a subdivision or land development plan on or near the Steep Slope Conservation District shall not constitute a representation, guarantee or warranty of any kind by the township or any official or employee thereof regarding the practicability or safety of the proposed use and shall create no liability upon the Township, its officials, or its employees. Protections provided by this ordinance are for regulatory purposes and based on minimum engineering studies. The Chapter does not imply that areas outside the District are free from adverse effects of erosion and sedimentation.

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ARTICLE XVIII

RCC - RIPARIAN CORRIDOR CONSERVATION OVERLAY DISTRICT

§27-1800. PURPOSES

In expansion of the Declaration of Legislative Intent and Statement of Community Development Objectives found in §§27-101 and 27-102 of Article I of this Chapter 27 - Zoning it is the intent of this article to provide reasonable controls governing the conservation, management, disturbance, and restoration, of riparian corridors under authority of Article I, § 27 of the Pennsylvania Constitution, Act 247 the Municipalities Planning Code as amended, and other Commonwealth and federal statutes, in conformance with the goals of the Comprehensive Plan, Open Space and Environmental Resource Protection Plan, and the following objectives:

A. Improve surface water quality by reducing the amount of nutrients, sediment, organic matter, pesticides, and other harmful substances that reach watercourses, wetlands, subsurface, and surface water bodies by using scientifically- proven processes including filtration, deposition, absorption, adsorption, plant uptake, and denitrification, and by improving infiltration, encouraging sheet flow, and stabilizing concentrated flows.

B. Improve and maintain the safety, reliability, and adequacy of the water supply for domestic, agricultural, commercial, industrial, and recreational uses along with sustaining diverse populations of aquatic flora and fauna.

C. Preserve and protect areas that intercept surface water runoff, wastewater, subsurface flow, and/or deep groundwater flows from upland sources and function to remove or buffer the effects of associated nutrients, sediment, organic matter, pesticides, or other pollutants prior to entry into surface waters, as well as provide wildlife habitat, moderate water temperature in surface waters, attenuate flood flow, and provide opportunities for passive recreation.

D. Regulate the land use, siting, and engineering of all development to be consistent with the intent and objectives of this ordinance and accepted conservation practices, and to work within the carrying capacity of existing natural resources.

E. Assist in the implementation of pertinent state laws concerning erosion and sediment control practices, specifically Erosion Control, of the Pennsylvania Clean Streams Law, Act 394, P.L. 1987, Chapter 102 of the Administrative Code (as amended October 10, 1980 Act 157 P.L.), Title 25, and any subsequent amendments thereto, as administered by the Pennsylvania Department of Environmental Protection and the Montgomery County Conservation District.

F. Conserve natural features important to land or water resources such as headwater areas, groundwater recharge zones, floodway, floodplain, springs, streams, wetlands, woodlands, prime wildlife habitats, and other features that provide recreational value or contain natural amenities whether on developed or undeveloped land.

G. Work with floodplain, steep slope, and other requirements that regulate environmentally sensitive areas to minimize hazards to life, property, and riparian features.

H. Recognize that natural features contribute to the welfare and quality of life of the residents of Upper Salford Township.

I. Conserve natural, scenic, and recreation areas within and adjacent to riparian areas for the community's benefit.

§27-1801. DEFINITION, ESTABLISHMENT, AND WIDTH DETERMINATION OF THE DISTRICT

A. Definition. The Riparian Corridor Conservation District is defined as an overlay district consisting of:

1. Areas surrounding municipally designated surface water bodies, including creeks, lakes, intermittent watercourses, and wetlands that intercept surface water runoff, wastewater, subsurface flow, and/or deep groundwater flows from upland sources and function to remove or buffer the effects of associated nutrients, sediment, organic matter, pesticides, or other pollutants prior to entry into surface waters. This area may also provide wildlife habitat, control water temperature, attenuate flood flow, and provide opportunities for passive recreation. This corridor area may or may not contain trees and other native vegetation at the time of ordinance enactment. The corridor shall be applied as specified in the following table:

Surface Water Feature	**Minimum Corridor Width**
A. Perennial Streams. All perennial streams identified in the Soil Survey[1]. (Perennial streams are shown as solid lines on the Soil Survey maps.)	Zone 1: Minimum width of 25 feet from each defined edge of the watercourse at bank full flow, measured perpendicular to the edge of the watercourse. Zone 2: Minimum width of 50 feet from the outer edge of Zone 1, measured perpendicular to the edge of Zone 1, or equal to the extent of the 100-year floodplain[3], or 25 feet beyond the outer edge of a wetland along the stream, whichever is greater. (Total minimum width of Zones 1 & 2 = 150 feet plus the width of the stream.)
B. Intermittent Streams. Intermittent streams identified in the Soil Survey[1] or any stream otherwise identified on the applicant's plan that have an upstream drainage area of 75 acres or more[2]. (Intermittent streams are shown as dotted and dashed lines on the Soil Survey maps.)	Zone 1: Minimum width of 25 feet from each defined edge of the watercourse at bank full flow, measured perpendicular to the edge of the watercourse. Zone 2: Minimum width of 50 feet from the outer edge of Zone 1, measured perpendicular to the edge of Zone 1, or equal to the extent of the 100-year floodplain[3], or 25 feet beyond the outer edge of a wetland along the stream, whichever is greater. (Total minimum width of Zones 1 & 2 = 150 feet plus the width of the stream.)
C. Other Streams. All other streams with an	Zone 1: Minimum width of 25 feet from the centerline of the watercourse, measured perpendicular to the

upstream drainage area of less than 75 acres[2], including intermittent streams identified in the Soil Survey[1].	centerline of the watercourse, or equal to the extent of the 100-year floodplain[3], or 25 feet beyond the outer edge of a wetland along the stream, whichever is greater. (Total minimum width of 50 feet). Zone 2: Does not apply.
D. Wetlands and Waterbodies. Wetlands not located along a stream, and waterbodies, where the wetland and/or waterbody is greater than 10,000 square feet in area.	Zone 1: Minimum width of 25 feet from the outer edge of the wetland or waterbody, measured perpendicular to the edge. For wetlands located at the edge of a waterbody, the measurement shall be made from the outer edge of the wetland. Zone 2: Does not apply.

[1] Soil Survey shall mean the Web Soil Survey by the U.S. Department of Agriculture, Natural Resources Conservation Service

[2] Upstream drainage area is measured from where the stream exits the applicant's site.

[3] 100-year floodplain as identified on the Flood Insurance Rate Map (FIRM) prepared by FEMA, or as calculated by the applicant where FEMA data does not apply.

2. Zone Width Adjustments for Steep Slopes.
Where steep slopes in excess of 15 percent are located within Zone 1 along a stream identified in §27-1801.A.1, A or B, above, Zone One shall be extended over the steeply sloped area as follows:

a. If the extent of the steeply sloped area is more than 75 feet, Zone 1 shall extend to the 75-foot maximum corridor width, and Zone 2 shall not be required.

b. If the extent of the steeply sloped area is less than 75 feet, Zone 1 shall extend to the limit of the steeply sloped area, and the width of Zone Two shall be adjusted so that the total corridor width (Zone 1 plus Zone 2) will be 75 feet maximum.

3. Identification and Width Determination.
The applicant shall be responsible for the following:

a. Identifying the watercourses, wetlands, and/or waterbodies on and abutting the applicant's site, and locating these features accurately on the applicant's plans.

b. Initial width determination of the riparian corridor(s) in compliance with §27-1801.A, herein, and for identifying these areas on any plan that is submitted for subdivision, land development, or other improvements that require plan submissions or permits. The initial determination(s) shall be subject to review and approval by the Upper Salford Township Planning Commission, with the advice of the Upper Salford Township Engineer.

§27-1802. Uses Permitted in the Riparian Corridor Conservation District

The following uses are permitted by right in the Riparian Corridor Conservation District in compliance with the requirements of this Article:

A. Zone One:

1. Open space uses that are primarily passive in character shall be permitted to extend into the area defined as Zone One, including:

   a. Wildlife sanctuaries, nature preserves, forest preserves, fishing areas, passive areas of public and private parklands, and reforestation.

   b. Streambank stabilization

2. Forestry operations approved by the Montgomery County Conservation District.

3. Corridor crossings:

   a. Agricultural crossings by farm vehicles and livestock.

   b. Driveways serving one or two single-family detached dwelling units, provided the mitigation requirements of §27-1807.B are satisfied. The corridor crossing standards of §27-1808 should be considered during design of the driveway.

   c. Driveways serving more than two single-family detached dwelling units, or roadways, recreational trails, railroads, and utilities, provided the mitigation requirements of §27-1807.B. and the corridor crossing design standards of §27-1808 are satisfied.

4. Removal of non-native vegetation.

B. Zone Two

1. Open space uses including wildlife sanctuaries, nature preserves, forest preserves, passive areas of public and private parklands, recreational trails, and reforestation.

2. At least half of any required yard setback area, for any individual lot, must be entirely outside of Zone 2.

3. Agricultural uses conducted in compliance with methods prescribed in the Department of Environmental Protection's Erosion and Sediment Pollution Control Manual, 1990, as amended.

4. Corridor crossings:

a. Agricultural crossings by farm vehicles and livestock.

b. Driveways serving one or two single-family detached dwelling units, provided the mitigation requirements of §27-1807.B. are satisfied. The corridor crossing standards of §27-1808 should be considered during design of the driveway.

c. Driveways serving more than two single-family detached dwelling units, or roadways, recreational trails, railroads, and utilities, provided the mitigation requirements of §27-1807.B. and the corridor crossing design standards of §27-1808 are satisfied.

5. Residential accessory structures having an area less than 225 square feet.

6. Forestry operations approved by the Montgomery County Conservation District.

7. Passive use areas such as camps, campgrounds, picnic areas, and golf courses. Active recreation areas such as ballfields, playgrounds, and courts provided these uses are designed in a manner that will not permit concentrated flow of stormwater runoff.

8. Centralized sewer and/or water lines and public utility transmission lines running along the corridor. When proposed as part of a subdivision or land development, the mitigation requirements of §27-1807.B. shall be satisfied. In all cases, these lines shall be located as far from Zone One as practical.

9. Removal on non-native vegetation.

§27-1803. Uses Specifically Prohibited in the Riparian Corridor District

Any use or activity not authorized within §27-1802, herein, shall be prohibited within the Riparian Corridor Conservation District and the following activities and facilities are specifically prohibited:

A. Clearing of existing vegetation, except where such clearing is necessary to prepare land for a use permitted under §27-1802 herein, and where the effects of these actions are mitigated by re-establishment of vegetation, as specified under §27-1807, herein.

B. Storage of any hazardous or noxious materials.

C. Use of fertilizers, pesticides, herbicides, and/or other chemicals in excess of prescribed industry standards or the recommendations of the Montgomery County Conservation District.

D. Roads or driveways, except where permitted as corridor crossings in compliance with §27-1802, herein.

E Motor or wheeled vehicle traffic in any area not designed to accommodate adequately the type and volume.

F. Parking lots.

G. Any type of permanent structure, including fences, except structures needed for a use permitted in §27-1802, herein.

H. Subsurface sewage disposal areas.

I. Sod farming.

J. Stormwater basins, including necessary berms and outfall facilities.

§27-1804. Nonconforming Structures and Uses

Nonconforming structures and uses of land within the Riparian Corridor Conservation Overlay District shall be regulated under the provisions of Article XXI, Non-conforming Status, herein, except that the one year time frame for discontinuance shall not apply to agricultural uses which are following prescribed Best Management Practices for crop rotation.

§27-1805. Boundary Interpretation and Appeals Procedure

A. When an applicant disputes the Zone 1 and/or 2 boundaries of the Riparian Corridor or the defined edge of a watercourse, surface water body, or wetland, the applicant shall submit evidence to the Township of Upper Salford that shows the applicant's proposed boundary, and provides justification for the proposed boundary change.

B. The Township Engineer, and/or other advisors selected by the Board of Supervisors shall evaluate all material submitted and provide a written determination within 45 days to the Board of Supervisors, the Township Planning Commission, and landowner or applicant.

C. Any party aggrieved by any such determination or other decision or determination under this section may appeal to the Zoning Hearing Board under the provisions of Article XXIV, Zoning Hearing Board, of this ordinance. The party contesting the location of the district boundary shall have the burden of proof in case of any such appeal.

§27-1806. Inspection of Riparian Corridor Conservation Overlay District

A. Lands within or adjacent to an identified Riparian Corridor Conservation Overlay District will be inspected by the Upper Salford Zoning Officer when:

1. A subdivision or land development plan is submitted.

2. A building permit is requested.

3. A change or resumption of nonconforming use is proposed.

B. The district may also be inspected periodically by the Code Enforcement Officer and/or other representatives designated by the Board of Supervisors for compliance with an approved restoration plan, excessive or potentially problematic erosion, hazardous trees, or at any time when the presence of an unauthorized activity or structure is brought to the attention of Upper Salford Township officials.

§27-1807. Management of the Riparian Corridor Conservation Overlay District

A. Riparian Corridor Planting. Re-establishment of forest cover and woodland habitat shall be required consistent with the requirements of the landscape regulation within the Upper Salford Township Subdivision and Land Development Ordinance.

B. Mitigation Measures. Uses permitted in §27-1802 involving corridor crossings or other encroachment within the riparian corridor shall be mitigated by increasing the width of the corridor as replacement for the area lost due to the encroachment or disturbance, so that the total area of the corridor (Zone One and Zone Two) for each applicable side of the stream or watercourse is equal to that required by §27-1801.A.

Corridor area is the product of the corridor width required by §27-1801.A and the total length for each applicable side of the stream or watercourse for which a riparian corridor is being established. Perimeter shall be used in place of length for determining wetland buffer area. The increased width shall be spread throughout the corridor to the maximum extent possible. For stream and watercourses the increased width shall not be concentrated into an area less than 1000 feet in length or the full length of the corridor on the affected property, whichever is less.

§27-1808. Corridor Crossings Standards

A. The width of the right-of way shall not be greater than the minimum right-of-way width required by the Upper Salford Township Subdivision and Land Development Ordinance.

B. Crossings shall be designed to cross the riparian corridor at direct right angles to the greatest extent possible in order to minimize disturbance of the corridor.

C. Corridor crossings shall be separated by a minimum of 1000 feet of buffer length to the greatest extent possible.

D. Bridges shall be used in place of culverts when crossings would require a 72 inch or greater diameter pipe. When culverts are installed they should consist of slab, arch or box culverts and not corrugated metal pipe. Culverts should also be designed to retain the natural channel bottom to ensure the passage of water during low flow or dry weather periods.

§27-1809. Use of Technical Terminology

Technical terminology used in this article shall be interpreted to have the meanings used by recognized sources and experts in the fields of forestry, woodland or meadow management, streambank protection, wetlands management, erosion and sedimentation control, or other relevant fields.

ARTICLE XIX

OFF-STREET PARKING

§27-1900. PURPOSES

In expansion of the Declaration of Legislative Intent found in Article I, §27-101 of this Chapter 27 - Zoning and the Statement of Community Development Objectives found in Article I, §27-102 of this Chapter 27 - Zoning, the purpose of this Article, among others, is as follows:

A. Set reasonable standards and provide reasonable controls to assure sufficient parking capacity for the uses or potential uses of land in the township.

B. Provide flexibility in the implementation of these standards by permitting construction of a reduced number of parking spaces under appropriate conditions.

C. Prevent hazards to public safety caused by the intrusion of parking upon public rights-of-way.

§27-1901. PARKING USE REQUIREMENTS

Any building or other structure erected, altered, or used, and any lot used or occupied, for any of the following purposes shall be provided with minimum off-street parking spaces as set forth below, together with adequate passageways, or driveways or other means of circulation and access to and from a street in compliance with the requirements of Chapter 22 - Subdivision and Land Development.

A. Accessory Land Uses:

1. **Use A-2: Bed and Breakfast:** In addition to the number of parking spaces required for the principal use, one off-street parking space shall be provided for each guest bedroom. The additional off-street parking spaces shall not be permitted within the front yard area.

2. **Use A-9: Home occupation**: At least 1 additional parking space, and not more than 2 additional off-street parking spaces shall be provided in addition to those required for approved residential use. Such parking shall be provided on the lot of the residence.

3. **Use A-11: Non-Residential Accessory Structure**: As the use requires.

B. Agricultural Land Uses: 1 space for every 1,000 square feet under building cover.

C. Commercial Land Uses:

1. **Use C-1: Club**: 1 space per 100 square feet of floor area used or intended to be used for service to customers, patrons, clients, guests, or members.

2. **Use C-2: Commercial Kennel**: 1 space for each employee, plus 1 space for every 200 square feet of sales area.

3. **Use C-3: Commercial School**: 1 space per faculty member, plus 2 spaces for every 3 students of driving age.

4. **Use C-4: Convenience Store/Mini-Market**: 1 space for every 200 square feet of gross leasable floor area, plus 2 additional spaces for every money access machine, lottery terminal, and public phone.

5. **Use C-5: Dry Cleaners (Drop-Off)**: 1 space for every 300 square feet of gross leasable floor area, plus stacking spaces for drive-in facilities, if applicable.

6. **Use C-6: Hotel/Motel/Inn**: 1 space per rental unit, plus 1 space per employee on the largest shift (any restaurant, bar, etc. shall be treated as a separate use).

7. **Use C-7: Laundry (Self-Service)**: 1 space per 300 square feet of gross leasable floor area.

8. **Use C-8: Personal Care Business**: 1 space for every 100 square feet of gross leasable floor area.

9. **Use C-9: Repair Shop**: 1 space for every 200 square feet of gross leasable floor area.

10. **Use C-10: Restaurant**: 1 space per 300 square feet of gross leasable floor area.

11. **Use C-11: Retail Shop**: 1 space for every 200 square feet of gross leasable floor area when the retail facility is operated as a singular primary use, or as a single business entity on a single lot or premises.

12. **Use C-12: Tavern/Bar**: 1 space per 300 square feet of gross leasable floor area.

13. **Use C-13: Veterinary Clinic**: 6 spaces per doctor/technician plus 1 per additional employee.

D. Industrial Land Uses.

1. **Use D-1: Adult Entertainment Uses**: 1 space per 100 square feet of gross leasable floor area.

2. All other industrial uses: 1 space per 500 square feet of gross leasable floor area devoted to industrial use, including storage area, plus 1 space per 300 square feet of gross leasable floor area devoted to office use.

E. Community Service Land Uses.

1. **Use E-1: Adult / Child Day Care**: 1 space per employee plus one space for every 10 persons of licensed capacity.

2. **Use E-2: Cemetery**: 1 space per 200 square feet of office area, plus 1 space for every 3 seats in chapels with fixed seating.

3. **Use E-4: Emergency Services**: 1 space per 250 square feet of gross leasable floor area.

4. **Use E-5: Library / Museum**: 1 space per 800 square feet of floor area in public use.

5. **Use E-6: Municipal Complex**: 1 space per 300 square feet of gross leasable floor area.

6. **Use E-7: Place of Worship**: 1 space per 4 seats.

7. **Use E-8: School - Public / Private**: 5 spaces per classroom for elementary or intermediate school. 8 spaces per classroom for high schools.

F. Office Land Uses

1. **Use F-1: Professional Office Building**: 1 space per 250 square feet of gross leasable floor area.

G. Entertainment / Recreational Uses.

1. **Use G-1: Amusement Park**: 1 space per 1,000 square feet of lot area devoted to such use.

2. **Use G-2: Athletic Club**: 1 space per 50 square feet of gross leasable floor area.

3. **Use G-3: Golf Course**: 1 space per 3 persons of total design capacity.

4. **Use G-4: Indoor Recreation**: 1 space per 250 square feet of gross leasable floor area, plus 1 space per 50 square feet of rink area. Bowling alleys shall have 5 spaces per lane.

5. **Use G-5: Outdoor Recreation**: 1 space per 4 persons of total design capacity.

6. **Use G-7: Home Based Occupation Craft Alcohol Production Facility:** 1 space per employee who does not reside on the property. This requirement shall be in addition to off-street parking for the principal residential use of the property, as otherwise required under Article XIX of Chapter 27 of the Upper Salford Township Code of Ordinances.

H. Residential Uses.

1. **Use H-1: Estate Dwelling Unit (single-family detached)**: 1 space per

dwelling, plus 1 additional space per bedroom. For any residence located in a conservation subdivision, all unenclosed parking shall be located in the rear of the dwelling.

2. **Use H-2: Single Family Detached Dwelling**: 1 space per dwelling, plus 1 additional space per bedroom. For any residence located in a conservation subdivision, all unenclosed parking shall be located in the rear of the dwelling.

3. **Use H-3: Village Single**: 1 space per dwelling, plus 1 additional space per bedroom. For any residence located in a conservation subdivision, all unenclosed parking shall be located in the rear of the dwelling.

4. **Use H-4: Residential School Campus:** 2 spaces per each unit, plus one space per each group home parent and one space for each 250 square feet (or portion thereof if less than 250 square feet) of office, administrative and employee floor space.

I. Uses other than those listed above shall provide parking in accordance with the fitted curve equation for that particular use to building square footage or number of employees, whichever yields a greater number, as shown in the most up-to-date version of the Institute of Transportation Engineers' Trip Generation Manual.

§27-1902. PARKING HELD IN RESERVE

If the number of spaces required by §27-1901 above is greater than 125% of the number anticipated by the applicant, reserve parking may be used in accordance with the following criteria:

A. Suitable area must be available on the site for 100 percent of the parking required by §27-1901 above.

B. The total number of spaces required under this ordinance may be reduced up to 50 percent by the Township Supervisors, upon recommendation of the Planning Commission. All stormwater controls shall be engineered and constructed based on total parking requirements, including the reserve.

C. Suitable and sufficient area must be reserved for the balance of the total number of spaces required by §27-1901. Whenever a parking capacity problem is identified, the Supervisors may require installation of additional parking spaces, upon recommendation of the Township Planning Commission.

D. Parking capacity will be reevaluated by the Township Zoning Officer should any change occur in the use, ownership, size of building, or number or residents or employees. Following reevaluation, the Board of Supervisors may require the construction of additional parking spaces, up to the maximum required by §27-1901 of this Ordinance, upon recommendation of the Township Planning Commission.

E. The Zoning Officer may deny or revoke the Use and Occupancy permit of any use that fails to comply with this provision.

F. The applicant shall provide a financial guaranty to cover the cost of engineering and installation of the reserved parking spaces, for a period of 60 months following installation of the initially constructed spaces. The type and amount of the guaranty

must be approved by the Board of Supervisors upon recommendation of the Township Solicitor and Engineer.

G. To qualify for use of the reserve parking concept, the applicant shall provide evidence supporting reduced parking needs to the Township Planning Commission for their review and recommendations.

§27-1903. SHARED PARKING

A. The parking spaces required in §27-1901 above may be reduced when two or more establishments share the same parking area, whether on the same lot or abutting lots, subject to the following conditions:

1. That some portion of the common off-street parking area lies within 200 feet of an entrance, regularly used by patrons, into the buildings served by the shared parking facilities.

2. That access and parking easements are prepared and recorded for each property affected by the shared parking.

3. That sufficient area shall be set aside for the remainder of the required spaces, according to the requirements of §27-1902 above.

B. The minimum amount of shared parking required shall be calculated according to the following formula:

1. Calculate the minimum amount of parking required for each land use as if it were a separate use.

2. To determine peak parking requirements, multiply the minimum parking required for each proposed land use by the corresponding percentage in Table One for each of the five time periods.

3. Calculate the column total for each of the five time periods.

4. The column (time period) with the highest value shall be the minimum shared parking requirement.

TABLE ONE
SHARED PARKING REQUIREMENTS

	WEEKDAY		WEEKEND		NIGHT
Use	**Day (9AM-5PM) %**	**Evening (5PM-Midnight) %**	**Day (9AM-5PM) %**	**Evening (5PM-Midnight) %**	**Other (Midnight-6AM) %**
Office/ Industrial	100	10	10	5	5
Retail/ Community	60	90	100	70	5
Restaurant	50	100	100	100	10
Entertainment/ Recreation	40	100	80	100	10

§27-1904. ADDITIONAL PARKING REQUIREMENTS

A. All parking areas must meet the requirements of the Township Subdivision and Land Development Ordinance.

B Industrial and commercial parking areas shall not be used for the sale, repair, or dismantling of any vehicles, equipment, materials, or supplies.

C. In addition to the requirements of §27-1901.E.7 (Use E - 8 School - Public / Private), all schools shall designate an area of level lawn for special event overflow parking, which shall provide 1 space for every 4 auditorium or stadium seats, whichever is larger, or 100 spaces, whichever is less.

ARTICLE XX

SIGNS

§27-2000. PURPOSES

In expansion of the Declaration of Legislative Intent found in Article I, §27-101 of this Chapter 27 - Zoning and the Statement of Community Development Objectives found in Article I, §27-102 of this Chapter 27 - Zoning, the purpose of this Article, among others, is as follows:

A. Recognize that signs perform an important function in identifying properties, businesses, services, residences, events, and other matters of interest to the public.

B. Set standards and provide controls that permit reasonable use of signs while restricting the potential adverse visual effects of signs on the character of the Township.

C. Control the size, number, location, and illumination of signs to reduce potential hazards caused by glare or obstruction of visibility, and to reduce visual clutter which results from competition among signs.

D. Encourage signs which are attractively designed in order to enhance the economic value as well as the visual character of the various parts of the community.

E. Establish criteria to encourage signs that are compatible with their surroundings, appropriate to the type of activity to which they pertain, complimentary to the architecture of the buildings involved, expressive of the identity of individual proprietors or of an integrated development's identity, and which are easily readable in the circumstances in which they are seen.

§27-2001. CLASSIFICATION OF SIGNS

A. Temporary. Used or erected for a designated period of time.

B. Permanent. Intended to remain for the life of the use they serve

C. On-site. Erected on the premises to which they apply.

D. Off-site. Located on premises other than to which they apply.

E. Illuminated. Having internal or external lighting.

F. Non-illuminated. Are not lighted.

G. Private. Serving private interests.

H. Public. Serving governmental purposes or those approved by governmental

agencies to serve the common good.

§27-2002. TYPES OF SIGNS

A. Awning Sign. A sign attached to, placed upon, or hung from any covered structure projecting from and supported by uprights or walls, and which is itself free standing or extends beyond the facade of the building wall; such as awning, canopy, or similar structure.

B Banner/Pennant Sign. A sign made of fabric or any non-rigid material, with no enclosed framework.

C. Freestanding Sign. A sign supported by one or more upright poles which are permanently anchored into the ground.

D. Monument Sign. A sign attached to a brick, stone, or masonry wall or structure which forms a supporting base for the sign display. The wall area is not counted in the sign display area.

E. Parallel Wall Sign. A sign mounted parallel to or painted on a wall or other vertical building surface, but does not extend beyond the edge of any wall, roof line or other surface to which it is mounted, and does not project more than one foot from the surface to which it is mounted.

F. Portable Sign. Any sign, including vehicular signs, not permanently attached to the ground or a building.

G. Projecting Wall Sign. Any sign mounted perpendicular to a wall or other vertical building surface, but does project more than four feet from the surface to which it is mounted, nor project above the wall, roof line, or surface to which it is mounted.

H. Window Sign. A sign mounted or painted on a window, or inside a structure, such that it is intended to be seen through the window from the street.

§27-2003. GENERAL REQUIREMENTS

A. Area of a Sign.

1. The area of a sign shall be construed to include all lettering, wording, and accompanying designs and symbols, together with the background on which it is displayed, whether open or enclosed. The area of a sign shall not include any supporting framework, bracing, or decorative trim which is incidental to the copy content of the display itself. For signs without background, the area shall be that of the smallest rectangle which encompasses all of the letters, designs, and symbols.

2. Signs can be multi-sided. In the computation of the square-foot area of a double sided sign, only one side shall be considered; provided all faces are identical in size. If the interior angle formed by the faces of a multi-sided sign is greater than forty-five degrees, then all sides of such sign shall be considered in calculating the sign area.

3. A sign supported by more than one means shall have its area and height calculation determined by the type definition which has the most restrictive standards.

4. Wall sign area is calculated as a percentage of the total first floor facade area of the building or individual use which is essentially parallel to the street frontage.

B. Height of a Sign

1. The maximum height of a sign is calculated from the top of the sign structure (including supporting framework, bracing or decorative trim) to the ground level where the sign is located. The height of any earth mound on which a sign is mounted shall be included in the allowable height.

2. Unless specifically restricted or specified in the zoning district sign chart, all canopy, projecting, and wall signs must be contained within the current building height restrictions of the zoning district in which it is located.

C. Location of Signs:

1. No sign shall be placed in such a position as to endanger traffic on a street by obscuring view or by interfering with official street signs or signals, by virtue of position, or color.

2. No sign shall be permitted within a sight triangle of an accessway or street right-of-way.

3. No sign, except official traffic signs or those approved by Upper Salford Township, is permitted within a vehicular right-of-way.

4. No projecting sign shall extend into a vehicular right-of-way, or be less than 10 feet above a pedestrian way.

5. No sign may be located in the side or rear yard or in a required buffer area adjacent to a zoning district with more restrictive sign requirements.

6. No free-standing sign may occupy an area designated for parking, loading, walkways, cartways, driveways, fire lane, easement, or other areas required to be unobstructed.

7. Signs, not including those covered under §27-2005.B (Private Property Signs), shall not be affixed to a utility pole or structure, lighting standard, park bench

(except those noting dedication-by or in-memoriam), accessory building, or tree, shrub, rock, or other natural object.

D. Illumination. Signs may be illuminated, unless otherwise specified herein, consistent with the following standards:

1. Where permitted, illumination may be:

a. External. Illumination of a sign with an external light, shielded so that the point source of light is not visible elsewhere than on the lot where said illumination occurs.

b. Internal. Sign lettering shall be back-lit with an opaque background material.

2. Illumination shall be permitted only to the extent necessary to allow signs to be seen and read at night at a distance not to exceed 500 feet for signs of 20 square feet or more in area, and 150 feet for signs less than 20 square feet in area.

3. No sign shall be illuminated between the hours of 11 PM and 6 AM unless the premises on which it is located is open for business during those hours.

E. Construction of Signs

1. Every sign permitted in this article must be kept in good condition and repair. If plywood is used it shall be of exterior grade and have a smooth weather resistant surface (known as medium density overlay).

2. A sign using electricity shall be installed in conformance with the latest National Electric Code (NEC). All signs not attached to a building shall be connected by underground service only.

3. No sign shall have guy wires for structural support. All necessary supports for projecting signs shall be rigid rods.

4. Canvas awning signs are permitted, provided such material is fire-retardant, is firmly and tightly attached to secure and durable framing, and all vertical sections shall be rigidly attached to the main frame.

F. Removal of Signs. A sign shall be found to be in violation of this Article, and may be required to be removed by the Zoning Officer, under the following circumstances:

1. The sign has not been maintained in good condition and safe repair, and has deteriorated to the point that it cannot perform its intended use, or creates a safety hazard. The Zoning Officer shall specify a period of time in which the owner of the sign may repair or rehabilitate the sign, thereby restoring its intended use or correcting the safety hazard.

2. A sign is erected without an applicable permit or does not comply with the other requirements of this Ordinance.

§27-2004. PROHIBITED SIGNS

The following types of signs or illumination of signs is prohibited in the Township:

A. Flashing, revolving, or animated signs, or signs with moving elements or a changing message, except those displaying the time and temperature. This prohibition shall include LED signs in which a changing message, whether commercial or non-commercial in nature, is displayed.

B. Festoon lighting or beacon lights.

C. Signs containing reflective elements which sparkle or twinkle in the sunlight.

D. Roof signs.

E. Portable signs, except as may be provided in §27-2005.

F. Illuminated temporary signs.

G. Illuminated awning signs.

H. Any exterior sign which is illuminated by the use of inert gas or any form of exposed tubes.

I. Off-site signs greater than four square feet, except where permitted under §27-2005.

§ 27-2005. SIGNS EXEMPT FROM PERMITS

The following signs, to the extent indicated, are exempt from the permit provisions of this Ordinance:

A. Street Signs. Official highway signs, street name, directional or other traffic signs erected in accordance with the Pennsylvania Motor Vehicle Code.

B. Private Property Signs. Non-illuminated, on-site, private property signs, including "No Trespassing" and “No Dumping” signs, and other similar advisory, warning, or non-commercial farm signs, provided that the sign area shall not exceed 2 square feet and shall be spaced at intervals of not less than 100 feet.

C. Residential Identification Signs. On-site signs not exceeding 8 square feet, bearing only property number, street address, post box number and/or names of the occupants of a residence, or the name of the dwelling or property, except those for certified historic structures.

D. Personal Expression Signs. Non-illuminated, on-site signs expressing an opinion, interest, or position, and other similar signs (not including political signs), provided

that the sign area shall not exceed 4 square feet, and provided that not more than 1 such sign shall be erected on any property in single and separate ownership.

E. Governmental Flag or Insignia.

F. Legal Notice of a Governmental Agency.

G. Permanent Window Sign. A sign applied to a window pane, giving business hours or the name or names of credit or charge institutions, when the total area of any such sign or all signs together does not exceed 3 square feet.

H. Temporary Construction Sign. Non-illuminated, on-site construction signs, provided:

1. The sign area shall not exceed 8 square feet.

2. Not more than one such sign for each contractor performing work on any one property shall be erected and there shall be no more than three such signs displayed on the property at any one time.

3. All such signs shall be removed upon completion of the work.

I. Yard Sale Sign. An on-site sign advertising a yard sale, provided sign does not exceed 4 square feet in area, remains up no longer than four days and does not appear more than twice a year on the same premises. One such sign per road frontage is permitted.

J. Public Sign. A public monument, historic, or public park identification sign or plaque erected by a government agency.

K. Real Estate Sign. A temporary sign advertising the property for lease, rental or sale, or signs indicating it has been sold, provided that:

1. Such sign shall be erected only on the premises to which it relates.

2. Such sign is not illuminated.

3. The area of the sign shall not exceed 6 square feet.

4. Not more than 2 signs are placed upon any property in single and separate ownership, unless such property fronts upon more than 1 street, in which event not more than 2 such signs may be erected on each frontage.

5. Such sign may also indicate that the property has been sold, but shall be removed within 72 hours following settlement.

6. Directional signs for open houses may not be erected sooner than forty-eight hours prior to the open house, and must be removed within twenty-four hours.

L. Political Signs. Temporary signs advertising political candidates or parties for election may be erected and maintained, provided that:

1. The property owner must grant permission for the sign.

2. The size of any such sign shall not exceed 16 square feet.

3. No political signs may be placed on governmental, parkland, school district, or other public property.

4. Political signs shall not be displayed more than 30 days prior to an election and must be removed no later than seven days following the election. Successful primary candidates may not leave signs erected through to the general election.

M. Service Signs. Non-illuminated, off-site signs directing patrons, members, or an audience to service clubs, churches, or other nonprofit organizations, provided the area of such signs does not exceed 4 square feet. Such signs shall indicate only the name or the organization, and the place, date and time of meetings.

N. Activity Sign. A sign advertising civil, social, cultural, or political gatherings, or non-profit fund raising activities, may be erected off-site and maintained, provided that:

1. A sign may be erected no earlier than thirty days prior to the activity to which the sign relates and must be removed no later than seven days following the event.

2. The property owner must grant permission for the sign.

3. The signs shall be non-illuminated.

4. The size of any such sign shall not exceed 32 square feet.

O. Informational Signs. Sign providing public service information, such as availability of restrooms, telephones, hospital locations, directional indicators to commonly visited area, parking locations, and the like, provided that:

1. They do not advertise any for-profit entity.

2. They shall not exceed 4 square feet in area.

3. Such signs may be on-site or off-site, provided the property owner has granted permission for the sign.

P. On-site Directional Signs. Signs providing direction for pedestrian and vehicular traffic control, provided that:

1. They do not contain advertising.

2. They shall not exceed 4 square feet in area.

3. They do not obstruct the sight triangles at internal intersections on the premises.

§27-2006. SIGNS REQUIRING A PERMIT

A. Temporary Signs

1. Non-Residential Real Estate Sign. A sign advertising the sale, lease, or rental of non-residential or commercial uses, when such sign is larger than the standard, exempt, 6 square foot sign, provided:

   a. Such sign shall be erected only on the relating premises.

   b. The area shall not exceed 24 square feet on a parcel less than one acre, or 32 square feet on a parcel larger than one acre.

   c. No more than one such sign shall be placed on any property held in single and separate ownership except that where such property abuts more than one public street, one such sign may be erected on each street frontage.

   d. Such sign may also indicate that the property has been sold, but shall be removed within 72 hours following settlement.

   e. In conjunction with any property or business, a "Coming Soon" sign, subject to the criteria above may be erected on a premises, provided an occupancy permit has been applied for by the arriving business and such signs should not remain in excess of 90 days except upon approval of the Upper Salford Township Board of Supervisors with such conditions that may be placed by the Board of Supervisors.

2. Multiple Property Sale or Development Sale. A sign advertising the sale or development of the premises upon which it is erected, when erected in connection with the residential development of the premises by a builder, contractor, or developer or other person(s) interested in such sale or development, provided:

   a. Such sign shall be erected only on the premises to which it relates.

   b. The area shall not exceed 24 square feet in subdivisions or developments containing less than 10 lots, and 32 square feet in subdivisions or developments containing 10 or more lots.

   c. No more than one such sign shall be placed on any property held in single and separate ownership except that where such property abuts more than one public street, one such sign may be erected on each street frontage.

   d. Such sign may also indicate that the property has been sold, but shall be removed within 72 hours following settlement.

B. Permanent Signs. The following types of permanent signs may be erected, maintained and used in each zoning district, as designated below:

1. Residential, Institutional, and Recreation Zoning Districts: In addition to signs exempt from permit requirements, the following types of signs shall be permitted, as further regulated in §27-2006.B.1.f, below:

a Home Occupation, and Rooming House. Non-illuminated, on-site freestanding or monument signs used for identification and advertising, provided that the sign area shall not exceed 6 square feet, and provided that not more than 1 such sign shall be erected on any 1 street frontage of any property in single and separate ownership.

b. Commercial Uses; Bed and Breakfast. On-site freestanding or monument signs for commercial, industrial, professional, office, and bed and breakfast uses in residential zoning districts, provided that the sign area shall not exceed 12 square feet and no more than 1 such sign erected on any 1 property in single and separate ownership.

c. Roadside Stand Sign. Non-illuminated, on-site freestanding sign advertising the sale of agricultural products at a roadside stand, provided that the sign area shall not exceed 8 square feet, and provided that not more than 1 such sign shall be placed on any 1 street frontage of any property in single and separate ownership.

d. Institutional Uses; School, camp, church, or other institution of a similar nature. On-site freestanding, or monument sign for a displaying the name of the institution and its activities or services, provided that the sign area shall not exceed 32 square feet, and provided that not more than one such sign shall be erected on any street frontage of any property in single and separate ownership. Said sign shall be set back at least one-third the distance of any required setbacks from any property line or street line. In addition, one parallel wall sign shall be permitted, provided that the sign area shall not exceed one square foot per foot of facade length up to and including a maximum of 100 square feet.

e. Subdivision or Development Identification. Permanent freestanding or monument signs which identify the name of a subdivision or land development shall be permitted in compliance with the following:

i. One sign may be located at one main entrance to the development, not to exceed 24 square feet in area, or two signs not exceeding 12 square feet each.

ii. Signs may also be permitted at secondary entrances to the development following approval of the Board of Supervisors.

iii. These signs shall be landscaped in keeping with the townships rural character with predominately native trees and shrubs to provide an attractive setting.

f. Residential, Institutional, and Recreation Zoning District Sign Standards.

Permitted Use	**Maximum Sign Area**	**Maximum Sign Height**	**Illumination**
Home Occupation, Rooming House	On-site freestanding or monument 6 sq. ft.	4 ft.	None
Commercial Uses, Bed & Breakfast	On-site freestanding or monument 12 sq.ft.	4 ft.	External Only
Roadside Stand	On-site freestanding or monument 8 sq. ft.	4 ft.	None
Institutional	On-site freestanding or monument 32 sq. ft. One on-site parallel wall sign not exceeding 1 sq. ft. per foot of facade length 50 sq. ft. maximum	4 ft. Not to exceed eave line or top of parapet wall of principal building	External / Internal External Only
Subdivision or Development Identification	On-site freestanding or monument 24 sq. ft.	4 ft.	External Only

2. Commercial Business Zoning District. In addition to signs exempt from permit requirements, the following types of signs shall be permitted:

a. Single-Occupancy Business Signs. Properties in single and separate ownership, with a single business premise, are permitted the following types of on-site signs, provided that:

i. A maximum of three signs may be permitted, provided the total combined sign area for all signs shall not exceed 32 square feet.

ii. Sign types, area, height and illumination conform to the following:

Sign Type	Maximum Sign Area	Maximum Sign Height	Illumination
On-site Monument	24 sq. ft.	6 ft.	Internal/ External
On-site Freestanding	16 sq. ft.	10 ft (7 foot ground clearance)	Internal/ External
On-site Parallel Wall	1 sq. ft. per foot of facade length	Not to exceed eave line or top of parapet wall of principal building	External Only
On-site Window	Not to exceed 30% of the window area	N/A	Internal/ External
On-site Projecting Wall	6 sq. ft.	14 ft.	Internal/ External
On-site Awning	10 sq. ft.	At awning height	External Only

iii. In order to encourage users to provide the community with an attractive, unified outdoor advertising scheme, it is further provided that if the user chooses to mount a parallel sign(s) or awning sign(s), rather than free-standing or projecting sign(s), the total combined sign area may be increased to 40 square feet.

b. Multiple-Occupancy Business Signs. Properties in single and separate ownership, with multiple businesses, tenants, or franchise premises, may have an on-site sign or signs in accordance with the following:

i. Each multiple-occupancy property may have a single on-site free-standing sign which identifies the business or commercial center as a whole, and/or which is a directory sign for the establishments on the property, with the following limits on area, height and illumination:

Sign Type	Maximum Sign Area	Maximum Sign Height	Illumination
On-site Multiple-Occupancy Business	32 sq. ft.	10 ft.	Internal/External

ii. In addition, each individual business may be permitted 1 on-site building sign in accordance with the following:

Sign Type	Maximum Sign Area	Maximum Sign Height	Illumination
On-site Parallel Wall	1 sq. ft. per foot of facade length	Not to exceed eave line or top of parapet wall of principal building	External Only
On-site Window	Not to exceed 30% of the window area	N/A	Internal/ External
On-site Projecting Wall	6 sq. ft.	14 ft.	Internal/ External
On-site Awning	10 sq. ft.	At awning height	External Only

c. Shopping Center Signs. Properties in single and separate ownership, with more than 6 multiple businesses, tenants, or franchise premises, developed in accordance with Use C-20 Shopping Center of Ordinance 1999-1 and constructed prior to the adoption of Ordinance 2005-3 are permitted an on-site sign or signs in accordance with the following:

i. Each shopping center property may have a single on-site free standing sign which identifies the shopping center as a whole, and/or which is a directory sign for the establishments on the property, with the following limits on area, height and illumination:

Sign Type	Maximum Sign Area	Maximum Sign Height	Illumination
On-Site Multiple-Occupancy Business	120 sq. ft.	25 ft.	Internal only

ii. In addition, each individual business may be permitted 1 (one) of each of 3 (three) of the following on-site building signs in accordance with the following:

Sign Type	Maximum Sign Area	Maximum Sign Height	Illumination
On-site Parallel Wall	1 sq. ft. per foot of front façade length	Not to exceed eave line or top of parapet wall of principle building	Internal Only

On-Site Window	Not to exceed 25% of the window area	N/A	Internal Only
On-Site Projecting Wall	6 sq. ft.	14 ft.	None

iii. Each individual business with greater than 200 feet of façade length along any one side may be permitted three (3) additional on-site building signs in accordance with the following:

Sign Type	**Maximum Sign Area**	**Maximum Sign Height**	**Illumination**
On-site Parallel Wall	0.25 sq. ft. each, per foot of front façade length	Not to exceed eave line or top of parapet wall of principle building	Internal Only

3. Light Limited and Limited Industrial Zoning District. In addition to signs exempt from permit requirements, and temporary signs, any two of the following types of on-site signs for property or complex identification, provided that:

a. Sign types, area, height and illumination conform to the following:

Sign Type	**Maximum Sign Area**	**Maximum Sign Height**	**Illumination**
On-site Monument	50 sq. ft.	10 ft.	Internal/ External
On-site Freestanding	32 sq. ft.	14 ft	Internal/ External
On-site Parallel Wall	1 sq. ft. per foot of facade length 50 sq. ft. maximum	Not to exceed eave line or top of parapet wall of principal building	External

b. No more than one freestanding or monument sign shall be erected on any single complex, unless such property fronts onto more than one street, then one such sign shall be permitted along each street frontage.

§27-2007. PERMIT PROCEDURES

A. Permit Required. Signs required by §27-2006, herein, to obtain a permit, shall submit an application for a use and occupancy permit to the Zoning Officer for review prior to erecting, affixing, attaching or installing any sign on or to any building, structure, or property. The application shall include:

1. A site plan showing the location of the sign in relation to buildings, structures, property lines, and public or private rights-of-way. The width of street frontage(s) at the legal right(s)-of-way on the subject property shall be shown.

2. A drawing of the proposed sign showing the specific dimensions of all elements of the sign, the specific copy, lettering, words, symbols, and designs to be displayed, along with a written explanation of any illumination or unusual feature of the sign.

§27-2008. NON-CONFORMING SIGNS

Any sign legally existing at the time of the passage of this Ordinance that does not conform in use, location, height, or size, with the regulations of the district in which such sign is located shall be considered a nonconforming sign, and shall be bound by the following regulations:

A. A sign on a building or structure which does not conform to this Ordinance shall be removed or altered so as to be in conformity with the standards contained herein when the building or structure is demolished or when a building or structure renovation or expansion amounts to over 50 percent of the market value of the building or structure, as assessed by the Montgomery County Board of Assessment Appeals.

B. Nonconforming signs may be repainted, repaired, the sign copy may be changed, or sign panels replaced, provided that such actions do not increase the dimensions of the existing sign, nor in any way increase the extent of the sign's nonconformity.

C. A nonconforming sign must be removed within 14 days after notification by the zoning officer or be made to conform to this Ordinance in every respect whenever:

   1. It is not securely attached to the ground, wall, or roof and can be easily moved.

   2. It becomes so deteriorated that it no longer serves a useful purpose of communication and is a nuisance as determined by the municipality.

   3. It is abandoned by the owner, or the use is abandoned.

D. Under the following conditions nonconforming signs shall be exempt from the provisions of §27-2008.A:

   1. The nonconforming sign possesses documented historic value.

   2. The Board of Supervisors determine the nonconforming sign is unique by virtue of its architectural or cultural value or design.

ARTICLE XXI

NON-CONFORMING STATUS

§27-2100. NONCONFORMING STATUS

All buildings, structures, uses of land, uses of buildings, lots, and signs which do not conform to all of the applicable regulations of the district in which they are located, or other applicable requirements of this ordinance, shall be considered as nonconforming provided that:

A. They lawfully existed on the date of passage of this ordinance.

B. They lawfully existed on the date of passage of a text or map amendment to this ordinance, which amendment caused the nonconforming status.

§27-2101. NONCONFORMING CLASSIFICATIONS

Nonconforming status shall be classified as follows:

A. Nonconforming Use. A use, whether of land or within a structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

B. Nonconforming Building or Structure. A structure or part of a structure manifestly not in compliance with the applicable use or extent of use, dimensional, or locational provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include non-conforming signs.

C. Nonconforming Lot. A lot, the area or dimension of which was lawful prior to the adoption of any amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment. In the case of nonconforming residential lots, the zoning officer shall be authorized to reduce the minimum front yard, side yard, rear yard and building envelopment requirements, as applicable, to not less than fifty (50%) percent of the minimum regulations of the RA-5 District and sixty (60%) percent of the minimum regulations for residential uses in any other district, as applicable to Rural Subdivision.

D. Temporary Nonconforming Use. A temporary nonconforming use, which will benefit the public health or welfare or promote proper development of a district in conformity with the intent of this Ordinance, may be permitted for a period of not more than 30 days on the approval of an application for a special exception by the Zoning Hearing Board, but any such use to be permitted for a longer period shall

require a public hearing thereon, after which a Zoning Hearing Board approval may be granted for a period not to exceed one year. A building permit and/or use and occupancy permit shall be required for any structure associated with such a temporary use, in accordance with the standards and regulations for permanent structures and uses.

§27-2102. NONCONFORMING REGULATIONS

The following regulations shall govern all properties to which nonconforming status is applied:

A. Nonconforming status shall continue, and a property may continue to be used as nonconforming until it complies with the requirements of this Ordinance.

B. Change of Use.

1. A nonconforming use may be changed to another nonconforming use only if the new use is no more detrimental than the existing nonconforming use, and the new use is no less appropriate or is more appropriate for the district in which it is located. The new use shall be considered more detrimental and less appropriate than the existing nonconforming use if it creates a significant increase in one or more of the following factors:

   a. Traffic generation and parking capacity, including truck traffic and loading areas.

   b. Building and/or impervious coverage.

   c. Generation of noise, odors, and/or lighting glare.

   d. Other negative impacts on adjacent conforming properties caused by new construction and/or relocation of existing facilities.

2. A nonconforming use shall not be changed to another non-conforming use of a lower (less restrictive) land use classification.

3. If a nonconforming use is changed to a conforming use, then the nonconforming status shall become null and void when the use and occupancy permit is issued for the conforming use.

C. Discontinuance. A nonconforming use, when discontinued, may be resumed any time within one year from such discontinuance, but thereafter shall be considered abandoned. The resumption may be of the same class or use, but shall not be less appropriate or more detrimental than the previous nonconforming use, as regulated by §27-2102.B, herein. Abandonment may be subject to legal interpretation based on applicable case law.

D. Extension or Expansion. A nonconforming use, building, or structure may be extended or expanded when permitted by Special Exception in compliance with the following:

1. A nonconforming use shall not be extended or expanded onto an adjoining lot, but shall be confined to the lot on which the use existed at the time it became nonconforming.

2. A nonconforming use may be extended throughout the interior of a building as it existed when the use became nonconforming.

3. A conforming or nonconforming building that contains a nonconforming use may be expanded in compliance with §27-2102.D.6, herein.

4. A nonconforming use may be extended to another building that existed on the same lot at the time the use became nonconforming, in compliance with §27-2102.D.6, herein, provided that the nonconforming use continues in the existing building.

5. A nonconforming building may be expanded in compliance with §27-2102.D.6, herein.

6. Extension and/or expansion of a nonconforming building or building containing a nonconforming use may be permitted more than one time, but shall be limited to a total of 25 percent of the gross floor area of the building as it existed when it first became nonconforming. All new construction shall comply with the dimensional standards of the district in which the building is located, including building coverage.

7. A nonconforming use of land may be expanded by no more than 10 percent of the gross lot area at the time it became nonconforming.

8. A special exception shall not be required to expand a single-family detached residential building that does not conform to front, rear, or side yard setbacks, when the building expansion does not intrude into the required yard areas any further than the existing nonconforming building.

9. Additional Building Regulations. The following regulations apply to buildings:

    a. When new ordinance provisions are adopted and affect planned construction which has not been completed:

        i. Buildings under construction to the extent of completion of footings may be completed as nonconforming buildings provided that valid building permits have been issued for those buildings. If the building was intended for a use which has become nonconforming after construction of the building had begun, the building may be occupied and used for that legal use intended at the time the building permit was issued, or for a use which is otherwise in conformance with the regulations for the zoning district in which the building is located.

ii. Buildings not yet under construction shall be built in conformance to this Ordinance.

b. Nonconforming primary structures damaged or destroyed by fire, explosion, accident, or calamity (as contrasted to deterioration due to time or neglect) may be reconstructed and used as before, provided that:

i. The reconstructed building shall not exceed the dimensions of the damaged or destroyed building, including height, width, depth, and/or volume.

ii. Building reconstruction shall be started within one year from the date the building was damaged or destroyed, and shall be carried out without interruption.

iii. The building will pose no hazards to safety by virtue of its location.

c. Legally condemned nonconforming buildings shall not be rebuilt or used except in conformance with this Ordinance.

E. Contiguous Undeveloped Lots. Where two or more contiguous undeveloped lots are held in single ownership, which lots are individually not of the required minimum area or width for the district in which they are situated, such lots may be developed only in groups thereof in order to provide the minimum lot area and width required. When all lots in single ownership are combined and still do not meet area and/or width requirements, they may be considered a single nonconforming lot in accordance with §27-2102.F, below. These lots may not be sold, conveyed, or otherwise transferred individually for the purpose of using one or more as building lots unless the transfer consists of sufficient lots to satisfy zoning standards or the complete set of lots in single ownership that do not satisfy zoning standards.

F. Development of Nonconforming Lots. A single-family detached dwelling unit may be constructed on a nonconforming lot in a residential district in accordance with the dimensional requirements of the district, subject to the provisions of §27-2101.C. hereof. However, any relief in addition to that permitted under §27-2101.C. hereof, may be sought through the Zoning Hearing Board variance procedure, provided the requirements of §27-2102.E, above, have been satisfied.

G. Exception. A nonconforming lot of record, which is part of a subdivision plan approved by the Board of Supervisors and recorded in the office of the Recorder of Deeds as such, and which is in compliance with the zoning regulations in effect when such subdivision plan was approved, may be developed in accordance with such approval and §508 of the Municipalities Planning Code. The burden of proof for compliance with §508 of the Municipalities Planning Code shall be borne by the applicant.

§27-2103. ADMINISTRATION

A. Registration. The Zoning Officer shall maintain a list and map of properties with

nonconforming status, including uses, buildings, structures, lots and signs. For each property identified, the Zoning Officer shall have on file a written record documenting the evidence and reasoning that led to the assignment of non-conforming status.

B. Jurisdiction. In all matters pertaining to nonconforming status, the Zoning Officer shall make the initial determination.

1. The Zoning Officer may seek the advice of the Township Planning Commission, Township Solicitor, and/or others in making a determination.

2. If it cannot be determined by means of positive documentation that a use or structure was in lawful existence at the time an ordinance or amendment would have rendered it nonconforming, the Zoning Officer must refuse to confer nonconforming status.

3. If the applicant disagrees with the Zoning Officer's determination, the applicant may appeal to the Zoning Hearing Board as provided by law.

4. Appeals to the Zoning Hearing Board may be in the following forms:

a. Request for an interpretation to determine whether or not the subject property qualifies as nonconforming.

b. Request for special exception, as applicable under non-conforming regulations.

c. Request for a variance from the nonconforming regulations otherwise applicable to the subject property.

ARTICLE XXII

GENERAL PROVISIONS

§27-2200. REGULATIONS FOR EACH DISTRICT

For the purpose of this chapter, the following regulations shall govern each district.

§27-2201. RESERVED

§ 27-2202. MODIFICATION OF FRONT YARD REQUIREMENTS

The minimum front yard of proposed buildings may be adjusted to match the average front yard setback of buildings and vacant lots that are within the same zoning district as a proposed building, on the same side of the street as a proposed building, and between the same two intersecting streets as a proposed building, with vacant lots assumed to have a front yard setback equal to the minimum required setback.

§27-2203. OBSTRUCTIONS OF VISION PROHIBITED

On any lot, no wall, fence, object or structure of any kind shall be erected, altered, or maintained and no hedge, tree, shrub, or other growth shall be planted or maintained which will interfere with or obstruct vehicular or pedestrian vision along all approaches to street intersections, all intersections of driveways, or any crosswalk.

§27-2204. REMOVAL OF TOPSOIL

Excavation or grading shall not include the stripping or removal of topsoil for sale or for use other than on the premises from which the soil originated, unless the Township Engineer shall determine that such soil cannot be redistributed on the site. In such cases, a minimum of 6 inches, or the original depth of topsoil shall remain over the undeveloped or green areas. In the event that all topsoil to be removed cannot be relocated or redistributed on the premises from which it originated, such topsoil shall not be removed from Upper Salford Township and shall be offered to the Township for placement and use as the Board of Supervisors may determine. The cost of hauling and dumping of the topsoil shall be at the sole expense of the landowner. In the event that the Board of Supervisors shall determine that it has no use for or ability to use the topsoil, the landowner may make such arrangements for its removal as they may determine appropriate, provided that all topsoil shall remain within the corporate limits of Upper Salford Township, unless specifically authorized by the Board of Supervisors.

§27-2205. LOT FRONTAGE

Each and every lot shall abut and be required to take access from a public street or private rural lane, as defined in Chapter 22 - Subdivision and Land Development Ordinance, for a width of at least 50 feet, measured at the legal and ultimate public street rights-of-way or the equivalent right-of-way of a private rural lane, except as permitted in §27-2220.C.4.a. Lots of public record in single and separate ownership on the effective date of this chapter

which do not have any frontage on a public street or private rural lane or which have less than 50 feet of frontage shall be permitted to construct one single-family detached home and no more, provided adequate and legal access is available from the lot to a public street or private rural lane.

§ 27-2206. GREENWAY LAND

Protected greenway land required as part of a conservation subdivision shall meet the following standards:

A. The following uses are permitted in greenway land areas:

1. Conservation of open land in its natural state (for example, woodland, fallow field, or managed meadow);

2. Agricultural uses, including raising of crops or livestock, and farm buildings, excluding residences, which are needed to serve an active, viable agricultural operation. This does not include sod farming.

3. Neighborhood open space as specified in §27-2207.K, herein.

4. Passive non-commercial recreation including, but not limited to, trails, picnic areas, community gardens, and lawn areas, provided such areas do not comprise more than 50% of the total open space area or five acres, whichever is less. Trails laid out in accordance with this section may include those trails required by §22-620 of Article 22, Subdivision and Land Development. Where the trails required by §22-620 of Article 22, Subdivision and Land Development, exceed the five (5) acre limitation of this section, such excess may be applied to the greenway land requirements of the proposed development at the rate of one-half acre for every acre of excess. ;

5. Active non-commercial recreational areas such as play fields, playgrounds and courts, meeting the setback requirements of §27-2207.G. hereof, provided, however, that such uses or areas shall not encroach upon any resource protected land, as identified in this Article, including, without limitation, flood plain, flood plain soils, lakes or ponds, wetlands, steep slopes (15% or greater), woodlands, or riparian corridors. Additionally, active recreational areas may not, in any case, exceed fifty (50%) percent of the required greenway.

6. Water supply systems.

7. Sewage disposal systems consistent with the following limitations:

   a. Land application areas, including individual drain fields, may occupy as much of the total unconstrained (not wet, floodplain, or slopes > 25%) greenway land as necessary to meet the disposal need.

   b. Wetland treatment systems may not comprise more than 20 percent of the total unconstrained (not wet, floodplain, or slopes > 25%) greenway land.

c. Lagoons, storage and/or polishing ponds used as part of a spray irrigation system may not comprise more than 15 percent of the total unconstrained (not wet, floodplain, or slopes > 25%) greenway land.

d. Stream Discharge systems may not comprise more than 10 percent of the total unconstrained (not wet, floodplain, or slopes > 25%) greenway land.

8. Pasture for horses provided animal sheds and storage buildings are not located closer than 100 feet from any property line. No pasture area shall be allowed in a greenway area with slopes greater than 15% or in areas delineated as wetlands. In the Unami Creek Landscape Character Zone, as shown in the Greenway Guidebook, pasture areas shall not be located within woodland areas. In the Vaughn Run/East Branch Perkiomen Creek Landscape Character Zone, the Salford Village Landscape Character Zone, the Agricultural Heritage Landscape Character Zone, and the Spring Mountain Landscape Character Zone, all as shown in the Greenway Guidebook, pasture areas shall not be located within the 75-foot riparian corridor buffer areas as delineated in the Greenway Guidebook.

9. Easements for drainage, access, sewer or water lines, or other public purposes.

10. Stormwater management facilities for the proposed development, provided, however, that any portion of the greenway land utilized for such purpose shall be supplemented by an additional greenway land designation and set aside of equal area to that utilized by stormwater management facilities. To the extent appropriate, and consistent with the best management practices incorporated in Article 22, Subdivision and Land Development, stormwater management facilities may be located in resource protected land, provided that such encroachment shall be completed in strict compliance with the requirements of this Article and Article 22, Subdivision and Land Development

11. Parking areas of ten or fewer spaces cumulatively where necessary to serve active recreation facilities. Parking for other purposes is not permitted within the open land.

12. Underground utility rights-of-way. Above-ground utility and road rights-of-way may go through open land areas but shall not count toward the required minimum greenway land requirement.

B. Prohibited Uses. The following uses are prohibited in greenway land areas:

1. Any use not specifically identified in §27-2206.A, above.

2. Storage of topsoil excavated from house lots or streets, unless part of an approved grading plan.

C. No portion of any building lot may be used for meeting the minimum required amount of greenway land, except as permitted within conservancy lots; however, lots

with farm buildings, excluding area used for residences, may be used for meeting the minimum required amount of greenway land.

D. Pedestrian and maintenance access, excluding those lands used for agricultural purposes in accordance with §27-2206.A.2, herein, shall be provided to greenway land in accordance with the following requirements:

1. Each neighborhood shall provide one centrally located access point per 15 lots, a minimum of thirty-five (35) feet in width.

2. Access to greenway land used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations.

E. All greenway land areas that are not wooded or farmed shall be landscaped in accordance with the landscaping requirements of the township's Subdivision and Land Development Ordinance.

§27-2207. CONSERVATION SUBDIVISION DESIGN STANDARDS

The following design standards apply to all proposed conservation subdivisions:

A. All lots shall be grouped into neighborhoods which shall contain at least 5, but no more than 35 lots, and are surrounded by greenway land.

B. The maximum or minimum number of lots in a neighborhood may be increased or decreased, and neighborhoods may be assembled into larger groupings by conditional use. In determining whether a conditional use is to be granted, the Board of Supervisors shall determine, and it shall be the obligation of the applicant to establish that:

1. The proposed alternative plan will more appropriately meet the general intent and design standards of this ordinance and is not proposed due to economic concerns.

2. Any proposed increase in the number of lots in a neighborhood shall be limited to twenty (20%) of the maximum permitted under §27-2207.A. hereof.

3. For each lot permitted in excess of the maximum permitted under §27-2207.A. hereof, one acre of unconstrained (i.e. not containing any resource protection land) greenway land shall be provided within the proposed development in addition to the minimum required under this Article. This additional greenway shall not be included or designated as neighborhood open space, and shall be in addition to the minimum required greenway.

C. Neighborhoods are defined by the outer perimeter of contiguous lotted areas or abutting roads, and may contain lots, roads and neighborhood open space.

D. A plan may contain one or more neighborhoods.

E. Neighborhood lots shall not encroach upon primary resources as identified on the natural features plan, and shall preserve secondary resources consistent with the resource conservation and greenway delineation standards within the township's Subdivision and Land Development Ordinance.

F. All building setback lines within each neighborhood lot shall meet the following setback requirements:

1. From all external road ultimate rights-of-way lines	100 feet
2. From all other tract boundaries	50 feet
3. From cropland or pasture land	100 feet
4. From buildings or barnyards housing livestock	300 feet

G. The outer boundary of each neighborhood shall meet the following neighborhood setback requirements:

1. From other residential neighborhoods within the same development	100 feet
2. From active recreation areas such as courts or playing fields (not including tot-lots)	150 feet

H. Neighborhoods shall be defined and separated by greenway land in order to provide direct access to open space and privacy to individual yard areas.

I. Views of neighborhoods from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping which meets the landscaping requirements of the township's Subdivision and Land Development Ordinance.

J. All lots in a neighborhood shall take access from interior roads, rather than roads exterior to the tract.

K. Neighborhood Open Space Standards. A neighborhood with 20 or more residential lots must provide neighborhood open space, in compliance with the following standards:

1. The neighborhood shall have at least 1,000 square feet of neighborhood open space per lot but no more than 6,000 square feet per lot.

2. The open space shall be configured as a village green or parkway and landscaped in accordance with the subdivision and land development ordinance.

a. A village green is neighborhood open space surrounded by streets along at least half (50%) of its perimeter, and configured so that a circle with a radius of 50 feet can fit within the confines of the green.

b. Parkway. Each parkway shall have a minimum average width of thirty-five (35) feet, shall have a length of at least one-hundred fifty (150) feet, and shall be surrounded by streets on all sides.

3. Neighborhood open space shall have a minimum of 100 feet of road frontage and a minimum average width of 35 feet, measured along the narrowest dimension of the open space.

4. At least 75 percent of the lots in a neighborhood shall face neighborhood open space or other greenway land (directly or across a road) for the full width of the lot, measured from the front or the rear of the lot. This open space shall be at least thirty (30) feet in depth.

5. The neighborhood open space shall be central to the neighborhood it serves. Greenway land used to separate neighborhoods may not be counted as neighborhood open space

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6. The neighborhood open space may contain stormwater detention basins or parking areas, but these shall not be included in the required 1,000 square feet per lot.

7. The neighborhood open space shall count toward meeting the required greenway land requirements of a conservation subdivision.

§27-2208. OWNERSHIP AND MAINTENANCE OF COMMON FACILITIES AND GREENWAY LAND

A. All greenway land shall be permanently restricted from future subdivision and development. Under no circumstances shall any development be permitted in the open space at any time, except for those uses listed in §27-2206.A.

B. Ownership. The following methods may be used, either individually or in combination, to own common facilities; however, greenway land shall be initially offered for dedication to the township. Common facilities shall not be transferred to another entity except for transfer to another method of ownership permitted under this section, and then only when there is no change in the common facilities or in the open space ratio of the overall development. Dedication or transfer to the Township shall be the preferred method. Ownership methods shall conform to the following:

1. Fee Simple Dedication to the Township. The Township may accept any portion of the common facilities, provided that:

a. There is no cost of acquisition to the township; and,

b. The township agrees to and has access to maintain such facilities.

2. Condominium Association. Common facilities may be controlled through the use of condominium agreements. Such agreements shall be in accordance with the Pennsylvania Uniform Condominium Act of 1980, as amended. All open land and common facilities shall be held as "common element".

3. Homeowner's Association. Common facilities may be held in common ownership by a homeowner's association, subject to all of the provisions for homeowner's associations set forth in state regulations. In addition, the following regulations shall be met:

   a. The applicant shall provide the township a description of the organization of the proposed association, including its by-laws, and all documents governing ownership, maintenance, and use restrictions for common facilities.

   b. The proposed association shall be established by the owner or applicant and shall be operating (with financial subsidization by the owner or applicant, if necessary) before the sale of any dwelling units in the development.

   c. Membership in the association shall be mandatory for all purchasers of dwelling units therein and their successors and assigns.

   d. The association shall be responsible for maintenance and insurance of common facilities.

   e. Written notice of any proposed transfer of common facilities by the association or the assumption of maintenance for common facilities must be given to all members of the association and to the township no less than thirty (30) days prior to such event.

   f. The association shall have adequate staff to administer, maintain, and operate such common facilities.

4. Transfer to a Private Conservation Organization. With permission of the township, an owner may transfer either fee simple title of the open space or easements on the open space to a private non-profit conservation organization:

   a. The conservation organization is acceptable to the township and is a bona fide conservation organization intended to exist indefinitely;

   b. The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions.

   c. The open space is deed restricted against development and the township is granted a conservation easement to enforce these restrictions.

5. Dedications of Easements to the township. The township may, but shall not be required to, accept easements for public use of any portion of the common facilities. In such cases, the facility remains in the ownership of the condominium association, homeowner's association, or private conservation organization while the easements are held in public ownership. In addition, the following regulations shall apply:

    a. There shall be no cost of acquisition to the township.

    b. Any such easements for public use shall be accessible to the residents of the township.

    c. A satisfactory maintenance agreement shall be reached between the owner and the township.

6. Non-Common Private Ownership. Up to 80 percent of the required greenway land may be included within one or more large "conservancy lots" of at least 10 acres provided the open space is deed restricted against development, except for those uses listed in §27-2203.A, and the township is given the ability to enforce these restrictions.

C. Maintenance. Unless otherwise agreed to by the Board of Supervisors, the cost and responsibility of maintaining common facilities and greenway land shall be borne by the property owner, condominium association, homeowner's association, or conservation organization.

1. The applicant shall, at the time of preliminary plan submission, provide a plan for maintenance and operation of common facilities, in accordance with all of the following requirements:

    a. The plan shall define ownership;

    b. The plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (i.e. lawns, playing fields, meadow, pasture, cropland, woodlands etc.);

    c. The plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance and operation of the open space on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs;

    d. At the township's discretion, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common facilities for up to one year; and,

    e. Any changes to the maintenance plan shall be approved by the township Board of Supervisors.

2. In the event that the organization established to maintain common facilities, or any successor organization thereto, fails to maintain all or any portion of the common facilities in reasonable order and condition, the township may assume responsibility for maintenance, in which case any escrow funds may be forfeited and any permits may be revoked or suspended.

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

§27-2209. OWNERSHIP

No standards in this ordinance shall be construed as prohibiting condominium, fee simple, or other methods of ownership. Where condominium ownership or other non-fee simple ownership is not expressly permitted by standards in a specific zoning district, condominium or other non-fee simple ownership will be permitted provided an equivalent lot, which meets all lot area, lot width, building setbacks, coverage requirements, and other regulations that would be required for fee-simple lots, is provided for each dwelling unit or non-residential building.

§27-2210. LIGHTING

The following definitions shall apply when used in this Section:

Beacon Light: A stationary or revolving light that flashes or projects illumination, single color or multi-colored, in any manner that is intended to attract or divert attention, not including any device
required or necessary under safety regulations described or imposed by Federal or State agencies or regulations.

Footcandles: The unit of measure of the amount of light being received on a surfaced as measured with a light meter.

Fully Shielded: The description of a light fixture that shields the light source (bulb) from a horizontal direct view and allows no light to be emitted above a horizontal plane.

Lamp: The component of a luminaire that produces the light. Typically referred to as the "bulb."

Lighting Facilities: All equipment intended to provide artificial lighting, including but not limited to lamps, luminaires, ballasts, poles, lenses, related structures, electrical wiring and other necessary or auxiliary components.

Luminaire: The complete lighting system including the lamp and the fixture.

All outdoor lighting shall meet the following requirements:

A. General Requirements.

1. All lighting facilities shall be so arranged that they do not interfere with vehicular or pedestrian traffic by either location or glare.

2. No lighting facility shall have any blinking, flashing or fluttering lights or other illuminating device which has a changing intensity, brightness or color, nor is any beacon light permitted, except those required for fire alarm and/or emergency systems.

3. No lighting facilities except wiring and conduit shall be located within required yard setback areas, except on parking lots, when permitted within required yard setbacks, and pedestrian walkways.

4. Illumination of all non-residential parking areas and along all associated pedestrian walkways shall provide a maintained level of two-tenths (0.2) footcandles.

5. Outdoor lighting for playing fields, ball fields and courts shall be extinguished no later than 11:00 p.m., prevailing time, irrespective of overtimes and extra innings.

6. Commercial operations may extend lighting until one hour past closing time, after which up to 25% of the lighting may remain on throughout the night if necessary for security reasons.

B. Maximum Height of Lighting and Spillover.

Proposed Use	**Maximum Height**	**Maximum Spillover to Residential Lots and street rights-of-way**	**Maximum Spillover to Non-Residential Lots and street rights-of-way**
Single-Family Detached and Twin Dwelling Units	10 feet for poles 20 feet above grade when building mounted	0.1 footcandles	0.1 footcandles
Multi-Family Residential	15 feet for poles 25 feet above grade when building mounted	0.1 footcandles	0.2 footcandles
Non-Residential	20 feet, except 25 feet for parking	0.1 footcandles	0.4 footcandles

	areas of 100 or more contiguous spaces		
Non-Residential Outdoor Playfields, Ball fields and Courts	80 feet	0.1 footcandles	2.0 footcandles
Ski Facilities	As necessary for safety	0.1 footcandles directly from lamps, otherwise 2.0 footcandles indirectly (i.e. reflected from snow)	2.0 footcandles

C. Shielding Requirements. A fully shielded fixture is required for all lighting for commercial and institutional uses. For all other uses, a fully shielded fixture is required for any lamp or combination of lamps exceeding 1,000 lumens, such as:

Incandescent:	75 watts or greater
Compact Fluorescent:	18 watts or greater
LED:	all
Low Pressure Sodium:	all
High Pressure Sodium:	all
Metal Halide:	all
Tungsten Halogen (Quartz)	all
Any other light source:	all

D. Measurement of Light

1. Metering equipment. When verifying the acceptability of existing lighting levels, such levels shall be measured in footcandles with a direct-reading, portable light meter. The meter shall have been tested, calibrated, and certified by an independent commercial photometric laboratory or the manufacturer within one (1) year of the date of its use.

2. Method of measurement.
   a. To measure horizontal illuminance, the meter shall be oriented horizontally at finished grade.

   b. To measure light trespass, the meter shall be held at eye level and aimed toward the source or sources.

§27-2211. ENVIRONMENTAL PERFORMANCE STANDARDS

In each zoning district, all existing or proposed uses shall meet the following environmental performance standards, in addition to meeting any laws and regulations of the United States Environmental Protection Agency and the Pennsylvania Department of Environmental Protection and other applicable federal, state, or county regulations.

A. Air Pollution Controls. All uses shall comply with the standards of the Air Pollution Control Act, 35 P.S. 4001-4015 as amended, and the following standards:

1. Smoke - Visible air contaminants shall not be emitted in such a manner that the opacity of the emissions is equal to or greater than 10 percent for a period or periods aggregating more than three minutes in any one hour, or equal to or greater than 30 percent at any time, and shall comply with PA Code Title 25, Chapter 127.A(7), or its most recent update.

2. Emission of smoke, dust, dirt, fly ash or other particulate matter, or of noxious, toxic or corrosive fumes, vapors or gases in such quantities as to be evident or perceptible at the property line of any lot on which a use is conducted, or which could be injurious to human health, animals, or vegetation; detrimental to the enjoyment of adjoining or nearby properties; or which could soil or stain persons or property, at any point beyond the lot line of the use creating that emission shall be prohibited.

3. No emission of particular matter shall exceed 0.0115 grams per dry standard cubic foot, corrected to 7 percent oxygen. Provisions must be made to reduce dew point cycling and resulting damage to particulate control devises, and shall comply with PA Code Title 25, Chapter 127.A(1), or its most recent update.

4. For measurement of the amount of particles in gases resulting from combustion, standards correction shall be applied to a stack temperature of 500 degrees F Fahrenheit and 50 percent excess air.

5. All emissions shall comply with National Emissions Standards for Hazardous Air Pollutants promulgated by the United States Environmental Protection Agency under the Federal Clean Air Act (42 U.S.C.S., § 7412) as promulgated in 40 CFR part 61, or its more recent update.

B. Noise Control.

1. Objectionable noises, due to intermittence, beat frequency, or shrillness, shall be muffled so as not to become a nuisance to adjacent uses.

2. At no point on the lot boundary of use shall the sound pressure level of any operation exceed the described levels in the designated octave bands shown below, except for alarm systems designed to protect persons or property.

Octave Band Center Frequency (Hertz)	Along Boundaries with Residential Districts or Uses, between 7 A.M. and 10 P.M.; Maximum Permitted Octave Band Sound Pressure Level (decibels, dbA scale)	Along Boundaries with Residential Districts or Uses, between 10 P.M. and 7 A. M.; Maximum Permitted Octave Band Sound Pressure Level (decibels, dbA scale)	Along All Other Boundaries; Maximum Permitted Octave Band Sound Pressure Level (decibels, dbA scale)
31.5	75	69	80
63	74	67	79
125	69	62	74
250	64	54	69
500	58	47	63
1000	52	41	57
2000	47	36	52
4000	43	32	48
8000	40	32	45

3. Noise shall be measured with a sound level meter meeting the standards of the American National Standards Institute, ANSI S1.2-1962 'American Standard Meter for the Physical Measurements of Sound.'

C. Control of Odors.

1. No person, land use, or establishment shall cause, suffer, or permit the emission into the outdoor atmosphere of any malodorous air contaminants from any source in such a manner that the malodors are detectable beyond the property line, either at ground level or habitable elevation.

2. Any process which causes an odor emission shall be operated in a manner such that escaping odors are eliminated. Backup odor reduction equipment shall be provided and maintained to support primary odor reduction equipment.

3. The location and vertical height of all exhaust fans, vents, chimneys, or any other sources discharging or emitting smoke, fumes, gases, vapors, odors, scents, or aromas shall be shown on the plan, with a description of the source materials**.**

D. Heat and Glare Control.

1. Any use producing heat shall be performed within an enclosed building or behind a solid fence in such manner as to be completely imperceptible from any point beyond the lot lines.

2. No person, land use, or establishment shall be permitted to produce glare, or reflection of that light, beyond its lot lines onto neighboring properties, or onto any township road or state highway.

E. Vibration Control. No vibration which is discernible to the human sense of feeling shall be perceptible without instruments at any point beyond the lot line.

F. Control of Radioactive, Magnetic or Electrical Disturbance. There shall be no activities which emit dangerous or harmful radioactivity. There shall be no electrical or magnetic disturbance (except from domestic household appliances) adversely affecting any use, process, equipment, appliance, or device located beyond the property boundary of the creator of such disturbance. All uses are obliged to comply with all federal and state regulations.

§27-2212 GARAGE/YARD SALES

Garage/yard sales shall comply with the following regulations:

A. Garage/yard sales shall be permitted on all residential properties in Upper Salford Township.

B. A maximum of 2 garage/yard sales shall be permitted per residential property per calendar year.

C. Garage/yard sales shall last a maximum of 4 consecutive days.

D. Garage/yard sales shall only be conducted between sunrise and sunset of any given day.

§27-2213. MUNICIPAL EXEMPTION

Municipal uses, such as township buildings, sewage plants, police stations, maintenance garages and facilities, fire stations, ambulance stations, parks, playgrounds, athletic facilities, trails, utility buildings, etc., shall be permitted in all zoning districts and shall be exempt from all zoning regulations, including the dimensional regulations of the zoning district in which the use is located.

§27-2214. CONSERVATION EASEMENTS AND DEED RESTRICTIONS

Land development of property encumbered by conservation easements, restrictive covenants, or deed restrictions which prohibit the development of the land shall not be permitted. Land development of greenway land as required by this chapter shall not be permitted, except as provided for in §27-2206.

§27-2215. RESERVED

§27-2216. SETBACK FROM UTILITY CORRIDORS

All buildings shall be set back at least 100 feet from the edge of rights-of-way for high-voltage electric transmission lines (greater than 66 kv) and bulk-distribution pipelines.

§27-2217. RESERVED

§27-2218. REFUSE COLLECTION FACILITIES

All zoning districts, on land developed for nonresidential or multifamily uses, shall provide refuse collection facilities consistent with the following:

A. These facilities shall be either inside the building or within an area enclosed be either walls or opaque fencing outside the building and shall be architecturally compatible with the buildings.

B. These facilities shall not interfere with nor be visible from circulation within the parking lot.

C. Walls and fencing shall be designed to contain and prevent dispersion of refuse as well as shield the refuse facilities from direct view of any adjacent property and must be at least 6 feet high.

D. These facilities shall be designed in a manner which can accommodate large collection trucks.

E. Refuse facilities attached to, detached from, or within buildings shall be subject to all applicable building setback requirements.

F. These facilities shall be maintained in a clean and healthful manner.

G. All trash containers shall be equipped with a water-tight lid.

§27-2219. LOADING AND UNLOADING

Adequate off-street loading and unloading space with proper access from a street, highway or common service driveway shall be provided for all non-residential uses. All areas for loading and unloading of delivery trucks and other vehicles and for the servicing of establishments or shops by refuse collection, fuel and other service vehicles shall have adequate and unobstructed access from a street or service driveway and shall be so arranged that they may be used without blocking or otherwise interfering with the use of automobile accessways, parking facilities, or pedestrian ways. They shall also be arranged that they may be used without backing out onto a street.

§27-2220. LOT STANDARDS

A. Any proposed subdivision or land development may not create a non-conforming lot, nor a non-conforming condition on any adjoining lots or uses.

B. Nothing in this section exempts any property from the provisions of the township's subdivision and land development ordinance, which regulates the division of land. When there appears to be contradicting or overlapping standards or requirements, the more restrictive condition will control, unless a waiver to the subdivision ordinance requirement is granted by the Board of Supervisors.

C. No building structure, or use of land for any purpose may be placed on a lot which does not abut the ultimate right-of-way of a public street for the minimum required lot district width, except for the following conditions:

1. Lots used for agricultural, open space, or recreational purposes.

2. Accessory uses, when such is in conjunction with a principal use on an adjoining lot, and both lots are held in the same ownership.

3. Lots or uses which are part of larger development sites such as apartment complexes, business campuses; shopping centers; and the like, need not abut a street, so long as the overall site abuts a street and is designed in such a manner that access is furnished to all interior lots or building sites.

4. Flag Lots, as defined in this ordinance, are a permitted lot configuration in the RA-5, R-2, and R-30 zoning districts, provided the following requirements are satisfied:

a. Access Strips.

1. The access strip shall be measured at the ultimate right-of-way and must be a minimum of 50 feet wide in rural subdivisions and a minimum of 25 feet in conservation subdivisions for its entire length.

2. There shall be no turns greater than 45 degrees in the access strip.

3. Land area within the access strip shall not be used in calculating the minimum lot area, or to satisfy the required yard depths.

4. The access strip shall extend through the entire length of the lot and terminate at the rear lot line.

b. Minimum Lot Area and Dimensional Requirements.

1. Minimum lot area, lot width, and yard setbacks for any flag lot shall be the same as is required for any lot in the district in which the flag lot is located.

2. Lot width shall be measured parallel to that side of the building envelope which delineates a flag lot's front yard.

3. The front yard of a flag lot may parallel either the flag lot's access strip or the yard nearest and most nearly parallel to the public street to which the flag lot has access.
4. The rear yard of a flag lot shall parallel, or nearly parallel, the flag lot's front yard.

5. The side yard of a flag lot shall be perpendicular, or nearly perpendicular, to the front yard of the flag lot.

c. Limitations.

1. For each flag lot laid out there shall be one adjacent road frontage lot containing the minimum required lot width at points parallel to the public street to which the flag lot makes access. No more than one flag lot shall be proposed for each full width lot proposed. The ratio between proposed flag lots and proposed full width lots shall not exceed 1:1

§27-2221. YARD REQUIREMENTS

A. No principal building, use, or structure, shall be located within any setback or required yard, except as may be provided elsewhere in this Ordinance.

B. Unless otherwise provided for in this ordinance, no accessory building, use, or structure, other than fences, walkways, walls, parking, landscaping, and residential play structures, shall be permitted in front yard areas.

C. No outdoor storage of goods, materials, or refuse containers may be located within any required front yard which abuts a street, except for the temporary placement of refuse containers for curbside pickup.

D. Special Yard Configurations.

1. Corner properties shall have 2 front yards and two side yards.

2. The location of yards on irregularly shaped lots will be determined by the Zoning Official. The determination will be based on the spirit and intent of the ordinance to achieve an appropriate spacing and location of buildings on lots.

3. Upon completion of construction and placement of a residential structure on a corner lot in accordance with the requirements of this Chapter, the yard area to the rear of the structure may be designated a rear yard for the sole purpose of the application of §27-304.A – Use A-14, Residential Accessory Structure.

E. Aggregate Side Yards. When multiple side yard requirements, or aggregate side yards are expressed, the aggregate standard shall be maintained between adjoining properties, such that buildings on adjacent lots are no closer than the aggregate standard.

F. Projection into Yards. No building and no part of a building shall be erected within or shall project into any required yard in any district, except that:

1. An unenclosed porch, not more than 14 feet in height, may be erected to extend into a required front or rear yard setback a distance of not more than ten feet, provided that in no case shall it extend into such front or rear yard more than one-half the required depth of the yard.

2. A terrace, patio, deck, platform, or landing place, not covered by a roof, canopy or trellis, which does not extend above the level of the first floor of the building, may be erected to extend into a required side or rear yard a distance of not more than 12 feet provided that it shall not extend into such yard more than 40 percent of the required depth or width of the yard.

3. A car port may be erected over a driveway in a required side yard, provided that such structure is:

   a. Not more than 14 feet in height and 20 feet in length;

   b. Entirely open on at least three sides, exclusive of the necessary supporting columns and customary architectural features; and

   c. At least three-quarters of the required yard depth from the property line, but in no case less than 5 feet.

4. A buttress, chimney, cornice, pier, or pilaster of a building may project not more than 18 inches into a required yard.

5. Open, unenclosed fire escapes, steps, bay windows, and balconies may project no more than three feet into a required rear yard.

§27-2222. ELECTRIC, DIESEL, GAS OR OTHER POWER

Every use requiring power shall be so operated that the service lines, substation, etc., shall conform to the most applicable safety requirements recognized by the Uniform Construction Code, shall be so constructed, installed, etc., to be an integral part of the architectural features of the plant, or if visible from abutting residential properties shall be concealed by coniferous planting or other screening approved by the Planning Commission.

§27-2223. PROVISION AND USE OF WATER

All water requirements shall be stated in the land development application. All projects withdrawing 10,000 gallons per day or greater of groundwater or surface water or a combination of these two sources are required to obtain a permit from the DRBC. Copies of all correspondence, applications, and required submissions and/or reports by the applicant to the DRBC shall be sent to the Township. Additionally, copies of all submissions to the PA DEP and all correspondence received by the applicant from the PA DEP shall be forwarded to the Township. A copy of the DRBC permit shall be submitted to the Township as a condition of preliminary plan approval.

§27-2224. SITE CAPACITY CALCULATIONS

A. The Site Capacity Calculation requirements contained herein shall be applicable to all uses and activities established after the effective date of this Ordinance, and shall be applicable to all residential subdivisions and land developments within the R-2 and R-30 and any residential subdivision or land development in any other zoning district where permitted by reference.

B. Each site is unique; it has physical features which are rarely duplicated precisely on another site. Portions of some sites may not be usable due to the existence of sensitive natural features. In certain circumstances, a minimum amount of buildable land should be retained and set aside for recreation and open space, of this Chapter 27, Zoning. The purpose of this Section is to determine the appropriate intensity of use to which a specific tract may be put within the zoning districts outlined in subsection A. hereof. For each tract, the following calculation shall be submitted by the Applicant:

1. Base Site Area - Certain portions of tracts may not be usable for the activities proposed for the site; these shall be subtracted from the site area to determine Base Site Area:

   Gross Site Area as determined by actual on-site survey _____ ac.

   Subtract land within ultimate rights of way of existing or proposed roads, utility easements and rights of way _____ ac.

   Subtract land which is not contiguous;
   i.e. A separate parcel which does not abut or adjoin, nor share common boundaries with the remainder of the gross site area, land which is cut off from the main parcel by a road, railroad, existing land use, or so that it is isolated and unavailable for building purposes. For purposes of this section, two tracts which adjoin at a single point or at any common line for a distance of less than 50 feet shall be construed as separate parcels and shall be subtracted for purposes of calculating base site area. _____ ac.

Subtract land which was reserved for resource reasons such as stormwater management, or for recreation or open space in a prior approved subdivision ac.

Subtract land used or zoned for another use;
i.e. land which is used or proposed to be used for commercial or industrial uses in a residential development or land in a different zoning district than the primary use, unless the proposed use is a permitted use in that district _____ ac.

Base Site Area _____ ac.

2. Resource Protection Land - All land within the base site area shall be mapped and measured for the purpose of determining the amount of land which is non-buildable and should be protected, as well as the land which is needed to protect it. Calculate the land with resource restrictions and the resource protection land subject to specific natural features and resources. In the event that two or more resources overlap, only the resource with the highest protection ratio shall be used in the calculations.

a. Resource Protection	b. Protection Ratio	c. Acreage of Land in Resource	d. Resource Land (cxb)
Flood Plains	1.00		
Flood Plain Soils	1.00		
Lakes or Ponds	1.00		
Lake or Pond Shorelines	0.80		
Wetland	1.00		
Steep Slopes			
10% to 14.99%	0.75		
15% to 19.99%	0.85		
20% to 24.99%	0.95		
25% or greater	1.00		
Woodlands	0.25		

a. Resource Protection	b. Protection Ratio	c. Acreage of Land in Resource	d.Resource Land (cxb)
Riparian Corridors			
Zone 1	0.80		
Zone 2	0.70		

Total land with Resource Restrictions _____ ac.

Total Resource Protection Land ac.

3. Recreation Land - A minimum of twenty percent (20%) of the open space required in Conservation Subdivisions shall be designed and designated as Recreation Land. While some of the open space required may be resource protection land, the intent of this Ordinance is also to provide for usable public or

common open space as near to each proposed dwelling unit as possible. Thus, there is a need for specific guidelines insuring that a minimum amount of land not restricted from development is retained for this purpose. Recreation Land shall not contain any resource protection land, and if necessary to meet this requirement, the Recreation Land shall be in addition to the Resource Protection Land and in addition to the required open space. Recreation land shall be located, designed and developed in accordance with §27-2206.A.5. The Minimum Required Open Space in a conservation subdivision shall be defined as the greater of the required open space as derived by the application of the open space ration to the Base Site Area or the total calculated area for resource protection land and recreation land. The following chart is to be used to calculate the Minimum Required Open Space in conservation subdivision:

a. Take Base Site Area: _____ac.
   Multiply by Open Space Ratio _____%
b. Required Open Space _____ ac.

c. Take Required Open Space _____ac.
   Multiply by Recreation Land Factor x.20
   Minimum Recreation Land _____ ac.

d. Take Minimum Recreation Land _____ac.
   Add Resource Protection Land (per §27-2224.B.2) _____ac.
   Equals Resource Protection and Recreation Land _____ ac.

e. Minimum Required Open Space is the greater of the calculation of Required Open Space (a. above) or Resource Protection and Recreation Land (c. above)

4. Determination of Site Capacity – Rural Subdivisions- For land developments and subdivisions in the R-2, R-30, IN, REC and CB Districts, (as well as in any other district in which residential use is permitted by reference) proposed as Rural Subdivisions, site capacity is a calculation of the theoretical number of lots which a given property may yield, and is based upon the land area of the given tract which may properly accommodate residential development. The Theoretical Site Capacity of a tract for a Rural Subdivision is to be calculated as follows:

Take the Base Site Area (per §27-2224.B.1.) _____ ac.
Subtract the Resource Protection Land (per §27-2224.B.2.) _____ ac.
Equals the Net Buildable Site Area _____ ac.
Divided by the Minimum Lot Area[1] _____sq. ft.
Equals Theoretical Site Capacity _____ units

[1]The minimum lot area shall be the minimum lot area as set forth in §27-602.A.1. or §27-902.A.1., as is applicable to a rural subdivision on a given tract.

The site capacity of a given tract shall be confirmed by submission and review of a Yield Plan subdivision for that tract prepared in accordance with the

requirements of the Upper Salford Township Subdivision and Land Development Ordinance for a Preliminary Plan submission. This calculation is only a calculation of the maximum theoretical site capacity of a tract, and shall not be construed as a calculation of or guarantee to any actual building lot yield. In Rural Subdivisions, Resource Protection Land may be located within lots or as greenway land, as selected by the applicant, but shall not be included in the calculation of site capacity or within the building envelope of any given lot. For Rural Subdivisions proposed under §§27-602.C. and 27-902.C., including in those districts where this use is permitted by reference, the site capacity calculation as set forth in this section shall apply. The reduced minimum lot area permitted under §§27-602.C and 27-902.C shall not be utilized to increase density or lot yield.

5. Determination of Site Capacity – Conservation Subdivision – For land developments and subdivisions in the R-2, R-30, IN, REC and CB Districts, (as well as in any other district in which residential use is permitted by reference) proposed as Conservation Subdivisions, site capacity is a calculation of the theoretical number of lots which a given property may yield considering all site conditions and natural resources and features on the tract, and is based upon the land area of the given tract which may properly accommodate residential development. The Theoretical Site Capacity of a tract for a Conservation Subdivision is to be calculated as follows:

Take the Base Site Area (per §27-2224.B.1.)	_____	ac.
Subtract the Resource Protection Land (per §27-2224.B.2.)	_____	ac.
Equals the Net Buildable Site Area	_____	ac.
Divided by the Maximum Lot Area[1]	_____	sq. ft.
Equals Theoretical Site Capacity	_____	units

[1]The maximum lot area shall be as provided in §§27-602.B.1. and 27-902.B.1., as is applicable to a conservation subdivision on a given tract.

The site capacity of a given tract shall be confirmed by submission and review of a Yield Plan, in accordance with the provisions of §27-284 hereof and with the standards for a preliminary plan under the Upper Salford Township Subdivision and Land Development Ordinance. Consequently, this calculation is only a calculation of the maximum theoretical site capacity of a tract, and shall not be construed as a calculation of or guarantee to any actual building lot yield. In Conservation Subdivisions, all residential units, lots and active recreational facilities shall be located on and limited to the Net Buildable Site Area. Conversely, all Resource Protection Land and Recreation Land should be mapped in accordance with the resource protection criteria set forth in §§27-2224.B.2. and 27-2224.B.3. so as to locate all natural resources within the required open space. Consequently, developers utilizing the Conservation Subdivision option should carefully consider the lot area allocated to each lot so as to ensure that all necessary features and improvements can be located in accordance with the provisions of this Ordinance.

§27-2225. STORMWATER MANAGEMENT

Every use conducting any activity which generates any regulated stormwater discharge shall comply with the requirements of Chapter 18, Sewage and Sewage Disposal, of the Code of Ordinances of Upper Salford Township.

ARTICLE XXIII

ADMINISTRATION

§27-2300. APPOINTMENT AND POWERS OF ZONING OFFICER

A. For the administration of this Chapter, a Zoning Officer, who shall not hold any elective office in the Township, shall be appointed.

B. The Zoning Officer shall meet the qualifications established by the Township and shall be able to demonstrate to the satisfaction of the Township a working knowledge of municipal zoning.

C. The Zoning Officer shall administer this Chapter in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Chapter.

D. The Zoning Officer is hereby authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment.

§27-2301. DUTIES AND POWER

It shall be the duty of the Zoning Officer and he shall have power to:

A. Keep a record of all plans and applications for permits and all permits issued with notation as to special conditions attached thereto. All records shall be open for public inspection.

B. Review applications for zoning permits and erection or alteration of structures or changes in use, determining whether such construction or use is in accordance with the general requirements of this Chapter, all other applicable ordinances and with the laws and regulations of the Commonwealth. The Zoning Officer shall issue no permit unless it conforms with all applicable ordinances, statutes and regulations.

C. Review applications for special exceptions, variances and conditional uses for compliance with the procedural requirements of this Ordinance. The Zoning Officer may reject such applications which are incomplete or which fail to comply with the procedural requirements of this Chapter. In such cases, the Zoning Officer shall consult with the Township Solicitor.

D. Conduct inspections and surveys to determine compliance or noncompliance with the terms of this Chapter. In carrying out such surveys, the Zoning Officer or his representative may enter upon any lands or buildings.

E. Make written orders requiring compliance with the provisions of this Chapter to be served personally or by registered mail.

F. Institute through the Township Solicitor proceedings in courts of proper jurisdiction for the enforcement of provisions of this Chapter.

G. Maintain a map showing the current zoning classification of all land.

H. Maintain maps and registers of all commercial or professional accessory uses, and all nonconforming uses and nonconforming structures, showing for each the type, registration, ownership and location.

I. Participate in all proceedings before the Zoning Hearing Board, as requested by the Board of Supervisors, including the presentation of facts and information to assist the Board in reaching a decision which shall be compatible with this Chapter, and advise the Board of Supervisors, whether formally or informally, in connection with any proposed amendment to Zoning Code.

The Zoning Officer shall issue no permit for the construction or use of any land or building unless it also conforms to the requirements of all other ordinances of Upper Salford Township and with the laws of the Commonwealth.

§27-2302. PERMITS

A. No buildings shall be constructed or altered in the Township o the use of any building changed nor vacant land occupied, until a zoning permit is secured from the Zoning Officer.

B. Upon completion of work authorized by any permit, the applicant or the owner shall notify the Zoning Officer of said completion. No permit shall be considered to be complete or permanently effective until the Zoning Officer has noted on the permit that the work has been inspected and approved as being in conformity with the provision of this Chapter.

C. Any use applied for and permitted shall be commenced within two (2) years of the date of issuance of a zoning permit. Any construction applied for and permitted shall be completed within two (2) years of issuance of a zoning permit.

§27-2303. APPLICATION FOR PERMIT

A. All applications for zoning permits shall be made in writing by the owner or tenants or authorized agent, and shall be filed with the Zoning Officer on forms presented by him. The application:

1. Shall include a statement as to the proposed use of the building.

2. Shall be accompanied by a lot plan showing the distances from the structure to the property and road lines and shall show any change that would occur to the locations where most of the surface water drainage enters or exits the property, showing the written approval of such changes by the Upper Salford Township Board of Supervisors.

3. Shall include a statement that the side lines of all roads shown on the plan have been located and staked on the premises by a surveyor or other person competent to give such location.

4. Shall give the name and address of the person who has so located and staked the road lines.

B. If the applicant desires the Zoning Hearing Board to grant a special exception; then, in addition, the application shall set forth the nature of the special exception and shall state briefly the reasons why the special exception should be granted and any other information the Zoning Hearing Board may require.

C. The application procedure for any use of land, activity or other development in the Floodplain Conservation District shall be as set forth in Article XVI.

§ 27-2304. FEES.

The applicant for a permit shall, at the time of making the application, pay to the Zoning Officer for the use of the Township, a fee in accordance with a fee schedule adopted from time to time by resolution of the Board of Supervisors upon the enactment, or as such Schedule may be amended by resolution of the Board of Supervisors.

ARTICLE XXIV

ZONING HEARING BOARD

§27-2400. ZONING HEARING BOARD

A. There is hereby created for the Township a Zoning Hearing Board in accordance with the provisions of Article IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §10901 et seq.

B. The membership of the Board shall consist of three (3) residents of the Township appointed by resolution by the Board of Supervisors. The terms of office shall be for three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township.

C. Alternate Members. The Board of Supervisors may appoint by resolution at least one (1) but not more than three (3) residents of the Township to serve as alternate members of the Zoning Hearing Board, subject to the following:

1. The term of office of an alternate member shall be three (3) years.

2. Alternate members shall hold no other office in the Township.

3. Alternate members may participate in any proceeding or discussion of the Zoning Hearing Board, but shall not be entitled to vote as a member of the Zoning Hearing Board nor receive any compensation unless designated as a voting alternate member.

4. If, by reason of absence or disqualification of a Zoning Hearing Board member, a quorum is not reached, the Chairman of the Zoning Hearing Board shall designate as many alternate members of the Zoning Hearing Board to sit on the Zoning Hearing Board as may be needed to provide a quorum. Any alternate member of the Zoning Hearing Board so appointed shall participate in all proceedings involving the matter for which the alternate member was initially appointed until the Zoning Hearing Board has made a final determination of the matter.

5. If by reason of absence or disqualification, a Zoning Hearing Board member is unable to attend a hearing, the Chairman of the Zoning Hearing Board may designate an alternate to participate in the hearing. Once designated, the alternate shall participate in any subsequent hearings on the application for which they were designated as a member of the board, and shall participate in rendering any decision on such application.

D. Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors which appointed the member, taken after the member has received fifteen (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.

E. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action a quorum shall be not less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in this Chapter.

F. The Board may make, alter and rescind rules and forms for its procedures, consistent with ordinances of the Township and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Township and shall submit a report of its activities to the Board of Supervisors as requested by the Board of Supervisors.

G. Within the limits of funds appropriated by the Board of Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors.

§27-2401. HEARINGS

A. The Zoning Hearing Board shall have jurisdiction on all matters to which exclusive jurisdiction is delegated to the Board under §909.1 (a) of the Pennsylvania Municipalities Planning Code. The Board of Supervisors shall have jurisdiction on all matters to which exclusive jurisdiction is delegated to the Board under §909.1 (b) of the Pennsylvania Municipalities Planning Code. For purposes of this Section, Board shall apply to either the Zoning Hearing Board or the Board of Supervisors, depending upon the jurisdiction above delegated.

B. Applications for Special Exceptions, Variances and Conditional Uses shall be submitted, in writing, to the Township Zoning Officer for a review of applicability and completeness of application. In the case of a Conditional Use application, the application shall include, at a minimum, a tentative sketch plan indicating how the applicant intends to develop the property and sufficient data to document compliance with the applicable standards governing the Conditional Use.

C. The Board shall conduct hearings in accordance with and make decisions in accordance with the following requirements:

1. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer and to any person who has made timely request for the same.

Written notices shall be given at such time and in such manner as shall be prescribed by rules of the Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.

2. The hearing shall be held within the time limitations imposed under the Pennsylvania Municipalities Planning Code, unless the applicant has agreed in writing to an extension of time.

3. The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board, however, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.

4. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

5. The chairman or acting chairman of the Board, his designee, or the hearing officer presiding, or his designee, shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

6. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

7. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

8. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcripts shall bear the cost thereof.

9. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representative in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, 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 are given an opportunity to be present.

10. The Board, or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this Chapter or of any law, ordinance, rule or regulations shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time, or unless otherwise provided by the Pennsylvania Municipalities Planning Code. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of the said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in subsection (1) of this Section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

11. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

12. The Board of Supervisors shall establish, by resolution, fees with respect to hearings before the Zoning Hearing Board.

§27-2402. JURISDICTION

A. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudication in the following matters:

1. Substantive challenges to the validity of any land use ordinance, except those brought before the Board of Supervisors pursuant to §§609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §§10609.1, and 10916.1.

2. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance. Where the ordinance appealed from is the initial zoning ordinance of the Township and a Zoning Hearing Board has not been previously established, the appeal raising procedural questions shall be taken directly to court.

3. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

4. Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.

5. Applications for variances from the terms of this Chapter and flood hazard ordinance or such provisions within a land use ordinance, pursuant to §910.2 of the MPC, 53 P.S. §10910.2.

6. Applications for special exceptions under this Chapter or floodplain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to §912.1 of the MPC, 53 P.S. §10912.1.

7. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Chapter.

8. Appeals from the Zoning Officer's determination under §916.2 of the MPC, 53 P.S. §10916.2.

9. Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving applications under Article V or VII of the MPC, 53 P.S. §10501 et seq, §10701 et seq.

B. The Board of Supervisors shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

1. All applications for approval of planned residential developments under Article VII of the MPC pursuant to the provisions of §702 of the MPC, 53 P.S. §10702.

2. All applications pursuant to §508 of the MPC, 53 P.S. §10508, for approval of subdivision or land developments under Article V of the MPC, 53 P.S. §10501 et seq.

3. Applications for conditional use under the express provisions of this Chapter.

4. Applications for curative amendment to this Chapter or pursuant to §§609.1 and 916.1(a) of the MPC, 53 P.S. §10609.

5. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in §609 of the MPC, 53 P.S.

6. Appeals from the determination of the Zoning Officer or the Township engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to applications for land development under Articles V and VII of the MPC, 53 P.S. §10501 et seq, §10701 et seq. Where such determination relates only to development not involving an Article V or VII application, the appeal from such determination of the Zoning Officer or the Township engineer shall be to the Zoning Hearing Board pursuant to this Section. Where the applicable land use ordinance vests jurisdiction for final administration of subdivision and land development applications in the Planning Commission, all appeals from determinations under this subsection shall be to the Planning Commission and all appeals from the decision of the Planning Commission shall be to court.

§27-2403. ORDERS

In exercising the above mentioned powers, the Board may reverse or affirm wholly or in part, or may modify the order requirements, decision, or determination, appealed from and may make such additional order, requirement, decision or determination as ought to be made as may be pertinent or germane, and, to that end, shall have all the powers of the officer from whom the appeal is taken.

§27-2404. RULES OF PROCEDURE

The Board shall adopt rules of procedure in accordance with the several provisions of this Chapter as to manner of filing appeals or applications for special exceptions or for variances from the items of this Chapter. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board. Every appeal or application shall refer to the specific provision of the ordinance involved, and shall exactly set forth the interpretation that is claimed, the use for which the special exception is sought, the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.

§27-2405. MEETINGS

Meetings of the Board shall be held at the call of the Chairman and at such times as the Board may determine. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall

be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

§27-2406. ADVISORY REVIEW BY PLANNING COMMISSION

At least ten (10) days before the date of hearing required by the law for an application for special exception, before the Zoning Hearing Board, the Secretary of such Board shall transmit to the Planning Commission a copy of the notice of hearing and other information as may have been furnished by the applicant or the Zoning Officer.

§27-2407. TECHNICAL ASSISTANCE

A. The Zoning Hearing Board in considering any matter within its jurisdiction may consult with the Township Planning Commission, the Montgomery County Planning Commission, or any other specialist or group of specialists having expert knowledge of the matter under consideration, but need not be bound thereby.

D. Within the limits of funds appropriated by the Board of Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors.

§27-2408. NOTICE OF HEARINGS

Upon the filing with the Board of an application for a special exception or for variance or any interpretation from the terms of this Chapter, the Board shall fix a reasonable time and place for a public hearing thereon and shall give ten (10) days notice as follows:

A. By publishing a notice in a newspaper of general circulation published or circulated in the Township.

B. By mailing or serving due notices thereof to the parties in interest.

C. By mailing or serving notice thereof to the Township Supervisors.

D. By mailing or serving notice thereof to the owner or owners, if their residence is known, or to the occupier or occupiers of every lot on the same street within five hundred (500) feet of the lot or building in question and of every lot not on the same street within one hundred and fifty (150) feet of the said lot or building.

E. By posting notice on the building or lot.

F. By mailing a notice to every resident, or resident's association registered for the purpose.

G. By mailing a notice to the Township Planning Commission. The notices herein required shall state the location of the building or lot and the general nature of the question involved.

H. 1. Notice of all applications for change of zoning classification, special exceptions, variances, conditional uses, curative amendments and substantive validity challenge applications before the Zoning Hearing Board or the Board of Supervisors, as applicable, shall be given by the Township by conspicuously posting a printed notice of the application on the affected tract(s) of land at least seven (7) days prior to consideration or review of any such application by the Zoning Hearing Board or Board of Supervisors. The cost of such posting shall be charged to and paid by the applicant prior to the commencement of any hearing, consideration or review.

2. The required written notice shall state the following:

THIS PROPERTY IS THE SUBJECT OF A ZONING APPLICATION.
INFORMATION ABOUT THIS APPLICATION MAY BE OBTAINED
AT THE UPPER SALFORD TOWNSHIP OFFICES.
BOARD OF SUPERVISORS OF UPPER SALFORD TOWNSHIP.
610-287-6160

The notice shall be printed on a 36" by 24" sign of the type utilized for real estate sales, utilizing weather resistant materials and print, and the expense of the printing and posting of such notice shall be charged to and paid by the applicant prior to the commencement of any hearing, consideration or review.

3. The required printed notice shall be posted by the Township, at the applicant's cost, on the property in such location(s) as to be clearly visible from each adjacent roadway and must remain on the property throughout the duration of the consideration and review of the subject application.

§27-2409. STANDARDS - SPECIAL EXCEPTIONS; VARIANCES

A. In any application for a Special Exception or Variance, the Board shall consider, among all other relevant factors:

1. The suitability of the property for the use proposed, and assure itself that the proposed change is consistent with the spirit, purpose and intent of this Chapter.

2. Whether the proposed change will substantially injure or detract from the use of neighboring properties or from the character of the neighborhood or whether the use of the property adjacent to the area included in the proposed change or plan is adequately safeguarded.

3. Whether the proposed change will serve the best interests of the Township, the convenience of the community and the public welfare.

4. What effects the proposed change will have on the logical, efficient and economical extension of services and facilities such as public water, sewers, police and fire protection and public schools.

5. The suitability of the proposed location of an industrial or commercial use with respect to probable effects upon highway traffic, and the assurance of adequate access arrangements in order to protect all streets from undue congestion and hazard.

6. Whether the proposal complies with sound standards of subdivision or land development practice, where applicable.

B. In considering requests for Variances where it is alleged that the provisions of the zoning ordinance inflict unnecessary hardship upon the applicant, the Board shall, prior to granting any application, make the findings, where relevant to a given case, as required by § 910.2 of the Pennsylvania Municipalities Planning Code.

C. In approving applications for Special Exceptions or Variances, the Board may impose such conditions, in addition to those required, as are necessary to assure that the intent of the Zoning Ordinance is complied with, which conditions may include, but are not limited to harmonious design of buildings, plantings and their maintenance as a sight or sound screen, the minimizing of noxious, offensive or hazardous elements, adequate standards of parking and sanitation.

§27-2410. STANDARDS - CONDITIONAL USES

A. In any application for a Conditional Use, the Board shall consider, among all other relevant factors, the following standards which shall be in addition to any considerations required in any specific section of the Zoning Code:

1. The potential impact of buildings, driveways, parking areas, loading areas, outdoor activity areas, light sources, trash areas, storage areas, signs and other potential nuisances on abutting properties and the neighborhood as a whole.

2. Potential congestion and safety problems on abutting streets and nearby intersections caused by driveway intersections with streets and traffic circulation patterns within lots.

3. The potential environmental impact of the proposed use on the Township's streams, ponds, wetlands, parklands groundwater, vegetation, air and ground.

4. The proposed use's compliance with the goals and land use plan in the Township's current Comprehensive Plan.

B. In approving a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in the Zoning Code, as it may deem appropriate and necessary to implement the purposes of this Zoning Code.

§27-2411. EXPIRATION OF CONDITIONAL USES, SPECIAL EXCEPTIONS AND VARIANCES

Unless otherwise specified by the appropriate Board a conditional use, special exception or variance shall expire if the applicant fails to obtain a permit in connection therewith within six (6) months of the date of authorization thereof.

§27-2412. APPEAL TO COURT

Any person aggrieved by any decision of the Board, or any taxpayer, or any officer of the Township, may within thirty (30) days after any decision of the Board, appeal to the Court of Common Pleas of Montgomery County by petition in such form as may be prescribed or authorized by law.

ARTICLE XXV

VIOLATIONS, FINES, REMEDIES AND CHARGES

§27-2500. CAUSES OF ACTION

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Chapter, the Board of Supervisors or, with the approval of the Board of Supervisors, an officer of the Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving the Upper Salford Township Board of Supervisors with a copy of the complaint. No such action may be maintained until such notice has been given.

§27-2501. ENFORCEMENT NOTICE

A. If it appears to the Township that a violation of this Chapter has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.

B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

C. An enforcement notice shall state at least the following:

1. The name of the owner of record and any other person against whom the Township intends to take action.

2. The location of the property in violation.

3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.

4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a period of thirty (30) days.

6. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible

sanctions clearly described.

§27-2502. ENFORCEMENT REMEDIES

A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars ($500) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. 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 (1) such violation until the fifth (5th) 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.

B. The 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.

C. 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.

D. Magisterial District Justices shall have initial jurisdiction over proceedings brought under this Section, as provided by law.

§27-2503. REMEDIES

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structures or land is used or any hedge, tree, shrub or other growth is maintained, in violation of this Chapter or of any regulations made pursuant thereto, in addition to other remedies provided by law, any appropriate action or proceedings, by authorized legal process may be reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation to prevent the occupancy of said building, structure, or land or to prevent any illegal act, conduct, business or use in or about such premises.

§2504. CHARGES

Charges, in accordance with a fee schedule adopted by resolution of the Board of Supervisors or as such schedule may be amended by the Board of Supervisors, shall be made, payable in advance except where specifically indicated, for:

A. Each Zoning Hearing Board Certificate.

B. Each duplicate copy of application for special exception or appeal for variance.

C. Each duplicate copy of Zoning Hearing Board Certificate.

D. Each appeal or for each application for special exception of the Zoning Hearing Board.

E. Cost of documenting, transcribing and distributing to the applicant and to the Zoning Hearing Board and to the Board of Supervisors, a transcript of the public hearing before the Zoning Hearing Board where the Township Supervisors have given notice to the applicant of the amount of such costs within sixty (60) days after such public hearing. The applicant shall pay such costs to the Township Secretary within thirty (30) days after receiving notice of such costs.

ARTICLE XXVI

AMENDMENTS

§27-2600. AMENDMENT BY BOARD OF SUPERVISORS.

The Board of Supervisors of Upper Salford Township may, from time to time amend, supplement, change, modify, or repeal this Chapter, including the Zoning Map, by proceeding in the following manner, and as otherwise required by law.

§27-2601. ENACTMENT OF ZONING ORDINANCE AMENDMENTS

A. The Board of Supervisors may from time to time amend, supplement, or repeal any of the regulations and provisions of this Chapter. The procedure for the preparation of a proposed zoning ordinance as set forth in §607 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10607, is hereby declared optional.

B. Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing.

C. In the case of an amendment other than that prepared by the Planning Commission, the Board of Supervisors shall submit each such amendment to the Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.

D. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Planning Commission shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

E. At least thirty (30) days prior to the public hearing on the amendment by the Board of Supervisors, the Township shall submit the proposed amendment to the county planning agency for recommendations.

F. Within thirty (30) days after enactment, a copy of the amendment to this Chapter shall be forwarded to the county planning agency.

§27-2602. PROCEDURE FOR LANDOWNER CURATIVE AMENDMENTS

A. A landowner who desires to challenge on substantive grounds the validity of this Chapter or the Zoning Map or any provision thereof, which prohibits or restricts the

use or development of land in which he has an interest may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in §916.1 of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §10916.1. The curative amendment and challenge shall be referred to the Planning Commission and the county planning agency as provided in §609 and notice of the hearing thereon shall be given as provided in §§610 and 916.1 of the MPC, 53 P.S. §§10609, 10610, and 10916.1.

B. The hearing shall be conducted in accordance with §908 of the MPC, 53 P.S. §10908, and all references therein to the Zoning Hearing Board shall, for the purposes of this Section be references to the Board of Supervisors. If the Township does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire Chapter and Zoning Map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

C. The Board of Supervisors, if it determines that a validity challenge has merit, may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:

1. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.

2. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes or persons otherwise unlawfully excluded by the challenged provisions of this Chapter or Zoning Map.

3. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features.

4. The impact of the proposed use on the site's soil, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.

5. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

§27-2603. LANDOWNER PROPOSED AMENDMENTS

A. Any township landowner may submit a written proposal, on such form provided at the Township office, if any, requesting an amendment of the Zoning Ordinance or

Zoning Map as they relate to the landowner's property, and shall pay the fee fixed by the Board of Supervisors for such a submission.

B. Since amendment of the Township Zoning Ordinance or Map is a decision which falls within the legislative discretion of the Board of Supervisors, the Board shall have no obligation or duty to grant a hearing or to take any action on the proposal for amendment of the Zoning Ordinance or the Zoning Map submitted by a landowner.

C. If a township landowner submits a proposal for the amendment of the Zoning Ordinance or Map and the Board of Supervisors determines to take no action on the proposal, the township Zoning Officer or Township Secretary shall return the application and fee submitted by the landowner or other person, and the township shall take no further action on the submission.

D. If the Board of Supervisors determines to grant a hearing on any proposal to amend the Zoning Ordinance or Map as submitted by a township landowner, the Board shall refer the proposal to the Township Planning Commission and the Montgomery County Planning Commission for review and commentary. The Board shall also advertise the proposed amendment as required by the Municipalities Planning Code and, if the proposal involves any amendment to the Zoning Map, any affected property shall be posted. The Board of Supervisors shall hold such public hearings as it deems appropriate on the proposal to amend the Zoning Ordinance or Zoning Map.

E. Subsequent to any public hearing, the Board of Supervisors shall be under no obligation to take any final action on any proposal to amend the Zoning Ordinance or Zoning Map.

§27-2604. PROCEDURES FOR TOWNSHIP CURATIVE AMENDMENTS

A. If the Township determines that this Chapter, or any portion hereof, is substantially invalid, it shall take the following actions:

1. The Township shall declare by formal action, this Chapter or portions hereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days such declaration and proposal the Board of Supervisors shall:

a. By resolution make specific findings setting forth the declared invalidity of this Chapter which may include:

i. References to specific uses which are either not permitted or not permitted in sufficient quantity.

ii. Reference to a class of use or uses which requires revision.

iii. Reference to this entire Chapter which requires revisions.

b. Begin to prepare and consider a curative amendment to this Chapter to correct the declared invalidity.

B. Within one hundred eighty (180) days from the date of the declaration and proposal, the Township shall enact a curative amendment to validate, or reaffirm the validity of, this Chapter pursuant to the provisions of §609 of the Pennsylvania Municipalities Code (hereinafter "MPC"), 53 P.S. §10609, in order to cure the declared invalidity of this Chapter.

C. Upon the initiation of the procedures as set forth in subsection (1), the Board of Supervisors shall not be required to entertain nor consider any landowner's curative amendment filed under §609.1 of the MPC, 53 P.S. §10609.1, nor shall the Zoning Hearing Board be required to give a report requested under §§909.1 or 916.1 of the MPC, 53 P.S. §10909.1, 10916.1, subsequent to the declaration and proposal based upon the grounds identical or substantially similar to those specified by the resolution required by subsection (1)(a). Upon completion of the procedures set forth in subsection (1) and (2), no rights to a cure pursuant to the provisions of §§609.1 and 916.1 of the MPC, 53 P.S. §10609.1, 10916.1, shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of this Chapter for which there has been a curative amendment pursuant to this Section.

D. The Township, having utilized the procedures set forth in this Section, may not again utilize said procedure for a period of thirty-six (36) months following the date of enactment of a curative amendment, or reaffirmation of the validity of this Chapter; provided, however, if after the date of declaration and proposal there is a substantially new duty imposed upon the Township by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Township may utilize the provisions of this Section to provide a curative amendment in this Chapter to fulfill said duty or obligation.

APPENDIX A

The following table summarizes the use regulation section found in eachof the individual zoning districts.

Y = Permitted By-Right C = Permitted by Conditional Use S = Permitted by Special Exception
A blank space indicates the use is not permitted in the designated zoning district.

USE TABLE

Uses / Districts	RA-5	R-2	R-30	IN	REC	CB	LLI	LI
A-1 / Agricultural Accessory Structure	Y	Y	C		Y			
A-2 / Bed and Breakfast Accommodations	Y	Y	Y		Y			
A-3 / Cellular Communications Antennae							S	S
A-4 / Commercial Vehicles	Y	Y	Y	Y	Y	Y	Y	Y
A-5 / Domestic Animals	Y	Y	Y		Y			
A-6 / Drive-In Facilities						Y	Y	
A-7 / Fences and Walls	Y	Y	Y	Y	Y	Y	Y	Y
A-8 / Home Child Day-Care Facilities	C	C	C					
A-9 / Home Occupation	Y	Y	Y		Y			
A-10 / No-Impact Home-Based Business	Y	Y	Y	Y	Y	Y	Y	Y
A-11 / Non-Residential Accessory Structure			Y	Y	Y	Y	Y	Y
A-12 / Outdoor Storage and Waste Disposal						Y	Y	Y
A-13 / Recreational Vehicles	Y	Y	Y		Y			
A-14 / Residential Accessory Structure	Y	Y	Y		Y			
A-15 / Roadside Stand	Y	Y			Y		Y	Y
A-16 / Swimming Pool	Y	Y	Y		Y			
A-17 / Tennis /Sports Court	Y	Y	Y		Y			
B-1 / Forestry	Y	Y	Y	Y	Y	Y	Y	Y
B-2 / General Farming	Y	Y	Y	Y	Y	Y	Y	Y
B-3 / Intensive Agriculture	Y	Y	C				Y	Y
B-4 / Nursery/Greenhouse	Y	Y	C			Y		
B-5 / Riding Academy/Stable	Y	Y	C		Y			
C-1 / Club				Y		Y	Y	Y
C-2 / Commercial Kennel						Y		
C-3 / Commercial School						Y		
C-4 / Convenience Store/Mini-Market			C			Y		
C-5 / Dry Cleaners (Drop-Off)			C			Y	Y	Y

*As part of Conservation Subdivision only
Effective July 19, 2005, amended May 12, 2009
and September 14, 2010

APPENDIX A

Uses / Districts	RA-5	R-2	R-30	IN	REC	CB	LLI	LI
C-6 / Hotel/Motel/Inn			C			Y	Y	Y
C-7 / Laundry (Self Service)						Y		
C-8 / Personal Care Business			C			Y	Y	Y
C-9 / Repair Shop						Y	Y	Y
C-10 / Restaurant			C			Y	Y	Y
C-11 / Retail Shop			C			Y	Y	Y
C-12 / Tavern/Bar			C			Y		
C-13 / Veterinary Clinic						Y	Y	Y
D-1 / Adult Entertainment Uses								S
D-2 / Quarrying Operation								S
D-3 / Solid Waste								S
E-1 / Adult/Child Day-Care				Y		Y	Y	Y
E-2 / Cemetery				Y				
E-3 / Conservation/Recreation	Y	Y	Y	Y	Y	Y	Y	Y
E-4 / Emergency Services				Y			Y	
E-5 / Library/Museum				Y		Y		
E-6 / Municipal Complex	Y	Y	Y			Y	Y	
E-7 / Place of Worship				Y				
E-8 / School - Public/Private				Y				
E-9 / Utility Operating Facility	Y	Y	Y	Y	Y	Y	Y	Y
F-1 / Professional Office			C			Y	Y	
G-1 / Amusement Park					Y			Y
G-2 / Athletic Club						Y	Y	
G-3 / Golf Course	C	C			Y			Y
G-4 / Indoor Recreation					Y	Y		
G-5 / Outdoor Recreation					Y	Y		
G-6 / Public Campground					Y			
H-1 / Estate Dwelling Unit (Single-Family Detached)		Y	Y		Y			
H-2 / Single-Family Detached Dwelling	Y	Y	Y		Y			
H-3 / Village Single		Y*	Y		Y	Y		
H-4 / Residential School Campus		Y						

*As part of Conservation Subdivision only
Effective July 19, 2005, amended May 12, 2009
and September 14, 2010

A-2

G-7: Home-Based Occupation Craft Alcohol Production Facility as an accessory use in the REC-Recreational District (Amended by Ordinance #2021-1, Dated 2/9/2021)

APPENDICIES TO CODE OF ORDINANCES

A.....Annexation of Territory

B.....Bond Issues and Loans

C.....Franchises and Services

D .....Governmental and Intergovernmental Affairs

E.....Plan Approval

F..... Public Property

G .....Sewers

H .....Streets and Sidewalks

I.....Water

J .....Zoning; Prior Ordinances

APPENDIX A

ANNEXATION OF TERRITORY

(Reserved to accommodate future enactments)

APPENDIX B

BOND ISSUES AND LOANS

Ord./Res.	Date	Subject
R-5/10/1960		Increasing the indebtedness in the amount of $6,000.00.
R-5/9/1961		Increasing the indebtedness in the amount of $8,000.00.
R-12/30/1966		Increasing the indebtedness in the amount of $8,000.00.
83-3	12/27/1983	Increasing the indebtedness in the amount of $75,000.00 for purchase of dump trucks.
98-4	12/08/1998	Increasing the indebtedness in the amount of $225,000.00 for acquisition of real estate for park and open space purposes.
2000-1	01/17/2000	Increasing the indebtedness in the amount of $600,000.00 for acquisition of real estate for park, recreation and open space.
R-00-3	02/0/2000	Authorizing sale of general obligation note pursuant to Ordinance 2000-1.
2001-1	01/02/2001	Authorizes the incurrence of non-electoral debt by the issuance of a general obligation note in the amount of $600,000.00, approves certain capital projects, approves the negotiated sale of the 2001 Note to the Delaware Valley Regional Finance Authority.
2005-5	09/13/2005	Increasing the indebtedness in the amount of $40,000.00 for acquisition of equipment (John Deere Model 5525 Tractor).

2007-1	01/17/2007	Increasing the indebtedness in the amount of $50,000.00 for acquisition of equipment (Volvo Dump Truck).
2008-2	10/14/2008	Increasing the indebtedness in the amount of 35,000 for acquisition of equipment (John Deere 6430).
2009-2	09/22/2009	Incurrence of non-electoral debt pursuant to the issuance of the general obligation notes, 2009 series in the aggregate par amount of $1,375,000.00. (Salfordville Park and Spring Mount House balance)
2013-1	02/05/2013	Incurrence of non-electoral debt Pursuant to the issuance of the general obligation notes, 2013 series, in the aggregate principal amount of $325,000. (payment toward new fire truck)

APPENDIX C

FRANCHISES AND SERVICES

Ord./Res.	Date	Subject
82-4	6/8/1982	Granting to the Suburban Cable Television Company, Inc., a license to operate and maintain equipment in the Township for a period of fifteen (15) years.
97-5	6/10/1997	Authorizing the extension of the agreement between Upper Salford Township and Suburban Cable Company pending completion of negotiations for new agreement.

APPENDIX D

GOVERNMENTAL AFFAIRS

Ord./Res.	Date	Subject
R-2/21/1952		Resolving that any open or unprotected wells, holes or mine shafts be prohibited and closed in the Township.
R-8/9/1960		Designating the Montgomery County Planning Commission Industrial Development Committee as the Industrial Development Agency for Montgomery County.
R-12/10/1963		Approving the Planning Assistance Contract.
R-65-2	1965	Approving an application for Project 70 Land Acquisition Assistance Grant.
R-65-2A	5/12/1965	Authorizing the filing of an application for grant to acquire open-space land.
R-65-3	1965	Approving the filing of an application for Project 70 Land Acquisition Assistance Grant.
R-65-3A	2/9/1965	Authorizing participation in the Open-Space Coordinating Committee for the Philadelphia Metropolitan Area
65-4	4/13/1965	Authorizing payment of compensation for subordinate assessor of the Montgomery County Board of Assessment and Revision of Taxes.
R-65-5	1965	Authorizing the filing of application for grant to acquire open-space land.
R-66-2	1966	Authorizing filing of application for grant to acquire open-space land.
R-1/10/1967		Approving Planning Assistance contract.
R-10/14/1969		Designating as representative the Delaware Valley Regional Planning Commission Board member.
R-7/14/1970		Designating the Indian Valley Public Library to be the agent of the Township for library service.
R-9/8/1970		Approving Planning Assistance contract
R-12/8/1970		Resolving that all matters affecting the physical development of the Township shall be submitted to the Planning Commission for a report to the Board of Supervisors.
R-71-2	1/12/1971	Resolving that area planning is deemed necessary to solve problems in the Upper Perkiomen Valley.
71-4	12/28/1971	Approval of the Official Map for Upper Salford Township.
R-3/14/1972		Resolving that the Pennsylvania Public Utility commission is requested to waive their requirement that the Township be represented by an attorney.
R-73-3	5/8/1973	Authorizing notice to Souderton Area School District of intention to levy an earned income tax.
73-4	6/12/1973	Authorizing the Upper Salford Volunteer Fire Company to engage in activities deemed necessary for efficient operation.

R-73-5	7/24/1973	Designating as depository the Harleysville National Bank and Trust Company.
R-1/29/1974		Designating as depository the Union National Bank and Trust Company of Upper Salford Township
R-1/29/1974A		Designating as depository the Harleysville Nation Bank and Trust Company.
R-74-5	1974	Opposing the adoption of the County Home Rule Charter
R-74-6	1974	Urging all governmental agencies to assure that the railroad right-of-way along Perkiomen Creek is not abandoned.
R-74-7	8/13/1974	Establishing interest in the Federal Aid Highway Act of 1973
R-74-8	9/10/1974	Declaring opposition of the Board of Supervisors to the construction of the interstate energy pipeline.
R-74-9	10/8/1974	Authorizing the Upper Salford Volunteer Fire Company to bill the Township for purchase of all petroleum products.
R-74-10	11/12/1974	Resolving to oppose Senate Bill 1122 in its present form.
R-74-11	11/12/1974	Resolving to block passage of House Bill 2541
R-75-3	1/6/1975	Designating as depository the Union National Bank and Trust Company of Upper Salford Township
R-75-4	1/6/1975	Designating as depository the Harleysville National Bank and Trust Company.
R-75-5	1/6/1975	Electing that the population of the Township be excluded from that of the County for purposes of the Housing and Community Development Act of 1974 and its implementing regulations.
R-75-8	3/11/1975	Reaffirming the Township's position regarding the Perkiomen Branch Line of the Reading Railroad.
R-75-10	5/13/1975	Resolving that the Governor of Pennsylvania reverse the trend which has the potential of resulting in government by appointed bureaucracy
R-75-11A	11/11/1975	Opposing Senate Bill #1, "Pennsylvania Flood Disaster Prevention Act".
R-75-15	10/28/1975	Expressing a positive interest in the Federal Flood Insurance Program and taking certain actions toward qualifying therefore.
R-76-1	1/5/1976	Designating as depository the Harleysville National Bank and Trust Company.
R-76-2	1/5/1976	Designating as depository the Union National Bank and Trust Company of Souderton.
R-76-6	4/13/1976	Appointing the firm of H. A. Berkheimer Associates as delinquent tax collector for all per capita taxes.
R-76-7	4/13/1976	Resolving to comply with §1910.3A of the Flood Insurance Program Regulations.
R-6/8/1976		Designating as depository Harleysville National Bank and Trust Company.
R-76-13	10/12/1976	Authorizing the signing of a particular agreement.
R-77-2	5/10/1977	Authorizing participation in the cooperative grogram with

		the Commonwealth of Pennsylvania.
R-77-6	10/6/1977	Designating as depository Harleysville National Bank.
R-78-1	1/3/1978	Designating as depository Harleysville National Bank.
R-78-2	1/3/1978	Designating as depository Union National Bank and Trust Company
R-78-3	1/3/1978	Applying for a savings account in Hamilton-Reliance Savings Association
R-78-4	1/3/1978	Applying for a savings account in Hamilton-Reliance Savings Association.
R-79-1	1/2/1979	Designating as depository Harleysville National Bank.
R-79-2	1/2/1979	Designating as depository Union National Bank
R-79-3	1/2/1979	Applying for a savings account in Hamilton-Reliance Savings Association.
R-79-4	1/2/1979	Applying for a savings account in Hamilton-Reliance Savings Association.
R-79-5	1/2/1979	Applying for a savings account in Hamilton-Reliance Savings Association.
R-80-1	1/7/1980	Designating as depository Harleysville National Bank.
R-80-2	1/7/1980	Designating as depository Union National Bank.
R-80-3	8/12/1980	Applying for a savings account in Hamilton-Reliance Savings Association.
R-80-4	8/13/1980	Applying for a savings account in Hamilton-Reliance Savings Association.
R-80-9	9/9/1980	Electing that the population of the Township be excluded from that of the County for purposes of the Housing and Community Development Act of 1974 and its implementing regulations.
R-80-12	11/25/1980	Resolving to submit to the Delaware River Basin Commission the testimony prepared by the Board of Supervisors for inclusion in the testimony of public hearing regarding Dockets D-65-66 CP (8) and D-79-52 CP.
R-80-13A	11/27/1980	Resolving to sign a certain agreement
R-80-13B	1980	Exonerating certain individuals from paying the per capita tax
R-81-3	5/12/1981	Designating as depository the Philadelphia Saving Fund Society
R-81-4	6/9/1981	Establishing the exoneration policy of the Township relative to the per capita tax.
R-81-5	7/14/1981	Authorizing certain Township officials to perform banking transactions.
R-81-6	10/13/1981	Resolving to administer the provisions of the Building Energy Conservation Act for Use Group R-3 buildings.
R-82-3	8/10/1982	Applying for a savings account with Red Hill Savings and Loan Association.
R-82-5	9/14/1982	Authorizing the adding of funds to a savings account in Harleysville Savings Association.

R-82-6	9/14/1982	Authorizing the adding of funds to a savings account in Ambler Savings and Loan Association.
R-83-1	1981	Authorizing the Township to participate in a joint task force funding committee for support of the Indian Valley Public Library
R-83-2	2/8/1983	Establishing the exoneration policy of the Township relative to the per capita tax.
R-83-3	8/9/1983	Authorizing the signing of a certain agreement.
R-83-4	12/13/1983	Modifying the exoneration policy of the Township relative to the per capita tax.
R-84-1	1/3/1984	Designating as depository Harleysville National Bank and Trust Company.
R-84-2	1/3/1984	Designating as depository Union National Bank and Trust Company.
R-84-3	1/3/1984	Designating as depository Hamilton Reliance Savings Association.
R-84-4	1/3/1984	Designating as depository First Federal Savings of Pottstown.
R-84-5	1/3/1984	Designating as depository Philadelphia Savings Fund Society.
R-84-6	1/3/1984	Designating as depository Red Hill Savings and Loan Association.
R-84-7	1/3/1984	Designating as depository Ambler Savings and Loan Association.
R-84-8	1/3/1984	Designating as depository Harleysville Savings Association.
R-84-9	1/3/1984	Designating as depository Sellersville Savings and Loan Association.
R-84-10	1/10/1984	Prohibiting smoking in the Township building and establishing designated smoking areas.
R-84-11	1984	Authorizing the Upper Salford Volunteer Fire Company to repair and maintain ponds or reservoirs for fire control purposes.
R-85-1	3/12/1985	Authorizing representation in an area study relating to the implementation of Act 97.
R-87-2	9/8/1987	Honoring the Upper Salford Township Volunteer Fire Company for forty years of service to the community.
R-88-3B	8/9/1988	Resolving to authorize the opening of an account with Provident
R-88-4	10/11/1988	Designating as depository Harleysville National Bank and Trust Company.
R-88-5	10/11/1988	Designating as depository Harleysville National Bank and Trust Company.
R-88-6	10/11/1988	Designating as depository Sellersville Savings and Loan Association.
R-88-7	10/11/1988	Designating as depository Union National Bank and Trust Company.

R-88-8	10/11/1988	Designating as depository Hamilton Reliance Savings Association.
R-88-9	10/11/1988	Designating as depository First Federal Savings Association of Pottstown.
R-88-10	10/11/1988	Designating as depository Philadelphia Savings Fund Society
R-88-11	10/11/1988	Designating as depository Red Hill Savings and Loan Association.
R-88-12	10/11/1988	Designating as depository Ambler Savings and Loan Association.
R-88-13	10/11/1988	Designating as depository Harleysville Savings Association.
R-89-1	1/3/1989	Resolving that the Township parkland shall henceforth be known as William Rahmer Memorial Park.
89-2	1/3/1989	Authorizing the Township to join with other local government units as a member of the Pennsylvania Intergovernmental Risk Management Association.
R-89-4	1/14/1989	Requesting the Montgomery County Board of Elections to place on the ballot the question of licensing the conducting of small games of chance.
R-89-5	7/11/1989	Designating as depository Harleysville Savings Bank.
R-89-6	7/11/1989	Designating as depository Ambler Savings and Loan Association.
R-89-7	7/11/1989	Designating as depository Hill Financial Savings Association
R-89-8	7/11/1989	Designating as depository Philadelphia Savings Fund Society.
R-89-9	7/11/1989	Designating as depository First Federal Savings Association of Pottstown.
R-89-10	7/11/1989	Designating as depository Hamilton-Reliance Savings Association.
R-89-11	7/11/1989	Designating as depository Union National Bank and Trust Company.
R-89-12	7/11/1989	Designating as depository Sellersville Savings and Loan Association.
R-89-13	7/11/1989	Designating as depository Provident National Bank.
R-89-14	7/11/1989	Designating as depository Harleysville National Bank and Trust Company.
90-1	1990	Authorizing the Township to participate in the Federal Social Security Program.
R-90-1	1/2/1990	Designating as depository Delaware Group of Funds.
R-90-2	1/2/1990	Designating as depository Union National Bank and Trust Company.
R-90-3	1/2/1990	Designating as depository Provident National Bank
R-90-4	1/2/1990	Designating as depository Harleysville Savings Bank PASA.
R-90-5	1/2/1990	Designating as depository Harleysville National Bank and Trust Company.

R-90-6	1/2/1990	Designating as depository Hamilton-Reliance Savings Association.
R-90-7	1/2/1990	Designating as depository First Federal Savings and Loan Association.
R-90-8	1/2/1990	Designating as depository Ambler Savings and Loan Association.
R-90-9	1/2/1990	Designating as depository Meridian Bank.
R-90-11	2/13/1990	Designating as depository PSFS.
R-90-13	5/8/1990	Designating as depository Bucks County Bank.
R-90-17	11/13/1990	Designating as depository Sellersville Savings and Loan.
R-91-6	8/13/1991	Honoring Don Viola who is retiring as a member of the Planning Commission.
R-91-7	8/13/1991	Appointing the firm of H. A. Berkheimer Associates as delinquent tax collector for all earned income tax and delinquent per capita tax.
R-91-10	12/10/1991	Appointing the elected Tax Collector as the officer authorized to provide tax certifications upon request and to charge a fee for such certifications.
R-91-11	12/10/1991	Authorizing the treasurer to make bi-weekly payroll disbursements to Township employees and to pay certain other bills.
R-92-1	1/6/1992	Designating as depository the Harleysville National Bank.
R-92-2	1/6/1992	Designating as depository the Ambler Savings and Loan Association
R-92-3	1/6/1992	Designating as depository the Central Pennsylvania Savings.
R-92-4	1/6/1992	Designating as depository the Sellersville Savings and Loan.
R-92-5	2/10/1992	Designating as depository the Continental Bank.
R-92-6	2/10/1992	Designating as depository the Harleysville Savings.
R-92-9	7/14/1992	Authorizing the destruction of miscellaneous papers and records.
92-4	8/11/1992	Authorizing the Township to participate in contracts for goods, materials, or equipment entered into by the County of Montgomery.
R-92-10	8/11/1992	Honoring Howard Kriebel who is retiring as a member of the Board of Supervisors.
R-92-11	8/11/1992	Honoring Robert Hickson who is retiring as a member of the Board of Supervisors.
R-92-12	8/11/1992	Approving the Emergency Operations Plan of Upper Salford Township which should take effect immediately.
R-92-16	11/10/1992	Requesting permission to participate in the Commonwealth of Pennsylvania Co-operative Purchasing Program.
R-92-18	1992	Authorizing the Township to collect a tax on street lights within the Township at the rate of $0.45 per lineal foot of road frontage in Salfordville only.

R-94-1	1/3/1994	Adopting a proposed agricultural security area in the Township of Upper Salford.
R-96-4	3/18/1996	Designation of Agent to execute PEMA forms
R-96-6	8/13/1996	Authorizing submission of application for grant under Montgomery County Municipal Tree Planting Program.
R-97-3	5/13/1997	Authorizing the Upper Salford Volunteer Fire Company to seek reimbursement for hazardous abatement material, environmental incidents and safety and rescue responses.
R-97-9	9/22/1997	Authorization of submission of application for grant under Montgomery Co. Open Space Program.
R-97-10	9/15/1997	A Resolution honoring the Upper Salford Volunteer Fire Company on the occasion of the 50th anniversary of their establishment.
R-97-11	9/15/1997	A Resolution honoring the Upper Salford Volunteer Fire company Ladies' Auxiliary on the Occasion on the 50th anniversary of their establishment.
R-97-14	11/11/1997	The Board resolves and recognizes that the East Branch of the Perkiomen Creek is a vital and important natural resource for its residents and pledges to protect the East Branch of the Perkiomen Creek from degradation of its water quality and quantity.
R-97-18	11/11/1997	Authorizing submission of application for grant under Montgomery County Open Space Program.
R-97-21	12/9/1997	Authorizing inclusion of Township Supervisors in Township medical insurance plan; authorizing payment of premiums by Township.
R-98-12	8/11/1998	Authorizing certain Township Officials to perform banking transactions.
R-98-17	11/9/1998	A resolution regarding the participation of Upper Salford Township in the Act 167 Stormwater Management Study for the East Branch of the Perkiomen Creek.
99-2	3/24/1999	Authorizing participation in the Indian Valley Regional Planning Commission.
R-99-4	4/13/1999	Establishing rules and regulations for the use of video and audio taping and recording devices in public meetings.
R-99-6	6/8/1999	Adopting a sexual harassment policy
R-99-7	6/8/1999	Requesting permission to participate in the PA Dept. of General Services Cooperative purchasing program.
R-99-8	6/21/1999	Authorizing Upper Salford to participate as a member in the State Treasurer's Invest Program for Local Governments for the purpose of purchasing and redeeming shares of Invest.
R-99-10	7/13/1999	Granting the Souderton School District the requested variances from the BOCA Building Code as stated in the hearing held on May 21, 1999.
R-99-18	12/14/1999	Enacting the Upper Salford Budget for 2000

R-99-19	12/14/1999	Create the 2000 Complete Count Committee to partner with the Commonwealth of PA, the State Assoc. of Township Supervisors and the US Census Bureau to ensure every resident is counted in the 2000 census.
R-2000-1	1/17/2000	Authorizing a reduction in the Special Street Light Assessment for the fiscal year 2000 to $0.125 per linear front foot.
R-00-6	5/9/2000	Setting fees for the filing and processing of Conditional Use Application to the Board of Supervisors and substantive validity challenges to Zoning Ordinance.
R-00-7	7/11/2000	Supporting the efforts of the Montgomery County in its development of the Perkiomen Trail.
R-00-14	12/12/2000	Approval of Township budget
R-2001-2	3/13/2001	Honoring Christian Bean who is retiring as a member of the Planning Commission.
R-2001-4	3/13/2001	Honoring Michael Armstrong who is retiring as a member of the Planning Commission.
R-2001-5	7/10/2001	Approving form of application for subdivision and land development applications.
R-2001-9	12/11/2001	Authorizing an increase in the Special Street Light Assessment for fiscal Year 2002, to $0.40 per linear front foot.
R-2002-2	1/7/2002	Amending the budget of the Township of Upper Salford and instituting a tax levy of 0.65 mils on real property.
R-2002-3	1/7/2002	Honoring Gary Shelby who is retiring as a member of the Planning Commission.
R-2002-5	1/28/2002	Adoption of amended budget.
R-2002-6	3/12/2002	Setting a schedule of financial security for individual and community sewage disposal systems.
R-2002-10	4/9/2002	Approval of Intermunicipal transfer of liquor license.
R-2002-20	12/10/2002	Establishment of Open Records policy and procedure.
R-2003-3	5/13/2003	Honoring Salford Hills Elementary School on the occasion of the fiftieth anniversary of its establishment.
R-2003-4	6/18/2003	Adopting the Emergency Operations Plan of Upper Salford Township.
R-2003-6	9/9/2003	Establishing a limit of time for which Upper Salford Fire Police are authorized to attend to damaged or downed utility lines.
R-2003-7	9/9/2003	Authorizing the refund of real estate taxes paid by the Township treasurer upon certification by the Tax Collector.
R-2003-9	10/14/2003	Montgomery County Open Space Program Municipal Endorsement.
R-2003-9	12/9/2003	Adoption of budget and establishment of township tax levies for calendar year 2004.
R-2004-1	1/21/2004	Appointment of account firm under Section 917(b)(1) of the Second Class Code to perform duties of auditor of Township accounts for fiscal year 2003.
2004-1	7/8/2004	Adopting the Uniform Construction Code as the Building

		Code of the Township
R-2004-9	10/20/2004	Approving applications for inclusion in the Upper Salford Township Agricultural Security District.
R-2005-1	1/3/2005	New Fee Schedule
R-2005-3	2/8/2005	Authorizing and empowering local tax collector, Berkheimer, to impose and retain costs of collection on delinquent taxes.
R-2006-1	1/3/2006	Set compensation of the Planning Commission members at $25 per meeting attended.
R-2006-3	3/14/2006	Establishing protocol and procedures for receiving public comment at public meetings of the Board of Supervisors.
R-2006-6	6/13/2006	Designating the National Incident Management System (NIMS) as the basis for all incident management in Upper Salford Township.
R-2006-9	8/16/2006	Approving the participation of Upper Salford Township in the Indian Valley Regional Joint Appeals Board under the PA Uniform Construction Code and appointing a member from Upper Salford Township to that Board.
R-2006-15	12/12/2006	A resolution to participate in a cooperative purchase contract with the City of Harrisburg.
R-2006-17	12/12/2006	Designating the PA Dept. of Revenue as the agent for the township for the determination, collection and enforcement of realty transfer taxes.
R-2007-1	1/2/2007	Honoring and congratulating Christopher Imms on attaining the rank of Eagle Scout, Boy Scouts of America.
R-2007-3	3/13/2007	Adoption of new fee schedule.
R-2007-4	3/13/2007	Authorizing the filing of an application for PECO Green Regional Open Space Grant Program funding. (conservation easement – Old Goshenhoppen Church)
R-2007-13	11/13/2007	Establishing a policy for the review and approval of waivers and exemptions under Ordinance 2006-1.
R-2007-16	12/11/2007	Placement of signs on permanently preserved farms.
R-2008-1	1/7/2008	Authorizing inquiry into compliance with the PA Public Officials and Employee Ethics Act concerning a motion made and action taken by the Upper Salford Township Board of Supervisors on November 21, 2007.
R-2008-2	1/7/2008	Rescind the action of the Board of Supervisors of November 8, 2005 authorizing a Board designee and the Township Solicitor to conduct negotiations with TH Properties in any and all matters.
R-2008-3	1/7/2008	Establishing a policy concerning the setting of agenda for the regular monthly meetings of the Board of Supervisors and for providing for public access to the Board of Supervisors.
R-2008-4	1/7/2008	Approving the hiring of Kate Harper and Timoney Knox to advise on further action to appeal the order approving the stipulation of settlement or other measures to disapprove

		the settlement entered into with TH Properties on the Normandie development.
R-2008-5	2/11/2008	Authorizing certain Township Officials to perform banking transactions.
R-2008-15	9/9/2008	Designation of the National Incident Management System (NIMS) as the basis for incident management in Upper Salford Township.
R-2008-18	11/11/2008	Amending the fee resolution and establishing fees for review of submissions under Ordinance 2006-1 and for appeals to the Indian Valley Joint Appeals Board pursuant to Resolution 2006-9.
R-2009-1	1/5/2009	Recognizing and honoring Dorothy Terhune for her service to Upper Salford Township upon the occasion of her retirement.
R-2009-2	1/5/2009	Establishing a policy for response to requests for information under the PA Right to Know Law.
R-2009-4	3/10/2009	Honoring and congratulating Christopher Mark Krupp on attaining the rank of Eagle Scout, Boy Scouts of America.
R-2009-8	4/1/2009	Honoring and congratulating James Harvey Turnure III on attaining the rank of Eagle Scout, Boy Scouts of America.
R-2009-15	9/8/2009	Declaring the official intent of the Township of Upper Salford to reimburse expenditures for certain capital projects from the proceeds of a General Obligation Note that the township expects to issue within the next twelve months and declaring the intent of the Township to comply with the reimbursement regulations of the Internal Revenue Code.
2009-3	10/13/2009	Amend requirements for issuance of building permit to require disclosure of contractor registration under Act 132, Home Improvement Consumer Protection Act.
R-2009-16	12/8/2009	Recognizing and honoring Kenneth Hagey at the conclusion of his term of office as a Supervisor of Upper Salford Township.
R-2010-2	1/4/2010	Authorizing certain Township Officials to perform banking transactions.
R-2010-6	8/10/2010	In support of the Lower Perkiomen creek Watershed Conservation Plan and the listing of the Perkiomen Creek on the Pennsylvania Rivers conservation Registry.
R-2010-7	8/10/2010	Opposition to legislation to force merger and consolidation of local government.
R-2010-8	8/10/2010	Amending the fee resolution relating to applications for land development and subdivisions approving form of application for subdivision and land development applications.
R-2010-9	8/10/2010	Authorizing the participation of Upper Salford Township along with other southeastern Pennsylvania municipalities for legal, engineering and legislative services for stormwater regulatory support.

R-2010-10	8/10/2010	Designation of Agent to execute PEMA forms for February 2010 snow event.
R-2010-12	10/12/2010	Honoring and congratulating Theodore Poatsy III on attaining the rank of Eagle Scout, Boy Scouts of America.
R-2010-14	12/14/2010	Authorizing draw on Letter of Credit. (Weller Tract Subdivision)
R-2010-15	12/14/2010	Adoption of new fee schedule.
R-2011-1	2/8/2011	PA DOT and UST have agreed to use the dotGrants on-line reporting system to file the required Liquid Fuels forms annually; including but not limited to the MS-965, MS-329 and MS-999 forms.
R-2011-2	2/8/2011	Providing for an exemption to CMV driving time limits during emergencies.
R-2011-5	4/12/2011	Authorizing the Tax Collector to charge the cost of reimbursement for bank chargeback and NSF fees charged to the Tax Collector for checks deposited but unpaid by the maker's bank.

APPENDIX E

PLAN APPROVAL

Ord./Res.	Date	Subject
R-76-14	11/9/1976	Adopting the Wastewater Management Plan and endorsing the preparation of a "201" Facilities Plan for the East Branch Perkiomen Watershed.
R-82-7	12/14/1982	Resolving to cooperate with the planning requirements of Act 97, Pennsylvania Solid Waste Management Act.
R-96-3	5/14/96	Adopt the Upper Salford Township Open Space Plan.
R-96-8	10/8/1996	Approving the application of Edith and William Young and Herbert and Loretta Warriner for final plan approval.
R-96-9	12/10/1996	Approving the application of John H. and Jean Winner for final plan approval.
R-97-1	2/11/1997	Approving the application of The Church Foundation (Church of the Holy Spirit) for final land development plan approval.
R-97-2	5/13/1997	Approving the application of Raymond Jr. and Susan Diesinger for final plan approval.
R-97-7	8/12/1997	Approving the application of Brian Hunsberger for final Plan approval.
R-97-16	11/11/1997	Approving the application of John Membrino for final subdivision plan approval.
R-98-4	5/12/1997	Approving the application of Clifford and Consolacion Marks for final plan approval.
R-98-6	7/14/1998	Approving the application of Frederich and Jean Jabs for final subdivision plan approval.
R-98-8	8/11/1998	Denying the application of Joel Benner for preliminary plan of subdivision approval.
R-98-9	8/11/1998	Approving the application of Upper Salford Township for preliminary and final plan approval. (Ehst)
R-98-10	8/11/1998	Approving the application of Upper Salford Township for preliminary and final plan approval. (Saylor)
R-99-1	2/9/1999	Approving the application of estate of Charles Price for final subdivision plan approval.
R-99-2	3/9/1999	Approving the application of Estate of Mary Rogers for final subdivision plan approval.
R-99-5	6/8/1999	Approving the application of Bruce Clemens for final plan approval.
R-99-9	7/13/1999	Approving the application of Douglas and Phyllis Kevis for Preliminary and final plan approval. (Ron Minninger applicant)
R-99-12	8/10/1999	Approving the application of Telvil Corp. and John Garis Homes for final plan approval.
R-00-2	2/8/2000	Approving the application of Bernadette Loeb for final plan

		approval.
R-00-9	8/8/2000	Approving the application of Jeffrey Clemens for final plan approval. (Clemrock/Ziembicki)
R-00-11	9/12/2000	Approving the application of the Philadelphia Folk Song Society for final plan approval.
R-00-13	11/14/2000	Denying application of Hiram and Mary Jane Hershey for preliminary plan
R-2001-01	2/13/2001	Approving the application of Ruth Harker for final plan approval.
R-2001-03	3/15/01	Approving the application for Karl and Anne E. Ifert for final plan and approval.
R-2001-4	4/9/2001	Approving the application of Souderton Area School District for land development approval.
R-2001-08	12/11/2001	Approving the application of River Rock Properties LLC for final plan approval.
R-2002-1	1/7/2002	Approving the amended land development application for the Philadelphia Folk Song Society.
R-2002-11	5/14/2002	Approving the application of the Tabor United Methodist Church for final land development plan approval.
R-2002-15	8/13/2002	Approving the application of Carl Pedersen for final plan approval.
R-2002-16	10/8/2002	Approving the application of Ken Clemmer for final plan approval.
R-2002-18	11/12/2002	Approving the application of James and Lynn Davis for final plan approval.
R-2003-1	2/11/2003	Approving the application of Ernest and Susan Rosato and Thomas and Beth Swaintek for final plan approval of lot line adjustment.
R-2003-2	3/19/2003	Approving the application of Karl Ifert for final plan approval.
R-2004-2	3/9/2004	Approving the application of John R. Young & Co. and County of Montgomery for final plan approval.
R-2004-3	4/13/2004	Approving the application of Henry and Florence Schwemmer Jr. for final plan approval.
R-2004-4	5/11/2004	Approving the application of Andrew and Gwendolin Damiani, owners and Dennis Godshall Builder for final approval.
R-2004-5	7/21/2004	Approving the application of Covenant Community Church for final land development plan approval.
R-2004-7	8/18/2004	Approving the application of Sunnybrook Developers for final subdivision land development plan approval.
R-2005-2	2/8/2005	Approving the application of Spring Hill Realty for final land development plan approval. (Shelly Square)
R-2005-3	6/15/2005	Approving the application of Andrew and Gwendolyn Damiani for final plan approval.
R-2005-4	7/14/2005	Approving and adopting the Indian Valley Regional Comprehensive Plan as the Comprehensive plan of the

		Township of Upper Salford.
R-2005-6	10/19/2005	Approving the application of Whitehall Homes for preliminary plan approval. (1879 Church Road)
R-2005-7	10/19/2005	Approving the application of Spring Hill Realty for preliminary plan approval. (Westfield Estates)
R-2005-9	12/13/2005	Approving the application of Grainer Price Homes Harleysville for final plan approval. (Smith's Corner)
R-2005-10	12/13/2005	Approving and adopting the Upper Salford Township Open Space Plan of 2005.
R-2006-2	1/18/2006	Approving the application of Whitehall Homes for final plan approval. (1879 Church Road)
R-2006-4	3/14/2006	Approving the application of Spring Hill Realty for Phase I final plan approval. (Westfield Estates)
R-2006-5	6/21/2006	Approving the application of Telvil Corp. for Phase II final plan approval. (Vaughn Run II)
R-2006-13	11/14/2006	Approving the application of New Life Youth and Family Service for preliminary plan approval.
R-2006-14	12/12/2006	Approving the application of Eric Gehman and Karly Buckwalter for final plan approval.
R-2007-2	1/2/2007	Approving the application of Hiram and Mary Jane Hershey for preliminary plan approval.
R-2007-5	3/13/2007	Denying the application of WB Homes for preliminary plan approval.
R-2007-7	6/12/2007	Approving the application of Jeffrey Clemens for preliminary plan approval (Bunton Tract).
R-2007-9	8/15/2007	Approving the application of Jeffrey Clemens for final plan approval. (Bunton Tract)
R-2007-11	10/9/2007	Approving the application of Ruth Harker and Thomas and Audrey Harker for preliminary and final plan approval.
R-2007-12	10/17/2007	Approving the application of Hiram and Mary Jane Hershey for final plan of subdivision approval.
R-2007-17	12/19/2007	Approving and adopting an amendment to the Indian Valley Regional Comprehensive Plan and the Comprehensive Plan of the Township of Upper Salford.
R-2008-6	3/11/2008	Approving the application of Atlantis Properties for preliminary plan approval. (2250 Potato Road)
R-2008-7	4/8/2008	Approving the application of James and Dolores Bateman for preliminary plan approval.
R-2008-8	5/13/2008	Approving the application of James and Dolores Bateman for final plan approval.
R-2008-10	6/10/2008	Approving the application of Atlantis Properties for final plan approval. (2250 Potato Road)
R-2008-11	6/10/2008	Approving and adopting the 2007 Open Space Plan of the Township of Upper Salford.
R-2008-12	7/8/2008	Approving the application of New Life Youth and Family Services for Phase I final plan approval.

R-2008-13	8/12/2008	Approving the application of Jeffrey Clemens for final plan approval. (Wrschka)
R-2008-16	10/14/2008	Adopting the Montgomery County Natural Hazard Mitigation Plan.
R-2008-9	11/11/2008	Approving the application of John Campbell for preliminary plan approval. (Price)
R-2008-17	11/11/2008	Modifying the Phase 1 final plan approval concerning the application of New Life Youth and Family Services.
R-2009-9	7/21/2009	Approving the application of Andrew & Marilyn Lewis for preliminary and final plan approval.
R-2009-12	8/11/2009	Approving the application of John Campbell for final plan approval.
R-2009-17	12/8/2009	Approving the application of Barbara Faringer Living Trust and Stephen and Anita Imms Jr. for preliminary/final plan approval.
R-2010-11	9/14/2010	Approving the application of Karen Weiss and Kenneth and Carol Weiss for preliminary and final plan approval.
R-2011-3	3/8/2011	Approving the application of Spring Hill Realty for Phase II final plan approval. (Westfield Estates)
R-2011-9		Denying the land development application of THP

APPENDIX F.

PUBLIC PROPERTY

Ord./Res.	Date	Subject
R-4/4/1928		Resolving to sell a stone-crushing outfit at the price of $1,200.
R-2/5/1948		Resolving to bid for graders
67-4	8/8/1967	Resolving to designate and set apart certain land within the Township as public park and recreation area and providing for the acquisition thereof by eminent domain.
80-2	12/30/1980	Resolving that the parcel of land referred to as Upper Salford Township Park be returned to the status of being future parkland
R-80-11	11/11/1980	Authorizing the sale of one black walnut tree to the highest bidder.
R-94-4	12/13/1994	Authorizing the acquisition of a certain tract of land, known as Lot 2 as shown on the subdivision plan of Judy Faringer, situate on Old Skippack Road in the Township of Upper Salford for park and recreation purposes. Authorizing the filing of a declaration of taking condemning the same and the payment of estimated just compensation thereof.
R-97-15	11/11/1997	Giving conditional approval of the final annexation plan of Lot 2 (12+ acres) from the Winner property, 729 Salford Station Road, to the Upper Salford Park property.
R-98-1	4/20/1998	Approving the submission of an application to the Montgomery County Open Space Board for funding for the purchase of parkland.
R-98-2	5/12/1998	Authorizing the Board of Supervisors to execute such documents as are necessary to effect the purchase of the "Marks Tract" under the Montgomery County Open Space Program and the expenditure of funds.
R-98-3	5/12/1998	Accepting the conditions of the Resolution of January 8, 1998 of the Montgomery County Board of Commissioners regarding the acquisition of the "Marks" Tract under the Montgomery County Open Space Program.
R-98-5	6/9/1998	Accepting the conditions of the Resolution of May 14, 1998 of the Montgomery County Board of Commissioners regarding the acquisition of the "Ehst" Tract under the Montgomery County Open Space Plan.
R-98-15	8/11/1998	Accepting the conditions of the Resolution of July 9, 1998 of the Montgomery County Board of Commissioners regarding the acquisition of the "Saylor" Tract under the Montgomery County Open Space Program.

R-98-18	12/8/1998	Authorizing the acquisition of a certain tract of land situate on Schwenksville Road in the Township of Upper Salford Township for park and recreation purposes; authorizing the filing of a declaration of taking condemning the same, the execution of condemnation settlement agreement and the payment of estimated just compensation therefore. (Saylor)
R-98-19	12/8/1998	Authorizing the acquisition of a certain tract of land situate on Perkiomenville Rod in the Township of Upper Salford Township for park and recreation purposes; authorizing the filing of a declaration of taking condemning the same, the execution of a condemnation settlement agreement and the payment of estimated just compensation therefore. (Ehst)
R-98-20	12/8/1998	Authorizing the acquisition of a certain tract of land situate on Thompson and Moyer Roads in the Township of Upper Salford Township for park and recreation purposes; authorizing the filing of a declaration of taking condemning the same, the execution of a condemnation settlement agreement and the payment of estimated just compensation therefore. (Marks)
R-98-21	12/8/1998	Authorizing the Board of Supervisors to execute such documents as are necessary to effect the purchase of the "Ehst", "Marks" and "Saylor" Tracts under the Montgomery County Open Space Program and authorizing the expenditure of funds for such purposes.
R-99-3	3/24/1999	Statement of Official Intent thereby approving the increase of indebtedness for the purpose of acquisition of open space.
R-99-20	12/14/1999	Authorizing the acquisition of a certain tract of land situate on Schwenksville road in the township of Upper Salford for park and recreation purposes; authorizing the filing of a declaration of taking condemning the same, the execution of a condemnation settlement agreement and the payment of estimated just compensation therefore.
R-00-4	02/08/2000	Authorizing the acquisition of a certain tract of land situate in the Township of Upper Salford Township for Park and recreation purposes; authorizes the executive of a deed in lieu of condemnation. (Spring Mountain Winter Sports tract)
R-00-5	05/09/2000	Accepting the conditions of the Resolution of December 30, 1999 of the Montgomery county Board of Commissioners regarding the acquisition of the "Spring Mountain House" Tract under the Montgomery County Open Space Program.
R-2009-3	2/10/2009	Authorizing the execution of such documents as are necessary to effect the purchase of the certain real property identified as the Saylor Tract; to authorize the Board of execute and submit such applications as are required to see funding for the purchase of real property under the Montgomery County Green Fields/Green Towns Open

		Space Program and to authorize the expenditure of funds to effect the purchase. (Saylor Tract)
R-2009-5	3/10/2009	Authorizing the Board to execute and submit such applications as are required to seek funding under the Montgomery County Green Fields/Green Towns Open Space Program and to authorize the expenditure of funds to effect the settlement of litigation. (DeMeno)
R-2009-6	3/10/2009	Authorizing the Board to execute and submit such applications as are required to seek funding under the Montgomery county Green Fields/Green Towns Open Space Program and to authorize the expenditure of funds to effect the purchase of certain land identified as the "Johnson" tract located on Dieber Rod and located within Upper Salford and Lower Salford Townships.
R-2009-7	3/10/2009	Ratifying the agreement of sale for the purchase of a conservation agreement and to authorize the expenditure of funds to effect the purchase of a conservation easement together with the Montgomery County Lands Trust of lands owned by the Old Goshenhoppen Church.
R-2009-10	7/21/2009	Authorizing the Board of Supervisors of UST to select and appropriate by eminent domain certain real estate in Upper Salford Township in fee simple for park, recreational and other municipal purposes; authorizing the execution of an agreement of sale to acquire the property by deed in lieu of condemnation and authorizing the expenditure of funds sufficient to complete settlement and the retention of professional services to complete the studies and investigations required under the agreement of sale. (Salfordville Park)
R-2009-11	7/21/2009	Authorizing the Board of Supervisors of UST to select and appropriate by eminent domain certain real estate in Upper Salof Authorizing the Board of Supervisors of UST to select and appropriate by eminent domain certain real estate in Upper Salford Township in fee simple for park, recreational and other municipal purposes; authorizing the execution of an agreement of sale to acquire the property by deed in lieu of condemnation and authorizing the expenditure of funds sufficient to complete settlement and the retention of professional services to complete the studies and investigations required under the agreement of sale. (Saylor Tract)
R-2009-13	8/11/2009	Accepting the terms and conditions of the Approval of Grant under Montgomery County Green Fields/Green Towns Open Space Program concerning the real estate in Upper Salford Township known as the Spring Mountain House property.
R-2010-3	6/8/2010	Accepting the terms and conditions of the Approval of

		Grant under Montgomery county Green Fields/Green Towns Open Space Program concerning the real estate in Upper Salford Township known as the Saylor Property.
R-2010-4	7/13/2010	Accepting the terms and conditions of the Approval of Grant under Montgomery County Green Fields/Green Towns Open Space Program concerning the real estate in Upper Salford Township known as the Spring Mountain House Property.
R-2010-13	11/9/2010	Authorizing executive of application for compensation as may be necessary to obtain payment for such lands taken by the commonwealth of Pennsylvania, Department of Transportation. (ROW for Salford Station Road Bridge SR1024.

APPENDIX G

SEWERS

Ord./Res.	Date	Subject
R-1/1/1967		Resolving that the planning requirements of Act 537 should be accomplished at the County level and that the Township Supervisors will cooperate in preparing a plan for submission to the Department of Health.
R-7/13/1971		Resolving to accept and adopt the Montgomery County Sewage Facilities Plan.
R-12/12/1972		Resolving to support the County in the implementation of a regional sewage system.
R-77-3	8/9/1977	Adopting and submitting to the Department of Environmental Resources a revision to the official sewage plan of the Township.
R-80-10	9/9/1980	Resolving to establish a Sewer Study Commission.
R-97-17	11/11/1997	Resolution for Plan revision to the Township's Official Sewage Facility Plan for William Irvin, 434-436 Schwenksville Rd. (small flow stream discharge)
R-97-20	11/17/1997	Resolution for Plan revision to the Township's Official Sewage Facility Plan for William Seller, 2144 Old Skippack Pike. (small flow stream discharge)
R-98-14	8/11/1998	Resolution for Plan revision to the Township's Official Sewage Facility Plan for new land development for Clifford and Consolacion Marks.
R-99-15	10/12/1999	Resolution for plan revision to the Township's Official Sewage Facility Plan for Eva Dietrich, 861 Old Sumneytown Pike. (small flow stream discharge)
R-99-16	10/27/1999	Resolution for plan revision to the Township's Official Sewage Facility Plan for new land development for Telvil Corporation. (Vaughn Run)
R-99-17	11/9/1999	Resolution for pan revision to the Township's Official Sewage Facility Plan for Shirley Newton, 2901 Heather Dr. (small flow stream discharge)
R-2002-8	3/12/2002	Resolution for plan revision to the Township's Official Sewage Facility Plan for Michael and Lori Cassel, 1576 Salford Street. (small flow stream discharge)
R-2004-8	7/21/2004	Resolution for plan revision to the Township's Official Sewage Facility Plan for new land development for Covenant Community Church.
R-2005-8	11/8/2005	Resolution for plan revision to the Township's Official Sewage Facility Plan for new land development Spring Hill Realty (Westfield Estates)
R-2006-10	9/12/2006	Resolution for plan revision to the Township's Official Sewage Facility Plan for new land development for Eric Gehman/Karly Buckwalter, 1754 Wolford Road.

R-2007-6	4/10/2007	Resolution for plan revision to the Township's Official Sewage Facility Plan for new land development for Telvil Corp. (Vaughn Run II)
R-2007-10	9/11/2007	Resolution for plan revision to the Township's Official Sewage Facility Plan for new land development for Hershey Meadow.
R-2007-14	11/21/2007	Resolution for plan revision to the Township's Official Sewage Facility Plan for new land development for Jeffrey Clemens. (Bunton Tract)
R-2007-15	12/11/2007	Authorizing the Township Secretary to sign Section E of the Request for a Planning Waiver for the Harker Subdivision and forward the request to DEP.
R-2011-4	4/12/2011	Resolution for plan revision to the Township's Official Sewage Facility Plan for new land development. (Westfield Estates Phase II)

APPENDIX H

STREETS AND SIDEWALKS

This appendix contains an alphabetical listing of streets, and under each street a chronological listing of all ordained activities.

Name	Activity	Location	Ord./Res.	Date
Autumn Lane	Accept	From Winter Lane to its terminus	R-2002-12	8/13/2002
Baghurst Alley	Accept	From Perkiomen Branch of Reading Railroad to Hendricks Road	67-5	8/8/1967
Baghurst Alley	Rename	Now known as Baghurst Drive	84-3	8/14/1984
Baghurst Drive	Name	Formerly known as Baghurst Alley	84-3	8/14/1984
Bittersweet Drive	Improve	From Old Sumneytown Pike to a dead end	R-80-6	6/10/1980
Briar Ridge Lane	Accept	From Burton Road west -----	R-92-14	10/13/1992
Church Road	Improve	From Skippack Pike to Quarry Road	R-75-12	9/16/1975
Cooper Lane	Adopt	From Old Skippack Road to a point north	83-1	6/14/1983
Country View Lane	Accept	From Potato Road to Trisha Lane	R 96-1	1/2/1996
Dieber Road	Vacate	From Heflin Road to Larson Road	R-6/17/1953	
Dieber Road	Dedicate	From Heflin Road to adjoining stud road	R-6/17/1953	
Galen Lane	Accept	Clemmers Mill Road east ----	R-92-13	8/11/1992
Gladys Way	Accept	From Bergey Road northwest to place of beginning	R-91-9	12/10/1991
Harmon Road	Improve	From Salford Station Road to Salford Street	R-75-14	9/23/1975
Harmon Road	Pave	Approximately 1,511 lineal ft.	R-76-8	4/13/1976
Oak Lane	Improve	From Old Skippack Road to Bittersweet Drive	R-80-7	6/10/1980
Old Church Road	Vacate	From Church Road to Skippack Road	66-5	11/8/1966
Old Church Road	Improve	South side, east from Salford Station Road	R-73-4	1973
Old Church Road	Improve	Approximately 3,600 feet on west side of Hendricks Road	R-73-4	1973
Old Church Road	Improve	Approximately 360 feet on southeast side of Quarry Road at stream crossing	R-73-4	1973
Overlook Lane	Open	From Skippack Road to a	83-2	6/14/1983

		point north		
Pinecrost Place	Accept	From Briar Ridge Lane west -- --	R-92-15	10/13/1992
Quarry Road	Improve	From Old Skippack Pike to Salford Street	R-75-13	8/12/1975
Rostkowski Road	Accept	From Camp Green Lane Road to Township Line	R-90-19	1990
Shady Lane	Accept	From Sumneytown Pike south to place of beginning	R-90-19	1990
Shelly Road	Vacate	That portion replaced by a new section of highway and abandoned by the Commonwealth	R-1/13/1954	
Shelly Road	Dedicate	That section southeast of newly paved section of said road	R-1/13/1954	
Skyview Lane	Accept	Perkiomenville Road north to place of beginning	R-92-17	12/8/1992
Stone Hill Road	Accept	Accepting Stone Hill Road as a public road of Upper Salford Township, accepting a right of way from Stone Hill Road to the property line between lots 6 and 7, accepting a 25 foot wide park access and accepting the ultimate right of way of Sumneytown Road.	R-2003-8	9/17/2003
Trisha Lane	Accept	From Country View Lane to end	R 96-2	1/2/96
Unnamed road	Close	From farm of David Cassell to terminus of the bridge spanning Branch Creek	R-1/4/1928	
Unnamed road	Vacate	From Pennebacker Mills and public road in Lower Salford	R-1/4/1928A	
Unnamed road	Pave	From Salfordville to Bergey P. O.	R-5/2/1928	
Unnamed road	Improve	From Woxall to Salford Station	R-12/1928A	
Unnamed road	Improve	From Walt School to Lower Salford Line 1 mile	R-12/1928A	
Unnamed road	Improve	From road below Salfordville to Shelly Corner 1 mile	R-12/1928A	
Unnamed road	Improve	From Salford Station Road to Skippack Road to Rt. 198	R-12/20/1929	
Unnamed road	State to take over	From Salfordville to Salford Station Railroad Crossing	R-6/8/1951	
Unnamed road	Vacate	From Dieber Road to Lower Salford Township line	R-6/17/1953	

Wolford Road	Improve	From Old Skippack Pike to Salford Station	R-76-11	7/13/1976
Woxall Road	Pave	From Goshenhoppen Church to Clemmer's Mill	R-2/8/1950	
Shelly Road	Weight limitation	Establish weight limitations and restrictions for public use of Shelly Road	2002-3	3/11/2002
Wolford Road and Old Skippack Road	Parking Regulation	Regulating parking at the Southwestern side of the intersection of Wolford Road and Old Skippack Road at the Salfordville Post Office	2003-1	9/9/2003
Shelly Road	Weight limitation	Clarify established weight limitations and restrictions for the public use of Shelly Road.	2011-3	6/14/2011

APPENDIX I

WATER

Ord./Res.	Date	Subject
R-82-2	3/9/1982	Resolving to hold public hearings on the subject of water quality with respect to the Point Pleasant Diversion Plan

APPENDIX J

ZONING; PRIOR ORDINANCES

Ord./Res.	Date	Subject
2/13/1957		1957 Zoning Ordinance; superseded by Ord. 68-4
R-89-3	1-3-1989	Zoning permits obtained prior to December 1983 and not used be declared null and void after one year from date of this resolution.

APPENDIX K

ORDINANCE HISTORY

CHAPTER 1 – ADMINISTRATION AND GOVERNMENT	
§1-101	Ord. 95-7, 11/14/1995
§1-102	Ord. 95-7, 11/14/1995
§1-111	Ord. 85-2, 2/12/1985, amended by Ord. 2016-1, 1/4/16
§1-112.A	Res. 91-10, 12/10/1991, amended by Ord. 2016-1, 1/4/16
§1-112.B	Res. 2011-5, 4/12/2011, amended by Ord. 2016-1, 1/4/16
§1-112.C	Res. 2011-5, 4/12/2011, amended by Ord. 2016-1, 1/4/16
§1-201	Ord. 72-4, 9/12/1972
§1-202	Ord. 72-4, 9/12/1972
§1-203	Ord. 72-4, 9/12/1972
§1-204	Ord. 72-4, 9/12/1972
§1-205	Ord. 72-4, 9/12/1972
§1-206	Ord. 2016-1, 1/4/16
§1-301	Ord. 63-4, 6/11/1963
§1-302	Ord. 63-4, 6/11/1963, amended by Ord. 2016-1, 1/4/16
§1-303	Ord. 63-4, 6/11/1963
§1-304	Ord. 63-4, 6/11/1963, amended by Ord. 94-3, 12/13/94
§1-401	Ord. 93-1, 7/13/1993, amended by Ord. 2016-1, 1/4/16
§1-402	Ord. 93-1, 7/13/1993, amended by Ord. 2016-1, 1/4/16
§1-403	Ord. 93-1, 7/13/1993, amended by Ord. 94-1, 1/3/94 and Ord. 2016-1, 1/4/16
§1-411	Ord. 94-3, 12/13/1994, amended by Ord. 2016-1, 1/4/16
§1-412	Ord. 94-3, 12/13/1994, amended by Ord. 2016-1, 1/4/16
§1-413	Ord. 94-3, 12/13/1994, amended by Ord. 2016-1, 1/4/16
§1-501	Ord. 95-3, 8/8/1995
§1-502	Ord. 95-3, 8/8/1995
§1-503	Ord. 95-3, 8/8/1995
§1-504	Ord. 95-3, 8/8/1995
§1-505	Ord. 95-3, 8/8/1995
§1-506	Ord. 95-3, 8/8/1995
§1-507	Ord. 95-3, 8/8/1995
§1-508	Ord. 95-3, 8/8/1995
§1-509	Ord. 95-3, 8/8/1995
§1-601	Ord. 2005-4, 7/14/05
§1-701	Ord. 2004-2, 12/17/04, amended by Ord. 2016-1, 1/4/16
§1-702	Ord. 2004-2, 12/17/04, amended by Ord. 2016-1, 1/4/16
§1-703	Ord. 2004-2, 12/17/04, amended by Ord. 2016-1, 1/4/16
§1-704	Ord. 2004-2, 12/17/04, amended by Ord. 2016-1, 1/4/16
§1-705	Ord. 2004-2, 12/17/04, amended by Ord. 2016-1, 1/4/16
§1-706	Ord. 2004-2, 12/17/04, amended by Ord. 2016-1, 1/4/16
§1-707	Ord. 2004-2, 12/17/04, amended by Ord. 2016-1, 1/4/16
§1-708	Ord. 2004-2, 12/17/04, amended by Ord. 2008-1, 10/14/08,

	Ord. 2011-2, 4/12/11 and Ord. 2016-1, 1/4/16
§1-709	Ord. 2004-2, 12/17/04, amended by Ord. 2016-1, 1/4/16
§1-710	Ord. 2004-2, 12/17/04, amended by Ord. 2016-1, 1/4/16
§1-711	Ord. 2001-2, 12/17/04, amended by Ord. 2016-1, 1/4/16
§1-712	Ord. 2001-2, 12/17/04, amended by Ord. 2016-1, 1/4/16
§1-801	Ord. 2016-1, 1/4/16
§1-802	Ord. 2016-1, 1/4/16
§1-803	Ord. 2016-1, 1/4/16
§1-804	Ord. 2016-1, 1/4/16
CHAPTER 2 – ANIMALS – reserved for future use	
CHAPTER 3 – BICYCLES – reserved for future use	
CHAPTER 4 – BUILDING	
§4-101	Ord. 74-3, 6/11/1974
§4-102	Ord. 74-3, 6/11/1974
§4-103	Ord. 74-3, 6/11/1974
§4-104	Ord. 74-3, 6/11/1974, amended by Ord. 94-3, 12/13/1994
CHAPTER 5 – CODE ENFORCEMENT	
Ord. 88-1, 2/3/88, Ord. 91-6, 12/10/91 and Ord. 92-2, 4/14/92 replaced by following:	
§5-101	Ord. 2004-1, 7/8/2004, amended by Ord. 2016-1, 1/4/16
§5-102	Ord. 2004-1, 7/8/2004, amended by Ord. 2016-1, 1/4/16
§5-103	Ord. 2004-1, 7/8/2004, amended by Ord. 2016-1, 1/4/16
§5-104	Ord. 2004-1, 7/8/2004, amended by Ord. 2016-1, 1/4/16
§5-105	Ord. 2023-1 1/3/23
§5-201	Res. 2006-9, 8/16/2006, amended by Ord. 2016-1, 1/4/16
§5-202	Res. 2006-9, 8/16/2006, amended by Ord. 2016-1, 1/4/16
§5-203	Res. 2006-9, 8/16/2006, amended by Ord. 2016-1, 1/4/16
§5-204	Ord. 2016-1, 1/4/16
CHAPTER 6 – CONDUCT	
§6-101	Ord. 89-11, 6/13/1989
§6-102	Ord. 89-11, 6/13/1989
§6-103	Ord. 89-11, 6/13/1989
§6-104	Ord. 89-11, 6/13/1989
§6-105	Ord. 89-11, 6/13/1989
§6-106	Ord. 89-11, 6/13/1989
§6-107	Ord. 89-11, 6/13/1989, amended Ord. 2016-1, 1/4/16
§6-108	Ord. 89-11, 6/13/1989, amended by Ord. 94-3, 12/13/1994 and Ord. 2016-1, 1/4/16
CHAPTER 7 – FIRE PREVENTION AND FIRE PROTECTION	
§7-101	Ord. 89-1, 1/3/1989, amended by Ord. 93-2, 12/14/1993
§7-102	Ord. 89-1, 1/3/1989
§7-103	Ord. 89-1, 1/3/1989
§7-104	Ord. 89-1, 1/3/1989, amended by Ord. 93-2, 12/14/1993, Ord. 94-3, 12/13/1994, and Ord. 2016-1, 1/4/16
§7-105	Ord. 89-1, 1/3/1989, amended by Ord. 93-2, 12/14/1993
CHAPTER 8 – FLOODPLAINS – reserved for future	
CHAPTER 9 – GRADING AND EXCAVATION – reserved for future use	
CHAPTER 10 – HEALTH AND SAFETY – reserved for future use	
CHAPTER 11 - HOUSING	

§11-101	Ord. 90-2, 6/12/1990, amended by Ord. 2016-1, 1/4/16
§11-102	Ord. 90-2, 6/12/1990, amended by Ord. 2016-1, 1/4/16
§11-103	Ord. 90-2, 6/12/1990, amended by Ord. 2016-1, 1/4/16
§11-104	Ord. 90-2, 6/12/1990, amended by Ord. 2016-1, 1/4/16
§11-105	Ord. 90-2, 6/12/1990, eliminated by Ord. 2016-1, 1/4/16
§11-106	Ord. 90-2, 6/12/1990, amended by Or. 94-3, 12/13/1994, eliminated by Ord. 2016-1, 1/14/16
CHAPTER 12 – LIBRARIES – reserved for future use	
§12-101	Ord. 2016-1, 1/4/16
CHAPTER 13 – LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS	
§13-101	Ord. 90-4, 6/12/1990
§13-102	Ord. 90-4, 6/12/1990, amended by Ord. 2016-1, 1/4/16
§13-103	Ord. 90-4, 6/12/1990, amended by Ord. 2016-1, 1/4/16
§13-104	Ord. 90-4, 6/12/1990, amended by Ord. 2016-1, 1/4/16
§13-105	Ord. 90-4, 6/12/1990, amended by Ord. 2016-1, 1/4/16
§13-106	Ord. 90-4, 6/12/1990
§13-107	Ord. 90-4, 6/12/1990, amended by Ord. 2016-1, 1/4/16
§13-108	Ord. 90-4, 6/12/1990, amended by Ord. 2016-1, 1/4/16
§13-109	Ord. 90-4, 6/12/1990, amended by Ord. 2016-1, 1/4/16
§13-201	Ord. 82-3, 6/8/1982
§13-202	Ord. 82-3, 6/8/1982
§13-203	Ord. 82-3, 6/8/1982
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§27-101	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-102	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-103	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-104	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-200	Ord. 2005-3, 7/14/05
§27-201	Ord. 2005-3, 7/14/05
§27-202	Ord. 2005-3, 7/14/05
§27-203	Ord. 2005-3, 7/14/05
§27-204	Ord. 2005-3, 7/14/05

§27-205	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-206	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-207	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-208	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-209	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-210	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-211	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-212	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-213	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-214	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-215	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-216	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-217	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-218	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-219	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-220	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-221	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-222	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-223	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-224	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16 and Ord 2021-2, 6/8/21
§27-225	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-226	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-227	Ord. 2005-3, 7/14/05, amended by Ord. 2009-1, 5/12/09 and Ord. 2016-1, 1/4/16
§27-228	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-229	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-230	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-231	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-232	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-233	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-234	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-235	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-236	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-237	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-238	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-239	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
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§27-250	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-251	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16

§27-252	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-253	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-254	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-255	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-256	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-257	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
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§27-259	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-260	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-261	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-262	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-263	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-264	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-265	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-266	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
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§27-270	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
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§27-272	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
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§27-274	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
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§27-278	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-279	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
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§27-281	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-281	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
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§27-283	Ord. 2005-3, 7/14/05, amended by Or. 2010-3, 9/14/10 and Ord. 2016-1, 1/4/16
§27-284	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-300	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-301	Ord. 2005-3, 7/14/05
§27-302	Ord. 2005-3, 7/14/05, amended by Ord. 2009-1, 5/12/09
§27-303	Ord. 2005-3, 7/14/05
§27-304	Ord. 2005-3, 7/14/05, amended by Ord. 2009-1, 5/12/09, Ord. 2010-3, 9/14/10, Ord. 2016-1, 1/4/16
§27-400	Ord. 2005-3, 7/14/05
§27-401	Ord. 2005-3, 7/14/05
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§27-502	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16

§27-600	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-601	Ord. 2005-3, 7/14/05, amended by Ord. 2009-1, 5/12/09
§27-602	Ord. 2005-3, 7/14/05, amended by Ord. 2009-1, 5/12/09, and Ord. 2016-1, 1/4/16
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§27-901	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-902	Ord. 2005-3, 7/14/05, amended by Ord. 2009-1, 5/12/09, and Ord. 2016-1, 1/4/16
§27-903	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-904	Ord. 2005-3, 7/14/05
§27-1100	Ord. 2005-3, 7/14/05
§27-1101	Ord. 2005-3, 7/14/05
§27-1102	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-1103	Ord. 2005-3, 7/14/05
§27-1104	Ord. 2005-3, 7/14/05
§27-1105	Ord. 2005-3, 7/14/05
§27-1200	Ord. 2005-3, 7/14/05
§27-1201	Ord. 2005-3, 7/14/05, amended by Ord. 2009-1, 5/12/09 and Ord. 2010-3, 9/14/10
§27-1202	Ord. 2005-3, 7/14/05, amended by Ord. 2009-1, 5/12/09
§27-1203	Ord. 2005-3, 7/14/05
§27-1204	Ord. 2005-3, 7/14/05
§27-1300	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-1301	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-1302	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-1303	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
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§27-1401	Ord. 2005-3, 7/14/05, amended by Ord. 2009-1, 5/12/09
§27-1402	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-1403	Ord. 2005-3, 7/14/05
§27-1404	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-1405	Ord. 2005-3, 7/14/05
§27-1500	Ord. 2005-3, 7/14/05
§27-1501	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-1502	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-1503	Ord. 2005-3, 7/14/05
§27-1504	Ord. 2005-3, 7/14/05
§27-1600	Ord. 2005-3, 7/14/05
§27-1601	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-1602	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-1603	Ord. 2005-3, 7/14/05, amended by Ord. 2009-1, 5/12/09
§27-1604	Ord. 2005-3, 7/14/05
§27-1605	Ord. 2005-3, 7/14/05
§27-1606	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-1607	Ord. 2005-3, 7/14/05
§27-1608	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16

§27-1609	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-1610	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-1611	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-1612	Ord. 88-6, 10/11/88, amended by Ord. 2005-3, 7/14/05
§27-1613	Ord. 2005-3, 7/14/05
§27-1614	Ord. 2005-3, 7/14/05
§27-1615	Ord. 2005-3, 7/14/05
§27-1700	Ord. 2005-3, 7/14/05
§27-1701	Ord. 2005-3, 7/14/05
§27-1702	Ord. 2005-3, 7/14/05
§27-1703	Ord. 2005-3, 7/14/05
§27-1704	Ord. 2005-3, 7/14/05
§27-1705	Ord. 2005-3, 7/14/05
§27-1706	Ord. 2005-3, 7/14/05
§27-1707	Ord. 2005-3, 7/14/05
§27-1800	Ord. 2005-3, 7/14/05
§27-1801	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-1802	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-1803	Ord. 2005-3, 7/14/05
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§27-1806	Ord. 2005-3, 7/14/05
§27-1807	Ord. 2005-3, 7/14/05
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§27-1900	Ord. 2005-3, 7/14/05
§27-1901	Ord. 2005-3, 7/14/05, amended by Ord. 2009-1, 5/19/09, amended by Ord. 2016-1, 1/4/16, amended by Ord 2021-1, 2/9/21
§27-1902	Ord. 2005-3, 7/14/05
§27-1903	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-1904	Ord. 2005-3, 7/14/15
§27-2000	Ord. 2005-3, 7/14/05
§27-2001	Ord. 2005-3, 7/14/05
§27-2002	Ord. 2005-3, 7/14/05
§27-2003	Ord. 2005-3, 7/14/05, amended by Ord. 2010-3, 9/14/10
§27-2004	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-2005	Ord. 2005-3, 7/14/05
§27-2006	Ord. 2005-3, 7/14/05, amended by Ord. 2010-1, 1/14/10, Ord. 2010-3, 9/14/10, and Ord. 2016-1, 1/4/16
§27-2007	Ord. 2005-3, 7/14/05
§27-2008	Ord. 2005-3, 7/14/05
§27-2100	Ord. 2005-3, 7/14/05
§27-2101	Ord. 2005-3, 7/14/05, amended by Ord. 2009-1, 5/12/09
§27-2102	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-2103	Ord. 2005-3, 7/14/05
§27-2200	Ord. 2005-3, 7/14/05
§27-2201	Ord. 2005-3, 7/14/05, amended by Ord. 2009-1, 5/12/09 and 2010-3, 9/14/10

§27-2202	Ord. 2005-3, 7/14/05
§27-2203	Ord. 2005-3, 7/14/05
§27-2204	Ord. 2005-3, 7/14/05
§27-2205	Ord. 2005-3, 7/14/05
§27-2206	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-2207	Ord. 2005-3, 7/14/05
§27-2208	Ord. 2005-3, 7/14/05
§27-2209	Ord. 2005-3, 7/14/05
§27-2210	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-2211	Ord. 2005-3, 7/14/05
§27-2212	Ord. 2005-3, 7/14/05
§27-2213	Ord. 2005-3, 7/14/05
§27-2214	Ord. 2005-3, 7/14/05
§27-2215	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-2216	Ord. 2005-3, 7/14/05
§27-2217	Ord. 2005-3, 7/14/05, amended by Ord. 2009-1, 5/12/09
§27-2218	Ord. 2005-3, 7/14/05
§27-2219	Ord. 2005-3, 7/14/05
§27-2220	Ord. 2005-3, 7/14/05, amended by Ord. 2009-1, 5/12/09
§27-2221	Ord. 2005-3, 7/14/05
§27-2222	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-2223	Ord. 2005-3, 7/14/05
§27-2224	Ord. 2005-3, 7/14/05, amended by Ord. 2009-1, 5/12/09 and Ord. 2016-1, 1/4/16
§27-2225	Ord. 2005-3, 7/14/05
§27-2300	Ord. 2005-3, 7/14/05
§27-2301	Ord. 2005-3, 7/14/05, amended by Ord. 2009-1, 5/12/09 and Ord. 2016-1, 1/4/16
§27-2302	Ord. 2005-3, 7/14/05
§27-2303	Ord. 2005-3, 7/14/05
§27-2304	Ord. 2005-3, 7/14/05
§27-2400	Ord. 2005-3, 7/14/05, amended by Ord. 2009-1, 5/12/09
§27-2401	Ord. 2005-3, 7/14/05
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§27-2403	Ord. 2005-3, 7/14/05
§27-2404	Ord. 2005-3, 7/14/05
§27-2405	Ord. 2005-3, 7/14/05
§27-2406	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-2407	Ord. 2005-3, 7/14/05
§27-2408	Ord. 2002-1, 1/28/02, amended by Ord. 2005-3, 7/14/05, and Ord. 2009-1, 5/12/09
§27-2409	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-2410	Ord. 2005-3, 7/14/05, amended by Ord. 2016-1, 1/4/16
§27-2411	Ord. 2005-3, 7/14/05
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§27-2604	Ord. 2005-3, 7/14/05

APPENDIX L

OFFICIAL MAPS AND PLANS

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Plans:

Indian Valley Regional Comprehensive Plan, adopted by Resolution 2015-8, October 13, 2015; incorporated in Code by Ordinance 2016-1, January 4, 2016

Upper Salford Township Greenway Guidebook, dated August 6, 2013; adopted by Ordinance 2016-1, January 4, 2016

Open Space and Recreation Plan, adopted by Resolution 2008-11, June 10, 2008; incorporated in Code by Ordinance 6016-1, January 4, 2016

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Streets and Sidewalks · *See* Chapter 21, Streets and Sidewalks, Driveways, Road Occupancy, Sidewalks, Repairs, Snow Removal
Subdivision and Land Development · *See* Chapter 22, Subdivision and Land Development
Swimming Pools · *See* Chapter 23, Swimming Pools, Chapter 27, Zoning, Chapter 5, Code Enforcement

T

Tax Collector, Compensation · *See* Chapter 1, Administration and Government
Taxation, Special · *See* Chapter 24, Taxation, Special
Township Supervisors, Compensation · *See* Chapter 1, Administration and Government
Traffic and Parking Regulations · *See* Chapter 15, Motor Vehicles

Transient Retail Merchants · *See* Chapter 13, Licenses, Permits and General Business Regulations
Trees · *See* Chapter 25, Trees; Chapter 22, Subdivision and Land Development, Chapter 27, Zoning

U

Uniform Construction Code · *See* Chapter 5, Code Enforcement, Building Code

V

Vehicles, Removal and Impoundment · *See* Chapter 15, Motor Vehicles

W

Water · *See* Chapter 26, Water; Chapter 22, Subdivision and Land Development, Chapter 27, Zoning

Z

Zoning · *See* Chapter 27, Zoning

Figure V-1
PLAN PROCESSING PROCEDURE

1a Sketch Plan (Optional)

Section 501

Diagrammatic Sketch Plan
(Residential Developments < 10 acres and < 5 lots)
Plan Submission 14 days prior to Planning Commission meeting. (Section 501.A)

↓

Site Inspection

↓

Planning Commission Review

Diagrammatic Sketch Plan and Site Analysis Map
(All nonresidential and residential developments 10 acres or greater or > 4 lots)
Plan Submission 14 days prior to Planning Commission meeting. (Section 501.B)

↓

Site Inspection

↓

Planning Commission Review

1b No Sketch Plan Submitted

↓

2a Preliminary Plan

Section 502
(90-Day Review)

→ Plan Submission 14 days prior to Planning Commission meeting

↓

Review by outside agencies

↓

Planning Commission Review and Recommendation

↓

Governing Body Disapproval/Approval

2b Conceptual Preliminary Plan

Section 503.B
(30-day Review)

Plan Submission 14 days prior to Planning Commission meeting

↓

Site Inspection

↓

Planning Commission Review

Detailed Preliminary Plan

Section 503.C
(60-day Review)

Plan Submission prior to end of 30-day conceptual preliminary plan review process

↓

Review by outside agencies

↓

Planning Commission Review and Recommendation

↓

Governing Body Disapproval/Approval

3 Final Plan

Section 504
(90-day Review)

→ Submission of 5 copies of plan

↓

Review by outside agencies (as necessary)

↓

Governing Body Disapproval/Approval

Figure VI-1

UPPER SALFORD TOWNSHIP

MONTGOMERY COUNTY, PENNSYLVANIA

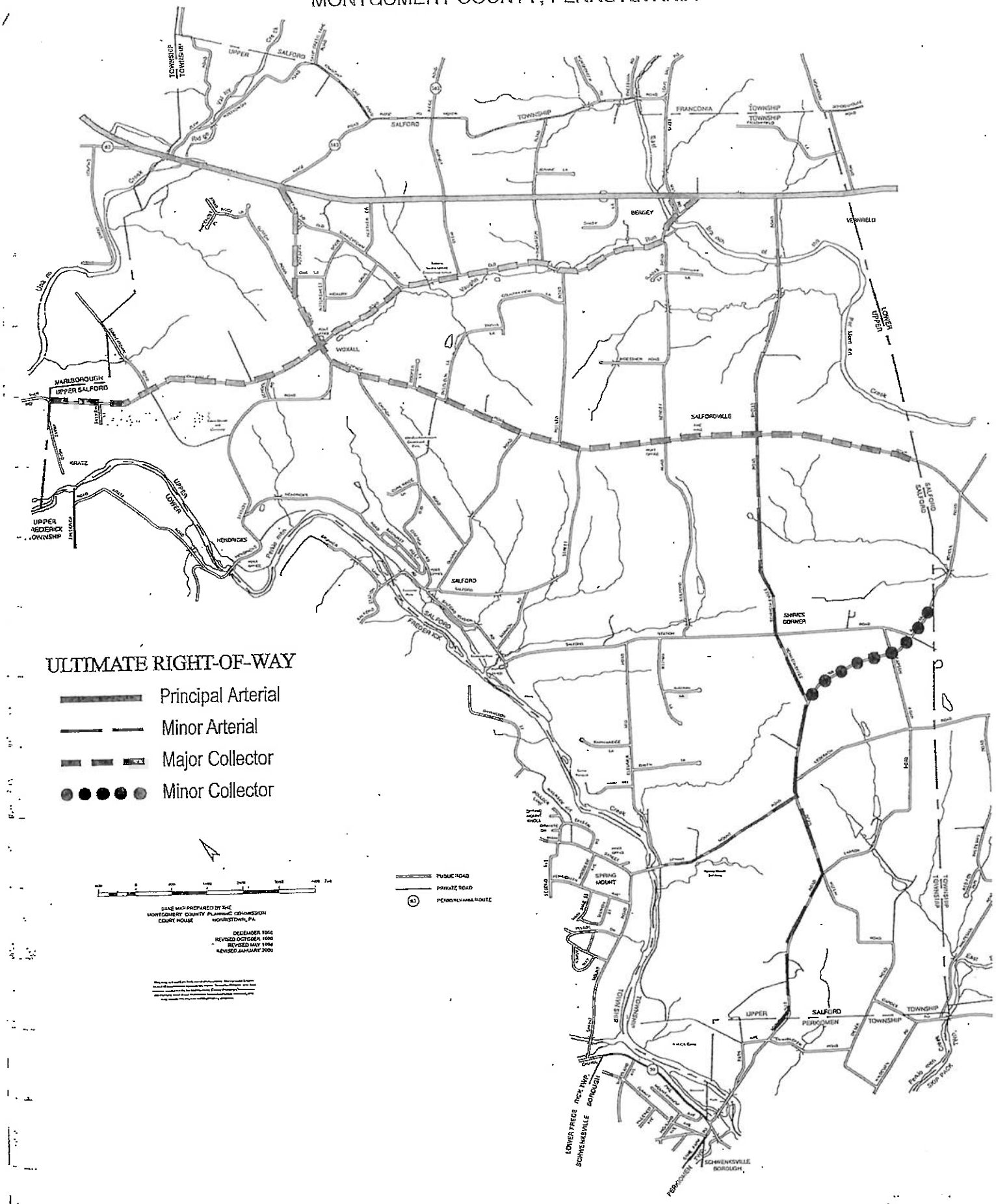


Figure VI-2

HIGHWAY FUNCTIONAL CLASSIFICATION AND STANDARDS

Functional Classification	Street Name	Right-of-Way Village*/Rural (feet)	Lanes	Cartway (feet)	Parking	Curbing	Clear Area (feet)		Border Area	
							Shoulders	Drainage & Grading	Grass	Sidewalks
Principal Arterial	Sumneytown Pike (Route 63)	- / 100	2 - 5	24 - 64	No		8 - 10		8 - 12	4
Minor Arterial	Shelly Road Schwenksville Road	60 / 80	2 - 5	24 - 64	No	Optional	8 - 10	12 - 20	Optional**	Optional**
Major Collector	Old Skippack Road Perkiomenville Road Spring Mountain Road Old Sumneytown Pike (between Perkiomenville Rd. and Sumneytown Pike)	60 / 80	2 - 5	24 - 64	No	Optional	6	6 - 12	Optional**	Optional**
Minor Collector	Grubb Road	- / 60	2 - 3	24 - 36	No	Optional	4 - 6	6 - 14	Optional**	Optional**
Local Roads										
Residential (within subdivision)		- / 50	2	20	No	Optional			3	4
		- / 50	2	28	One-Side	Optional			3	4
		- / 50	2	36	Both-Sides	Optional			3	4
(one-way traffic)		- / 30	1	18	One-Side	Optional			3	4
(rural)		- / 50	2	20	No	Optional	4	6 - 14		
Nonresidential (within subdivision)		- / 50	2 - 3	32 - 48	No	Optional			3	4
Marginal Access		- / 40	2	26	One-Side	Optional			3	4

* Refers to the villages of Woxall and Salfordville.

** These standards may be required where the roadway abuts residences or businesses.

Figure VI-3

INTERSECTION AND ROADWAY ALIGNMENT STANDARDS

(all standards listed in feet)

Functional Classification	Intersection Spacing		Clear Site Triangle	Radius	Vertical Curve Length		Horizontal Curve Radius (centerline)
	Village	Rural			Crest 3%/5%/7%	Sag 3%/5%/7%	
Principal Arterial	400	800	125	15			
Minor Arterial	400	800	125	15			
Major Collector	300	600	100	15	85/140/200	105/175/245	300-500
Minor Collector	300	400	100	15	85/140/200	105/175/245	150-300
Local Road	300	300	75	15	50/75/105	60/100/140	300-500
Residential (within subdivision)	125	125	75	15	50/75/105	60/100/140	300-500
Nonresidential (within subdivision)	125	125	75	15	50/75/105	60/100/140	300-500

Figure VI-4

PLANTING STRIP LOCATIONS

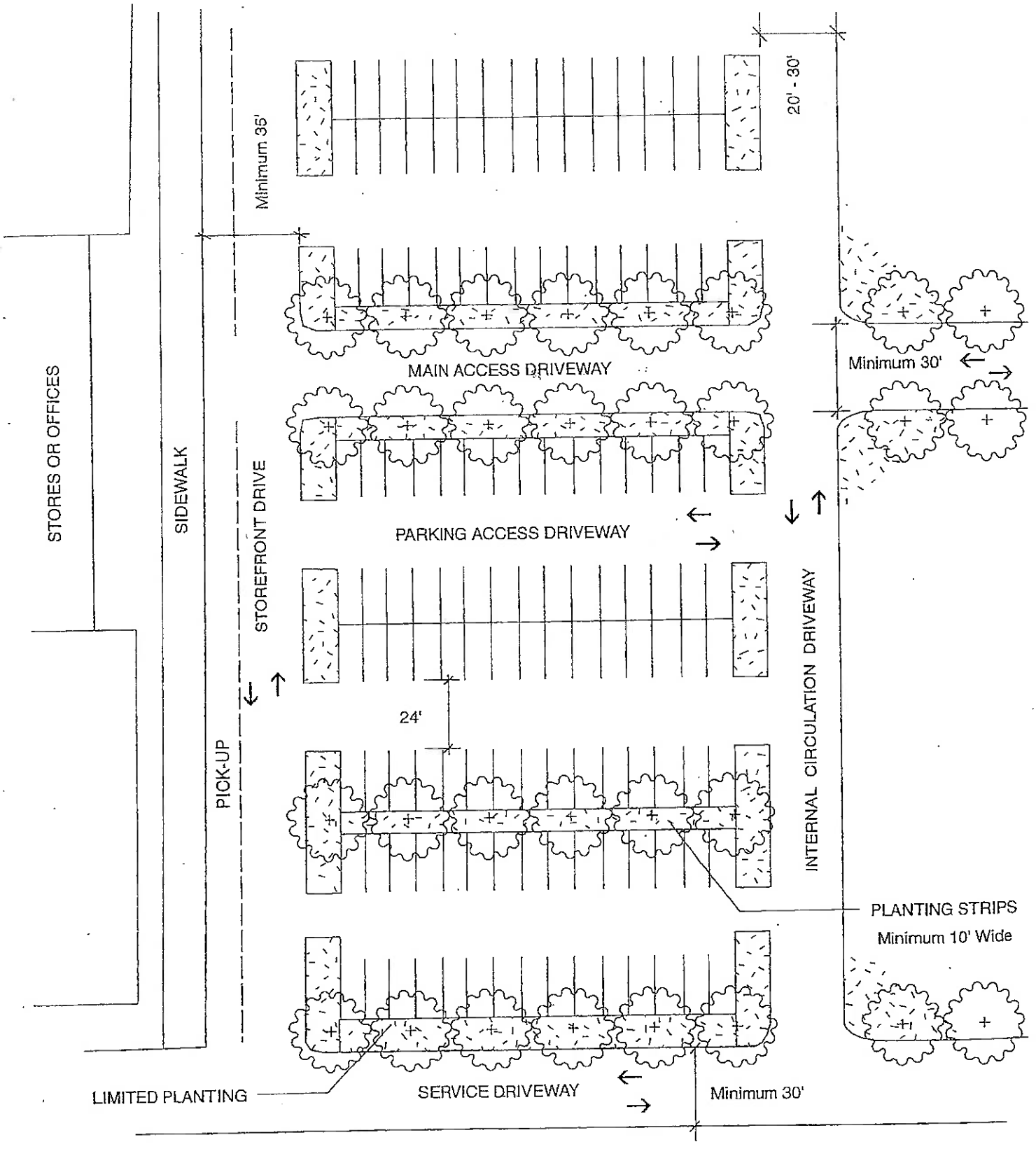


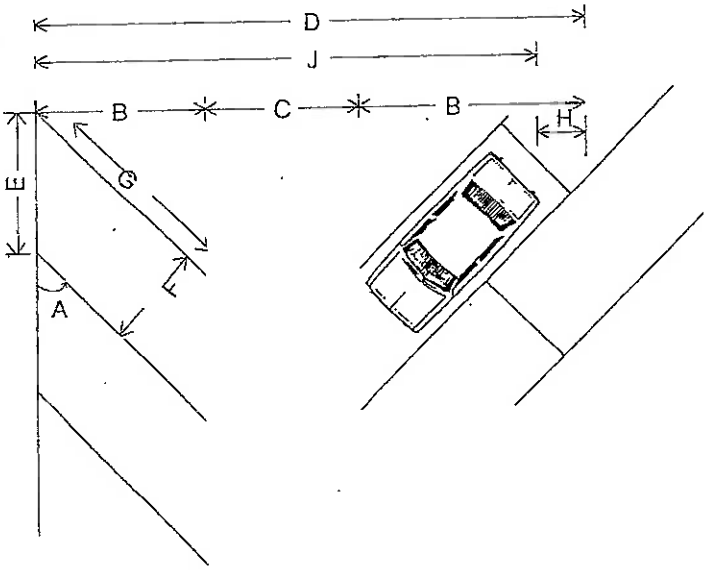
Figure VI-5
PARKING DIMENSIONS

Long Term Parking

A Angle of Parking (degrees)	B Depth of Stall (feet)	C Aisle Width (feet)	D Width of Bay (feet)	E Curb Length (feet)	F Width of Stall (feet)	G Length of Stripe (feet)	H Depth of Overhang (feet)	I Net Depth of Stall (feet)	J Net Depth of Bay (feet)
0	9	12	30	22	8.5	22			
30	15.8	12	43.6	17	8.5	31.7	3.7	12.8	37.6
45	18	14	49	12	8.5	25.5	3.0	16	46
60	18.9	18	55.8	9.8	8.5	21.9	2.1	17.8	53.6
90	17	22	56	8.5	8.5	17			

Short Term Parking

A Angle of Parking (degrees)	B Depth of Stall (feet)	C Aisle Width (feet)	D Width of Bay (feet)	E Curb Length (feet)	F Width of Stall (feet)	G Length of Stripe (feet)	H Depth of Overhang (feet)	I Net Depth of Stall (feet)	J Net Depth of Bay (feet)
0	9	12	30	22	9	22			
30	16.5	12	45	18	9	33	3.7	12.8	37.6
45	19	14	52	12.7	9	27	3.0	16	46
60	19.9	18	57.8	10.4	9	23	2.1	17.8	53.6
90	18	22	58	9	9	17			



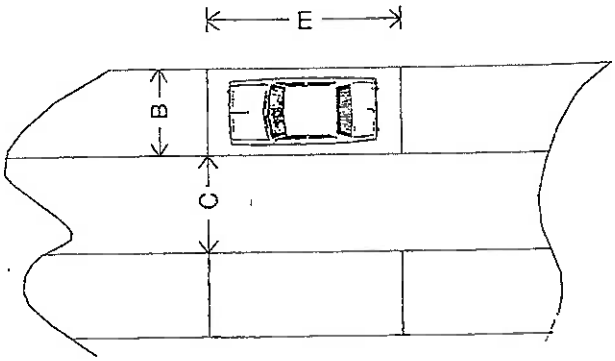


Figure VI-6

MINIMUM STREET CONSTRUCTION STANDARDS

	Local & Residential		Collector Streets		Arterial Streets	
	Standard	Alternate	Standard	Alternate	Standard	Alternate
ID-2 Surface Course	1.5"	1"	1"	1"	1.5"	1.5"
ID-2 Binder Course	—	—	2"	—	2"	—
ID-3 Dense Graded Binder Course	—	2"	—	2"	—	2"
Bituminous Concrete Base Course	4.5"	3"	4"	3.5"	4"	3.5"
Penn DOT No. 2A or 3A Coarse Aggregate Subbase	6"	6"	6"	6"	6"	6"
Minimum Structural Number	2.8+/-		3.4+/-		3.6+/-	

Notes: 1) All thickness specifications are for compacted materials.

2) Permanent Cul-de-Sac Street, Marginal Access Street, Setvice Street, and Off-Street Parking construction shall conform to standards for Local and Residential Streets.

3) All base courses and/or ID-2 binder course shall be over laid with a wearing course no later than one year after installation unless approved otherwise. Binder course to be installed immedialtey following base course installation.

Figure VI-7
PAVING CROSS SECTION

