## The Charter

TREDYFFRIN CODE

## Chapter C CHARTER

### [HISTORY: Passed at public referendum in the Township of Tredyffrin 5-21-1974. Amendments noted where applicable.]

**GENERAL REFERENCES**

**Administration of government — See Ch. 4. Voting districts — See Ch. 54.**

**Taxation — See Ch. 186.**

§ C-1 CHARTER § C-5

ARTICLE I

### Name and Purpose

**§ C-1. Name.**

The Township of Tredyffrin shall continue as a municipal corporation under the name "Township of Tredyffrin."

### § C-2. General powers.

The township shall have and may exercise any powers and perform any functions not denied by the Constitution of Pennsylvania, the General Assembly of the Commonwealth of Pennsylvania or this Charter.

### § C-3. Continuation.

All powers and functions contained in any and all ordinances and resolutions which are in force on the effective date of this Charter, and not inconsistent herewith, shall continue in force until amended or repealed.

### § C-4. Interpretation.

The powers of the township shall be liberally construed in favor of the township in order to provide the township with the greatest possible power of self-government.

### § C-5. Powers vested in the Board of Supervisors.

All powers of the township, now in existence or conferred on the township by the Constitution or the laws of the Commonwealth of Pennsylvania, shall be exclusively vested in and exercised by the Board of Supervisors, except as otherwise provided in this Charter.

ARTICLE II

### Township Board of Supervisors

**§ C-6. Composition.**

The Township Board of Supervisors (hereinafter referred to also as "the Board") shall consist of seven Supervisors, of whom three shall be elected from districts and four shall be elected from the township at large.

### § C-7. Term of office.

Supervisors shall serve four-year terms beginning on the first Monday of January following the year in which they are elected, except for the first Board to serve under this Charter, the members of which will serve for staggered terms as provided in § C-71 of this Charter. If the first Monday is a legal holiday, said terms shall begin the first day following which is not a legal holiday.

### § C-8. Qualifications.

A Supervisor shall be a citizen of the United States, a resident of the township (and in the case of a District Supervisor, a resident of the district he represents), a qualified elector of the township at the time of his nomination and not otherwise disqualified from office by the terms of this Charter of by the laws of the Commonwealth of Pennsylvania.

### § C-9. Election.

The procedure for the nomination and election of Supervisors shall be as provided in the election laws of the Commonwealth of Pennsylvania.

### § C-10. Vacancies.

1. The office of a Supervisor shall become vacant upon death, resignation, removal of place of residence from the township (or, in the case of a District Supervisor, from a district represented), legal certification of mental disability or forfeiture of office as authorized by law or by this Charter.
2. The office of a Supervisor shall be forfeited if he is declared by any court of this commonwealth to lack any qualifications for the office as prescribed by law or is convicted of any crime classified as a misdemeanor of the second degree or higher under the laws of this commonwealth or is convicted of any comparable crime under the laws of any state or of the United States.
3. Whenever a vacancy exists in the office of Supervisor, the vacancy shall be filled under the following procedures:
   1. At the next election, primary, municipal or general, which takes place 60 days or more after such vacancy occurs, a special election to fill the vacancy for the balance of the unexpired term will be held. The special election shall be conducted in accordance with the election laws of this commonwealth. The person elected to fill the vacancy shall assume the office on the day following certification of the election results.
   2. The Board shall, at its first regular or special public meeting after the vacancy occurs, give notice that a vacancy exists and shall state that it will make an interim appointment to fill the vacancy at its next public meeting which occurs not less than 30 days from the meeting at which the vacancy is announced. Following such notice, the Board by a majority vote of its remaining

membership shall appoint a qualified elector of the township, and in the case of a vacancy in the office of District Supervisor, a qualified elector of the district in which the vacancy exists, to fill the vacancy until a duly elected successor is sworn into office.

* 1. If the Board shall fail to fill a vacancy within 60 days after the vacancy occurs, the Court of Common Pleas of Chester County, upon petition of any individual Supervisor or upon petition of 10 or more qualified electors of the township, shall make the interim appointment to fill the vacancy until a duly elected successor is sworn into office.
  2. In the event that sufficient vacancies exist so that the Board lacks a quorum necessary to do business, the remaining members of the Board shall immediately make an interim appointment or appointments to fill sufficient vacancies in the position of Supervisor from the township at large to form a quorum. Thereafter, the remaining vacancies shall be filled as otherwise provided herein.
  3. In the event that all of the positions on the Board should become vacant, the Court of Common Pleas shall immediately, upon petition of 10 or more registered voters of the township, make interim appointments to fill the offices of Supervisor from the township at large. Thereafter, the remaining vacancies shall be filled as otherwise provided herein.

### § C-11. Districts.

Districts shall be formed of compact, contiguous territory, following distinctive geographical boundaries, and shall contain as nearly as possible equal numbers of residents as determined by the latest official census of the United States Bureau of the Census. No district shall vary by more than 15% from the average of all districts at the time of establishments or reapportionment.

### § C-12. Establishment of districts.1

The establishment of the first districts, three in number to be known as the "First, Second and Third Districts," shall be by the Court of Common Pleas as provided by law. Reapportionment of Supervisors to districts thereafter shall be made by ordinance of the Board in the following circumstance:

1. Within the year following the year in which the decennial United States Census reports are officially certified, the Board shall reapportion the districts in accordance with this Charter. If in any such reapportionment an existing Supervisor is removed from his district, he shall continue to represent said district until the end of his term.

### § C-13. Compensation of Supervisors.2

1. Supervisors shall receive compensation at the rate of $1,500 per annum for the performance of their duties during the first four years that this Charter is in effect; thereafter, the Board may, by ordinance, change the compensation for Supervisors, provided that such change of compensation shall not take effect until the expiration of the term of office of all incumbent Supervisors at the time the change is enacted.
2. Supervisors shall receive no other compensation, direct or indirect, for the performance of their duties, and shall not be eligible for any township pensions or other fringe benefits. However, Supervisors shall be entitled to actual expenses incurred in the performance of their duties as shall be
   1. **Editor's Note: See also Ch. 54, Voting Districts.**
   2. **Editor's Note: The current ordinance setting the compensation of the Supervisors is on file in the Township Administrative Offices.**

established in the Administrative Code or other ordinance.**3**

### § C-14. Board organization.

1. The Board of Supervisors shall organize on the first Monday of January of each year by electing one of their members as Chairman and one of their members as Vice Chairman, who shall hold such office at the pleasure of the Board. If the first Monday is a legal holiday, the organization meeting shall be held the first day following which is not a legal holiday.
2. The Chairman or, in the Chairman's absence, the Vice Chairman shall preside at Board meetings, shall serve as the township's representative at ceremonial occasions and shall carry out such duties as prescribed elsewhere in this Charter or in the Administrative Code or other ordinance.**4**

### § C-15. Board meetings and procedures.

1. The Board shall meet regularly at least once in every month at such time and place as the Board may prescribe by ordinance or resolution. At its first meeting each year, the Board shall prescribe and advertise the calendar of regular monthly meetings for the remainder of the year.
2. Special meetings may be held on the call of the Chairman, or of a majority of Supervisors, by providing notice to each Supervisor at least 24 hours in advance of such special meeting, which meeting notice shall be prominently posted at the township office; however, in the case of an emergency which makes it necessary to convene a meeting with less than 24 hours' advance notice, this requirement may be waived.
3. Official action.
   1. The Board may take no official action except at an open public meeting in the presence of a quorum, consisting of a majority of all the members of the Board. All discussions relating to official actions should be in open public meetings with the following exceptions:
      1. Matters in litigation with the township as a party.
      2. Matters concerning hiring, dismissal, promotion or discipline.
      3. Matters which would adversely affect the reputation of any persons.
      4. Matters having to do with the acquisition of land and other subjects which would be likely to benefit a party whose interests are adverse to the general community.
   2. Official actions by the Board shall be taken only by ordinance, resolution or motion. Voting, except on procedural matters, shall be by roll call vote. A majority vote of all the members of the Board shall be required to adopt an ordinance. Resolutions or motions shall be adopted by a majority vote of all the members of the Board present, except as otherwise provided herein.
4. It is the intent of this Charter that the Board act as a body in relation to all administrative matters. No Supervisor shall publicly or privately seek individually to interfere with the official acts of township officers and employees. However, nothing herein contained shall prevent the Board from establishing committees of its members to review the operations and legislative needs of the departments or from assigning individual Supervisors to liaison relationships with boards, commissions and authorities.
   1. **Editor's Note: See Ch. 4, Administration of Government.**
   2. **Editor's Note: See Ch. 4, Administration of Government.**

### § C-16. Records and reports.

1. The Board shall provide in the Administrative Code**5** for the protection and preservation of its minutes and other records of its proceedings. Records shall be kept at the township office and shall be open for public inspection throughout normal working hours. It is the intent of this Charter that no citizen of the township shall be denied reasonable access to public records of the township. Copies of the minutes of the meetings of the Board shall be available to the public at a reasonable cost.
2. The Board shall require periodic and meaningful reports on financial and administrative matters, at least monthly, and an annual report at the end of each fiscal year.
3. The Board shall cause to be prepared for each regular meeting an agenda of matters to be considered by the Board at such meeting, including pertinent background information, which agenda, along with a copy of financial and other activity reports, shall be distributed to the public at the start of the meeting. The agenda shall be available at least eight hours prior to the start of the meeting.

### § C-17. Legislative duties and responsibilities.

It shall be the duty and responsibility of the Board to:

1. Establish policy for the guidance of the executive, administrative and advisory functions of the township government.
2. Adopt an Administrative Code**6** defining the organization and assignment of duties and responsibilities of township officers and employees.
3. Adopt ordinances and resolutions not inconsistent with or restrained by the Constitution and laws of this commonwealth or by this Charter and prescribe fines and penalties consistent with general law for the violation of township ordinances.
4. Initiate, by resolution or ordinance, and conduct, by the Board as a body or through committees of the Board and/or township citizens, inquiries and investigations in aid of its legislative functions.
   1. **Editor's Note: See Ch. 4, Administration of Government.**
   2. **Editor's Note: See Ch. 4, Administration of Government.**

ARTICLE III

### Elected Auditor

**§ C-18. Elected Auditor.**

An Auditor shall be elected in an at-large election in the municipal election in 1975 and at four-year intervals thereafter. The Auditor shall serve for a four-year term beginning on the first Monday of January following the year in which he is elected.

### § C-19. Election.

The procedure for the nomination and election of the Auditor shall be as provided in the election laws of the Commonwealth of Pennsylvania.

### § C-20. Qualifications.

The Auditor shall be a registered elector of the township and shall be qualified by education, training or experience in accounting or financial management to perform the duties of the office.

### § C-21. Vacancy.

A vacancy in the position of Auditor shall be filled by the Board, which shall appoint a qualified person to serve for the balance of the unexpired term.

### § C-22. Duties.

The Auditor shall audit the financial accounts and records of the township and its officers, boards, authorities and commissions and shall perform such other duties as the Board may require. If any errors or irregularities are discovered in the course of such review, the Auditor shall promptly report such matters to the Board at a public meeting. The Board shall take immediate action to correct the irregularity and initiate action to recover any loss to the township which may result from such irregularity.

### § C-23. Compensation.

The Auditor shall be compensated at a rate of $1,200 per annum, provided that the Board may, after the effective date of this Charter, provide by ordinance for a different rate to apply to the Auditor elected after the expiration of the term of office of the Auditor at the time the ordinance is enacted.

ARTICLE IV

### Elected Tax Collector

**§ C-24. Elected Tax Collector.7**

A Tax Collector shall be elected at an at-large election in the municipal election of 1977 and at four-year intervals thereafter. The Tax Collector shall be a registered elector of the township and shall serve for a four-year term beginning on the first Monday in January following the year in which he is elected.

### § C-25. Election.

The procedure for the nomination and election of the Tax Collector shall be as provided in the election laws of the Commonwealth of Pennsylvania.

### § C-26. Duties.

The Tax Collector shall continue to collect township taxes in the manner provided by law and as directed by the Board.

### § C-27. Vacancy.

If a vacancy shall occur in the office of Tax Collector, and such office shall be declared vacant by the Board, such vacancy shall be filled by the Board which shall appoint a qualified person to serve the balance of the unexpired term.

### § C-28. Compensation.

The Tax Collector shall be compensated for his work by the Board at an annual rate fixed by ordinance. Any subsequent change in said compensation shall not take effect until the expiration of the term of office of the incumbent Tax Collector at the time the change is enacted.

### § C-29. Termination.

Notwithstanding any other provisions of this article, the elected office of Tax Collector may be abolished by ordinance (except in the case of the Tax Collector elected prior to the effective date of this Charter), and such ordinance shall make other provisions for the collection of taxes.**8** In such event, the term of the Tax Collector then in office shall terminate immediately or at such time as the Board shall direct.

* 1. **Editor's Note: Ordinance No. HR-94, adopted 3-4-1985, abolished the office of the Elected Tax Collector, effective January 1, 1986, and provided for taxes to be collected by the Township Administrative Office.**
  2. **Editor's Note: See Ordinance No. HR-94, adopted 3-4-1985, which abolished the office of the Elected Tax Collector, effective January 1, 1986, and provided for taxes to be collected by the Township Administrative Office.**

ARTICLE V

### Township Manager

**§ C-30. Appointment and compensation.**

The Board by a majority vote of its membership shall appoint a Township Manager (hereinafter referred to also as "Manager") for an indefinite term to serve at its pleasure and shall fix his compensation. At the time of his appointment he need not be a resident of the township, but residence within the township must be acquired within 12 months of this appointment, unless exempted from this requirement by the Board.

### § C-31. Qualifications.

The Manager shall be selected on a basis of his administrative training, professional qualifications and experience, and he shall not otherwise be gainfully employed except as permitted by the Administrative Code.**9**

### § C-32. Executive powers and duties.

The Manager shall be the chief executive officer of the township and shall be responsible to the Board for executing all policies established by the Board and for the proper administration of all affairs of the township placed in his charge. The Manager shall have the following powers and duties:

1. With the approval of the Board, to appoint, suspend and remove department heads, except the Superintendent of Police.
2. To be responsible for the performance of all duties required of the office of the Township Secretary by general law or this Charter directly or through such employees as may be set forth in the Administrative Code.**10**

### § C-33. Removal from office.

The Board may remove the Manager at any time in accordance with the following procedures:

1. The Board shall adopt by affirmative vote of a majority of all its members a preliminary resolution for his removal and may suspend the Manager from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the Manager.
2. Within five days after a copy of the resolution is delivered to the Manager, he may file with the Board a written request for a statement of the reasons for his proposed removal and a public hearing with or without legal counsel. This hearing shall be held at a Board meeting not earlier than 15 days nor later than 30 days after the request is filed. The Manager may file with the Board a written reply not later than five days before the hearing.
3. The Board may adopt a final resolution of removal, which may have been made effective immediately, by affirmative vote of a majority of all its members at any time after five days from the date when a copy of the preliminary resolution was delivered to the Manager, if he has not requested a public hearing, or at any time after the public hearing if he has requested one.
4. A preliminary resolution to remove the Manager may be adopted only at a public meeting of the
   1. **Editor's Note: See Ch. 4, Administration of Government.**
   2. **Editor's Note: See Ch. 4, Administration of Government.**

Board.

### § C-34. Acting Manager.

The Manager shall designate in writing, subject to approval of the Board, an employee of the township to exercise the powers and duties of the Manager during his absence or disability. During such absence or disability, the Board may revoke such designation at any time and appoint another employee of the township to serve until the Manager shall return or his disability shall cease. In the event of a vacancy, the Board shall appoint an employee of the township to serve as Acting Manager until the vacancy is filled.

### § C-35. Reports.

The Manager shall at all times keep the Board fully advised as to the financial condition and administrative activities of the township, shall provide to the Board at its regular monthly meetings, and at such other times as the Board may direct, periodic reports thereon and shall prepare and submit to the Board and make available to the public an annual report concerning the finances and administrative activities of the township.

ARTICLE VI

### Ordinances

**§ C-36. Actions requiring ordinances.**

In addition to any other power or duty required by law or by this Charter to be exercised by ordinance, those powers and duties of the Board shall be exercised by ordinance which:

1. Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed.
2. Establish, levy and collect taxes and increase or decrease the rates of existing taxes.
3. Grant, renew or extend a franchise.
4. Establish, alter or abolish rates or charges for any utility or other service supplied by the township.
5. Authorize the borrowing of money except for revenue anticipation or emergency loans as provided elsewhere in this Charter.
6. Exercise the power of eminent domain.
7. Purchase, convey, lease or authorize the purchase, conveyance or lease of any real property.
8. Amend or repeal any ordinance previously adopted.
9. Establish, alter or amend any zoning ordinance, subdivision procedure, land development, land use or building regulation.

### § C-37. Form of ordinance.

No ordinance shall contain more than one subject, which shall be clearly expressed in its title. Any ordinance which repeals or amends an existing ordinance shall clearly indicate matter to be omitted or added.

### § C-38. Procedure for enactment.11

An ordinance may be introduced by any Supervisor at any regular or special public meeting. Except where specifically provided otherwise in the Charter, an ordinance shall be processed in the following manner:

1. The proposed ordinance shall be given to the Manager and placed on the agenda of the Board for introduction and initial consideration at the next meeting of the Board.
2. If approved initially by the Board, the Manager shall cause a concise summary of the proposed ordinance to be advertised at least once in two or more newspapers of general circulation in the township appearing at least seven days before the meeting in which the ordinance will receive further action by the Board. The summary shall contain sufficient information to identify the geographical area and/or nature of the ordinance as it would affect any residents or property owners in the township and shall specify the date on which the Board proposes to act on the ordinance. Further, in the case of amendment to the Zoning Ordinance applying only to a small portion of the township, such notice shall be given directly to neighboring property owners of the area affected.
   1. **Editor's Note: Ordinances and amendments authorized by the Pennsylvania Municipalities Planning Code (53 P.S. § 10101 et seq.) shall be adopted pursuant to the provisions of said code and this Charter.**
3. Provided that the preceding procedures have been followed and all persons interested have had an opportunity to be heard or to present their views in writing, the Board may adopt the proposed ordinance at the advertised meeting or it may postpone action until a later meeting, the date of which shall be stated at the advertised meeting. The Board may amend a proposed ordinance before final adoption, but if an amendment makes any significant substantive change from the ordinance originally advertised, no final action may be taken until the amended ordinance has again been advertised in accordance with § C-38B.
4. An ordinance finally adopted by the Board shall be advertised in full at least once in two or more newspapers of general circulation in the township, within seven days of the adoption of the ordinance; except that ordinances adopting by reference standard codes of technical regulations, as provided in

§ C-40 of this Charter, will not require publication of the codes.

1. Except in emergencies or as otherwise provided in this Charter, every ordinance adopted by the Board shall become effective on the 31st day after the date of adoption, or at any later date specified therein.

### § C-39. Emergency ordinances.

Notwithstanding the provisions of § C-38, the Board may, in the event of a substantial public emergency affecting the life, health, property and peace of the citizens of the township, adopt one or more emergency ordinances, but such ordinances shall not levy taxes or authorize the borrowing of money except as provided elsewhere in this Charter. An emergency ordinance shall be introduced in the form required and shall be so designated and shall clearly state the nature of the emergency in specific terms. No prior publication of an emergency ordinance shall be required and the Board may adopt an emergency ordinance at any regular or special public meeting in which it is introduced. An emergency ordinance shall become effective immediately, shall automatically stand repealed as of the 31st day following the date of its adoption, but may be reenacted as provided herein if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances. An emergency ordinance shall be advertised as soon as possible after the date at which it is enacted, as shall any ordinance repealing an emergency ordinance.

### § C-40. Standard codes of technical regulations.

The Board may adopt any standard code of technical regulations by adopting an ordinance incorporating said standard code by reference. The details of such standard codes need not be advertised, but copies of such codes shall be available at the office of the township for public inspection and for purchase at a reasonable price fixed by the Board. Adoption of standard codes shall be in accordance with the procedures set forth in § C-38.

### § C-41. Recording.

The Township Manager shall cause the full text of any ordinance with proof of publication to be recorded in a permanent record book within 31 days of its effective date. The permanent record book shall be open and available for public inspection throughout normal office hours.

### § C-42. Compilation.

Within one year after the effective date of this Charter, the Board shall provide for the preparation of a general compilation and indexing of all township ordinances having the force and effect of law. The general compilation shall be published promptly in loose-leaf form, together with this Charter and the Administrative Code**12** required by this Charter. This compilation shall be known and cited as "The General

Laws of the Township of Tredyffrin" and copies shall be furnished to township officers, placed in township libraries and the township office for free public reference and shall be made available for purchase at a reasonable price fixed by the Board.

### § C-43. Amendments.

All amendments to the General Laws and new ordinances shall be integrated in said compilation and distributed as aforesaid.

* 1. **Editor's Note: See Ch. 4, Administration of Government.**

ARTICLE VII

### Township Administration

**§ C-44. General provisions.**

The Board shall adopt by ordinance an Administrative Code**13** which shall provide for the administrative organization of the government, the assignment of duties and responsibilities to officers and employees, and the procedural requirements set forth by this Charter or general law as supplemented by the Board. The Board may create, modify or abolish and prescribe the functions of township departments, offices and agencies not inconsistent with law or this Charter. The Board may create, modify or abolish boards, commissions, authorities and other agencies and special committees; prescribe their organization and functions, if not inconsistent with this Charter or general law; and appoint, suspend or remove the members of such boards, commissions, authorities and other agencies and special committees by a majority vote of all the members of the Board of Supervisors. All changes in organization and procedures set forth in the Administrative Code**14** shall be effected by amendment of the Administrative Code in the same manner as other ordinances are enacted and amended.

### § C-45. Personnel system.

1. The Manager shall appoint and remove, with the approval of the Board, all department heads and other officers specified in this Charter or by general law with the exception of the Superintendent of Police and the members of boards, commissions, authorities and other agencies and special committees as provided for in § C-44. Department heads shall appoint and remove, with the approval of the Manager, their subordinate officers and employees under written rules of personnel administration which shall be adopted by the Board as provided in § C-45B.
2. The Board shall adopt in the initial Administrative Code**15** personnel rules which are necessary to the administration of the township's personnel system, including, as a minimum, methods for determining the merit and fitness of candidates for appointment and promotion, policies regulating disciplinary action and grievance procedures.
3. In addition to the provisions of § C-45B hereof, the Board shall provide in the Administrative Code**16** rules for the regulation of the tenure, suspension, removal, furloughing and reinstatement of police officers.
4. All appointments and promotions of township employees, including police officers, shall be made on the basis of merit and fitness demonstrated by examination or other evidence of competence.

### § C-46. Township Solicitor.

1. The Board by a majority vote of its membership shall appoint a Township Solicitor for an indefinite term to serve at the pleasure of the Board and shall fix his compensation. He shall be a member of the Bar of the Supreme Court of Pennsylvania and experienced in municipal law.
2. It shall be the duty of the Township Solicitor to:
   1. Serve as the legal advisor to the Board and the Manager and to other township officers,
   2. **Editor's Note: See Ch. 4, Administration of Government.**
   3. **Editor's Note: See Ch. 4, Administration of Government.**
   4. **Editor's Note: See Ch. 4, Administration of Government.**
   5. **Editor's Note: See Ch. 4, Administration of Government.**

departments, boards, commissions, authorities and agencies, unless such desire independent counsel. It is the intent of this Charter that only one person shall be the legal advisor of the township, but the Board may authorize temporary assistants for special purposes from time to time.

* 1. Represent the township in legal proceedings or hearings.
  2. Perform any other duties prescribed by this Charter or by ordinance or general law or as directed by the Board.

1. Removal of the Township Solicitor shall require a majority vote of all the members of the Board.

### § C-47. Superintendent of Police.

1. The Board by a majority vote of its membership shall appoint a Superintendent of Police to serve at its pleasure and shall set his annual compensation. The Superintendent shall be an experienced policeman who has satisfactorily completed all the requirements for the position specified in the Administrative Code.**17** He shall not be otherwise gainfully employed except as permitted by the Administrative Code. At the time of appointment, he need not be a resident of the township, but residence within the township must be acquired within 12 months of appointment, unless exempted from this requirement by the Board.
2. The Superintendent shall have the authority for the organization, planning, staffing and performance of the Police Department and the employees thereof. The Superintendent shall require the strict enforcement of all laws applicable to the police function of the township and other enforcement as designated by the Board and shall be in charge of crime prevention activities.
3. Removal of the Superintendent from office shall be accomplished under the same procedures as for the removal of the Manager outlined in § C-33.

### § C-48. Township Engineer.

1. The Manager shall appoint, subject to the approval of the Board, a Pennsylvania registered professional civil engineer or engineering firm to carry out the duties of Township Engineer as needed, the compensation to be fixed by the Board.
2. The Township Engineer, under the direction and supervision of the Manager, shall supervise all engineering and other matters of the township as specified in this Charter or by ordinance.

### § C-49. Finance Director.

1. At the discretion of the Board, a Finance Director may be appointed by the Manager with approval of the Board, and his salary shall be fixed by the Board. Such Finance Director shall be qualified by education and/or experience in financial management and public finance. Until such time as the Board establishes the position of Finance Director, the Manager shall be responsible for the duties of Finance Director as outlined in this Charter.
2. The Finance Director shall serve as the chief financial adviser to the Manager and other township officers, departments and agencies. The Finance Director, under the direction and supervision of the Manager, shall perform duties prescribed elsewhere in this Charter or by ordinance.
   1. **Editor's Note: See Ch. 4, Administration of Government.**

ARTICLE VIII

### Financial Administration

**§ C-50. Fiscal year.**

The fiscal year of the township shall be the calendar year. However, after 1976, if not prohibited by law, the Board may by ordinance adopt a different fiscal year, specifying an orderly procedure for financial and budgetary controls in making such transition.

### § C-51. Classification of accounts.

The Board shall adopt in the Administrative Code**18** a uniform classification of accounts and codes to be used and followed in all financial plans, budgets and financial reports as set forth in this Article VIII.

### § C-52. Financial projection.

The Manager, with the assistance of the Finance Director, shall, at the time of presenting the annual budgets of the township for the consideration of the Board, submit as an annex to the budgets the tentative financial projections for a period of three or more years, said projections to be revised annually. The projections shall deal with operations, capital programs and a schedule for the amortization of debt. The Administrative Code**19** shall provide for the implementation of this section.

### § C-53. Operating budget.

1. At least 45 days before the end of the fiscal year, the Manager, with the assistance of the Finance Director, shall prepare and submit to the Board a proposed budget for the following fiscal year. The Board shall prescribe the form in which the annual operating budget is to be prepared, which shall include, in addition to the major classification of appropriations by which expenditures are to be allocated and controlled, a detailed analysis of the various items of revenues and expenditures. All appropriations shall be made in lump sum amounts and according to the following classes of expenditures for each office, department, major operating unit, board or commission:
   1. Personal services.
   2. Contractual services.
   3. Materials, supplies and equipment.
   4. Debt service.
   5. Capital expenditures.
   6. Such additional classes as the Board may prescribe.
2. At least 30 days before the end of the fiscal year, the Board shall complete consideration of the Manager's proposed budget, modify the Manager's proposal in such manner as it sees fit and adopt a preliminary budget. The budget must be balanced so that appropriations are matched by anticipated revenues and available surplus. A summary of the preliminary budget shall be advertised at least once in two or more newspapers of general circulation in the township at least 10 days before the date set for final adoption. In advertising the preliminary budget, the Board shall state the date set for final
   1. **Editor's Note: See Ch. 4, Administration of Government.**
   2. **Editor's Note: See Ch. 4, Administration of Government.**

adoption. Copies of the detailed preliminary budget shall be available at the township office for public inspection and copies shall be available for purchase by any interested citizens for a reasonable fee to be set by the Board. After advertisement, the Board shall hold at least one public hearing on the preliminary budget, which may take place at any regular or special meeting of the Board.

1. The Board shall finally adopt a balanced budget before the start of the fiscal year to which it applies, except that in the year immediately following a municipal election, the new Board may within 45 days after the start of the fiscal year adopt a revised budget. The budget ordinance shall be effective as of the start of the fiscal year. In the event that the Board fails to adopt a budget by the start of the fiscal year, the amounts appropriated for the previous fiscal year shall be considered appropriated temporarily, prorated on a month-to-month basis, until a final budget is adopted.
2. The Finance Director shall cause the appropriations voted by the Board to be entered in the accounting records of the township and shall approve no contract or expenditure which would exceed the unencumbered balance of appropriations in any account. The Board may at any time amend the allocations within each appropriation, but changes in appropriations, either increases or decreases, in any items on which budgetary controls are maintained, shall be made only pursuant to an ordinance of the Board authorizing such changes. Ordinances amending the budget may be adopted and take effect immediately at any regular or special public meetings of the Board. The provisions of § C-38 will not apply to ordinances amending the budget appropriations. Supplemental appropriations may be made by the Board at any time. In the event that revenues are found and certified by the Finance Director to fall short of estimates in the budget, the Board shall make necessary reductions in appropriations in order to maintain a balanced budget. All unexpended appropriations shall lapse at the end of the fiscal year.
3. In the event of genuine emergencies, unanticipated at the time the operating budget was adopted, the Board may make supplemental appropriations to meet the emergency conditions. To the extent that there are no available unappropriated revenues to meet such emergency appropriations, the Board may authorize the issuance of temporary notes which shall constitute unfunded debt to be funded and repaid in accordance with the Local Government Unit Debt Act (Act 185 of 1972).**20** It is the intent of this Charter that operating expenditures shall neither be appropriated nor paid out of loan funds except to meet genuine emergencies.

### § C-54. Capital program and capital budget.

On or before the adoption of the operating budget, the Board shall adopt a capital program and a capital budget. The capital program shall set forth all capital expenditures amounting to $10,000 or more (except for maintenance of existing facilities, which shall be included in the operating budget), identified by project, the year in which acquisition or construction is to be scheduled, the means by which the capital program is to be financed, the effect of any proposed capital expenditures on future operating expenses and the effect of any proposed new indebtedness on the amortization schedule of existing debt and debt limits. The capital program shall incorporate all anticipated capital projects to be initiated with a period of three or more years. Following approval by the Board of the capital program, the Board shall adopt a capital budget providing appropriations for the next fiscal year, which shall be the first year of the capital program. The capital budget may be financed from unused appropriations of current revenues or moneys borrowed as authorized by this Charter or general law. All unused appropriations for the capital budget shall lapse at the end of the fiscal year. The Finance Director shall control expenditures in relation to appropriations in the capital budget in the same manner as required for the operating budget in § C-53D. The Board may amend the capital budget at any time during the fiscal year, but before doing so must amend the capital program.

* 1. **Editor's Note: See 53 Pa.C.S.A. § 8001 et seq.**

Township of Tredyffrin, PA

#### § C-54 CHARTER § C-56

The capital program and the capital budget shall be adopted only after advertisement and public hearing in the same manner as provided for the adoption of the operating budget in § C-53B.

### § C-55. Receipts.

The Board shall provide in the Administrative Code**21** for procedures for the receipt, deposit and accounting for all moneys due and received by the township.

### § C-56. Contracts.

1. The township may make contracts for lawful purposes subject to the provisions of this Charter and general law. No contract shall be made or obligation incurred unless the Finance Director shall certify to the Manager that there is a sufficient unencumbered balance in an appropriation and sufficient funds therefrom are or will be available to cover the claim or meet the obligations when it becomes due and payable. Any officer authorizing or permitting any contract to be made in violation of this provision shall be subject to removal from office and liable to the township for any loss incurred.
2. All contracts of the township involving sums in excess of an amount specified by the Board by ordinance shall be in writing. The Manager shall execute all contracts on behalf of the township involving sums of less than the amount specified by the Board, provided that such action is in accordance with the budget or other specific prior authorization. Contracts in excess of amounts authorized to be approved by the Manager, or extending over a period of more than two years, shall be formally approved by the Board and countersigned by the Chairman of the Board as well as the Manager. Authorization for contracts for the purchase, sale, lease or use of real estate or for the construction of assessable public capital improvements shall be given by ordinance. Any officer required to execute a written contract shall submit the form of contract to the Township Solicitor for approval before executing the contract.
3. The Board shall, by ordinance, establish a procedure for competitive bidding to include definitions of amounts, publication and notice requirements, including advertisement at least once in two or more newspapers of general circulation in the township, deposit and bond requirements, conditions, terms, rules, regulation, waiver and exceptions, as it shall from time to time deem advisable, in accordance with this Charter and general law. Competitive bidding shall not be required under this Charter for:
   1. Labor or services rendered by any township officer or employee.
   2. Contracts for labor, material, supplies or services aggregating less than the amount specified by the Board, by ordinance, for the item in the year supplied.
   3. Contracts relating to the acquisition or use of real property.
   4. Contracts for professional or unique services or supplies.
   5. Contracts for insurance and surety company bonds, except that the use of competitive bidding for such items shall be encouraged where practicable.
   6. Contracts for emergency repairs.
   7. Contracts with other governmental entities, authorities, agencies or political subdivisions.
4. Except as otherwise provided in this Charter, no contract for supplies, materials, labor, franchise or
   1. **Editor's Note: See Ch. 4, Administration of Government.**

other valuable consideration, to be furnished to or by the township, shall be authorized on behalf of the township, except with the lowest responsible bidder after competitive bidding.

1. No person shall evade the provisions of this section of the Charter by purchasing or contracting for services or supplies piecemeal with transactions which would, in the exercise of reasonable discretion and prudence, be conducted as one transaction amounting to more than the amount as specified by the Board.
2. The terms of contracts for the purchase of supplies shall not exceed two years.

### § C-57. Disbursements.

The Finance Director shall authorize disbursement of township moneys only after determining that all goods and services have actually been received or performed. The Board shall provide in the Administrative Code**22** for procedures for the signing and countersigning of all checks, drafts and other orders of payment by two persons, one of whom shall be the Finance Director or other employee under his direction as shall be specified in the Administrative Code.

### § C-58. Records and reports.

1. The Finance Director shall be responsible for providing for the recording of all financial transactions and related activities of the township in terms of dollars and other appropriate units of measurement, in accordance with the form and procedures prescribed by the Board in the Administrative Code**23** in order that required reports and analyses may be produced for the proper management and control of such activities.
2. The Finance Director shall take appropriate measures reasonable to ensure that the Manager and the Board are kept informed of any significant financial or financially related fact which would have an impact or influence on the township.
3. The Finance Director shall prepare for the Manager and the Board periodic financial reports, at least monthly, and at such other times as the Board or the Manager may direct, and shall at the end of each fiscal year prepare an annual financial report which shall be included in the Manager's annual report to the Board and the public.
4. The Finance Director shall provide for the preservation of financial records which shall be kept at the office of the township and shall be available for public inspection throughout normal office hours.

### § C-59. Independent audits.

The Board shall provide for an annual independent certified standard municipal audit of township receipts, expenditures, accounts and reports by a Pennsylvania certified public accountant or accountant firm having no interest, direct or indirect, in the fiscal affairs of the township government or any of its elected or appointed personnel. The Board may provide for more frequent audits, as well as special audits, as it deems necessary. The results of the annual audit and a financial statement of the fiscal affairs of the township shall be submitted to the Manager and to the Board and shall be included in the annual report of the township. A summary of the annual audit report of the independent auditor shall be published at least once in two or more newspapers of general circulation in the township within 60 days after the close of the fiscal year.

* 1. **Editor's Note: See Ch. 4, Administration of Government.**
  2. **Editor's Note: See Ch. 4, Administration of Government.**

### § C-60. Bonding of officers and employees.

The Board shall provide in the Administrative Code**24** for the bonding of all officers and employees who are responsible for the handling and/or authorization of receipts, disbursements, goods and supplies. All such bonds shall be approved by the Township Solicitor as to form and sufficiency. The premiums for such bonds shall be paid by the township.

### § C-61. Financial limitations.

1. The Board shall be limited in sources and rates of taxation by general laws applying to municipalities governed by a Home Rule Charter. Pending enactment thereof, the tax limitation provisions, including relief therefrom, applicable to townships of the second class shall apply.
2. The borrowing of money shall be limited to general laws applying to municipalities governed by a Home Rule Charter and by the Local Government Unit Debt Act (Act 185 of 1972)**25** as to procedural matters.
   1. **Editor's Note: See Ch. 4, Administration of Government.**
   2. **Editor's Note: See 53 Pa.C.S.A. § 8001 et seq.**

ARTICLE IX

### Prohibited Activities and Conflict of Interest

**§ C-62. Prohibited activities.**

The following activities shall be prohibited in the operation of the township government:

1. No person shall favor or discriminate against another person in his employment by the township in any capacity, appointment to any board, commission or agency, or removal therefrom, because of race, sex, political or religious opinions or affiliations.
2. No person who seeks appointment on any township board, commission or agency or employment by the township in any capacity shall, directly or indirectly, give or pay any money, service or other consideration to any person or entity in connection with such appointment or employment, other than to a bona fide employment agency.

### § C-63. Conflict of interest.

1. No elected or appointed official of the township shall:
   1. Engage in any activity or take any action by virtue of his official position from which activity or action the official, or any other person or entity in whose welfare the official is interested, shall benefit or realize a gain or advantage. Such benefit, gain or advantage shall not, however, be construed to be prohibited if the action in question is in behalf of a group of citizens of the township and such benefit and relationship is generally known and acknowledged.
   2. Solicit or accept, directly or indirectly, any gift, favor, service, commission or other consideration that might reasonably tend to influence that official in the discharge of the duties of office.
   3. Seek to influence, directly or indirectly, the awarding of any contract where such official is interested or would benefit directly, financially or otherwise, from said contract. Such action is not intended to apply to actions of a Supervisor on behalf of a group or class of citizens of the township who would benefit from the contract and such benefit and relationship is generally known and acknowledged.
2. Any elected or appointed official of the township or employee thereof having any direct or indirect financial interest as a partner or a stockholder of a corporation or an employee of a business entity which proposes to contract with the township for the purchase or sale of land, materials, supplies or services of any kind shall fully disclose said interest and, except where stock holdings in a corporation shall be minimal, shall not vote on said contract. Violation of this section shall render the contract voidable at the discretion of the Board of Supervisors.
3. The Supervisors, the Township Manager and their direct appointees shall, upon taking office, file with the Township Secretary a statement of direct, indirect or beneficial ownership of real property in Tredyffrin Township or direct, indirect or beneficial interest in any corporation, partnership or joint venture owning real property in Tredyffrin Township. This statement shall be revised promptly as required by any change in ownership.

### § C-64. Violation.

Any person who violates any provisions of § C-63 or who shall be convicted of any crime classified as a

misdemeanor of the second degree or higher under the laws of this commonwealth or shall be convicted of any comparable crime by the United States or by any state shall not be qualified to hold township office or employment and, if holding such, shall be dismissed upon determination of such violation by a Citizens Board of five electors of this township appointed by the Board of Supervisors for such purpose or upon conviction thereof by a state or federal court. The Citizens Board shall be appointed by the Board of Supervisors upon its own motion (provided that any Supervisor who is the subject of the investigation shall not take part in the appointment) or shall be appointed upon the petition of 100 or more registered electors in the township whose designated Chairman shall be a member of the Citizens Board. The petition seeking the appointment of a Citizens Board shall in general terms specify the area of investigation.

ARTICLE X

### Citizen Participation

**§ C-65. General provisions.**

1. Any qualified citizen of the township may participate in the governing of the township by:
   1. Seeking elected office as a Supervisor and/or voting for the Supervisor or Supervisors of his choice.
   2. Serving on boards, commissions, authorities, committees or other agencies of the township when requested by the responsible officials.
   3. Attending public meetings of the Board and other boards, commissions, authorities, committees or agencies of the township.
   4. Addressing suggestions to the Board and others to provide guidance for their actions and exercising the right of initiative or referendum in accordance with the procedures set forth in

#### § C-66.

1. The Board shall make every effort to appoint qualified citizens to boards, commissions, authorities and committees in order that the greatest possible use be made of the talents and interests of citizens of the township in promoting the public interests and welfare of the township.

### § C-66. Initiative and referendum.

1. The qualified voters of the township shall have the power, subject to the procedures and limitations set forth herein, to propose the initiation of ordinances or the repeal of ordinances previously enacted by the Board.
2. All petition papers for the purpose of initiating or repealing an ordinance shall:
   1. Bear in ink the signatures, addresses and date of signing of at least 20% of the registered electors in the township.
   2. Contain the names and addresses of five registered electors designated as the "Committee of the Petitioners," including the person designated as Chairman.
   3. In the case of initiating an ordinance, contain the full text of the ordinance proposed and, in the case of repealing an ordinance, identify the title, date and a summation of the significant substance of the ordinance for which repeal is sought.
   4. Contain on each page an affidavit executed by the circulator of the petition that all signatures thereon are genuine and were affixed in his presence on the date indicated only after the signer had an opportunity to read the full text prior to signing.
   5. Be circulated and signed within a period of 30 days between the date of the first signature and the date at which the petition papers are submitted to the Township Manager.
   6. Be submitted to the Township Manager who shall immediately take further action as set forth in this article.
3. Upon receipt of a petition to initiate or repeal an ordinance, the Township Manager shall take the following action:
   1. Within 20 days of receiving the petition, the Township Manager shall examine the petition for compliance with the provisions of this article with respect to form and sufficiency of signatures and advise the designated Chairman of the Committee of the Petitioners of the results of the examinations by certified mail or hand delivery.
   2. If the purpose of the petition is to initiate an ordinance, the Manager shall immediately refer a copy of the text of the proposed ordinance to the Township Solicitor who shall within five days certify to the Manager whether or not the proposed ordinance is lawful under this Charter and general law and whether or not the proposed ordinance is in proper form or can be so written without changing substance. Such decision by the Township Solicitor shall be considered a "final order of an administrative agency" under the provisions of Article V, Section 9, of the Constitution of the Commonwealth of Pennsylvania. If the Township Solicitor considers the proposed ordinance to be lawful, but defective in form, he shall provide a draft in proper form. The Manager shall report the findings of the Township Solicitor in his report to the designated Chairman of the Committee of the Petitioners, as required above.
   3. Within 10 days of receiving the response of the Manager, the Chairman of the Committee of the Petitioners may notify the Manager of the Committee's acceptance of the report or the revised draft, if any, and remedy any minor procedural deficiencies in the petition. Otherwise, the petition will be considered abandoned and any further action must be initiated by a new petition.
   4. If the Manager finds the petition is sufficient, the Manager shall as soon as possible, but in no more than 20 days after receipt, advise the Board Chairman. If the petition calls for the repeal of an ordinance which was not in effect at the time the petition was filed with the Manager, the ordinance will be suspended until final decision has been made under this article. If the ordinance was in effect at the time the petition was received by the Manager, the ordinance will remain in effect until repealed by the Board or by referendum.
   5. The Manager shall advertise the proposed ordinance or repeal of an ordinance in the same manner as an ordinance initially approved by the Board under § C-38B, designating the date at which the Board will take final action, and shall place the question on the agenda for the Board at the designated meeting.
4. The Board must accept or reject the proposed ordinance or repeal of an ordinance at the meeting designated for this purpose. No amendments may be made which materially change the substance or effect of the proposed ordinance.
5. Before final action is taken by the Board, the Committee of the Petitioners may, by majority vote of its members, elect to rescind the petition and notify the Manager, in writing, of this decision. If such action is taken, the matter will be closed and any further action can be taken only by a new petition.
6. If, within 60 days of the submission of a certified petition by the Manager to the Board Chairman, the Board shall fail to pass an ordinance requested by initiative petition in substantially the form requested or shall fail to repeal the referred ordinance, the Manager shall within 14 days thereafter file the petition with the Board of Elections of Chester County, Pennsylvania, and request that the proposed ordinance or repeal of an ordinance be submitted for referendum at the next municipal, general or primary election which shall occur not less than 60 days from the date of certification of the petition to the County Board of Elections. No action of initiative or referendum shall be taken under this article at a special election other than at the time of regular scheduled elections.
7. If a majority of the qualified electors voting on the question favor the adoption of a proposed ordinance or the repeal of an ordinance previously adopted by the Board, the ordinance shall become

effective or the repealed ordinance shall become void upon certification of the election results. The Manager shall add the new ordinance to or delete the repealed ordinance from the record book and the code of ordinances required in §§ C-41, C-42 and C-48.

1. If a proposed ordinance or repeal of an ordinance is rejected in the referendum, no further action may be initiated by petition on the same subject within two years from the date of election at which the proposal was defeated. However, the Board will retain the option of adopting a similar ordinance or repealing previous ordinances at its discretion. The Board may take no action to repeal or significantly modify an ordinance adopted by initiative or referendum within a period of two years from the date of the election at which the ordinance was approved.
2. Initiative or referendum may not be used to alter ordinances enacting or amending the annual operating and capital budgets of the township. However, such action may be taken with respect to any ordinance authorizing the establishment of specific programs or projects. No ordinance enacted by referendum which would affect the revenues or expenditures of the township in the fiscal year in which the ordinance is adopted shall take effect until the succeeding fiscal year.
3. In the event that two or more ordinances are properly proposed by initiative but are inconsistent, the Manager and the Township Solicitor shall meet with Committees of the Petitioners and seek mutually agreeable adjustments to eliminate the inconsistency. If mutual agreement cannot be obtained, the petition first submitted to the Township Manager pursuant to § C-66B(6) shall be accepted for further processing.

ARTICLE XI

### General Provisions

**§ C-67. Severability.**

If any provision of this Charter is held invalid or unconstitutional, the remaining provisions of the Charter will not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstances is held invalid or unconstitutional, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

### § C-68. Gender.

At all places in this Charter, words used in a masculine gender shall include the feminine.

### § C-69. Amendment.

This Charter may be amended in the manner provided by law.

### § C-70. Effective date.

This Charter shall become effective on the fifth day of January 1976, except for the transitional provisions of Article XII, which shall become effective upon certification of the adoption of this Charter.

ARTICLE XII

### Transitional Provisions

**§ C-71. Supervisors.**

1. The three Supervisors whose present terms extend past 1975 will continue in office as Supervisors elected at large until the expiration of the terms for which they were elected, in which case the remaining terms under this Charter shall be four years for two Supervisors and two years for one Supervisor. At the municipal election in 1975, a Supervisor will be elected from the township at large to serve for a term of two years.
2. At the municipal election in 1975, a Supervisor shall be elected from each of the three districts established by the Court of Common Pleas as provided by § C-12. The Supervisors from the odd- numbered districts shall be elected for a term of four years. The Supervisor from the even-numbered district shall be elected for a term of two years.
3. At the expiration of the term of office of the initial Supervisors under this Charter, their successors shall serve for four-year terms.

### § C-72. Officers and employees.

1. General. Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are township officers or employees at the time of the adoption of this Charter. An employee holding a township position at the time this Charter takes full effect, who was serving in the same or a comparable position at the time of adoption, shall not be subject to competitive tests as a condition of continuance in the same position, but in all other respects shall be subject to the personnel system set forth in § C-45 and in the Administrative Code.**26**
2. The Auditors in office on the day before the Charter takes effect shall continue in office for the terms for which they were elected or until their death, resignation or removal. Thereafter, the former provisions for three elected Auditors (Former Auditors) shall be discontinued and the functions of that office shall be carried out by the Elected Auditor mandated by this Charter and elected pursuant to Article III. After the date of the adoption of this Charter, no additional Former Auditors shall be elected, and after the effective date of this Charter, the functions presently assigned to the Former Auditors shall be assigned to the Elected Auditor.

### § C-73. Departments, offices, agencies, boards and commissions.

1. The organization of the township government under this Charter after the fifth day of January 1976 shall be as set forth in the Administrative Code,**27** as required by § C-44, and the procedures for initial adoption of an Administrative Code set forth in § C-75.
2. At the effective date of this Charter, all appointive offices previously existing, except those listed in Subsection C hereof, shall be abolished and the terms of all appointed officers shall immediately cease and terminate. However, nothing in this section shall be construed to abolish the office or terminate the terms of office of any official or employee protected by a tenure of office law or collective bargaining agreement, and it is the intent of this Charter that qualified officers and employees be reappointed to the same or similar positions in the organization to be set forth in the
   1. **Editor's Note: See Ch. 4, Administration of Government.**
   2. **Editor's Note: See Ch. 4, Administration of Government.**

Administrative Code.**28**

1. All appointed members of boards, commissions, authorities and committees shall continue in office with the same or similar bodies for the balance of the term of their original appointment. However, nothing in this section shall be construed to limit the right of the Board to create, modify or abolish boards, commissions, authorities and other agencies and special committees as provided in § C-44.

### § C-74. Pending matters.

All actions and proceedings of a legislative, executive or judicial character which are pending upon the effective date of this Charter shall be maintained, carried on or dealt with by the township department, office or agency appropriate under this Charter.

### § C-75. Transition Committee.

In order to establish an orderly procedure for transition from the old to the new form of government provided by this Charter and to ensure that all necessary action is taken in order that this Charter will be fully operational on its effective date, the Board shall within 90 days from the adoption of this Charter appoint a Transition Committee, consisting of no more than 11 members, at least two of whom shall be from the Board of Supervisors, at least two from the Government Study Commission and such other qualified citizens as the Board may select to serve on such Committee, to draft the necessary rules, ordinances and regulations as set forth in this section. Within 10 days following election, the new Board of Supervisors shall meet with the Transition Committee to review and prepare the final draft of the below- listed necessary ordinances and any other appropriate ordinances to implement the Charter. They shall adopt these ordinances at the organizational meeting of the new Board as set forth in § C-14. All meetings of the Transition Committee shall be open to the public.

1. Administrative Code.**29** An Administrative Code shall be written and adopted in accordance with

§ C-44 and shall include personnel rules and regulations in accordance with § C-45. The provisions of § C-38 hereof shall not apply to the initial adoption of the Administrative Code, provided that a summary thereof shall be advertised at least once in two or more newspapers of general circulation in the township at least seven days prior to the organizational meeting of January 1976 and simultaneously copies of the proposed Administrative Code shall be available at the township office for purchase at a reasonable fee and for inspection.

1. Classification of accounts. A uniform classification of accounts and accounting codes shall be written and adopted in accordance with § C-51.
2. Bonding of officers and employees. Provisions for bonding of officers and employees shall be established as provided by § C-60, such bonds to become effective on the effective date of this Charter.

### § C-76. Budget for calendar year 1976.

The Transition Committee may assist the 1975 Board of Supervisors in preparing the budget for the year 1976 in accordance with the organizational structure and uniform classification of accounts and accounting codes to be provided in accordance with § C-75.

* 1. **Editor's Note: See Ch. 4, Administration of Government.**
  2. **Editor's Note: See Ch. 4, Administration of Government.**

## The Code Administrative Legislation

**Chapter 1 GENERAL PROVISIONS**

### [HISTORY: Adopted by the Board of Supervisors of the Township of Tredyffrin 10-19-1998 by Ord. No. HR-278. Amendments noted where applicable.]

ARTICLE I

### Adoption of Code

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

Pursuant to Section 1601(d) [53 P.S. § 66601(d)] of the Second Class Township Code, the codification of a complete body of legislation for the Township of Tredyffrin, County of Chester, Commonwealth of Pennsylvania, as revised, codified and consolidated into chapters, articles and sections by General Code Publishers Corp., and consisting of Chapters 1 through 209, together with an Appendix, are hereby approved, adopted, ordained and enacted as a single ordinance of the Township of Tredyffrin, which shall be known and is hereby designated as the "Code of the Township of Tredyffrin," hereinafter referred to as the "Code."

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

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

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

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

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

The adoption of this Code and the repeal of ordinances provided for in § 1-3 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal; provided, however, that the repeal of ordinances pursuant to § 1-3 or the saving from repeal of ordinances pursuant to this section shall not be construed so as to revive any ordinance previously repealed, superseded or no longer of any effect:

1. Any ordinance adopted subsequent to 6-1-1998.
2. Any right or liability established, accrued or incurred under any legislative provision of the township prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability or any cause of action acquired or existing.
3. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision of the township or any penalty, punishment or forfeiture which may result therefrom.
4. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance, brought pursuant to any legislative provision of the township.
5. Any franchise, license, right, easement or privilege heretofore granted or conferred by the township or any lawful contract, obligation or agreement.
6. Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the township or other instruments or evidence of the township's indebtedness.
7. Any ordinance adopting an annual budget or establishing an annual tax rate.
8. Any ordinance providing for the levy, imposition or collection of special taxes, assessments or charges.
9. Any ordinance authorizing the purchase, sale, lease or transfer of property or acquiring property by acceptance of deed, condemnation or exercise of eminent domain.
10. Any ordinance annexing land to the township.
11. Any ordinance providing for or requiring the construction or reconstruction or opening of sidewalks, curbs and gutters.
12. Any ordinance or part of an ordinance providing for laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, sidewalk, park or other public place or property or designating various streets as public highways.
13. Any ordinance establishing water, sewer or other special purpose districts and designating the boundaries thereof; providing for a system of sewers or water supply lines; or providing for the construction, extension, dedication, acceptance or abandonment of any part of a system of sewers or water supply lines.
14. Any ordinance providing for the making of public improvements.
15. Any ordinance providing for the salaries and compensation of officers and employees of the township or setting the bond of any officer or employee.
16. Any ordinance concerning changes and amendments to the Zoning Map.
17. Any ordinance relating to or establishing a pension plan or pension fund for municipal employees.
18. Any ordinance or portion of an ordinance establishing a specific fee amount for any license, permit or service obtained from the township.

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

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

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

1. Nonsubstantive grammatical changes. In compiling and preparing the ordinances of the township for adoption and revision as part of the Code, certain nonsubstantive grammatical and style changes were made in one or more of said ordinances. It is the intention of the Board of Supervisors that all such

changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such.

1. Substantive changes and revisions. In addition to the changes and revisions described above, changes and revisions of a substantive nature, as set forth in Schedule A attached hereto and made a part hereof,**30** are hereby made to various ordinances included in the Code. These changes are enacted to bring provisions into conformity with the desired policies of the Board of Supervisors, and it is the intent of the Board of Supervisors that all such changes be adopted as part of the Code as if the legislation so changed have been previously formally amended to read as such. All such changes and revisions shall be deemed to be in effect as of the effective date of the Code specified in § 1-15.
2. Nomenclature. The following nomenclature changes shall be made throughout the Code:
   1. "Department of Community Affairs" is hereby amended to read "Department of Community and Economic Development."
   2. "Department of Environmental Resources" is hereby amended to "Department of Environmental Protection" or "Department of Conservation and Natural Resources," whichever is appropriate.
   3. "District Magistrate" or "Justice of the Peace" is hereby amended to read "District Justice."
   4. References to the Second Class Township Code are hereby amended to refer to the sections as reenacted by Act 60-1995.
3. Fees. All specific fee amounts setting forth a fee for licenses, permits or services provided by the township are hereby removed and replaced with "as set from time to time by resolution of the Board of Supervisors."

### § 1-7. Interpretation of provisions.

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

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

1. Chapter and article titles, headings and titles of sections and other divisions in the Code or in supplements made to the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.
2. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.
   1. **Editor's Note: In accordance with § 1-6B, the chapters, parts and sections which were added, amended, adopted or deleted by this ordinance are indicated throughout the Code by a footnote referring to Chapter 1, General Provisions, Article I. During routine supplementation, footnotes indicating amendments, additions or deletions will be replaced with the following history: "Amended (added, deleted) 10-19-1998 by Ord. No. HR-278." Schedule A, which contains a complete description of all changes, is on file in the township offices.**

### § 1-9. Filing of copies of Code.

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

### § 1-10. Amendments to Code.

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

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

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

### § 1-12. Publication of notices.

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

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

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, or to alter or tamper with the Code or any part or portion thereof, in any manner whatsoever, which will cause the law of the township to be misrepresented thereby. Any person who violates or permits a violation of this section of this ordinance, upon being found liable therefor in a civil enforcement proceeding, shall pay a fine of not more than $600, plus all court costs, including reasonable attorney's fees, incurred by the township in the enforcement of this chapter. No judgment shall be imposed until the date of the determination of the violation by the District Justice and/or Court. 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 a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.

### § 1-14. Severability.

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

### § 1-15. Effective date.

All provisions of this ordinance and of the Code shall be in force and effect on and after November 20, 1998.

## Chapter 4 ADMINISTRATION OF GOVERNMENT

### [HISTORY: Adopted by the Board of Supervisors of the Township of Tredyffrin as Ch. I, Art. 2, of the 1979 General Laws of the Municipality of Tredyffrin. Amendments noted where applicable.]

**GENERAL REFERENCES**

**Specific Charter references — See Charter. Municipal Authorities — See Ch. 9.**

**Environmental Advisory Council — See Ch. 16.**

**Intergovernmental Agreements — See Ch. 23. Parks and Recreation Board — See Ch. 35.**

**Planning Commission — See Ch. 43.**

ARTICLE I

### Findings; Terminology

**§ 4-1. Legislative findings.**

There is established by this chapter, and any amendments thereto, a code for the government of the Township of Tredyffrin, a political subdivision of the Commonwealth of Pennsylvania, pursuant to its Charter drawn and approved as provided by Act 62 of 1972, which code shall be known and referred to as the "Administrative Code" and which shall be the rules and regulations prescribing duties of principal officers and the system of office, departmental and institutional management of the offices, departments and institutions of the Township of Tredyffrin.

### § 4-2. Definitions.

1. The following words, when used in this chapter shall, unless the context clearly indicates otherwise, have the meanings and significance herein indicated:

BOARD — The Board of Supervisors of the Township of Tredyffrin.

CHARTER — The Home Rule Charter of the Township of Tredyffrin, Commonwealth of Pennsylvania.

CODE — The Administrative Code of the Township of Tredyffrin as enacted by this chapter and any and all amendments thereto, unless some other code is indicated.

COMMONWEALTH — The Commonwealth of Pennsylvania. TOWNSHIP — The Township of Tredyffrin.

1. General terminology. The singular shall include the plural, the plural the singular; the word "shall" is mandatory and the word "may" is permissive; words used in the masculine gender shall include the feminine and the neuter; words used in the past or present tense shall include the future; any word not specifically defined shall be construed according to its common usage.

ARTICLE II

### Elected Officials

**§ 4-3. Township Board of Supervisors.**

1. Authority. The Board shall have and exercise all the powers and duties now or hereafter conferred or imposed upon it by the Charter, this code or other applicable law. The authority of the Board shall be limited to that which it exercises as a body and its members shall not seek individually to influence the official acts of any Township officer or employee, nor shall any individual member direct the appointment of any person to or his removal from office.
2. Meetings.
   1. Regular meetings of the Board of the Township of Tredyffrin shall be held at the Tredyffrin Township Municipal Building, except as noted below. At the Board's organization meeting, the Board shall adopt by resolution the calendar of its regular meetings for the remainder of the year. The meeting calendar and the location of the meeting place may be changed by resolution from time to time as deemed necessary by the Board.
   2. Special meetings of the Board shall be called and announced as specified in § C-15A of the Charter.
   3. The Board may adjourn a regular or special meeting to a later specified time.
   4. If no quorum is present at a special or regular or adjoined meeting, a majority of those who do meet may agree upon another date for a meeting and may continue to so agree until the meeting is held.
3. Organization. As specified in the Charter, the Board shall meet on the first Monday of January of each year to organize and elect one of the members as Chairman and one of the members as Vice Chairman. The Chairman and Vice Chairman shall be chosen by a majority vote of all members of the Board, such vote being recorded in the minutes. If within five ballots to be taken within two days of said organization meeting, the members shall be unable to select a Chairman or Vice Chairman, then the member who in the most recent election for members of the Board received the greatest number of votes shall be Chairman, and the person receiving the next greatest number of votes shall be the Vice Chairman. In the event of illness or other incapacitation of the Chairman which necessitates absence for two or more consecutive meetings, the Board may, by majority vote, elect to declare the position open and the Vice Chairman shall be declared Chairman and a new Vice Chairman shall be elected as specified.
4. Duties of Chairman. The Chairman of the Board shall have the power and the duty to:
   1. Preside at all special and regular meetings of the Board.
   2. Sign all ordinances passed by the Board.
   3. Sign those contracts requiring Board action as defined in § 4-20A of this code.
   4. Administer oaths as required by this code or the Charter.
   5. Make appointments to legislative committees which have been established by the Board.
5. Committees. The Board may from time to time establish, by resolution, permanent standing committees or ad hoc committees to investigate, study or recommend actions to the Board. The

resolution shall state the name of the committee, its purpose and a schedule for reporting the results of the committee deliberations to the Board. The resolution may also include further direction for the committee in such matters as to expenses, the recording of minutes, form of report and the scope of the investigation, study or recommendations.

1. Duties of the Board. In addition to the general duties and responsibilities granted in the Charter, the Board of Supervisors shall have the power and the duty to:
   1. Make appropriations, incur indebtedness and adopt the budget.
   2. Levy taxes.
   3. Fix the amount of bond of officers and employees if paid from municipal funds.
   4. Make and cause to be made such studies or post audits and investigations it deems to be in the best interests of the Township.
   5. Make investigations into any affairs of the Township.
2. Records and agenda.
   1. The minutes of regular and special meetings of the Board shall contain, at the minimum, the date, time and place of convening, a listing of Board members present and absent, an identification of all matters brought before the Board for discussion or action, the resulting vote of all members present on all motions, resolution or ordinances and a roll call record of votes cast "aye" or "nay" on all ordinances upon which action was taken.
   2. By motion of the Board, tape recordings or other verbatim transcription of the proceedings of any meeting may be taken and be available and preserved in the same manner as prescribed for minutes.
   3. Copies of the minutes of each meeting shall be provided to each Board member or read aloud at the next regular or special meeting and, following any corrections by the Board, action toward approval shall be considered.
   4. Copies of all past minutes of Board meetings shall be open to public inspection throughout normal working hours. Individuals may make arrangements to obtain copies of pages of the minutes and the Township shall charge an appropriate fee to be established by the Township Manager.
   5. Minutes and other written records of proceedings of the Board shall be preserved by the Township Manager in a designated Minute Book which he shall keep securely in the Township Building. Removal of the Minute Book from the Township Building shall be only as a result of Board action or court order. Tape recordings, transcriptions, exhibits or other attachments or material otherwise related to a regular or special meeting shall be suitably identified by the Manager and stored in the same manner as the Minute Book.
3. Ordinances and resolutions.
   1. Those actions specified in § C-36 of the Charter and all other actions of a legislative character shall be taken by ordinance. All other actions by the Board shall be by resolution or motion, unless otherwise required by state law, the Charter, this code or in the ordinances establishing the rules of Board procedure. However, no such administrative action shall be void or otherwise adversely affected if it shall have been taken by ordinance. All final action in adopting

ordinances or resolutions shall be by roll call vote, and the vote of each member shall be entered in the minutes of the meeting.

* 1. Every ordinance shall contain the date of its enactment, and its enactment shall be verified by the signature of the presiding officer of the meeting where official action thereon was taken. The official seal of the Township shall be affixed to the original copy of each ordinance. However, failure on the part of the Chairman to sign an ordinance or affix the official seal shall not in any way invalidate an otherwise valid ordinance.

1. Expenses of Supervisors.
   1. By motion, the Board may authorize any of its members to attend meetings of municipal organizations and associations or study or training sessions related to the responsibilities of the office of Supervisor or to attend other meetings outside of the Township boundaries on official business. All or any specified portion of the necessary expenses incidental to the attendance of such meetings or sessions may be paid.
   2. Every member of the Board attending any convention, meeting or study or training sessions referred to in this section shall submit to the Board an itemized account of the expenses which were incurred. Except as provided for above, no other expenses shall be authorized.**31**

### § 4-4. Elected Auditor; powers and duties.

The elected Auditor shall have general responsibility to assure that the financial records of the Township and its officers, boards or commissions are properly audited and that the independent audit required by

§ C-59 of the Charter is effectively carried out. In fulfillment of this responsibility, the powers and duties of the elected Auditor shall be to:

1. Meet during January of each year with the certified public accountant or accounting firm appointed as independent auditor to jointly plan and establish the nature and scope of the audit, the data requirements and the coordination required with the Township officers, boards or commissions which will be subject to audit.
2. Arrange for and/or obtain the information and data required by the independent auditor and to otherwise assist in the preparation of the independent certified standard municipal audit required by

§ C-59 of the Charter.

1. Discuss and review the audit with the independent auditor and identify discrepancies which may require further investigation.
2. Submit the independent audit report to the Board, the Manager and the Pennsylvania Department of Community and Economic Development as required and to provide a summary of the independent audit report to the Manager for publication within 60 days after the close of the fiscal year.
3. Require the attendance of witnesses in the making of audit and settlement and production of books and documents; and conduct investigations, serve subpoenas and administer oaths.
4. Enter as a surcharge any balance due to the Township as a result of neglect or a wrongful act of a Township officer in accordance with the procedures of Sections 551t I through 563 of the Second Class Township Code, Act 567 of July 10, 1947 (P.L. 1481), as amended.**32**
   1. **Editor's Note: Original Section 202B, Elected Tax Collector, which immediately followed this subsection, was deleted 10-19-1998 by Ord. No. HR-278.**
5. Employ an attorney in the case of a disagreement with any official of the Board whose accounts are subject to audit. Such attorney shall not be employed until a reasonable effort to reach an agreement has been made and only after the intention to do so has been given in writing to the Board. The elected Auditor shall recommend compensation of the attorney to the Board, and in the event of a disagreement, the elected Auditor shall take an appeal to the court, in which case the court shall fix the compensation of the attorney. The compensation shall be paid from Township funds.
   1. **Editor's Note: See 53 P.S. § 65101 et seq.**

ARTICLE III

### Township Manager

**§ 4-5. Powers and duties of Manager.**

The Manager, as chief executive officer of the Township, shall have the power and duty to:

1. Execute all policies of the Board and administer all affairs of the Township put in his charge.
2. Appoint, suspend and remove, with approval of the Board, one or more assistant managers, a Finance Director and all department heads except the Superintendent of Police.
3. Make or cause to be made agenda, minutes and other records of Board meetings.
4. Prepare annual reports and other periodic reports required by § C-35 of the Charter and prepare financial projections as required by § C-52 of the Charter.
5. Prepare the Township tax duplicate. **[Amended 10-19-1998 by Ord. No. HR-278]**
6. Prepare and establish a budget calendar, obtain budget requests from all departments, boards and commissions, assemble and modify the proposed budget and submit the proposed capital and operating budgets to the Board for approval as provided for in §§ C-53 and C-54 of the Charter.
7. Administer the personnel rules and regulations of the Township and to assign any employee of the Township (except employees of the Department of Police) to any department requiring service appropriate to the personnel classification of the employee and subject to the limitations of the personnel rules and regulations.
8. Fix compensation of employees (other than himself, the Superintendent of Police and other Police Department employees).
9. Supersede the actions of any department head (except the Superintendent of Police) and to investigate, examine or inquire into the affairs of any department, office or other agency of the Township under his authority.
10. Prepare the recommended form and amounts of bond for approval by the Solicitor.
11. Determine required insurance hazards and coverage and obtain bids or negotiate appropriate insurance coverage for the Township subject to Board approval.
12. Execute those contracts for goods and services permitted in § 4-20A of this code or when further authorized by resolution of the Board.

### § 4-6. Conduct of Manager.

1. The Manager shall conduct himself so as to maintain public confidence in his performance of his position in the Township. The Manager shall conduct his official and personal affairs in such a manner that he will give the clear impressions that he cannot be improperly influenced in the performance of his official duties. The Manager shall not directly or indirectly solicit or accept any gift under circumstances in which it could reasonably be inferred that the gift was intended to influence him or could be reasonably expected to influence him in the performance of his duties or was intended as a reward for any official action on his part.
2. The Manager shall not participate in the election campaign on behalf of or in opposition to candidates

for elective Township office. **[Amended 4-20-2009 by Ord. No. HR-376]**

1. The Manager shall not solicit, accept or engage in private employment or conduct other private business when such action creates a conflict with or impairs the proper discharge of his official duties. Teaching, lecturing, writing or consulting are typical activities which may not involve conflict of interest or impair the proper discharge of his official duties. Prior notification of the Board is required in all cases of outside employment.

ARTICLE IV

### Departments

**§ 4-7. Creation; department heads.**

1. The Township shall have the following departments under the Supervision of the Manager: Department of Administration; Department of Public Works and Parks; and Department of Inspections.
2. The Department of Police shall be headed by the Superintendent of Police who shall be under supervision of the Board.
3. The Manager shall serve as head of any department under his supervision unless and until the Board authorizes the appointment of a separate department head. The Manager shall appoint department heads solely on the basis of administrative, executive and technical qualifications appropriate to the functions of their departments.
4. Intentions by the Manager to appoint, suspend or remove department heads under his supervision shall be expressed by the Manager in the form of a letter to the Board. The intention expressed in the letter shall be considered by the Board at a regular or special meeting and, if approved, may be made effective on any subsequent date designated by the Manager.
5. The Board may create, abolish or consolidate departments through amendment of this code in the manner provided for in the Charter.

### § 4-8. Department of Administration.

The Department of Administration shall be headed by the Director of Administration who shall be the Township Manager until such time as the Board authorizes a separate position be created through amendment of this code. The Director shall be responsible for all functions of the Department, which shall be to:

1. Maintain proper records and files concerning Township personnel, contracts, purchases, tax assessments and duplicates and other administrative matters.
2. Demand and receive moneys for permit fees, sewer and other utility services, grants from federal or state agencies, tax collections from Tax Collectors and other funds properly due the Township and to report to the Township Manager claims which are not collectible by the Department. **[Amended 10-19-1998 by Ord. No. HR-278]**
3. Maintain an accurate accounting system with which all receipts and expenditures are properly recorded and presented in a manner which will facilitate the development of financial reports to be prepared by the Finance Director and which can be readily audited.
4. Prepare and maintain a system for billing for sewer services and other utility services which may be provided by the Township.
5. Prepare and maintain a system to account for and pay out the payroll to the employees of the Township.
6. Carry out other functions of an administrative nature which may be assigned by the Township Manager.

### § 4-9. Department of Public Works and Parks.

The Department of Public Works and Parks shall be headed by the Director of Public Works. The Director shall be responsible for all functions of the Department which shall be to:

1. Carry out the plan, construction, operation, maintenance and general management of the physical properties of the Township and physical properties of Township municipal authorities which through separate agreement are operating responsibilities of the Township.
2. Administer and manage recreation programs in accordance with the Parks and Recreation Board plans and policies.
3. Enforce solid waste ordinances of the Township.
4. Install and maintain all markings, signs and signals for traffic control which are placed on Township streets or roadways.
5. Operate and maintain the Township garage and maintain and provide for Township uses all automotive equipment owned by the Township.
6. Identify and estimate the cost of operating and capital items in the area of public works and parks which will be recommended to the Manager for inclusion in upcoming Township budgets.
7. Provide technical services which may be requested by the Township Engineer or other department heads in such areas as project inspections, surveys, mapping assistance and establishing fees and rates.
8. Enforce and administer ordinances and perform such other related public works functions as may be assigned by the Manager.

### § 4-10. Department of Inspections.

The Department of Inspections shall be headed by the Director of Inspections. The Director shall be responsible for all functions of the Department which shall be to:

1. Enforce the Township's ordinances and codes dealing with zoning, plumbing, individual and public sewer systems, building and fire protection.
2. Issue, suspend or revoke permits in connection with the ordinances or codes above.
3. Make recommendations and provide advice to the Manager, the Board and the Planning Commission concerning the adequacy of existing ordinances and codes.

### § 4-11. Department of Police.

The Department of Police shall be headed by the Superintendent of Police who shall be appointed and supervised by the Board as provided in § C-47 of the Charter.

1. Requirements for position of Superintendent of Police. The Superintendent of Police shall be chosen by the Board. The availability of the position may be advertised in appropriate municipal and police journals and other media as judged necessary by the Board. Applicants from within the Township Police Department will receive consideration equal to those from outside the Department. The Board may utilize written or oral interviews and/or examinations in judging the applicants and may employ the services of a consulting firm in assisting to make the selection, but the Board retains ultimate

discretion in the selection process. The minimum requirements for the position which shall be considered in selecting a Superintendent of Police shall be: **[Amended 4-20-2009 by Ord. No. HR-376]**

* 1. Education: graduation from high school with graduation from a college program in the area of law enforcement preferred and special training in law enforcement procedures and skills.
  2. Specialized knowledge, abilities and skills: social and general intelligence; a high degree of leadership and tact; good character; medical and physical fitness; ability to treat the public with courtesy and when the occasion demands with firmness; ability to organize the department for the effective performance of its functions; ability to plan and maintain a steady flow of work through the Department; ability to secure the confidence of the public in the fairness and effectiveness of performance of police functions; fundamental knowledge of police problems and procedures; familiarity with current developments in police science and administration; acquaintance with basic literature in the field of police administration; ability to maintain cooperative relations with other Township departments; ability to issue intelligible directions and orders and secure their execution; and ability to exercise good judgment in matters pertaining to personnel in the Department.
  3. Experience: minimum of 10 years with at least two years in a position equivalent to Sergeant or above; progressively responsible experience in enforcement, supervision and administration.

1. Responsibilities of Superintendent of Police. The Superintendent of Police shall be responsible to the Board for all functions of the Department of Police, which shall be to:
   1. Preserve the public peace and order, prevent and detect crime, apprehend offenders, protect persons and property and enforce all traffic regulations in the Township.
   2. Formulate and recommend to the Board policies and procedures pertaining to the enforcement of rules and regulations for the operation of the Department.
   3. Maintain and operate all police communications equipment, maintain police records, criminal and noncriminal identification and property identification.
   4. Investigate crimes, prevent and control juvenile delinquency, remove crime hazards and prepare evidence for the prosecution of criminal cases.
   5. Perform other related public safety duties as may be assigned by the Board.
   6. Prepare or have prepared personnel rules and regulations governing, at the minimum, hiring, promotion, discipline, grievances, tenure, suspension, removal, furloughing and reinstatement of police officers. The Superintendent shall submit such rules and regulations to the Board for its consideration within one year after the effective date of this code. The Superintendent shall submit changes in the rules and regulations to the Board from time to time as the Board and/or the Superintendent may find appropriate.
2. Conduct of the Superintendent of Police.
   1. The Superintendent of Police shall conduct himself so as to maintain public confidence in his performance of his position in the Township. The Superintendent of Police shall conduct his official and personal affairs in such a manner that he will give the clear impressions that he cannot be improperly influenced in the performance of his official duties. The Superintendent of Police shall not directly or indirectly solicit or accept any gift under circumstances in which

it could be reasonably inferred that the gift was intended to influence him or could be reasonably expected to influence him in the performance of his duties or was intended as a reward for any official action on his part.

* 1. The Superintendent of Police shall not participate in the election campaign on behalf of or in opposition to candidates for elective Township office. **[Amended 4-20-2009 by Ord. No. HR-376]**
  2. The Superintendent of Police shall not solicit, accept or engage in private employment or conduct other private business when such action creates a conflict with or impairs the proper discharge of his official duties. Teaching, lecturing, writing or consulting are typical activities which may not involve conflict of interest or impair the proper discharge of his official duties. Prior notification of the Board is required in all cases of outside employment.

ARTICLE V

### Officers and Employees

**§ 4-12. Finance Director; duties and responsibilities.**

The Finance Director, if provided for as in § C-49 of the Charter, shall act in a staff advisory role to the Manager. The Finance Director, or the Manager acting as Finance Director, shall have the power and duty to:

1. Assist the Manager in preparation and presentation of the annual and capital budgets and financial projections as required in §§ C-52 and C-53 of the Charter, respectively.
2. Authorize the entry of appropriations voted by the Board into the accounting records of the Township.
3. Certify the availability of funds on all contracts and approve no contract or expenditure which would exceed the unencumbered balance of appropriations in any account.
4. Monitor Township revenues and, in the event that such revenues fall short of or exceed budget estimates, certify such differences to the Board.
5. Authorize disbursement of funds when it has been determined that goods and services have been properly received, and either the Finance Director or his designate shall be a signatory on all checks, drafts and other orders of payment of Township funds.
6. Provide for the proper recording of financial transactions and related activities of the Township and be responsible for the preservation of financial records.
7. Prepare financial reports, at least monthly, in such a form that the Board, Manager and department heads can compare monthly and year-to-date expenditures and revenues with budgeted amounts in each account.

### § 4-13. Township Engineer.

1. Qualifications and appointment procedures.
   1. The Township Engineer shall be a Pennsylvania registered professional civil engineer or an engineering firm. The position may be held by either a full-time or part-time employee of the Township or by an individual or firm acting as consultant to the Township. The existence of the position of Township Engineer shall not preclude the Township from engaging other individual engineers or engineering firms to carry out specific engineering tasks.
   2. If the Township Engineer is an individual or firm acting as consultant to the Township, the Manager shall, when appointing a new Township Engineer, interview at least three qualified individuals or firms before making a selection and presenting the selection to the Board for approval. Approval by the Board shall be in the form of majority action on resolution.
2. Duties and responsibilities. The Township Engineer shall be directly responsible to the Manager for performing the functions of the office, which shall include:
   1. Engineering design and inspection services required for the construction or reconstruction of Township roads, streets and other facilities.
   2. Review and analysis of all proposed subdivision plans and specifications submitted to the Township Engineer by the Township.
   3. Providing expert testimony for the Township in any judicial proceeding concerning subdivision and land development, zoning matters or the construction or reconstruction of any Township facilities in which the Township Engineer has been assigned design, review, supervision or inspection responsibilities.
   4. Other technical advisory duties of an engineering nature which may be assigned by the Township Manager.
3. Compensation.
   1. If the Township Engineer is an individual or a firm acting as consultant, prior to appointment to the Township, the Manager shall negotiate an annual retainer specifying the basic services to which the retainer entitles the Township. In addition, an hourly or per diem rate shall be negotiated which will apply to duties assigned the Engineer which are beyond the scope of the basic services.
   2. If the Township Engineer is an employee of the Township, his compensation shall be fixed by the Manager in the same manner as for other employees of the Township.

ARTICLE VI

### Authorities, Boards and Commissions

**§ 4-14. General.**

1. Authorities, boards and commissions on the effective date of the Charter shall continue in existence subject to the right of the Board to abolish or change the name, tenure, composition, functions, powers or duties of any existing authority, board or commission, consistent with commonwealth or federal law. Any such action by the Board shall be taken by ordinance enacted as prescribed in the Charter.
2. Once a year the Township Manager shall provide a list of the terms and expiration dates of members of authorities, boards and commissions as set forth above and provide notification of vacancies during regular terms. The vacancy notice will be made available to individuals and organizations. Interested and qualified citizens (including incumbents) will be asked to submit their resumes to the Board for consideration for appointment. A special Board meeting will be held in January to consider those candidates who have expressed an interest in being appointed to the advisory boards. During an executive session prior to the regular scheduled meeting preceding the expiration of each advisory board appointment, candidates will be interviewed by the Board of Supervisors. The most qualified candidate will be appointed by a majority vote of the Board at a regular scheduled meeting.

### § 4-15. Authorities.

The creation, termination, powers and functions of authorities shall be governed by the Municipality Authorities Act of 1945 (P.L. 382) and its amendments.**33**

### § 4-16. Boards and commissions.

By ordinance, the Board may establish any new board or commission and specify its powers, duties and functions, and any such ordinance may be amended at any later time to modify the specified powers, duties and functions.

### § 4-17. Citizens Board.

1. A Citizens Board shall be appointed by the Board if required as provided for in § C-64 of the Charter.
2. In the event that a petition is utilized to seek the formation of a Citizens Board, the petition shall contain, in ink, the signature, address and date of signing of at least 100 electors. Each page of the petition shall contain an affidavit executed by the circulator of the petition that all signatures thereon are genuine and were affixed in his presence on the date indicated only after the signer had an opportunity to read the general description of the area of investigation contained on the first page of the petition. Any such petition shall be circulated and signed within a period of 30 days between the date of the first signature and the date at which the petition papers are submitted. The petition shall be submitted to the Township Manager who shall place the matter of the petition on the agenda of the next regular meeting of the Board occurring 10 days or more after the date on which the petition is submitted to the Manager. At the meeting at which the petition is scheduled for the agenda, the Board shall indicate an ordinance to form the petitioned Citizens Board in accordance with the procedures of § C-64 of the Charter. Appointments shall be made to the Citizens Board prior to the effective date of the ordinance. The person designated on the petition as Chairman of the Petitioners shall be named Chairman of the Citizens Board.
   1. **Editor's Note: See 53 Pa.C.S.A. § 5601 et seq.**
3. Any action of the Board which initiates a Citizens Board shall include a specification of the area of investigation and a reasonable time period within which the investigation must be completed.

ARTICLE VII

### General Provisions

**§ 4-18. Oaths.**

Such elected officials shall, prior to assuming office, take and sign an oath of office as prescribed by the laws of the commonwealth. Such oath may be taken and signed before any Judge, District Justice or Notary Public of the commonwealth, and no person shall be permitted to assume office until the oath, in written form, is filed with the Township.

### § 4-19. Surety bonds. [Amended 10-19-1998 by Ord. No. HR-278]

Before entering upon the duties of their respective offices or positions, the Manager, Finance Director and any other officers or employees of the Township as the Board may determine shall execute and file, with the Township Corporate, surety bonds, conditioned for the honest and faithful performance of their respective duties, in such amounts as shall be established by the Board. The Township Solicitor shall approve in writing all fidelity bonds before they are accepted by the Board. The agency placing the bonds shall be determined by the Board, and the premium for the bonds shall be paid by the Township.

### § 4-20. Contracts. [Amended 3-18-1991 by Ord. No. HR-163; 4-20-2009 by Ord. No. HR-376; 2-27-2012 by Ord. No. HR-393]

1. General.
   1. All contracts for the purchase of materials, equipment and supplies or for maintenance, repairs or construction in an amount requiring solicitation of quotes under 53 P.S. § 6812(b), as amended, except those excluded from competitive bidding requirements by § C-56C of the Charter, may be made by the Board after solicitation of two or more quotes.
   2. All contracts for the purchase of materials, equipment and supplies or for maintenance, repairs or construction in an amount requiring competitive bidding under 53 P.S. § 6812(a), as amended, except those excluded from competitive bidding requirements by § C-56C of the Charter, shall be made only to the lowest responsive bidder after receipt of one or more sealed or electronic bids via auction received after notice.
   3. The Township hereby permits electronic submission and receipt of bids for competitive bidding for purchases and contracts.
   4. The Township hereby permits the use of competitive electronic auction bidding for any contract for supplies or services (but not for construction or design professional services), subject to the following conditions:
      1. Any invitations for bids shall be issued and shall include a procurement description, all contractual terms, and conditions applicable to the procurement (including a notice that bids will be received electronically).
      2. Public notice and advertisement of the invitation for bids shall be given in the same manner as provided by law for Township contracts.
      3. For the auction process, bids shall be accepted electronically at the time and in the manner designated in the invitation for bids. During the auction, bidders shall have the capability to view their bid rank and/or the low price. Bidders may reduce their bid during the

auction. At the conclusion of the auction, the record of the bid prices received and the name of each bidder shall be open to public inspection.

* + 1. After the auction period has terminated, withdrawal of bids shall be permitted only by the written determination of the Township when the bidder requests relief and presents credible evidence that the reason for the lower bid price was a clerical mistake, as opposed to a judgment mistake, and was actually due to an unintentional, arithmetical error, or an unintentional omission of a substantial quantity of work, labor, material or services made directly in the compilation of the bid. The request for relief and the supporting evidence must be received by the Township five days after the bid opening.
    2. The contract shall be awarded within 60 days of the auction by written notice to the lowest responsible bidder, or all bids shall be rejected, except as otherwise provided in this section. Extensions of the date for the award may be made by mutual written consent of the Township and the lowest responsible bidder.
  1. When competitive bidding is required, notice shall be published at least once in one or more newspapers generally circulated in the Township between seven and 30 days before the date established for opening of sealed bids or start of electronic auction. Each sealed bid, and each electronic bid prior to acceptance by the Township, shall be accompanied by a certified check, bank cashier's or treasurer's check or a bid bond with corporate surety satisfactory to the Township in an amount equal to and not less than 10% of the bid. In the case of any materials, equipment or supplies to be acquired by the Township by chattel mortgage, bailment lease, conditional sale contract or other security agreement, the total cost shall be the total amount payable pursuant thereto throughout the term thereof. In the event of an emergency interruption of a service supplied by the Township, the immediate restoration of which is necessary to the health, safety or welfare of the citizens of the Township, oral or written competitive bids for the materials, equipment, supplies or services necessary for such restoration may be received by the Board at any time and awarded forthwith.
  2. The award of bids shall only be made by public announcement at the meeting at which bids are received or at a subsequent meeting the time and place of which shall be publicly announced when bids are received. If for any reason one or both of the above meetings shall not be held, the same business may be transacted at any subsequent meeting if at least five days' notice thereof shall be published in a newspaper published or circulating generally in the Township.
  3. Where quotes or sealed or electronic bids are not required pursuant to Subsection A(1) above, the Board may designate the Manager or other employee as purchasing agent who may, on behalf of the Township, enter into contracts for the purchase of materials, equipment and supplies or for maintenance, repairs or construction. Any such purchasing agent shall be strictly accountable for all purchases which that person makes or authorizes. If the Board elects not to designate a purchasing agent, the Board may nevertheless enter into such contracts.

1. Bonds for the protection of labor. For contracts awarded after receipt of one or more sealed or electronic bids per Subsection A(2) above, the prime contractor shall furnish to the Township a bond in a sum not less than 100% of the contract amount for the protection of persons supplying labor or material to the prime contractor or to any subcontractors in the prosecution of the work provided for in such contract and shall be conditioned for the prompt payment of all such material furnished or labor supplied or performed in the prosecution of the work. "Labor or materials" shall include public utility services and reasonable rentals of equipment, but only for periods when the equipment rented is actually used at the site.
2. Discrimination in employment. All contracts executed by the Township or officer thereof, which involve the construction or doing of any work involving the employment of labor, shall contain a provision that the contractor shall accept and adhere to the provisions of the Pennsylvania Human Relations Act.**34**
3. Acceptance by contractor of Worker's Compensation Act. All contracts executed by the Township or officer thereof, which involve the employment of labor, shall contain a provision that the contractor shall accept, insofar as the work covered by any such contract is concerned, the provisions of the Pennsylvania Workers Compensation Act,**35** and the contractor will insure his liability thereunder or file with the Township with which the contract is made a certificate of exemption from insurance from the Bureau of Workmen's Compensation of the Department of Labor and Industry.

### § 4-21. Disbursements.

1. All disbursements, except those for petty cash, shall be by check drawn on the checking accounts of the Township. Each check shall be signed by the Finance Director or his designees and the Manager or his designees.
2. At the regular meeting of the Board in January of each year, the Manager may submit to the Board an annual bill list containing listings of regular expenses which the Township is expected to incur during the upcoming year. These expenses may include, but not be limited to, such items as payroll, payment over of salary deductions, electric power, telephone, natural gas, office supplies, fuel and similar routine operating and maintenance items. Upon a resolution of approval by the Board, the Manager may authorize payment on invoice for items in the categories contained on the annual bill list at any time during the year and after it has been determined that the invoiced goods and services have been properly received.**36**

### § 4-22. Sale of Township property.

1. General. The Board may, by resolution, designate the Manager to sell, on behalf of the Township, excess or unneeded personal property of the Township. **[Amended 2-27-2012 by Ord. No. HR-393]**
2. All sales of real or personal property estimated to have a value exceeding $2,000 shall be made only to the highest responsible bidder after receipt of one or more sealed or electronic bids received after notice. The bidding process may be that of electronic auction, on a site hosted by others or by the Township, or sealed bid. The Township Manager or designee must approve the use of a specific electronic site in writing. Notice shall be published at least once in one or more newspapers generally circulated in the Township between seven and 30 days before the date established for the opening of sealed offers. For sealed bids, each offer shall be accompanied by a certified check, bank cashier's or treasurer's check in an amount equal to but not less than 10% of the offer. **[Amended 4-20-2009 by Ord. No. HR-376; 2-27-2012 by Ord. No. HR-393]**
3. The provision above requiring advertised sale to the highest bidder need not be applied by the Board where Township real or personal property is to be sold to a municipal authority, a school district, another municipality, the commonwealth or a nonprofit corporation engaged in community industrial development. In these cases, the Board or its designee may negotiate a sale price within guidelines
   1. **Editor's Note: See 43 P.S. § 951 et seq.**
   2. **Editor's Note:hy See 77 P.S. § 1 et seq.**
   3. **Editor's Note: Former Subsection C, regarding invoices not contained on the annual bill list, was repealed 2-27-2012 by Ord. No. HR-393.**

established by the Board.

### § 4-23. Rules and regulations.

Department heads may prepare rules and regulations governing the operations of their respective departments. Any such regulations, except for those of the Department of Police, shall be reviewed by the Manager prior to becoming effective. The Manager shall maintain a central file of any department rules and regulations which may be in effect.

### § 4-24. Independent audit.

1. The Board shall appoint a Pennsylvania certified public accountant or accounting firm to provide an independent audit of Township receipts, expenditures, accounts and reports as required by § C-59 of the Charter.
2. The appointment may or may not be determined through competitive bidding as decided through affirmative action on a motion of the Board. The appointment shall be determined by a majority of the Board and the appointment may be on an annual basis or for a period not exceeding three years. The designation of the CPA or accounting firm for any particular fiscal year shall be made no later than 30 days after the beginning of that fiscal year.

### § 4-25. Bonding. [Amended 10-19-1998 by Ord. No. HR-278]

1. Those Township officials and employees so designated by the Manager shall give individual surety company bonds to the Township conditioned upon the faithful performance and discharge of their duties.
2. Any other officer or employee of the Township may be covered by a public employee's blanket bond, the amount and coverage to be determined by the Board on the advice of the Manager and the approval as to form by the Solicitor. The cost of all such blanket bonds shall be paid by the Township.

### § 4-26. Personnel rules and regulations. [Amended 10-19-1998 by Ord. No. HR-278]

The Board hereby adopts the provisions of the document entitled "Personnel Rules and Regulations, Tredyffrin Township, Chester County," dated January 5, 1976, as the personnel rules which are necessary to the administration of the Township's personnel system and which shall apply to all Township employees except those of the Department of Public Safety, which shall be prepared in accordance with § 4-11B of this code. Any future amendments to these personnel rules and regulations shall be made by resolution of the Board.

### § 4-27. Classification of accounts. [Amended 10-19-1998 by Ord. No. HR-278]

The Board hereby adopts the provisions of the document entitled "Tredyffrin Township Accounting Manual." This contains a uniform classification of accounts and codes to be used and followed in all financial plans, budgets and financial reports. Any future amendments to the classification of accounts shall be made by resolution of the Board.

## Chapter 9 AUTHORITIES, MUNICIPAL

### [HISTORY: Adopted by the Board of Supervisors of the Township of Tredyffrin as indicated in article histories. Amendments noted where applicable.]

**GENERAL REFERENCES**

**Sewers and sewage disposal — See Ch. 163. Streets and sidewalks — See Ch. 177.**

ARTICLE I

**Tredyffrin Township Municipal Authority**

**[Adopted as Ch. I, Art. 1, § 101, of the 1979 General Laws of the Municipality of Tredyffrin]**

**§ 9-1. Organization of Authority.**

The Board of Supervisors of the Township of Tredyffrin, Chester County, Pennsylvania, constituting the municipal authority of the said township as defined in the Act of Assembly known as the "Municipality Authorities Act of 1945," Pamphlet Laws 382,**37** hereby signifies its intention to organize an Authority under the provisions of said Act of Assembly, its supplements and amendments.

### § 9-2. Articles of Incorporation.

In pursuance of said intention, the Articles of Incorporation of said Authority are hereby approved by the Board of Supervisors upon behalf of the township in the following form:

1. The name of the Authority shall be "Tredyffrin Township Municipal Authority."
2. The Authority is formed under the Act of Assembly known as "Municipality Authorities Act of 1945," approved May 2, 1945, Pamphlet Laws 382, as supplemented and amended.**38**
3. No other Authority has been organized by the municipal authority of the Township of Tredyffrin under the above Act of Assembly, as supplemented and amended, or under the Act of Assembly known as "Municipality Authorities Act of 1935," approved June 28, 1935, Pamphlet Laws 463, or is in existence for the Township of Tredyffrin.**39**
4. The name of the incorporating municipality is "Township of Tredyffrin." The names and addresses of its municipal authorities, the Supervisors of said incorporating municipality are as follows.**40**
5. Term of office.
   1. The term of office for each member of the Board of the Authority shall be five years, except that the first members named to said Board, being the following persons, shall serve for terms as follows.**41**
   2. The terms of office of the first members of the Board of Tredyffrin Township Municipal Authority shall begin on the date of enactment of this article and the terms of the first members of the Board as above set forth shall be computed from the first day of January 1960.
6. The term of existence of Tredyffrin Township Municipal Authority is hereby extended so as to extend to January 1, 2018.

### § 9-3. Appointment of members.

1. The first members of the Board of Tredyffrin Township Municipal Authority named in the proposed Articles of Incorporation are hereby specifically appointed members of said Board for the terms of
   1. **Editor's Note: See 53 P.S. § 301 et seq.**
   2. **Editor's Note: See 53 P.S. § 301 et seq.**
   3. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**
   4. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**
   5. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

office set after their respective names, which terms shall commence on the date of approval hereof and shall be computed from January 1, 1960.

1. The number of members of the Authority to be appointed by the Board of Supervisors shall be set at seven members. **[Added 10-22-1984 by Ord. No. HR-87]**

### § 9-4. Purpose of organization.

Tredyffrin Township Municipal Authority is organized for all of the purposes set forth in the Municipality Authorities Act of 1945, as amended,**42** and shall have all the powers granted in said Act.

### § 9-5. Sewer and water project.

The first project to be undertaken by the Authority shall be to acquire, hold, construct, improve, maintain, operate, own and lease, either as lessor or lessee, either individually or by agreement with any other Authority or Authorities, any municipality or municipalities, sanitary sewers, sanitary sewer systems, or parts thereof, sewage treatment works, including works for treating and disposing of industrial wastes and property and equipment for use in connection therewith for the Township of Tredyffrin and for such other territory as it may be authorized to served, and said Authority shall not undertake any other project or projects unless specifically authorized so to do by ordinance of the Board of Supervisors of the Township of Tredyffrin.

### § 9-6. Highway improvement project. [Added 10-22-1984 by Ord. No. HR-87]

The second project to be undertaken by the Authority shall be to acquire, hold, construct, improve, maintain, operate, own and lease, either as lessor or lessee, either individually or by agreement with any other Authority or Authorities, highway and transportation facilities, including but not limited to bridges, tunnels, highways, parkways, traffic distribution centers, parking spaces and all facilities necessary or incident thereto.

### § 9-7. Execution of Articles of Incorporation.

The Chairman and members of the Board of Supervisors of the Township of Tredyffrin are hereby authorized and directed to execute said Articles of Incorporation upon behalf of said township, and the Secretary of the Township is authorized and directed to attest said signatures and affix thereto the seal of said township, cause a notice of intention to file said Articles of Incorporation to be published once in the legal periodical of Chester County and once in a newspaper published and of general circulation in such county, and to file a certified copy of this article, together with proof of publication of notice of intention to file said Articles of Incorporation, with the Secretary of the Commonwealth of Pennsylvania, accompanied by the required filing fee as provided by said Municipality Authorities Act of 1945, its supplements and amendments.**43**

### § 9-8. Payment of fee.

An order is to be drawn on the Treasurer of said Township of Tredyffrin to pay the required fee for filing said Articles of Incorporation, and the amount necessary to pay said fee is hereby appropriated from the general treasury of said Township of Tredyffrin.

* 1. **Editor's Note: See 53 P.S. § 301 et seq.**
  2. **Editor's Note: See 53 P.S. § 301 et seq.**

ARTICLE II

**East Whiteland-Tredyffrin Joint Transportation Authority**

**[Adopted 11-18-1985 by Ord. No. HR-98 (Ch. I, Art. 1, § 104, of the 1979 General Laws of the Municipality of Tredyffrin)]**

**§ 9-9. Organization of Authority.**

The Board of Supervisors of the Township of Tredyffrin, Chester County, Pennsylvania, constituting the municipal authority of the said township as defined in the Act of Assembly known as the "Municipal Authorities Act of 1945," P.L. 382,**44** hereby signifies its intention to organize, together with the Board of Supervisors of the Township of East Whiteland, an Authority under the provisions of said Act of Assembly, its supplements and amendments.

### § 9-10. Articles of Incorporation.

In pursuance of said intention, the Articles of Incorporation of said Authority are hereby approved by the Board of Supervisors on behalf of the township in the following form:

1. The name of the Authority is "East Whiteland-Tredyffrin Joint Transportation Authority."
2. The Joint Authority is formed under the Municipality Authorities Act of 1945, approved May 2, 1945,

P.L. 382, as amended.**45**

1. No other Authority has been organized under said Municipality Authorities Act of 1945, as amended, or under the Act of June 28, 1935, P.L. 463, and is in existence in or for the incorporating municipalities, except:
   1. Tredyffrin Township Municipal Authority, organized by the Township of Tredyffrin and incorporated on June 22, 1959.
   2. East Whiteland Municipal Authority, organized by the Township of East Whiteland and incorporated on August 10, 1967.
2. The names of the incorporating municipalities are Township of East Whiteland and Township of Tredyffrin.
3. The names and addresses of the Municipal Authorities of said municipalities are as follows.**46**
4. Composition of Board of Joint Authority.
   1. The Board shall consist of five members. Two members shall be appointed by the Board of Supervisors of the Township of East Whiteland. Two members shall be appointed by the Board of Supervisors of the Township of Tredyffrin. One member shall be mutually agreed upon and appointed jointly by the Boards of Supervisors of both of the Township of East Whiteland and the Township of Tredyffrin.
   2. Each member shall be a taxpayer in, maintain a business in or be a citizen (resident) of either the Township of Tredyffrin or the Township of East Whiteland, but no more than one nonresident may be appointed to the Board.
   3. **Editor's Note: See 53 P.S. § 301 et seq.**
   4. **Editor's Note: See 53 P.S. § 301 et seq.**
   5. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**
   6. The term of office for each member of the Board of the Joint Authority shall commence as of the date of appointment and shall be for a term as indicated in Subsection F(4) below from the first Monday in January next succeeding the date of incorporation of the Joint Authority.
   7. The names, addresses, appointing municipalities, and terms of office of the first members of the Board of the Joint Authority are as follows.**47**
   8. Upon the expiration of the term of any member, the Board of Supervisors of the Township which has the power of appointment shall appoint a member of the Board for a term of five years from the date of expiration of the prior term. Any vacancy on the Board shall be filled (for the unexpired term) by the Board of Supervisors of the township in the representation of which the vacancy occurs. One seat on the Board shall continue to be held jointly by the Townships of Tredyffrin and East Whiteland, and all subsequent appointments to this seat shall be made by mutual agreement of the Boards of Supervisors of such townships. Elected or appointed officials of either the Township of Tredyffrin or the Township of East Whiteland shall not be eligible for appointment to the seat held jointly by such townships.
   9. The members of the Board of the Joint Authority shall serve without compensation, but may be reimbursed for expenses incurred in connection with their duties as members of the Board.
5. The existence of the Joint Authority shall commence on the date of issuance of the Joint Authority's certificate of incorporation by the Secretary of the Commonwealth of Pennsylvania and shall expire upon final payment on the bonds or other indebtedness issued by the Joint Authority to finance or refinance the projects described in Subsection H below. The term of existence of the Joint Authority shall only be extended as provided in Articles of Amendment filed with and approved by the Secretary of the Commonwealth pursuant to applicable provisions of the Municipal Authorities Act of 1945, as amended.**48**
6. The Joint Authority is organized in order to finance, acquire, hold, construct, improve, maintain, operate, own and lease, either as lessor or lessee, either individually or by agreement with any other corporation, municipality, authority or the Commonwealth of Pennsylvania (including its departments and agencies), transportation facilities or business improvement projects in the area known as the "Route 29 Corridor," either on property acquired by the Authority or within the rights- of-way of local, state or federal roadways, including but not limited to bridges, tunnels, highways, parkways, local streets, roads, sidewalks, passageways, roadbeds, traffic control systems, traffic distribution centers, parking spaces and all facilities and rights-of-way necessary or incident thereto, all as described in incorporating municipalities pursuant to Subsection I hereto. To these ends, the Joint Authority is authorized to exercise all those powers enumerated in Section 4(B) of the Municipality Authorities Act of 1945, as amended, and in the Transportation Partnership Act, approved July 9, 1985;**49** provided, however, that the Joint Authority shall comply with the procedures set forth in Section 4(E) of the Municipality Authorities Act of 1945, as amended, prior to its approval and implementation of any proposed project.
7. The Township of East Whiteland and the Township of Tredyffrin have retained the right existing under the Municipality Authorities Act of 1945, as amended, and under the Transportation Partnership Act**50** to approve the plan for improvements, together with estimated costs and proposed
   1. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**
   2. **Editor's Note: See 53 P.S. § 301 et seq.**
   3. **Editor's Note: See 53 P.S. § 301 et seq. and 53 P.S. § 1621 et seq., respectively.**
   4. **Editor's Note: See 53 P.S. § 301 et seq. and 53 P.S. § 1621 et seq., respectively.**

method of assessments, for any project undertaken by the Joint Authority in the Transportation Development and Business Improvement District to be designated, or from time to time redesignated, by the governing bodies of the incorporating municipalities.

1. The Tredyffrin Township Municipal Authority shall have all the powers provided by the Municipality Authorities Act of 1945, approved May 2, 1945, P.L. 382, as amended,**51** including, without limitation, the power to provide business improvements and administrative services as provided in Section 4(B)(w) of said Act. **[Added 5-17-1993 by Ord. No. HR-204]**

### § 9-11. Appointment of members.

The first members of the Joint Authority named in the proposed Articles of Incorporation (and identified therein as appointees of this township) are hereby specifically appointed members of said Board for the terms of office set forth after their respective names.

### § 9-12. Execution of Articles of Incorporation.

The Chairman and members of the Board of Supervisors of the Township of Tredyffrin are hereby authorized and directed to execute said Articles of Incorporation on behalf of said township, and the Secretary of the Township is authorized and directed to attest said signatures and affix thereto the seal of said township, cause a notice of intention to file said Articles of Incorporation to be published once in the legal periodical of Chester County and once in a newspaper published and of general circulation in such county, and to file a certified copy of this article, together with proofs of publication of the notice of the public meeting and the notice of intention to file said Articles of Incorporation, with the Secretary of Commonwealth of Pennsylvania, accompanied by the required filing fee as provided by said Municipality Authorities Act of 1945, its supplements and amendments.**52**

### § 9-13. Payment of fee.

An order is to be drawn on the Treasurer of said Township of Tredyffrin to pay the required fee for filing said Articles of Incorporation, and the amount necessary to pay said fee is hereby appropriated from the general treasury of the Township of Tredyffrin.

* 1. **Editor's Note: See 53 P.S. § 301 et seq.**
  2. **Editor's Note: See 53 P.S. § 301 et seq.**

## Chapter 16 ENVIRONMENTAL ADVISORY COUNCIL

### [HISTORY: Adopted by the Board of Supervisors of the Township of Tredyffrin 2-8-1988 by Ord. No. HR-115 (Ch. I, Art. 1, § 105, of the 1979 General Laws of the Municipality of Tredyffrin.) Amendments noted where applicable.]

**GENERAL REFERENCES**

**Planning Commission — See Ch. 43.**

**Subdivision and land development — See Ch. 181.**

**Zoning — See Ch. 208.**

### § 16-1. Creation. [Amended 1-26-2004 by Ord. No. HR-323]

An advisory council, to be known as the "Tredyffrin Township Environmental Advisory Council," pursuant to and as authorized by the Act of December 19, 1996, No. 177, 53 Pa.C.S.A. § 2321 et seq., is hereby created and shall continue to function until this section is revoked.

### § 16-2. Membership; associate membership. [Amended 2-27-1989 by Ord. No. HR-123A; 1-26-2004 by Ord. No. HR-323; 10-19-2020 by Ord. No. HR-440]

1. Membership. The Council shall be seven members, all appointed by the Board of Supervisors which shall also fill all vacancies. At least one member shall have experience or training in the area of the environmental sciences. The Board of Supervisors shall annually designate the chairperson of the Environmental Advisory Council. A Vice Chairperson and Secretary shall be elected by the Council for terms to expire at the end of the calendar year. In addition, the Planning Commission and the Park and Recreation Board shall appoint liaisons.
2. Associate membership. An associate member of the Environmental Advisory Council shall be a resident of the Township of Tredyffrin. The Council shall have an unlimited number of associate members. Associate members shall be nonvoting members of the Council. Associate members shall be nominated and appointed by a majority vote of the Council.

### § 16-3. Length of term. [Amended 1-26-2004 by Ord. No. HR-323; 10-19-2020 by Ord. No. HR-440]

In accordance with Act 177, the length of term for serving on the Council shall be three years. The length of term for serving as an associate member on the Council shall be one year. Associate members shall be reappointed at the first Council meeting of a new calendar year.

### § 16-4. Township staff duties.

The Township Zoning Officer shall provide the Council with notice concerning communications with or activities in the township which concern or might reasonably affect the environment.

### § 16-5. Functions. [Amended 1-26-2004 by Ord. No. HR-323]

1. Advisory responsibility. The Council shall act in an advisory capacity to the Board of Supervisors,

the Planning Commission and the Park and Recreation Board and at specific request of the Board of Supervisors shall advise other governmental agencies, officials and employees of Tredyffrin Township on matters dealing with protection, promotion, conservation, management and use of natural resources, including air, land and water resources.

1. Inventory. The Council shall keep an inventory of all open areas and environmentally sensitive areas, publicly or privately owned, including but not limited to flood-prone areas, lakes and ponds, wetlands, woodlands, streams, unique geological features and other unique natural areas, for the purposes of establishing open space preservation priorities, identifying appropriate land management and use plans and identifying existing or potential conflicts between such open areas and adjacent land uses, existing or proposed.
2. Draft/monitor environmental ordinance. The Council will prepare and monitor the performance standards in the Zoning Ordinance**53** for the protection of sensitive lands and natural features.
3. Discretionary review. When requested by Township staff, the Planning Commission or the Board of Supervisors, or upon its own initiative, the Council shall review, evaluate and prepare written reports on rezoning, subdivision and land development applications involving lands located in or affecting environmentally sensitive areas, including but not limited to flood hazard districts as defined in the Township Flood Hazard District Ordinance,**54** and wetlands, groundwater, recharge areas, steep slopes, woodlands, streams and carbonate areas as defined in the Subdivision and Land Development Ordinance.**55**
4. Promotion/conservation of natural resources. The Council may, at its discretion, recommend plans and programs, including proposed amendments to the general laws of the Township of Tredyffrin, for the promotion and conservation of the natural resources of the Township. The Council shall, at the request of the Board of Supervisors or Planning Commission, review, evaluate and comment on any such program or regulations proposed or recommended by other persons or agencies.
5. Acquisition of sensitive lands. The Council shall advise the appropriate boards, agencies and officials of the Township on the acquisition of property, both real and personal, by gift, purchase, grant, bequest, easement, devise or lease in matters dealing with environmental issues.
6. Environmental education. The Council may sponsor environmental education and coordinate environmental projects for the promotion and conservation of natural resources for the protection and improvement of the quality of the environment in the Township.

### § 16-6. Compensation.

Members of the Environmental Advisory Council shall receive no compensation for their services but may be reimbursed for the expenses actually and necessarily incurred by them in the performance of their duties, with prior township approval. The Council may not contract independently for professional services but shall have access to professional services through the township.

### § 16-7. Sources of funding.

The Environmental Advisory Council may explore sources of funding, including but not limited to gifts and grants. The Council shall consult with the Township Solicitor and Township Manager regarding the

* 1. **Editor's Note: See Ch. 208, Zoning.**
  2. **Editor's Note: See Art. V of Ch. 208, Zoning.**
  3. **Editor's Note: See Ch. 181, Subdivision and Land Development.**

legal implications connected with receiving funding from sources other than the township. The Township Manager shall refer all such inquiries to the Board of Supervisors.

### § 16-8. Records to be kept; annual report.

The Environmental Advisory Council shall keep records of its meetings and activities. The Council shall make an annual report to the Board of Supervisors and the Planning Commission. Copies of said records and reports shall be maintained in the offices of the township.**56**

* 1. **Editor's Note: Former § 16-9, Validity, which immediately followed this section, was repealed 1-26-2004 by Ord. No. HR-323.**

## Chapter 23 INTERGOVERNMENTAL AGREEMENTS

### [HISTORY: Adopted by the Board of Supervisors of the Township of Tredyffrin as indicated in article histories. Amendments noted where applicable.]

**GENERAL REFERENCES**

**Joint Transportation Authority — See Ch. 9, Art. II.**

ARTICLE I

**Pennsylvania Intergovernmental Risk Management Association**

**[Adopted 8-15-1988 by Ord. No. HR-119 (Ch. I, Art. 7, of the 1979 General Laws of the Municipality of Tredyffrin)]**

**§ 23-1. Membership.**

This municipality shall join with other municipalities in accordance with the Pennsylvania Intergovernmental Cooperation Act**57** by becoming a member of the Association and entering into the intergovernmental contract which was adopted by reference with the same effect as if it had been set out verbatim in this section and a copy of which shall be filed with the minutes of the meeting at which this article was adopted.**58**

### § 23-2. Authorization.

This municipality is authorized to enter into the intergovernmental contract for the purposes contained therein. These actions are to be taken by the member(s) or employee(s) of this municipality designated for this purpose, pursuant to general or specific instructions by the governing body adopting this article.

### § 23-3. Custody of funds.

The Association is designated as having official custody of this municipality's funds which are invested by the Association pursuant to the terms of the intergovernmental contract.

### § 23-4. Findings and determinations.

As required by the Intergovernmental Cooperation Act,**59** the following matters are specifically found and determined:

1. The conditions of the agreement are set forth in the intergovernmental contract referred to in § 23-1.
2. This municipality's participation in the Association shall be terminable at any time by ordinance.
3. The purposes and objectives of the agreement are set forth hereinabove and the intergovernmental contract and actions contemplated thereby and purposes and objectives contained therein are otherwise legal as part of a pooled arrangement with other governmental units, thereby achieving economic and other advantages of intergovernmental cooperation.
4. It is not necessary to finance the agreement authorized herein from municipal funds except through the contribution of this municipality's basis rate (as such term is defined in the intergovernmental contract) to the Association.
5. The Association shall be managed by a Board of Commissioners or Executive Committee as set forth in the bylaws of said Association, a copy of which has been provided for review in connection with the adoption of this article.
6. All property, real or personal, shall be acquired, managed or disposed of by the association in accordance with the terms of the intergovernmental contract.
   1. **Editor's Note: See 53 P.S. § 481 et seq.**
   2. **Editor's Note: Said contract is included verbatim as Appendix A at the end of this chapter.**
   3. **Editor's Note: See 53 P.S. § 481 et seq.**

ARTICLE II

### Intergovernmental Police Cooperation and Municipal Drug Task Force Agreements [Adopted 8-16-1993 by Ord. No. HR-212 (Ch. I, Art. 4, § 402, of the 1979 General Laws of the Municipality of Tredyffrin)]

**§ 23-5. Purpose.**

Tredyffrin Township, in accordance with the provisions of the Intergovernmental Cooperation Act (the Act of July 12, 1972, No. 180, Section 1 et seq., 53 P.S. § 481 et seq., as amended) (the "ICA") and the provisions of the Municipal Police Jurisdiction Act (the Act of June 15, 1982, P.L. 512, No. 141., Section 4 et seq., 42 Pa.C.S.A. § 8951 et seq., as amended) (the "MPJA"), hereby enacts an ordinance implementing the provisions of an agreement to be signed by Tredyffrin Township and one or more municipalities in Chester County, Pennsylvania, providing for intermunicipal police cooperation, and further implementing the provisions of a Municipal Drug Task Force Agreement to be signed by Tredyffrin Township, the Office of the Attorney General of the Commonwealth of Pennsylvania, the Chester County District Attorney and other signatory municipalities by and through which these entities shall coordinate and cooperate to interdict the illegal use and trafficking of narcotics and other controlled substances within the municipal boundaries of Tredyffrin Township, as well as within the municipal boundaries of other signatory municipalities in Chester County, Pennsylvania.

### § 23-6. Terms and conditions of the cooperation agreement.

1. In accordance with the provisions of the ICA, Tredyffrin Township shall enter into an Intergovernmental Police Cooperation Agreement (IPCA) with other municipalities in Chester County, Pennsylvania, under the terms of which police officers (including both full-time and part- time officers) of each signatory municipality will be granted authority to officially act as police officers of other signatory municipalities (subject to the terms of the IPCA) when performing duties in other signatory municipalities, and also under which procedures for the Police Department of each signatory municipality to render aid and assistance to one another will be established.
2. The IPCA to be signed by Tredyffrin Township and other municipalities shall conform substantially to the draft of the IPCA currently on file in the offices of the Township.
3. After execution by the Township and at least one other signatory municipality, either the original or a duplicate copy of the executed IPCA shall be kept on file at all times in the offices of Tredyffrin Township; as additional municipalities sign the IPCA or withdraw from the IPCA, the original IPCA (or duplicate thereof) to be kept on file at all times in the Township offices shall accurately reflect all the then-current parties signatory to the IPCA.

### § 23-7. Duration of IPCA.

1. The duration of the IPCA, and the Township's participation therein, shall be indefinite, subject to the provisions of Subsection B hereof.
2. Withdrawal from the IPCA by Tredyffrin Township shall be effected by the Township giving seven days' written notice to all then-participating signatory municipalities to the IPCA.

### § 23-8. Purpose and objectives of IPCA.

The purposes and objectives of the IPCA include, but are not limited to:

1. Improving law enforcement in Chester County, Pennsylvania, especially in Tredyffrin Township and other signatory municipalities of the IPCA by granting police officers authority to exercise official duties in signatory municipalities, thereby alleviating problems of arrests being determined improper or unlawful because of jurisdictional or municipal boundary issues.
2. Enhancing the coordination of drug investigations in Chester County, Pennsylvania.
3. Providing mutual police aid across jurisdictional lines to enable police to more effectively enforce the provisions of narcotic and controlled substance statutes, thereby preserving the safety and welfare of persons in Tredyffrin Township and in the other signatory municipalities.

### § 23-9. Manner and extent of financing the IPCA.

The activities taken pursuant to the IPCA shall be financed by funds furnished by or through the Office of the Attorney General of the Commonwealth of Pennsylvania (OAG) and the Chester County District Attorney.

### § 23-10. Organizational structure of the IPCA; property; insurance.

A Joint Police Advisory Board shall oversee the implementation of the provisions of the IPCA. No property, real or personal, shall be acquired, managed or disposed of in order to effectuate the purposes set forth in the IPCA. The IPCA does not authorize the entering into of policies of insurance or employee benefits.

### § 23-11. Terms and conditions of a Municipal Drug Task Force Agreement.

1. In accordance with the provisions of the IPCA and the provisions of the MPJA, Tredyffrin Township shall also enter into a Municipal Drug Task Force Agreement (MDTFA) with the OAG, the Chester County District Attorney, and other municipalities in Chester County, Pennsylvania, by and through which these entities shall coordinate narcotics investigations, enforce narcotics and other controlled substance statutes and coordinate prosecutorial activities in order to interdict illegal narcotic and controlled substance activities in Chester County, Pennsylvania.
2. Tredyffrin Township shall utilize the services of both full-time and part-time officers of its Police Department under the conditions contained in the MDTFA and in compliance with the MPJA.
3. The MDTFA to be signed by Tredyffrin Township, the OAG, the Chester County District Attorney and other municipalities shall conform substantially to the draft of the MDTFA currently on file in the offices of the Township.
4. After execution by the Township, the OAG, the Chester County District Attorney and at least one other municipality, either the original or a duplicate copy of the executed MDTFA shall be kept on file at all times in the offices of the Township; as additional municipalities sign the MDTFA or withdraw from the MDTFA, the original of the MDTFA (or duplicate thereof) to be kept on file at all times in the Township offices shall accurately reflect all the then-current parties signatory to the MDTFA.
5. Pursuant to the MDTFA, Tredyffrin Township shall establish appropriate procedures to comply with all relevant provisions of the MDTFA and such regulations and directives as may be issued from time to time by the OAG.

### § 23-12. Duration of MDTFA.

1. The duration of the MDTFA, and the Township's participation therein, shall be indefinite, subject to the provisions of Subsections B and C hereof.
2. Withdrawal from the MDTFA by Tredyffrin Township shall be effected by the Township's giving 30 days' written notice to all other parties to the then-current MDTFA.
3. If the OAG terminates the existence of the Drug Task Force created pursuant to the provisions of the MDTFA, the Township's participation in the MDTFA shall automatically terminate without further action of the Township Board of Supervisors, effective the date of such termination by the OAG.

### § 23-13. Purpose and objectives of the MDTFA.

The purpose and objectives of the MDTFA include, but are not limited to, countywide coordination of police activities in order to enhance the combating of illegal narcotic and controlled substance trafficking and expediting and enhancing intergovernmental cooperative activities with signatories to the MDTFA to enhance interdiction of illegal drug and controlled substance activities.

### § 23-14. Financing.

The MDTFA shall be financed by funds supplied by the OAG.

### § 23-15. Organizational structure.

Any organization structure required to implement the provisions of the MDTFA shall be established through such directives, procedures and guidance as may be issued by the OAG, the Chester Count District Attorney, the Tredyffrin Township Police Department and other Police Departments whose municipalities are signatory to the MDTFA.

### § 23-16. Acquisition, management and disposal of property; insurance.

The acquisition, management or disposal of any and all property, whether real or personal, acquired or to be acquired pursuant to the provisions of the MDTFA shall be in accordance with the terms of the MDTFA and such directives and procedures issued by the OAG; the MDTFA does not authorize the entering into of policies of insurance or employee benefits.

### § 23-17. Retention of managerial responsibilities.

Tredyffrin Township shall remain responsible and maintain responsibility for the management, control and direction of its police officers, subject to such assistance (financial or otherwise) supplied by the OAG.

ARTICLE III

### Delaware Valley Workers' Compensation Trust [Adopted 8-15-1994 by Ord. No. HR-234]

**§ 23-18. Authorization of participation.**

The Board of Supervisors of Tredyffrin Township is hereby authorized to execute the Delaware Valley Workers' Compensation Trust Agreement for the participation of Tredyffrin Township in the Delaware Valley Workers' Compensation Trust, which agreement is attached hereto as Exhibit A and is on file for inspection and review at Tredyffrin Township, Pennsylvania. This agreement may be amended after the enactment of this article to conform to any requirements imposed by the Commonwealth of Pennsylvania and any of its agencies, including the Department of Labor and Industry Workers' Compensation.

### § 23-19. Purpose.

The participation of Tredyffrin Township in the Delaware Valley Workers' Compensation Trust is authorized for the purpose of enabling Tredyffrin Township to reduce the cost of workers' compensation claims through the creation of a group self-insurance fund.

### § 23-20. Payment of benefits authorized.

Tredyffrin Township delegates to the Delaware Valley Workers' Compensation Trust the authority to pay workers' compensation benefits on its behalf in accordance with the Pennsylvania Workers' Compensation Act and the Pennsylvania Occupational Disease Act.

### § 23-21. Issuance of permit.

The Commonwealth of Pennsylvania Department of Labor and Industry Bureau of Workers' Compensation has approved the issuance of a permit to the Delaware Valley Workers' Compensation Trust to operate as a group self-insurance fund subject to certain conditions.

### § 23-22. Responsibility for payment of claims.

As an approved self-insurance fund, the Delaware Valley Workers' Compensation Trust will be responsible for the payment of workers' compensation claims on behalf of all the Trust participants.

### § 23-23. Participation conditions.

As set forth in the Delaware Valley Workers' Compensation Trust Agreement, the following conditions, among others, apply to the participation of Tredyffrin Township in the Delaware Valley Workers' Compensation Trust:

1. The Trust shall consist of at least five homogeneous municipal participants organized as local government agencies under Pennsylvania law.
2. Each participant satisfies all eligibility and admission requirements for membership in the Trust.
3. Each participant pledges and agrees to appropriate funds to pay all its annual contributions and assessments which are required for the creation of a fund maintained at a level sufficient to pay all workers' compensation claims and related expenses incurred by the Trust participants.
4. Each participant agrees to jointly and severally assume and discharge the workers' compensation

liabilities of each and every other participant in accordance with the Delaware Valley Workers' Compensation Trust Agreement when required to do so by the Pennsylvania Department of Labor and Industry Bureau of Workers' Compensation.

1. Each participant will institute any and all loss prevention measures or risk management procedures as may be required for the purpose of minimizing or eliminating workplace risks to its employees.
2. Each participant cooperates fully with the Trust's service and fiscal agents, attorneys, claims adjusters and any other agents or employees of the Trust with respect to the investigation, defense and settlement of the claims.
3. Each participant designates a person to be responsible for all contracts with the Trust.
4. Each participant provides any information to the Administrator or Board of Trustees as may be required to effect the purposes and objectives of the Trust.
5. Each participant complies with all applicable statutes and regulations governing the payment of workers' compensation claims, including but not limited to the Pennsylvania Workers' Compensation Act and any regulations promulgated thereunder.

### § 23-24. Terms; conditions of withdrawal.

Tredyffrin Township agrees to participate in the Trust for a minimum period of two years subject to the terms and conditions of the Delaware Valley Workers' Compensation Trust Agreement. After the expiration of that minimum two-year period, each participant may withdraw under the following conditions, subject to the right of arbitration as provided in the Delaware Valley Workers' Compensation Trust Agreement:

1. An opinion is rendered by the Trust certified actuary that withdrawal will not result in the number of participants falling below the minimum required to assure the fiscal and actuarial soundness of the Trust itself.
2. The withdrawing participant is not then in default of its obligation to pay premiums, contributions or assessments.
3. The withdrawing participant shall pay the full amount of a termination contribution or any additional assessments as determined by the Board of Trustees in accordance with the Delaware Valley Workers' Compensation Trust Agreement and bylaws.
4. The Board of Trustees shall have received a certification from the Trust actuary that the withdrawal of the participant will not impair the actuarial soundness of the Trust and, if any municipal debt has been incurred by the participants to finance any portion of the Trust reserves, an opinion is obtained from bond counsel that such withdrawal will not adversely affect the tax-exempt status of any interest paid and any debt incurred by the participants or any legal entity created for the purpose of incurring such debt. As used herein, the term "debt" shall include any municipal bonds, certificates, letters of credit or other instruments of municipal indebtedness.

### § 23-25. When effective.

Participation of Tredyffrin Township in the Delaware Valley Workers' Compensation Trust will be effective upon final approval of the Trust permit application by the Pennsylvania Department of Labor and Industry Bureau of Workers' Compensation or upon any other date determined by the Department.

### § 23-26. Use of funds.

All contributions and assessments paid by Tredyffrin Township shall be made with funds appropriated by Tredyffrin Township for that purpose.

### § 23-27. Organizational structure.

The organizational structure of the Trust shall consist of a Board of Trustees, an Administrator, claims administration/loss control consultant(s) and various service agents appointed by the Board of Trustees in accordance with the Delaware Valley Workers' Compensation Trust Agreement and any bylaws adopted pursuant thereto.

### § 23-28. Annual appropriations.

As set forth in the Delaware Valley Workers' Compensation Trust Agreement, the funds required for the creation and operation of the Trust shall be provided by the participating municipalities through annual appropriations.

### § 23-29. Contracts.

The Delaware Valley Workers' Compensation Trust is empowered to enter into contracts for policies of group insurance and employee benefits, including social security, for any of its employees.

### § 23-30. Duties of Township.

As a condition of participating in the Delaware Valley Workers' Compensation Trust, Tredyffrin Township agrees to:

1. Pay all annual contributions or assessments as may be required by the Board of Trustees.
2. Appoint a representative to sit on the Board of Trustees and designate a contact person for the purpose of communicating with the Trust or its representative.
3. Not withdraw from the Trust for a period of two years following its admission to the Trust, subject to the terms and conditions of the Delaware Valley Workers' Compensation Trust Agreement.
4. Withdraw from the Trust only upon satisfaction of the conditions set forth in the Delaware Valley Workers' Compensation Trust Agreement.
5. Perform all covenants contained in the Delaware Valley Workers' Compensation Trust Agreement and delegate to the Board of Trustees the powers and authorities enumerated in that Agreement.
6. Comply with all the conditions set forth in the Delaware Valley Workers' Compensation Trust Agreement governing the handling and payment of claims, including the defense and settlement thereof.
7. Appropriate the funds needed to pay all its contributions and assessments as may be required by the Board of Trustees in accordance with the Delaware Valley Workers' Compensation Trust Agreement.
8. Cooperate with the Trust, its agents or employees and provide the Trust with all information it needs for the operation of the Trust, including any underwriting or claims data which may be requested by the Board of Trustees or its designee.

### § 23-31. Statutory authority.

This article is being enacted pursuant to the Pennsylvania Intergovernmental Cooperation Act.**60**

* 1. **Editor's Note: See 53 P.S. § 481 et seq.**

ARTICLE IV

### Delaware Valley Health Insurance Trust [Adopted 5-11-2015 by Ord. No. HR-40961]

**§ 23-32. Trust agreement.**

1. The Chairman and Secretary of Tredyffrin Township are hereby authorized to execute the Trust Agreement and any other agreements necessary for its participation in the Delaware Valley Health Insurance Trust. The Delaware Valley Health Insurance Trust Agreement is attached hereto as Exhibit "A" and incorporated herein by reference.**62**
2. The Trust Agreement attached hereto is on file for inspection and review at the municipal offices of Tredyffrin Township, 1100 DuPortail Road, Berwyn, PA 19312, Chester County, Pennsylvania. This Trust Agreement may be subsequently modified or amended but in no event shall such amendments or modifications materially adversely affect the right of the Tredyffrin Township to participate in the Delaware Valley Health Insurance Trust.

### § 23-33. Purpose.

The participation of Tredyffrin Township in the Delaware Valley Health Insurance Trust is authorized for the purpose of obtaining high-quality health benefits at the most reasonable cost to the Tredyffrin Township and its employees.

### § 23-34. Conditions applicable to participation.

As set forth in the Trust Agreement and as otherwise stated herein, the following conditions apply to the participation of the Tredyffrin Township in the Delaware Valley Health Insurance Trust:

1. That each participating municipality must meet the admission and eligibility requirements set forth therein;
2. That each participating municipality agrees to pay all contributions when due as provided in the Trust Agreement and any bylaws thereafter adopted by the Trust;
3. That each participating municipality uses its best efforts to provide appropriations for the payment of any contributions required to achieve the purposes and objectives of the Trust;
4. That each participating municipality cooperate fully in achieving the purposes and objectives of the Trust;
5. That each participating municipality comply with all other conditions of the agreement.

### § 23-35. Duration of participation.

Tredyffrin Township agrees to participate in the Delaware Valley Health Insurance Trust for a minimum of two years and thereafter may withdraw for any reason whatsoever, provided that it has fulfilled all its financial obligations to the Trust upon withdrawal.

* 1. **Editor’s Note: This ordinance superseded former Art. IV, Delaware Valley Health Insurance Trust, adopted 2-24-2003 by Ord. No. HR-313.**
  2. **Editor's Note: Said agreement is on file in the Township offices.**

### § 23-36. Effective date of participation.

The effective date of the participation of the Tredyffrin Township in the Delaware Valley Health Insurance Trust will be on or after May 11, 2015.

### § 23-37. Board of Trustees powers.

Each participating municipality delegates to the Board of Trustees of the Delaware Valley Health Insurance Trust the powers enumerated in the Trust Agreement.

### § 23-38. Funds paid by Township.

All contributions paid by Tredyffrin Township shall be made with funds appropriated by Tredyffrin Township for that purpose.

### § 23-39. Organizational structure.

The organizational structure of the Trust shall consist of a Board of Trustees and Executive Committee selected by the Board of Trustees in accordance with the Trust Agreement.

### § 23-40. Annual appropriations.

The funds required for the operation of the Trust shall be provided by the participating municipalities through annual appropriations.

### § 23-41. Group insurance and employee benefits.

The Delaware Valley Health Insurance Trust is empowered to enter into contracts for policies of group insurance and employee benefits, including social security, for any of its employees.

### § 23-42. Terms and conditions of agreement.

As a condition of participating in the Delaware Valley Health Insurance Trust, Tredyffrin Township agrees to comply with all the terms and conditions in the attached Trust Agreement.**63**

### § 23-43. Statutory authority.

This article is being enacted pursuant to the provisions of the Intergovernmental Cooperation Law, Act of July 12, 1972, No. 180, as amended, 53 Pa.C.S.A., § 2301 et seq.

### § 23-43.1. When effective.

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

* 1. **Editor's Note: Said agreement is on file in the Township offices.**

ARTICLE V

### Delaware Valley Insurance Trust [Adopted 3-1-2004 by Ord. No. HR-324]

**§ 23-44. Trust agreement.**

1. The Board of Supervisors of the Township of Tredyffrin is hereby authorized to execute the trust agreement and any other agreements necessary for its participation in the Delaware Valley Insurance Trust. The Delaware Valley Insurance Trust Agreement is attached hereto as Exhibit A and incorporated herein by reference.
2. The trust agreement attached hereto is on file for inspection and review at the Township of Tredyffrin, 1100 DuPortail Road, Berwyn, PA 19312. This 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 of Tredyffrin to participate in the Delaware Valley Insurance Trust.

### § 23-45. Purpose.

The participation of the Township of Tredyffrin in the Delaware Valley Insurance Trust is authorized for the following purposes:

1. To provide adequate and affordable insurance coverage to each participating municipality at the lowest possible cost by the pooling or sharing of certain liability risks;
2. To reduce the amount and frequency of losses incurred by each participating municipality covered under the trust coverage document, which is attached hereto as Exhibit B and on file for inspection and review at the Township office;
3. To minimize costs incurred by participating municipalities in the handling and litigation of claims; and
4. To protect each participating municipality from the volatility and high premiums of the commercial insurance markets.

### § 23-46. Conditions applicable to participation.

As set forth in the trust agreement and as otherwise stated herein, the following conditions apply to the participation of the Township of Tredyffrin in the Delaware Valley Insurance Trust:

1. That each participating municipality meets the admission and eligibility requirement set forth therein;
2. That each participating municipality agrees to pay all annual premiums, contributions and assessments when due as provided in the trust agreement and bylaws;
3. That each participating municipality uses its best efforts to provide appropriations for the payment of any contributions, premiums, and assessments required by the trust;
4. That each participating municipality institute any and all safety regulations, loss prevention measures or risk management procedures as may be required for the purpose of minimizing or eliminating hazards or risks that could contribute to losses;
5. That each participating municipality cooperate fully with the trust's service and fiscal agents, attorneys, claims adjusters and any other agents or employees of the trust with respect to the

investigation, defense and settlement of claims;

1. That each participating municipality designate a contact person to be responsible for all contacts with the trust; and
2. That each participating municipality provide any information to the Administrator or Board of Trustees as may be required to effect the purpose and objectives of the trust.

### § 23-47. Duration of participation; conditions for withdrawal.

The Township of Tredyffrin agrees to participate in the Delaware Valley Insurance Trust for a minimum period of two years and thereafter may withdraw under the following conditions, subject to the right of arbitration, under the trust agreement:

1. An opinion is rendered by the trust-certified actuary that withdrawal will not result in the number of participants falling below the minimum required to assure the fiscal and actuarial soundness of the trust itself;
2. That the withdrawing municipality is not then in default of its obligation to pay premiums, contributions or assessments;
3. That the withdrawing municipality shall pay the full amount of a termination premium, as determined by the Board of Trustees in accordance with the trust agreement and bylaws; and
4. That the Board of Trustees shall have received a certification from the trust actuary that the withdrawal of the municipality will not reduce the actuarial soundness of the trust and, if any municipal debt has been incurred by the participants to finance any portion of the trust reserves, an opinion is obtained from bond counsel that such withdrawal will not adversely affect the tax-exempt status of any interest paid and any debt incurred by the participating municipalities or any legal entity created for the purpose of incurring such debt.

### § 23-48. Effective date of participation.

The effective date of the participation of the Township of Tredyffrin in the Delaware Valley Insurance Trust will be January 1, 2003, or thereafter.

### § 23-49. Board of Trustees powers.

Each participating municipality delegates to the Board of Trustees of the Delaware Valley Insurance Trust the powers enumerated in the trust agreement, including the right to expel participants under certain conditions.

### § 23-50. Risk coverage.

As set forth in the trust coverage document, the Township of Tredyffrin shall be provided coverage for the following risks:

1. Comprehensive general liability;
2. Business automobile liability;
3. Police professional/law enforcement liability;
4. Public officials liability; and
5. Any other risks specified in the trust coverage document.

### § 23-51. Funds paid by Township.

All contributions, premiums and assessments paid by the Township of Tredyffrin shall be made with funds appropriated by the Township of Tredyffrin for that purpose. If permitted under state and federal law, the Township of Tredyffrin may incur debt for the purpose of financing any excess insurance coverage, as set forth in the trust agreement.

### § 23-52. Organizational structure.

The organizational structure of the trust shall consist of a Board of Trustees, an administrator, a claims administrator/loss control consultant and various service agents appointed by the Board of Directors in accordance with the trust agreement.

### § 23-53. Annual appropriations.

As set forth in the trust agreement, the funds required for the operation of the trust shall be provided by the participating municipalities through annual appropriations.

### § 23-54. Commencement and continuance of operations.

The Delaware Valley Insurance Trust commenced operations on January 1, 1989, and will continue until terminated by 2/3 vote of all participating municipalities.

### § 23-55. Duration of coverage for all municipalities.

Coverage under the trust shall be provided from January 1 through December 31 of each trust year to all participating municipalities in accordance with the trust agreement.

### § 23-56. Compliance with conditions.

As a condition of participating in the Delaware Valley Insurance Trust, the Township of Tredyffrin agrees to comply with the following conditions:

1. That it will make its initial contribution upon admission to the trust for creation of the restricted surplus fund needed to protect participating municipalities against potentially catastrophic losses;
2. That it will timely pay all annual premiums and assessments as may be required by the Board of Trustees;
3. That it will appoint a representative to sit on the Board of Trustees and designate a contact person for the purpose of communicating with the trust or its representatives;
4. That it will agree not to withdraw from the trust for a period of two years following its admission to the trust;
5. That it may withdraw from the trust only upon satisfaction of the conditions set forth in the trust agreement;
6. That it agrees to perform all covenants contained in the participation and trust agreements and

delegate to the Board of Trustees the powers and authorities enumerated in/of the trust agreement;

1. That it will comply with all the conditions set forth in the trust coverage document governing the handling of claims, including the defense and settlement thereof;
2. That it will appropriate the funds needed to pay all contributions, premiums and assessments as may be required by the Board of Trustees in accordance with the trust agreement; and
3. That it will cooperate with the trust, its agents or employees and provide the trust with all information it needs for the operation of the trust, including any underwriting or the claims data which may be requested by the Board of Trustees or their designee.

### § 23-57. Group insurance and employee benefits.

The Delaware Valley Insurance Trust is empowered to enter into contracts for policies of group insurance and employee benefits, including social security, for its employees.

### § 23-58. Statutory authority.

This article is being enacted pursuant to Title 53 Pennsylvania Consolidated Statutes Annotated, § 46006.

ARTICLE VI

### PSATS Unemployment Compensation Group Trust [Adopted 3-16-2015 by Ord. No. HR-408]

**§ 23-59. Adoption of Restated Trust Agreement.**

1. The Township of Tredyffrin adopts the Restated Trust Agreement and agrees to participate in the Trust in accordance with the amended and updated terms of the Restated Trust Agreement and that the Chairman of the Board of Supervisors and Secretary of the Township are hereby authorized to sign the Restated Trust Agreement and any other agreements necessary for the Township's participation in the Trust.
2. The Restated Trust Agreement is on file for inspection and review at the Township's offices at 110 DuPortail Road, Berwyn, PA 19312. The Restated Trust Agreement may be subsequently modified or amended in accordance with its terms, but in no event shall such modifications or amendments divert any of the trust funds from the purposes of the Trust. The Township may withdraw from the Trust in accordance with the Restated Trust Agreement, including if the Board of Supervisors determines the modifications or amendments are not in the best interests of the Township.

### § 23-60. Purpose.

The participation of the Township in the Trust is authorized for the purpose of pooling resources for the purpose of providing unemployment compensation insurance for participation employers at reasonable cost.

### § 23-61. Conditions for participation.

As set forth in greater detail in the Restated Trust Agreement and as otherwise stated herein, the following conditions apply to the participation of the Township in the Trust:

1. That each participating employer must meet the admission and eligibility requirements set forth therein;
2. That each participating employer agrees to pay all contributions when due as provided in the Restated Trust Agreement or as otherwise established by the Board of Trustees; and
3. That each participation employer complies with all other conditions of the Restated Trust Agreement.

### § 23-62. Agreement to participate; withdrawal.

The Township agrees to participate in the Trust and may withdraw for any reason and in accordance with the Restated Trust Agreement provided that it has fulfilled all its financial obligations to the Trust upon withdrawal.

### § 23-63. Effective date of participation.

That the effective date of the Township's agreement to and joinder in the Restated Trust Agreement and the participation of the Township in the Trust pursuant to the terms of the Restated Trust Agreement will be March 16, 2015.

### § 23-64. Powers delegated to Board of Trustees.

Each participating employer delegates to the Board of Trustees the powers enumerated in the Restated Trust Agreement.

### § 23-65. Organization of Trust.

The organizational structure of the Trust shall consist of a Board of Trustees. Under the Restated Trust Agreement, the Board of Trustees is authorized to, among other things, enter into contracts with third parties to perform various services necessary for the administration of the Trust.

### § 23-66. Frequency of appropriations.

The funds required for the operation of the Trust shall be provided by the participating employers through scheduled appropriations as determined by the Board of Trustees.

### § 23-67. Powers of Trust.

The Trust is empowered to enter into contracts for policies of group insurance and employee benefits, including Social Security, for employees of the Trust, if any.

### § 23-68. Compliance with terms and conditions.

As a condition of participating in the Trust, the Township agrees to comply with all of the terms and conditions in the Restated Trust Agreement.

### § 23-69. Copy of provisions to Board.

The Secretary of the Township shall provide a certified copy of this article upon its enactment to the Board of Trustees of the Trust.

### § 23-70. Authorization of officers to carry out requirements.

The Board of Supervisors of the Township is hereby authorized to take any and all such other actions as may be necessary or appropriate to carry out the purposes of this article and comply with the requirements of the attached Restated Trust Agreement and any duly adopted amendments thereto.

### § 23-71. Term of participation.

The duration of the term of the Township's participation in the Trust and obligations under the Restated Trust Agreement shall continue until withdrawal from the Trust by the Township in accordance with the terms of the Restated Trust Agreement.

### § 23-72. Findings and determinations.

The Board of Supervisors hereby specifically finds and determines as follows:

1. The conditions of the intergovernmental cooperative agreement are set forth in the Restated Trust Agreement incorporated by reference herein.
2. The Township shall participate in the Trust in accordance with the Restated Trust Agreement until it withdraws by giving notice to the Board of Trustees in accordance with the terms of the Restated

Trust Agreement.

1. The purpose and objectives of the intergovernmental cooperative arrangement, including powers and scope of authority delegated to the Board of Trustees, are set forth in the incorporated Restated Trust Agreement.
2. The manner and extent of financing of the agreement are that (i) funds to implement the Township's obligations under the agreement shall come from the normal and usual budgeted amounts for Township employee compensation and employee benefits and (ii) no borrowing is anticipated to be required.
3. The Trust shall be managed by the Board of Trustees pursuant to the terms of the Restated Trust Agreement.
4. All assets and property, real or personal, of the Trust shall be titled to, acquired, managed, licensed or disposed of by the Trust, and its Board of Trustees, in accordance with the terms of the Restated Trust Agreement.
5. The Trust, in accordance with the Restated Trust Agreement, shall be empowered to enter into contracts for policies of group insurance and employee welfare benefits to be offered to participation employers for their eligible employee and dependents.

### § 23-73. Severability.

The provisions of this article are severable and in the event that any provision is held invalid, void, illegal, or unconstitutional by any court, it is the intent of the Board of Supervisors that such determination by the Court shall not affect or render void the remaining provisions of this article. It is the declared intent of the Board of Supervisors that this article would have been enacted if any provision subsequently declared to be void, invalid, illegal or unconstitutional had not been included at the time of enactment.

### § 23-74. Effect on prior rights or liabilities.

Nothing in this article shall be interpreted to affect any rights or liabilities of the Township, or to affect any cause of action, existing prior to the enactment of this article.

### § 23-75. Effective date; statutory authority.

1. This article shall take effect five days from the date of adoption.
2. This article is being enacted pursuant to the provisions of the Pennsylvania Intergovernmental Cooperation Law, Act of July 12, 1972, No. 180,**64** as amended, 53 Pa.C.S.A. § 2301, et seq.
   1. **Editor's Note: Now Act of Dec. 19, 1996, P.L. 1158, No. 177, § 1.**

## Chapter 30 LIBRARY

**[HISTORY: Adopted by the Board of Supervisors of the Township of Tredyffrin as Ch. I, Art. 4,**

**§ 401, of the 1979 General Laws of the Municipality of Tredyffrin. Amendments noted where applicable.]**

**§ 30-1. General provisions.**

The Supervisors of Tredyffrin Township are hereby authorized to enter into an agreement with the County of Chester and the Paoli Library Association to establish, operate and maintain a free, public, nonsectarian library, to serve the informational, educational and recreational needs of the residents of Tredyffrin Township by providing free access to an organized and currently useful collection of printed items and other materials and to the service of a staff trained to recognize and provide for such needs.

### § 30-2. Contribution of funds.

Such agreement shall provide that Tredyffrin Township shall contribute such sums to such library as shall qualify it for maximum state aid under the Library Code of the Commonwealth of Pennsylvania, Act of June 14, 1961, P.L. 324.**65**

* 1. **Editor's Note: See 24 P.S. § 4101 et seq.**

Township of Tredyffrin, PA

PARKS AND RECREATION BOARD

**Chapter 35**

# PARKS AND RECREATION BOARD

**[HISTORY: Adopted by the Board of Supervisors of the Township of Tredyffrin as Ch. I, Art. 1,**

**§ 102, of the 1979 General Laws of the Municipality of Tredyffrin; amended in its entirety 3-21-2022 by Ord. No. HR-448. Subsequent amendments noted where applicable.]**

**§ 35-1. Creation of Board.**

1. A Parks and Recreation Board is hereby created by the Board of Supervisors.
2. The Parks and Recreation Board shall consist of nine members, two of whom shall be appointed by the Tredyffrin-Easttown School Board as ex-officio members.

### § 35-2. Term of service.

Community members of the Parks and Recreation Board shall be appointed for terms of three years.

### § 35-3. Compensation.

The members of the Parks and Recreation Board shall serve without pay.

### § 35-4. Powers and duties.

The powers and duties of the Parks and Recreation Board are as follows:

1. Recommend and promote activities/events within the parks and open space that are fun, safe and promote individual and community growth.
2. Investigate and determine the needs, interests, and improvements to parks and open space that are economical and generally accessible.
3. Recommend rules and regulations to the Board of Supervisors for the use of parks and open space.
4. Help in establishing standards and benchmarks for all parks and recreation programs.
5. Stay current with the trends in recreation.
6. Make budget recommendations for maintenance, replacements, and improvements to Township parks and open space.

### § 35-5. Officers; adoption of rules and regulations; selection of personnel.

The members of the Parks and Recreation Board shall elect their own Chairman and Secretary and select all other necessary officers to serve for a period of one year.

### § 35-6. Annual report.

The Parks and Recreation Board shall submit an annual report to the Board of Supervisors, including an analysis of the community recreation area and facilities by March 1 of each calendar year.

TREDYFFRIN CODE

## Chapter 39 PENSIONS

### [HISTORY: Adopted by the Board of Supervisors of the Township of Tredyffrin as indicated in article histories. Amendments noted where applicable.]

§ 39-1 PENSIONS § 39-1

ARTICLE I

**Police Pension Plan**

**[Adopted 5-2-1983 by Ord. No. HR-72 (Ch. I, Art. 3, § 301, of the 1979 General Laws of the Municipality of Tredyffrin)]**

**§ 39-1. Definitions.**

The following words and phrases as used herein shall have the following meanings unless a different meaning is plainly required by the context:

ACCRUED PENSION BENEFIT — The accrued benefit of a member expressed in terms of a monthly single life annuity beginning at normal retirement date determined under § 39-3A on the basis of the member's years of service and average monthly compensation.

ADMINISTRATOR — The Manager of Tredyffrin Township, or any other person that the Board of Supervisors may appoint.

ANNIVERSARY DATE — Each December 31.

AVERAGE MONTHLY COMPENSATION — The average of an officer's compensation from the Township for the 60 consecutive calendar months of employment ending immediately prior to the earliest of the member's actual retirement date, his or her death or any other termination of service as applicable. If an officer is employed by the Township for less than 60 consecutive calendar months prior to the event which causes his or her employment as an officer to terminate, his or her "average monthly compensation" means the average of the officer's compensation for all consecutive calendar months of employment ending immediately prior to the event; provided, however, that with respect to officers hired before January 1, 1991, and retiring or otherwise terminating service with the Township on or after January 1, 1983, the number "36" shall be substituted for the number "60" wherever that number appears in this definition.**[Amended 2-4-1991 by Ord. No. HR-162]**

BENEFICIARY — The person, persons or trust designated by the member as direct or contingent beneficiary in a manner prescribed by the Administrator or, in the absence of a beneficiary designation (or if all beneficiary designations are ineffective), the member's spouse, if living, or if his spouse is not living, the member's heirs under the Pennsylvania intestate law.

BOARD OF SUPERVISORS — The Board of Supervisors of Tredyffrin Township.

BREAK IN SERVICE — For the purpose of computing an officer's years of service, an event other than the officer's retirement, death or disability which results in the officer's termination of service with the Township.

COMPENSATION — An officer's wages from the Township, as reported on the officer's Internal Revenue Service Form W-2, but excluding amounts attributable to overtime pay, on-call pay and educational allowance. Also excluded shall be Township contributions to this or any other employee benefit plan or plans to which the Township contributes for its officers, and amounts identified by the Township as expense allowances or reimbursements.**[Amended 2-4-1991 by Ord. No. HR-162]**

CONSUMER PRICE INDEX — The index published by the Bureau of Labor Statistics, United States Department of Labor (1967-100), United States, All Items, Major Group Figures for Urban Wage Earners and Clerical Workers (including single workers), or any replacement index or successor thereto. Should the Bureau of Labor Statistics discontinue publication of this index, the Township, with the consent of the officers' bargaining representative, shall determine the appropriate figure to be applied under the plan. Should the parties fail to reach agreement, the Township shall obtain from the Bureau of Labor Statistics a conversion table for the new index.

DEFERRED RETIREMENT DATE — The first day of the month after a member's normal retirement date on which the member actually retires.

EFFECTIVE DATE — August 11, 1952.

FUND — The assets and earnings, appreciation or additions thereto held by the trustees under the Trust for the exclusive benefit of members, their contingent annuitants or their beneficiaries.

INSURANCE COMPANY — A legal reserve life insurance company which is qualified to do business in Pennsylvania.

INSURANCE CONTRACT — Any group or individual insurance or annuity contract entered into by the trustees with an insurance company to provide benefits under the plan.

INVESTMENT MANAGER — Any person or entity appointed by the Board of Supervisors pursuant to Section 2.4 of the trust agreement for the Trust, with the power to manage, acquire or dispose of plan assets and who is:

1. Registered as an investment adviser under the Investment Advisors Act of 1940;
2. A bank, as defined in that Act; or
3. An insurance company qualified to perform investment services under the laws of more than one state.

MEMBER — An officer who has completed the eligibility requirements of § 39-2 and who participates in the plan by authorizing the withholding of member contributions for him.

MEMBER CONTRIBUTIONS — The contributions which an officer agrees to make as a condition of being a member of the plan, as provided in § 39-4A, plus interest at the rate or rates specified in Appendix A,**66** provided that in the case of an officer in the employ of the Township on or after January 1, 1983, interest shall be at the rate of 5% per year, compounded, for years after 1982.

NORMAL RETIREMENT DATE **[Amended 2-4-1991 by Ord. No. HR-162]** — The first day of the month coincidental with or immediately following the earliest of the date the officer:

1. Reaches age 55 and completes 25 years of service;
2. Reaches age 60 and completes 20 years of continuous service;
3. In the case of an officer in the employ of the Township on or after January 1, 1983, and on or before December 31, 1990, reaches age 52 and completes 25 years of service; or
4. In the case of an officer who elects a vested deferred retirement benefit, the date on which the officer would have reached his or her normal retirement date (under Subsections A, B or C above) had the officer continued to be employed by the Township.

OFFICER — A sworn police officer employed on a full-time basis by the Police Department of the Township. For this purpose, "full-time" means an average rate of at least 40 hours per week.

PLAN — The pension plan set forth in this document and the trust agreement pursuant to which the related Trust is maintained.

PLAN YEAR — The year ending December 31.

TOTAL AND PERMANENT DISABILITY — Only in the case of an officer who does not qualify for

* 1. **Editor's Note: Appendix A is included at the end of this chapter.**

payments under any long-term disability insurance coverage or program then maintained by the Township, a service-connected disability of a permanent nature which has been established to the Township's satisfaction by the report of a physician satisfactory to it and which renders the officer incapable of being gainfully employed.

TOWNSHIP — Tredyffrin Township, a Home Rule Municipality in Chester County, Pennsylvania.

TOWNSHIP CONTRIBUTIONS — The contributions that the Township is required to make to provide those benefits under the plan that are not provided by member contributions.

TRUST — The legal entity created by the trust agreement between the Township and the trustees, fixing the rights and liabilities of each with respect to managing and controlling the fund for the purposes of the plan.

TRUSTEES — The trustees or any successor trustee or trustees hereafter designated by the Board of Supervisors and named in the trust agreement or any amendment thereto.

YEAR OF SERVICE **[Amended 2-4-1991 by Ord. No. HR-162]** —

* + 1. A year of employment with the Township for which an officer agrees to make member contributions, and:
       1. During which he is actively employed as an officer; or
       2. For purposes of accrual of benefits under § 39-3A and for vesting in accrued pension benefits under § 39-5A, during which he or she is in the active military service of the United States, including a period before becoming an officer and while an officer, except that no credit shall be given for military service in excess of three such years or, in the case of an officer in the employ of the Township on or after January 1, 1983, four such years.
    2. A period of employment after an officer reaches age 65 shall not be taken into account in determining the number of his years of service.
    3. Partial years of service shall be disregarded for purposes of accrual of benefits under § 39-3 and vesting in accrued benefits under § 39-5.
    4. All of an officer's years of service with the Township, up to 20 such years, shall be used in computing the amount of his or her accrued pension benefit under § 39-3 and his or her vested percentage under § 39-5. Except as in Subsection B of the definition of "normal retirement date" in § 39-1 above, if an officer has a break in service and returns to employment as an officer, the years of service prior to the break shall be counted in computing his or her accrued pension benefit and his or her vested percentage, provided that such officer left his or her member contributions in the plan at the time of his or her break in service or, if after returning to employment and before his or her actual retirement date, contributes a member contribution to the plan in an amount actuarially determined by the Plan Administrator; if otherwise, such prior years shall be disregarded.

### § 39-2. Eligibility for membership.

An individual shall be eligible to participate in the plan on the first day of the pay period in which he becomes an officer and authorizes withholding of member contributions. At the time the officer first becomes a member, he shall also file with the Administrator a designation of a beneficiary.

### § 39-3. Retirement and death benefits.

Township of Tredyffrin, PA

#### § 39-3 TREDYFFRIN CODE § 39-4

1. Normal retirement and deferred retirement benefits. A member who retires on his or her normal retirement date or deferred retirement date shall be entitled to a monthly single life annuity retirement benefit equal to 2.5% of his or her average monthly compensation multiplied by his or her years of service, up to a maximum of 20 years of service, and payable in accordance with § 39-6. **[Amended 2-4-1991 by Ord. No. HR-162]**
2. Disability benefit. A member whose employment is terminated prior to his normal retirement date by reason of a total and permanent disability shall be entitled to a monthly retirement benefit calculated in accordance with § 39-3A using years of service credited to the date of total and permanent disability.
3. Death benefits. There shall be death benefits provided under the plan as follows:
   1. Death of a member before retirement date. Upon the death of a member in active service or of a member not in active service but who is entitled to a deferred vested benefit before his retirement date, the beneficiary of such deceased member shall receive the amount of the member contributions, including interest to the date of death, in a lump sum.
   2. Death of a member after retirement date. Upon the death of a member after his retirement date, benefits, if any, shall be paid to his contingent annuitant in accordance with the form of benefit payment selected by the member at retirement.
4. Vested deferred retirement benefit. A member whose employment is terminated prior to his normal retirement date for any reason other than retirement, death or disability shall be entitled to his vested interest, if any, in his accrued pension benefit as determined in accordance with § 39-5A. Such benefit shall be payable in accordance with § 39-6D.
5. Minimum benefit. Unless the trustees purchase an insurance contract for the member, the minimum benefit payable to the member under the plan shall be the amount of his member contributions, including interest to the date of benefit entitlement. If an amount is due after all payments to a member and any contingent annuitant have been made, such amount shall be paid to the member's beneficiary. If the trustees purchase an insurance contract for the member's benefit, this minimum benefit provision shall be of no effect, and only the survivor provisions, if any, of such insurance contract shall be applicable to the member's benefit.
6. Forfeiture of right to Township contributions. In the case of a member who is an officer in the employ of the Township at any time on or after January 1, 1983, and who is convicted of a felony or misdemeanor involving moral turpitude, when the conduct is connected with the individual's position as a police officer and committed with intent, such a member shall forfeit any and all rights to his vested interest in his accrued pension benefit derived from Township contributions.

### § 39-4. Contributions by members and Township.

1. Member contributions. Each officer who becomes a member shall make contributions to the plan, through regular payroll deduction, at the rate of 5% of his compensation, provided that the Township may, consistent with the terms of any collective bargaining agreement in effect between it and the representative of the officers and so long as the plan shall remain actuarially sound in the opinion of the Township with the advice of an actuary satisfactory to the Township and the officers' bargaining representative, waive member contributions for 1983 and/or 1984. While there is a waiver of member contributions in effect, if any, each member affected by such waiver shall continue to receive years of service credit for benefit accrual and vesting, as provided by the plan, but shall not be entitled to credit for member contributions except for interest on member contributions made prior to the waiver

Township of Tredyffrin, PA

#### § 39-4 PENSIONS § 39-5

effective date. The Administrator shall forward member contributions to the trustees as soon as practicable following the date the member contributions are made.

1. Township contributions. The Township shall make Township contributions to the fund in such amounts as the plan's actuary deems sufficient, on an annual basis, taking into account member contributions, to provide the benefits described under the plan. However, the Township shall have no obligation to make Township contributions to the fund after the plan has terminated, whether or not benefits accrued prior to the date of termination have been fully funded. This provision shall not affect the Township's obligation to provide pension benefits to members in accordance with applicable law and the terms of any applicable collective bargaining agreement then in effect.
2. Time of contributions. Payment of Township contributions to the fund in accordance with § 39-4B shall be made within a reasonable time following the actuarial determination of the amount of such contributions.

### § 39-5. Vesting.

1. Rate of vesting Township contributions.
   1. Vesting rule prior to 1981. Prior to January 1, 1981, a member shall have a vested interest in his accrued pension benefit in accordance with the following schedule:

|  |  |
| --- | --- |
| **Years of Service As a Member** | **Vested Interest** |
| Fewer than 5 | 0% |
| 5 but fewer than 10 | 25% |
| 10 but fewer than 15 | 50% |
| 15 but fewer than 20 | 75% |
| 20 or more | 100% |

* 1. Vesting rule after 1980. After December 31, 1980, a member shall have a vested interest in his accrued pension benefit based on his years of service as a member and in accordance with the following schedule:

|  |  |
| --- | --- |
| **Years of Service As a Member** | **Vested Interest** |
| Fewer than 5 | 0% |
| 5 but fewer than 10 | 25% |
| 10 but fewer than 12 | 50% |
| 12 or more | 100% |

1. Full vesting: Township contributions. A member shall have a fully vested interest in his accrued pension benefit in any event if he either dies or becomes totally and permanently disabled while in active service.
2. Rate of vesting: member contributions. A member shall be one-hundred-percent vested in his member contributions at all times.
3. Application of forfeitures. Any amounts forfeited under this § 39-5 shall not be used to increase the

#### § 39-5 TREDYFFRIN CODE § 39-6

benefit of any member, but shall be used to reduce future Township contributions.

### § 39-6. Payment and form of benefits.

1. Benefit commencement date.
   1. Normal or deferred retirement. The benefit of a member who retires on or after his normal retirement date shall be payable beginning on his normal retirement date or his deferred retirement date, as applicable.
   2. Disability retirement. The benefit of a member who retires by reason of becoming totally and permanently disabled shall be payable beginning at disability or at such other time as the member elects.
   3. Vested deferred retirement benefit. The benefit of a member who is entitled to a vested deferred retirement benefit as provided in § 39-3D shall be payable beginning on what would have been his or her normal retirement date if he or she had remained in the employ of the Township until that date. **[Added 2-4-1991 by Ord. No. HR-162]**
2. Normal form of benefit. The normal form of benefit payable under the plan shall be monthly payments for the life of the member, beginning with the first month in which he is entitled to receive a benefit under § 39-3 and ending with the month in which he dies. If the member has received a refund of his member contributions pursuant to § 39-6F, his monthly benefit payable under the plan shall be reduced by an amount equivalent to such contributions, determined in accordance with

§ 39-6F(2). **[Amended 2-3-1992 by Ord. No. HR-191]**

1. Optional form of benefit payment. In lieu of the normal form of benefit provided under § 39-6B, a member may elect to have his retirement benefit paid in the form of a joint and survivor annuity, which is the actuarial equivalent of the normal form of benefit under § 39-6B, and which provides a reduced benefit payable for the life of the member with the further provision that after the member's death 50% of such reduced amount shall be paid during the life of and to the contingent annuitant designated by the member in the election filed with the Administrator. A member may elect to receive a refund of his member contributions pursuant to § 39-6F, in conjunction with either the normal form of payment or an optional form of payment. If the member receives a refund of his member contributions, his monthly benefit payable under the plan shall be reduced by an amount equivalent to such contributions, determined in accordance with § 39-6F(2). If the contingent annuitant dies before the member's retirement benefit is to begin, a joint and survivor annuity election shall be void and the retirement benefit shall become payable to the member when due and shall be computed as though the joint and survivor option had not been elected. If a contingent annuitant under a joint and survivor annuity option predeceases the member after benefit payments to such member have begun, such benefit payments shall continue without change and shall cease with the member's death. No benefit shall be payable to contingent annuitant if the member who has designated him dies before the member is entitled to receive his first benefit benefit payment. **[Amended 2-3-1992 by Ord. No. HR-191]**
2. Vested deferred benefit. Upon termination of service with the Township for reasons other than retirement or death, a member may elect an immediate distribution of his or her vested benefit in a lump sum to the extent consistent with applicable law or defer payment of his or her benefit until normal retirement date. The amount of the immediate distribution, if elected, shall be his or her member contributions, including interest to his or her date of termination, plus the lump sum actuarial present value of his or her vested interest in his or her accrued pension benefit derived from Township

contributions. **[Amended 2-4-1991 by Ord. No. HR-162]**

1. Cost of living increases for certain retirees. In the case of a member who was an officer in the employ of the Township on or after January 1, 1983, and on or before December 31, 1990, who retires and begins to receive a normal retirement benefit, a vested deferred retirement benefit or a disability benefit in the normal form or optional form, the benefit of such a member shall be increased to reflect increases in the cost of living. Such increases shall be effective as of January 1 of each year that this provision is in effect and shall equal the lesser of 3% or the actual cost of living increase for the immediately preceding calendar year, based in either case upon such an increase in the consumer price index for such calendar year. No such adjustment shall be made unless the plan is determined by the Township, based upon the advice of an actuary satisfactory to the Township and the officers' bargaining representative, to be actuarially sound after giving effect to the increase, to any provision then in effect waiving member contributions and to the other obligations of the plan. If benefit payments have not been in effect for a member for the entire calendar year before any January 1 adjustment date, the increase shall be the lesser of 3% or the actual cost of living increase for the immediately preceding calendar year, multiplied by a fraction, the numerator of which is the number of months that benefit payments have been in effect and the denominator of which is 12. There shall be no cost of living adjustment to any contingent annuity payment under § 39-6C or to any vested deferred benefit payable earlier than a member's normal retirement date. Cost of living adjustments made pursuant to this § 39-6E shall be based on the monthly amounts received by a retired member (i.e., after the adjustment for refunded member contributions is made pursuant to § 39-6F, if any). **[Amended 2-4-1991 by Ord. No. HR-162; 2-3-1992 by Ord. No. HR-191]**
2. Refund of member contributions. Member contributions made pursuant to § 39-4A and interest earned thereon may, at the election of the member, be refunded to the member upon the member's retirement under the plan.
   1. Amount of refund. The amount of a refund made pursuant to this § 39-6F shall be the lesser of Subsection F(1)(a) and (b) below, where:
      1. Subsection F(1)(a) equals the member's contributions and interest earned thereon; and
      2. Subsection F(1)(b) equals the value of the member's accrued pension benefit payable from the Trust (excluding the Aetna annuity purchased) on the basis of actuarial assumptions equal to an interest rate of 7% and the 1971 TPF&C mortality table.
   2. Adjustment of member's monthly benefit. In the event that a member receives a refund of his member contributions, his monthly benefit, if any, payable under § 39-6B or C shall be reduced by the value of member contributions. The reduction shall be equal to the annuity value of the member's member contributions plus interest earned thereon. Such annuity value shall be determined on the basis of actuarial assumptions equal to an interest rate of 7% and the 1971 TPF&C mortality table.
   3. Refund paid from trust. Any refund made pursuant to this § 39-6F shall be paid solely from the Trust. In no event shall amounts payable from any annuity contract it entered into by the Township on behalf of the members be affected by any refunds paid hereunder.
   4. Future cost of living increases not considered. In determining the amount of a refund under Subsection F(1) of this section, future cost of living increases which may be made pursuant to

§ 39-6E shall not be considered.

### § 39-7. Plan administration.

1. Responsibilities of Administrator and trustees. All matters relating to the plan, except those duties relating to the control or management of plan assets, shall be the responsibility of the Administrator. All matters relating to the control or management of plan assets shall, except to the extent delegated in accordance with the trust agreement, be the sole and exclusive responsibility of the trustees. The Administrator may resign by giving written notice to the Board of Supervisors, which notice shall be effective 30 days after delivery. The Administrator may be removed by the Board of Supervisors by written notice to the Administrator, which notice shall be effective immediately upon delivery of the notice. The Board of Supervisors shall promptly select a successor following the resignation or removal of the Administrator. The appointments and removal of the trustees shall be made in accordance with the terms of the trust agreement.
2. Administrator: rules and regulations. The Administrator shall enact such rules and regulations of the plan as he may deem desirable, provided that they are consistent with applicable law and the terms of any applicable collective bargaining agreement then in effect. The Administrator shall keep records of his actions.
3. Exclusive benefit rule; applicable law. The Administrator shall administer and interpret the plan for the exclusive benefit of members, their contingent annuitants and their beneficiaries, and in consistency with both applicable law and the terms of any applicable collective bargaining agreement then in effect.
4. Advisors and experts.
   1. The Board of Supervisors shall appoint an actuary to make actuarial valuations of the liabilities of the plan, to recommend to it the mortality or other tables and the interest rates to be used from time to time in actuarial and other computations for purposes of the plan, to recommend to it the amounts of Township contributions and to perform such other services as the Board of Supervisors shall deem necessary or desirable in connection with the administration of the plan. In addition, the Board of Supervisors may employ accountants, attorneys, consultants and other advisors to perform services with respect to the plan.
   2. The fees charged by any such accountants, actuaries, attorneys, consultants or other advisors appointed or employed pursuant to Subsection D(1) above prior to January 1, 1976, shall be paid by the Township. Any such fees charged by such advisors on or after January 1, 1976, shall be paid from the fund, unless they are paid by the Township.

### § 39-8. Amendment and termination.

1. Amendment procedures. The plan may be amended at any time and from time to time by an ordinance adopted by the Board of Supervisors.
2. Termination procedures.
   1. While the Township intends to continue the plan indefinitely, it reserves the right, by adoption of an ordinance, to terminate the plan at any time, in a manner not inconsistent with any applicable collective bargaining agreement with the officers, and any applicable law. In the event of termination of the plan, all of the assets of the fund shall be allocated among the members, contingent annuitants and beneficiaries in the following order:
      1. To that portion of each member's accrued pension benefit which is derived from his member contributions, including interest to the date of plan termination;
      2. In the case of benefits payable as an annuity:
3. If the benefit of a member or contingent annuitant was in pay status as of the beginning of the three-year period ending on the termination date of the plan, to each such benefit, based on the provisions of the plan as in effect on the date of termination; or
4. If a benefit {other than a benefit described in Subsection B(1)(a)[1]} would have been in pay status as of the beginning of such three-year period if the member had retired prior to the beginning of the three-year period and if the benefits had begun (in the normal form of annuity under the plan) as of the beginning of such period, to each such benefit based on the provisions of the plan as in effect on the date of termination;
   * 1. To all other nonforfeitable benefits under the plan;
     2. To all other benefits under the plan; and
     3. To the Township, if all liabilities of the plan to members, their contingent annuitants and their beneficiaries have been satisfied and such distribution does not contravene any applicable law or the terms of any applicable collective bargaining agreement then in effect.
   1. If the fund is insufficient to provide in full for any of the classes set forth above, the assets remaining shall be applied proportionately among members, contingent annuitants and beneficiaries of the first such class as to which there is an insufficiency, and nothing shall be applied to any subsequent class.

### § 39-9. Miscellaneous.

1. Township prerogatives. The existence of the plan shall not confer upon any officer the right to be continued as an officer. The Township expressly reserves the right, consistent with any applicable Pennsylvania law or Township ordinance, to discharge any officer whenever, in its judgment, its best interests so require.
2. Nonalienation. No benefit payable under the plan shall be subject in any manner to anticipation, assignment or voluntary or involuntary alienation.
3. Facility of payment: incapacity. If any member, contingent annuitant or beneficiary shall be physically or mentally incapable of receiving or acknowledging receipt of any payment due under the plan and no legal representative shall have been appointed for him, the Administrator may direct the trustees to make any such payment to any person or institution maintaining such member, contingent annuitant or beneficiary, and the release of such person or institution shall be a valid and complete discharge for such payment.
4. Facility of payment: minority. If the contingent annuitant or beneficiary of any member shall be a minor and no guardian shall have been appointed for him, the Administrator may direct the trustees to retain any payment due under the plan for his benefit until he attains majority. Such amount, as authorized by the Administrator, may be held in cash, deposited in bank or savings accounts or invested and reinvested in direct obligations of the United States, and the income thereon may be accumulated and invested or the income and principal may be expended and applied directly without the intervention of any guardian and without application to any court.
5. Prohibition against diversion. Prior to the satisfaction of all liabilities with respect to members, contingent annuitants and beneficiaries, no part of the principal or income of the Trust shall be used for or diverted to purposes other than for the exclusive benefit of members, their contingent annuitants or their beneficiaries under the plan. No person shall have any interest in or right to any part of the earnings of the Trust or any rights in or to the Trust or any part of the assets thereof, except to the extent expressly provided in the plan and trust agreement.

ARTICLE II

### Pennsylvania Municipal Retirement System [Adopted 11-6-2000 by Ord. No. HR-29267]

**§ 39-10. Member benefits.**

Tredyffrin Township, being a member municipality of the Pennsylvania Municipal Retirement System, hereby elects to change its member benefits in that system as authorized by the Pennsylvania Municipal Retirement Law, Act 15 of 1974, as amended, and does hereby agree to be bound by all the requirements and provisions of said law, and to assume all obligations, financial and otherwise, placed upon member municipalities. All references hereafter shall be based on benefits negotiated between the Board and municipality under the provisions of Article IV of the Pennsylvania Municipal Retirement Law.**68**

### § 39-11. Membership.

Membership in the Pennsylvania Municipal Retirement System shall be mandatory for all permanent, municipal employees of the Township. Membership for elected officials and employees hired on a temporary or seasonal basis is prohibited, as is membership for individuals paid only on a fee basis.

### § 39-12. Credited service. [Amended 10-19-2020 by Ord. No. HR-438]

Credit for prior service for original members is granted for each year or partial year thereof that the member was employed by the Township from original date of hire or the expiration of the member's probationary period if one so existed. Benefits provided to members in the agreement dated September 1, 2020, shall accrue based on all credited service granted and earned in accordance with this section. The Pennsylvania Municipal Retirement System Defined Benefit Plan Adoption Agreement 001, effective September 1, 2020, is attached hereto as Appendix A**69** and is incorporated herein by reference.

### § 39-13. Payment.

Payment for any obligation established by the adoption of this article and the agreement between the system and Tredyffrin Township shall be made by the Township in accordance with the Pennsylvania Municipal Retirement Law and Act 205 of 1984, the Municipal Pension Plan Funding Standard and Recovery Act.**70**

### § 39-14. Acceptance of agreement. [Amended 10-19-2020 by Ord. No. HR-438]

As part of this article, the Township agrees that the system shall provide the benefits set forth in the agreement between the Board and Tredyffrin Township dated September 1, 2020. The passage and adoption of this article by Tredyffrin Township is an official acceptance of said agreement and the financial obligations resulting from the administration of said benefit package. Tredyffrin Township hereby assumes all liability for any unfundedness created or which may be created due to the acceptance of the benefit structure outlined in the above-referenced agreement.

* 1. **Editor's Note: This ordinance also repealed former Art. II, Pennsylvania Municipal Retirement System, adopted 6-17-1996 by Ord. No. HR-250.**
  2. **Editor's Note: See 53 P.S. § 881.101 et seq.**
  3. **Editor's Note: Said agreement is on file in the Township offices.**
  4. **Editor's Note: See 53 P.S. § 881.101 et seq. and 53 P.S. § 895.101, respectively.**

### § 39-15. Repealer. [Amended 10-19-2020 by Ord. No. HR-438]

Tredyffrin Township intends this article to be the complete authorization of the Township plan and therefore specifically repeals the previous agreements and Ordinance Nos. HR-292 and HR-250. The Pennsylvania Municipal Retirement System Base Plan Document, BPD201707-F, is attached hereto as Appendix B**71** and is incorporated herein by reference.

### § 39-16. Filing of copies. [Amended 10-19-2020 by Ord. No. HR-438]

A duly certified copy of this article and the referenced agreement shall be filed with the Pennsylvania Municipal Retirement System of the Commonwealth of Pennsylvania. Membership for the municipal employees of Tredyffrin Township in the Pennsylvania Municipal Retirement System shall be effective the first day of January 1962, with the revised plan structure reflected in the agreement dated September 1, 2020, effective the first day of September 2020.

* 1. **Editor's Note: Said document is on file in the Township offices.**

ARTICLE III

### (Reserved)72

**§ 39-17. through § 39-24. (Reserved)**

* 1. **Editor’s Note: Former Art. III, Nonuniformed Employees Money Purchase Pension Plan, adopted 1-25-1999 by Ord. No. HR-280, as amended, was repealed 12-17-2012.**

ARTICLE IV

### Section 457 Deferred Compensation Plan [Adopted 7-13-2015 by Ord. No. HR-41173]

**§ 39-25. Adoption of plan.**

The Tredyffrin Township Section 457 Deferred Compensation Plan, retroactively effective as of January 1, 2015, is included as an attachment to this chapter.

### § 39-26. through § 39-33. (Reserved)

* 1. **Editor’s Note: This ordinance also repealed former Art. IV, Employee and Supervisor Section 457 Deferred Compensation Plan, adopted 1-25-1999 by Ord. No. HR-281, as amended.**

ARTICLE V

### Post-Employment Benefits Trust Fund [Adopted 5-13-2013 by Ord. No. HR-39874]

**§ 39-34. Authorization to execute trust agreement.**

The Board of Supervisors of the Township of Tredyffrin is hereby authorized to execute the trust agreement attached hereto as Appendix A and incorporated herein.**75**

### § 39-35. Purpose.

The Township seeks to accumulate assets in a trust to fund the long-term obligations of the Township for post-retirement life and medical benefits provided under applicable collective bargaining agreement(s), Tredyffrin Township Employee Handbook(s) and insurance plan document(s) identified in Exhibit A of the trust agreement, as such exhibit may be amended from time to time (the "plan").

### § 39-36. Establishment.

1. A trust is hereby irrevocably established for the exclusive benefit of participants, and their spouses, dependents and beneficiaries as defined under the plan.
2. The trust is intended to be a separate trust to accommodate advance funding of other post- employment benefits as described in Government Accounting Standards Board Statements Nos. 43 and 45, as amended or superseded.

### § 39-37. Board of Trustees.

1. The trust shall be held by a Board of Trustees, and successor trustees, who shall be appointed by the Board of Supervisors as set forth in the trust agreement.
2. The authority and duties of the Board of Trustees are set forth in the terms of the trust agreement.
3. The Trustees shall not be entitled to compensation for their services in respect to the trust. The Trustees shall be reimbursed for expenses reasonably incurred by them in the administration of the plan and/or the trust.
4. The Trustees shall at all times be bonded, the cost of which shall be paid from the trust unless paid by the Township.

### § 39-38. Investments.

The Trustees shall have the authority over the investment of the assets held in the trust as set forth in the terms of the trust agreement.

### § 39-39. Funding.

The Township shall contribute amounts to the trust in its sole and absolute discretion and shall have the right to discontinue contributions without termination of the trust, subject to the terms of the trust agreement.

* 1. **Editor's Note: This ordinance provided that it would become effective on the 31st day following enactment.**
  2. **Editor's Note: Said agreement is included as an attachment to this chapter.**

### § 39-40. Benefits.

The trust may provide benefits pursuant to the terms of the plan, by cash payment to the appropriate parties as set forth by the terms of the trust agreement.

### § 39-41. Liability.

The Trustees shall not be liable for any loss of funds, except as set forth in the trust agreement.

### § 39-42. Other plans.

The Township may designate the trust to hold the assets of such other plans the Township may adopt in addition to the initial plan, providing life, sickness, accident, medical, disability, or other similar welfare benefits, subject to the terms of the trust agreement.

## Chapter 43 PLANNING COMMISSION

### [HISTORY: Adopted by the Board of Supervisors of the Township of Tredyffrin as Ch. I, Art. 1,

**§ 103, of the 1979 General Laws of the Municipality of Tredyffrin. Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Environmental Advisory Council — See Ch. 16. Subdivision and land development — See Ch. 181.**

**Zoning — See Ch. 208.**

### § 43-1. Organization of Commission. [Amended 12-16-2013 by Ord. No. HR-401]

The Township Planning Commission shall consist of seven members. Members of the Planning Commission shall be appointed by the Supervisors of Tredyffrin Township for four-year terms, or until their successors are appointed and qualified, except that the terms of the members newly appointed at the time of adoption of this chapter shall be so fixed that no more than two shall be reappointed or replaced during any future calendar year. The members of the existing Planning Commission shall continue in office until the end of the term of which they are appointed; their successors shall be appointed as provided herein. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by appointment for the unexpired term according to the terms of this chapter. The Chairman of the Planning Commission shall promptly notify the Board of Supervisors concerning vacancies in the Commission. All members of the Commission shall reside within the Township and shall serve without compensation but may be reimbursed for necessary expenses.

### § 43-2. Operating procedure.

The Township Planning Commission shall elect its own Chairman and create and fill such other offices as it may determine. The Commission may make and alter rules for its procedure consistent with the ordinances of the township and the laws of the commonwealth. It shall keep a record of its resolutions, transactions, findings and determinations, which records shall be a public record. The Board of Supervisors shall appropriate from the general township funds such money as may be necessary and may be available for the work of the Planning Commission in the year in which the appropriation is made. The Planning Commission may appoint such employees and staff as it may deem necessary for its work and may contract with planners and other consultants for such technical services as it may require upon authorization of the Board of Supervisors. These and other expenditures as may be necessary and proper shall be within the amount appropriated for the purpose by the Board of Township Supervisors or placed at the Commission's disposal from other sources.

### § 43-3. Development plan adoption.

1. The Planning Commission shall prepare and adopt a plan of development for the township. It shall file an annual report. It shall be the duty of the Planning Commission to make or cause to be made and to lay before the Township Supervisors maps and plans for the township, or any portion thereof, showing the street, highway and other natural and artificial features and also any locations recommended by it for any new public buildings, civic schemes, parkways, parks, playgrounds and

any other public grounds or public improvements and any widening, extensions or relocation of the same, and thereafter from time to time the Planning Commission may lay before the Township Supervisors any modification, change or supplement to any prior plan or plans. The Planning Commission may also make recommendation to the Township Supervisors with respect to any and all matters and things referred to in this section and in so doing shall have regard for the present conditions and future needs and growth of the township.

1. Any maps or plans so submitted shall not be effective unless regularly approved and adopted by ordinance or resolution of the Township Supervisors and, after such approval and adoption, shall be subject to revision and change from time to time as the Township Supervisors may deem expedient.

### § 43-4. Official Map. [Amended 10-19-1998 by Ord. No. HR-278]

The Board of Supervisors may establish as the Official Map of the township any part of the development plan established by ordinance and such revision thereto by resolution in accordance with Section 209.1 of the Pennsylvania Municipalities Planning Code.**76**

### § 43-5. Reference of proposal to the Planning Commission.

The Township Supervisors may, at their discretion from time to time, submit to the Planning Commission any question or proposal relating to any of the matters or things referred to in § 43-4 or any other matter or thing relating to the growth or development of the township, including any plans for the development of any particular section of the township, and it shall be the duty of the Planning Commission in due course to make a report with respect to any such question or proposal with its recommendation thereon, particularly with matters thereon of land subdivision or zoning.

### § 43-6. Powers and duties. [Amended 10-19-1998 by Ord. No. HR-278]

The Planning Commission shall have all other powers and duties provided by the Pennsylvania Municipalities Planning Code (53 P.S. § 10101 et seq.).

* 1. **Editor's Note: See 53 P.S. § 10209.1.**

**Chapter 48**

# SCHOOL CROSSING GUARDS

### [HISTORY: Adopted by the Board of Supervisors of the Township of Tredyffrin 6-19-2017 by Ord. No. HR-416. Amendments noted where applicable.]

**§ 48-1. Hiring and oversight.**

The Board of Supervisors of Tredyffrin Township, Chester County, Pennsylvania, hereby approves the request of the School District to permit the School District to assume the hiring and overseeing of school crossing guards at the School District's facilities and functions.

### § 48-2. Notification of Township.

The School District shall immediately notify Tredyffrin Township of the name, address and contact information upon the hiring of those hired by the School District to serve as school crossing guards.

### § 48-3. Cost and compensation.

The School District shall assume full and complete responsibility for the cost of compensation of the school crossing guards.

### § 48-4. Training.

1. Immediately upon receipt of notice by Tredyffrin Township of the identity of those individuals hired by the School District as school crossing guards, the Chief of Police of Tredyffrin Township, in cooperation with the Police Departments of other political subdivisions, if any, who are part of the School District in which the School District has also assumed the hiring and overseeing of the school crossing guards at School District facilities and functions, shall provide training to and develop procedures for assisting the school crossing guards, as necessary.
2. The necessary training of the school crossing guards shall include, but not be limited to, developing procedures and methods for safe and orderly pedestrian and traffic control and taking into account different potential weather conditions and time of the day during which the same may occur. There shall also be developed an efficient and prompt method by which school crossing guards may request any necessary assistance from police and other emergency personnel if the need may arise. The school crossing guards shall only be authorized in the management of traffic and pedestrians in and around areas identified by the respective police departments and the School District Superintendent. All training, assistance and emergency procedures throughout the entire School District for all school crossing guards shall be uniform and consistent.

## Chapter 54 VOTING DISTRICTS

### [HISTORY: Adopted by the Board of Supervisors of the Township of Tredyffrin 9-14-1992 by Ord. No. HR-198. Amendments noted where applicable.]

**§ 54-1. Certain districts abolished.**

The present voting districts, namely "District First," "District Second" and "District Third" are hereby abolished in their present form.

### § 54-2. Creation of new districts.

New districts are hereby created as follows:

1. District First shall be comprised of the following voting precincts:

|  |  |
| --- | --- |
| **District 1 (East)** |  |
| E 1 | 2,740 |
| E 2 | 1,304 |
| E 3 | 961 |
| E 4 | 968 |
| E 5 | 2,450 |
| M 2 | 1,593 |
|  | 10,016 |

1. District Second shall be comprised of the following voting precincts:

|  |  |
| --- | --- |
| **District 2 (Middle)** |  |
| M 1 | 433 |
| M 3 | 1,923 |
| M 4 | 2,216 |
| M 5 | 1,469 |
| M 6 | 1,697 |
| W 4 | 1,323 |
|  | 9,061 |

1. District Third shall be comprised of the following voting precincts:

|  |  |
| --- | --- |
| **District 3 (West)** |  |
| W 1 | 2,353 |
| W 2 | 2,241 |

|  |  |
| --- | --- |
| W 3 | 1,133 |
| W 5 | 3,224 |
|  | 8,951 |

## General Legislation

**Chapter 64 AIR POLLUTION**

### [HISTORY: Adopted by the Board of Supervisors of the Township of Tredyffrin 12-4-1985 by Ord. No. HR-96 (Ch. XII, Art. 2-A, of the 1979 General Laws of the Municipality of Tredyffrin).

**Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Brush, grass and weeds — See Ch. 77. Building construction — See Ch. 80.**

**Fire prevention — See Ch. 111. Property maintenance — See Ch. 149.**

### § 64-1. Title.

This chapter shall be known and may be cited as the "Tredyffrin Township Air Pollution Control Ordinance of 1985."

### § 64-2. Policy.

The Board of Supervisors of Tredyffrin Township has determined that air pollution from an open fire may be detrimental to the health, comfort, living conditions, welfare and safety of the citizens of Tredyffrin Township. It is hereby declared to be the policy of Tredyffrin Township to safeguard the citizens of Tredyffrin Township from such air pollution.

### § 64-3. Definitions.

The following words, terms and phrases, when used in this chapter, unless the context clearly indicates otherwise, shall have the following meanings ascribed to them:

AGRICULTURAL WASTE — Remnants or by-products of unmanufactured agricultural commodities.**[Added 2-23-1998 by Ord. No. HR-267]**

BOARD — The Board of Supervisors of the Township of Tredyffrin.

FARM — A tract of land cultivated for the purpose of agricultural production or devoted to the raising and breeding of domestic animals and having a minimum lot size of 10 acres.**[Added 2-23-1998 by Ord. No. HR-267]**

FURNACE — Any enclosed device specifically designed for the burning of any material for the production of heat.

GARBAGE — All putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

INCINERATOR — Any device specifically designed for the destruction by burning of refuse, sewage sludge or any other combustible material.

OPEN FIRE — A fire in which any material is burned in the open or in a receptacle other than a furnace or incinerator.

PERSON — Any individual, partnership, association, syndicate, company, firm, trust, corporation,

department, bureau, agency or other entity recognized by law on the subject of rights and duties. REFUSE — Garbage, rubbish and trade waste.

RUBBISH — Solids not considered to be highly flammable or explosive, including but not limited to rags, old clothes, leather, rubber, carpets, wood, excelsior, paper, ashes, tree branches, tree leaves, yard trimmings, furniture, tin cans, glass, crockery, masonry and other similar materials.

SALVAGE OPERATION — Any business, trade or industry engaged in whole or in part in salvaging or reclaiming any product or material, including but not limited to metals, chemicals, shipping containers or drums.

TRADE WASTE — All solid or liquid material or rubbish resulting from construction, building operations or the prosecution of any business, trade or industry, including but not limited to plastic products, cartons, paint, grease, oil and other petroleum products, chemicals, cinders and other forms of solid or liquid waste materials; provided, however, that trade waste shall not include any coal refuse associated with the mining or preparation of coal.

### § 64-4. Enforcement.

The Tredyffrin Township Zoning Officer, or his designees, shall have the power and duty to enforce the provisions of this chapter.

### § 64-5. Prohibited acts; exceptions.

1. After the effective date as specified hereinafter, no person shall:
   1. Ignite or feed an open fire for the destruction of refuse or in the conduct of a salvage operation in any public or private place outside of any building; or
   2. Cause, suffer, allow or permit the maintenance of any open fire for the destruction of refuse or in the conduct of a salvage operation on any property under his control outside of any building.
2. Exceptions.
   1. Open fires may be set in the performance of any official duty of any public officer if the fire is necessary for:
      1. The prevention of a fire hazard which cannot be abated by other means.
      2. The protection of public health.
   2. Open fires may be set with the approval of the authorized enforcement agent of this chapter, provided that the fire or burning operations result from:
      1. Any fire set to prevent or abate a fire hazard, when approved by the Pennsylvania Department of Environmental Protection and when set by or under the supervision of a public officer.
      2. Any fire set for the purpose of instructing authorized personnel in fire fighting, when approved by the Pennsylvania Department of Environmental Protection and when set by or under the supervision of a public officer.
      3. Any fire set for the prevention and control of disease or pests, when approved by the Department of Environmental Protection.
      4. Any fire set solely for recreational or ceremonial purposes.
      5. Any fire set solely for cooking food.
      6. Any fire set for the purpose of disposing of agricultural waste on the farm where the agricultural commodities were produced or grown. **[Amended 2-23-1998 by Ord. No. HR-267]**

### § 64-6. Violations and penalties. [Amended 6-17-1991 by Ord. No. HR-168; 10-19-1998 by Ord. No. HR-278; 10-2-2000 by Ord. No. HR-290]

Any person who violates or permits a violation of this chapter shall be guilty of a summary violation and, upon conviction, shall be sentenced to pay a fine of not more than $1,000, plus all court costs, including reasonable attorney's fees, incurred by the township in the enforcement of this chapter. Each day a violation exists shall constitute a separate offense. In default of the payment of any fine, the defendant shall be sentenced to imprisonment to the extent allowed by law for the punishment of summary offenses. Further, the appropriate officers or agents of the township are hereby authorized to seek any other available relief at law or equity, including injunction, to enforce compliance with this chapter.

## Chapter 68 ALARM SYSTEMS

### [HISTORY: Adopted by the Board of Supervisors of the Township of Tredyffrin 1-27-1986 by Ord. No. HR-99 (Ch. VI, Art. 5, of the 1979 General Laws of the Municipality of Tredyffrin).

**Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Building construction — See Ch. 80. Fire prevention — See Ch. 111.**

### § 68-1. Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

ALARM SUPPLIER — The business by any individual, partnership, corporation or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any alarm system or causing any alarm system to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed in or on any building, structure or facility.

ALARM SYSTEM — Any assembly of equipment, mechanical, electrical or battery-operated, arranged to signal the occurrence of a police, fire, hazard or medical emergency requiring urgent attention and to which police or fire units are expected to respond.

ANSWERING SERVICE — A service whereby trained employees, in attendance at all times, receive prerecorded voice messages from automatic dialing devices reporting an emergency at a stated location, where such employees have the duty to relay immediately by live voice any such emergency message over a trunk line to the communications center of the Police or Fire Department.

AUDIBLE ALARM — Any device, bell, horn or siren which is attached to the interior or exterior of a building, structure or facility and emits a warning signal audible outside the building, structure or facility and is designed to attract attention when activated by a criminal act or other emergency requiring Police or Fire Department response.

AUTOMATIC DIALING DEVICE — A device which is interconnected to a telephone line and is programmed to transmit a signal by a voice or coded message that indicates that an emergency condition exists and the need for an emergency response is required.

CENTRAL STATION — A protective system or group of such systems operated privately for customers by a person, firm or corporation which accepts recorded messages from automatic dialing devices at a central station having operators and guards in attendance at all times who have the duty to take appropriate action upon receipt of a signal or message, including the relaying of messages to the communications center of the Police Department or Fire Department.

COMMERCIAL PROPERTY — Any structure intended to be used wholly or in part for the purposes of carrying on a trade, business, or profession; any structure intended to be used wholly or in part for educational, religious, charitable, or public uses; and/or any structure that is used as an apartment building with three or more apartments included.**[Added 12-3-2007 by Ord. No. HR-365]**

COORDINATOR — An individual appointed by and accountable directly and solely to the Superintendent of Police.

EMERGENCY — A police, fire, hazard or medical emergency. FALSE ALARM —

1. An alarm activated in the absence of an emergency, whether willfully or by inadvertence, negligence or unintentional act, including the malfunction of the alarm system, to which the Tredyffrin Township Police Department or Fire Department responds. The definition excludes alarms caused by malfunctions of the Chester County DES receiving equipment if such alarm is directly connected to the alarm board; testing or repairing of telephone or electrical lines or equipment outside the premises; acts of God, such as earthquake, flood, windstorm, thunder or lightening; an attempted illegal entry of which there is visible evidence; a crime in progress; or, in case of an emergency medical alarm, an actual medical emergency requiring police, fire and/ or medical personnel. If doubt exists as to the cause of the false alarm, the Superintendent of Police or his designee shall make a decision regarding the circumstances of the activation.
2. Multiple alarms received by the Police Department or Fire Department before the system can be deactivated within a reasonable period of time shall be considered a single alarm.
3. The definition of a false alarm also includes the intentional activation of a holdup alarm for other than a holdup in progress, the intentional activation of a burglary alarm for other than a burglary, the intentional activation of a medical alarm for other than medical emergency or the intentional activation of a fire alarm for other than a fire hazard.

FIRE DEPARTMENT — The Berwyn Fire Company, Paoli Fire Company or Radnor Fire Company. FIRE EMERGENCY — A fire.

HAZARD EMERGENCY — An explosion, leak of toxic gas, liquid or solid, or a potential explosion or leak.

INTERMEDIARY — A central station protective system or an answering service, as herein defined.

KEY — To use a telephone line and equipment for transmitting a message, either directly or indirectly, by an automatic dialing device.

MEDICAL EMERGENCY — An emergency involving the health of a person.

PERMIT — Written permission duly granted to an applicant by the township upon payment of the required fee.

POLICE AND FIRE COMMUNICATIONS CENTER — The police and fire communications rooms and other rooms which house communications equipment and the police radio dispatcher.

POLICE DEPARTMENT — The Police Department of the Township of Tredyffrin.

POLICE EMERGENCY — An incident requiring prompt response by the Police Department.

RESIDENTIAL PROPERTY — Any structure intended for use primarily as a single-family residence or apartment building with two or fewer apartments included.**[Added 12-3-2007 by Ord. No. HR-365]**

SUPERINTENDENT OF POLICE — The administrative head of the Tredyffrin Township Police Department.

TOWNSHIP — The Township of Tredyffrin, Chester County, Pennsylvania.

TRUNK LINE — A telephone line leading into the communications centers of the Police and Fire Departments that is for the purpose of handling calls on a person-to-person basis and which is identified by a specific listing among the white pages in the telephone directory issued by the telephone company.

### § 68-2. Alarms without timing mechanisms prohibited.

On and after the effective date of this chapter, owners or users of audible alarms must equip such audible alarms with a timing mechanism that will disengage the audible alarm after a maximum of 15 minutes. Audible alarms without such a timing mechanism shall be unlawful in the township and must be disconnected by the owner or user within 60 days from the effective date of this chapter.

### § 68-3. Direct keying of automatic dialing devices.

On and after the effective date of this chapter, all automatic dialing devices that transmit recorded messages directly to the Police Department or Fire Department shall be keyed to the Chester County Department of Emergency Services Radio Room.

### § 68-4. Listing of installations.

1. Within 90 days from the effective date of this chapter, every alarm supplier who has installed an alarm system in the township with the Police Department or Fire Department shall furnish to Chester County DES and the Superintendent of Police the following information:
   1. The name, residence and telephone number of the owner or user.
   2. The address where the device is installed and the telephone number at that address.
   3. The name, address and telephone number of any other person or firm who is authorized to respond to an emergency and gain access to the address where the device is installed.
   4. The name and telephone number of any person, firm or corporation, if any, other than the alarm supplier, who is responsible for maintenance and repair of the system.
   5. The type of system, i.e., holdup, burglary, fire or medical emergency.
2. Users of alarm system devices whose devices were installed prior to the effective date of this chapter shall, within 60 days after such enactment, supply the Superintendent of Police with the information specified in Subsection A.
3. All information furnished pursuant to this section shall be kept confidential and shall be for the authorized use of the Police Department only.

### § 68-5. Licensing.

1. On and after the effective date of this chapter, no one except an alarm supplier holding a valid license from the township shall sell, install or service any alarm system within the township.
2. The coordinator shall issue an alarm supplier's license to an alarm supplier meeting the requirements of this § 68-5 upon the filing of the required application and payment of a fee as set from time to time by resolution of the Board of Supervisors. Each license shall bear the signature of the coordinator and be for a one-calendar-year period. A copy of the license shall be physically upon each of the premises using the alarm system and shall be available for inspection solely by the Superintendent of Police or by the coordinator.
3. Each alarm supplier that installs one or more alarm systems in the township shall make service available directly or through an agent on a twenty-four-hour-per-day basis, seven days a week, to repair such devices and to correct malfunctions as they occur. Any person using an alarm system shall

make arrangements for service to be available for such device on a twenty-four-hour-per-day, seven- day-per-week basis.

1. No corporation, sole proprietor, partner, joint venturer, trustee, executor, administrator, employee, fiduciary or stockholder with a five-percent or greater interest in a corporation (except a corporation whose stock is publicly traded and registered with the Securities and Exchange Commission or with a State Securities Commission) applying for a license shall have been convicted of a felony or pleaded Nolo Contendere to a felony charge or indictment.
2. The applicant shall furnish an insurance certificate annually confirming that the applicant has in force general liability insurance coverage in an amount of not less than $3,000,000 for each occurrence. An applicant who self insures such coverage shall furnish evidence of financial ability.
3. The licensee shall pay an annual license fee as set from time to time by resolution of the Board of Supervisors.
   1. The licensee fails to meet the requirements necessary to obtain a license;
   2. The license fee is not paid;
   3. The Superintendent of Police has reason to believe the licensee's installations are the cause of false alarms; or
   4. Licensee fails to provide emergency service as required by this chapter.

### § 68-6. Permit fees.

1. The user's fee for an alarm system permit shall be as set from time to time by resolution of the Board of Supervisors, and said permit shall be obtained by or on behalf of the owner of the premises upon which the alarm system is installed from the Police Department prior to the installation of the alarm system.
2. The permit shall bear the signature of the Superintendent of Police or the coordinator and be valid for the period that the owner owns the premises upon which the alarm system is installed or until revoked by the Superintendent of Police or the coordinator. The permit shall be physically present upon the premises using the alarm system and shall be available for inspection by the Superintendent of Police or the coordinator.
3. The permit shall contain the address of the property, the name of the business (if applicable), the name of the owner, tenant or agent responsible for the property, the alarm supplier or other entity responsible for maintaining the system (if applicable), the type of alarm (burglary, holdup, medical), how the alarm signal will be received by the communications center (tape, central station, etc.), at least two alternate emergency numbers of persons to be contacted to secure the property and any additional information as may be determined to be necessary. It shall be the owner's responsibility to amend the foregoing information whenever the information changes.
4. Exception. An alarm user who is over the age of 65 and is the primary occupant of a residence, and if no business is conducted at the residence, may obtain a user's permit from the township without paying the above-stated fee.
5. Users who fail to obtain a permit within 60 days after the alarm system is activated or within 60 days after the effective date of this chapter, if later, shall be liable to pay a late charge penalty, as set from time to time by resolution of the Board of Supervisors, for each calendar year that the permit is not

obtained.

1. All locations in the Township of Tredyffrin equipped with alarm systems, except as stated in this chapter, must secure and possess a valid permit for the same.

### § 68-7. Certain audible alarm systems excepted.

1. A battery-powered (9-volt, 11.2-volt or similar voltage) audible alarm system or an electrically energized audible alarm system whose sole purpose is to notify the occupants of that location of an emergency situation shall be exempt from the permit requirements of this chapter if all of the following conditions exist:
   1. The alarm is not connected to any mechanical or electrical device that automatically notifies a person or agency outside that location that the alarm system is activated.
   2. The audible alarm does not sound outside the location (no external speakers).
   3. The internal signal emitted by the audible alarm does not exceed 90 decibels.
   4. The internal alarm does not cause undue annoyance or alarm to occupants of adjoining premises.
2. Alarm users who are not required to pay a fee or who are exempt from obtaining an alarm user's permit as above shall, nevertheless, be subject to the penalty provisions prescribed in this chapter.
3. After the effective date of this chapter, no one except an alarm supplier holding a valid license from the township shall install any alarm system within the confines of the township.

### § 68-8. Technical information.

Each alarm supplier who, after the effective date of this chapter, sells or leases in the township an alarm system shall furnish operating instructions and manual to the buyer or lessee.

### § 68-9. Inspection of devices.

1. The public safety requires that the incidence of false alarms and malfunctioning automatic dialing devices be kept to a minimum so as to reduce unnecessary calls to the Police and Fire Departments and to increase the effectiveness of properly functioning alarm systems. In order to enforce this and to reduce the incidence of false alarms and malfunctioning alarm systems, it is necessary that appropriate township officials have the right to inspect the installation and operation of any alarm system installed in the township.
2. Application for a permit for the installation of an alarm system and subsequent installation of such a system pursuant to a permit issued or the continuance of the use of any alarm system already installed at the effective date of this chapter shall constitute consent by the owner or lessee thereof and authorization for the inspection of any such installation and/or operation by the Superintendent of Police or coordinator.
3. All such entries upon the premises where an alarm system is installed and all such inspection of the installation and operation of alarm systems shall be at reasonable times and upon reasonable notice, except in emergency situations.

### § 68-10. Conformance with installation, inspection and testing standards.

Every alarm supplier selling, leasing or furnishing to any user, or a user who privately installs an alarm system which is located on premises within the township, shall:

1. Be permitted to install only equipment that is listed by Underwriters' Laboratories, Inc., as being electrically safe and meeting the township requirements for the alarm system. Wiring for the alarm system must conform with all applicable township codes.
2. Be required to cause each alarm system installed to be provided with standby battery power which shall automatically and immediately take over in the event of a power failure.
3. Be required to install equipment in such a way as to neutralize electric surges on the alarm system.
4. Be required to deactivate any alarm system within a reasonable period of time when multiple false alarms are received.

### § 68-11. Notification preceding device testing.

No person shall conduct any test or demonstration of any alarm system or other alarm system without first notifying the shift supervisor of the Tredyffrin Township Police or fire radio network, as applicable.

### § 68-12. Alarm supplier to furnish copy of law.

Alarm suppliers and installers shall furnish at their own expense, at or prior to the time of contracting, a copy of this chapter to owners, lessees or users of the equipment or services to be supplied.

### § 68-13. False alarms. [Amended 12-3-2007 by Ord. No. HR-365]

1. Consent to pay costs; schedule of costs.
   1. For the purposes of defraying the costs to the Police and Fire Departments of responding to false alarms and avoiding danger to citizens and personnel of the Police and Fire Departments caused by responding to false alarms, the owner, lessee or user of any alarm system, persons using the services of an intermediary, users of audible alarms and users of any other kind of alarm systems or any other kind of direct or indirect connection with the police or fire communications center (collectively, the “alarm user”), except persons using the two-way live voice communication by telephone, shall, as a condition to installation and continued operation of such equipment or service, execute a consent in such form as may be prescribed by Tredyffrin Township (the “Township”) that such alarm user shall pay the Township for all false alarms upon the following schedule for each false alarm originating from the alarm user's premises: for each false alarm, a warning or fine as set from time to time by resolution of the Board of Supervisors.
   2. False alarms committed by users without a permit from Tredyffrin Township are subject to fines two times of those set by resolution in Chapter 68, § 68-13A(1).
2. Failure to comply. Any such alarm user who fails to execute the consent described in Subsection A(1) within 90 days from the effective date of this chapter shall, within the ninety-day period, disconnect the alarm system.
3. Any alarm user may revoke or refuse to consent as set forth in Subsection A(1) above only by disconnecting the alarm system. With respect to such systems installed at the effective date of this chapter, the alarm user can refuse or revoke the aforesaid consent by disconnecting such alarm system

within 90 days from the effective date of this chapter.

1. Penalties provided for false alarms that are relayed or transmitted by an intermediary shall be the responsibility of the alarm user.
2. Any police officer or fire fighter responding to an alarm which is determined to be false shall promptly notify the Superintendent of Police or a designee (the “Superintendent”) of such false alarm in writing. Within 10 business days of such notification, the Superintendent shall have written notification of the false alarm deposited at the location to whose name the alarm is registered or delivered via first-class mail, postage prepaid, to the alarm user.
3. By submitting an application for a permit for the installation of an emergency medical alarm system and the subsequent installation of such a system or by the continuation of the use of an alarm system already installed at the effective date of this chapter, the alarm user thereof shall agree that such permit application constitutes a waiver by such person of the right to bring or file any action, claim or complaint whatsoever against any police officer or firefighter who makes a forced entry in response to such an alarm into the premises on which such an alarm is installed as a result of entry into the subject premises. In the event that the owner of such premises is a person other than the permit applicant, as in the instance of a lessee or other user not the owner of the premises on which the alarm is installed, such permit application shall constitute an indemnification agreement by the applicant to hold harmless any such police officer or fire fighter, the Township, the Police Department and the Fire Department, as appropriate, from any and all damages whatsoever claimed by the lessor or owner of the premises on which the alarm is installed.
4. Any alarm user which has four or more false alarms within a calendar year shall be subject to permit revocation, subject to the following:
   1. The Superintendent shall notify the alarm user of the permit revocation and direct that the user submit a report to the Superintendent within 15 days of receipt of the notice describing actions taken or to be taken to discover and eliminate the cause of the false alarms.
   2. If the alarm user submits a report as directed, the Superintendent shall determine if the action taken or to be taken will substantially reduce the likelihood of false alarms. If the Superintendent determines that the action will substantially reduce the likelihood of false alarms, the Superintendent shall notify the alarm user in writing that his permit will not be revoked at this time, but that if one more false alarm occurs within the permit year, the user's permit may be revoked without further proceedings and without any further notice.
   3. If no report is submitted or if the Superintendent determines that the action taken or to be taken will not substantially reduce the likelihood of false alarms, the Superintendent shall give notice by first-class mail, postage prepaid, to the alarm user that the permit will be revoked without further notice if the user does not file within 10 days a written request for a hearing.
   4. If a hearing is requested, written notice of the time and place of the hearing shall be served on the alarm user by the Superintendent by first-class mail, postage prepaid, at least 10 days prior to the date set for the hearing, which date shall not be more than 30 nor less than 15 days after the filing of the request for hearing.
   5. The hearing shall be before a hearing officer designated by the Superintendent. The Township’s solicitor or other Township designee will present evidence regarding the false alarms. The alarm user shall have the right to counsel, the right to present written or oral evidence, and the right of cross-examination. The rules of evidence shall not apply to such a hearing. The burden of proof

shall be a preponderance of the evidence and the burden of proof shall be on the alarm user. If the hearing officer determines that four or more false alarms have occurred and that the user has not taken action which substantially reduces the likelihood of false alarms, he shall issue written findings to that effect and an order revoking the alarm user's permit. If the alarm user’s permit is revoked, such alarm user shall be liable to the Township for all costs and attorney’s fees associated with the hearing.

* 1. The Superintendent shall notify the alarm user via hand delivery or first-class mail, postage prepaid, within 30 days of an order revoking the user’s permit. An alarm user shall immediately discontinue use of his alarm system upon being notified of the revocation of his permit.
  2. No earlier than 90 days after revocation of an alarm user’s permit, such alarm user may apply for a probationary user's permit. The Superintendent shall not be required to issue a probationary user's permit unless he is satisfied that the user's system has been properly serviced and its deficiencies corrected. The Superintendent may impose reasonable restrictions and conditions upon the user before issuing a probationary user's permit, which restrictions and conditions shall be written on the permit. A probationary user's permit shall be issued for a one-year period. If the alarm user does not have four or more new false alarms during that period, the alarm user may apply for a permanent permit under the provisions of § 68-4.

1. Any alarm user which has four or more false alarms within a calendar year is required to attend a Township-sponsored false alarm awareness program. The Superintendent shall administer this program. Such an alarm user must complete this program within 30 days of the fourth false alarm. Completion of this program shall be a prerequisite to the issuance of a probationary or permanent permit for the alarm user. Participants in the program on behalf of the alarm user shall include the property owner (or highest-ranking corporate executive or officer if the alarm user is a corporation or business entity); the person who activated the false alarm; and the building manager for any commercial property. The scope of the program shall be at the discretion of the Superintendent.

### § 68-14. Violations and penalties. [Amended 10-19-1998 by Ord. No. HR-278; 10-2-2000 by Ord. No. HR-290]

Any person who violates or permits a violation of this chapter shall be guilty of a summary violation and, upon conviction, shall be sentenced to pay a fine of not more than $1,000, plus all court costs, including reasonable attorney's fees, incurred by the township in the enforcement of this chapter. Each day a violation exists shall constitute a separate offense. In default of the payment of any fine, the defendant shall be sentenced to imprisonment to the extent allowed by law for the punishment of summary offenses. Further, the appropriate officers or agents of the township are hereby authorized to seek any other available relief at law or equity, including injunction, to enforce compliance with this chapter.

## Chapter 71 ANIMALS

### [HISTORY: Adopted by the Board of Supervisors of the Township of Tredyffrin as indicated in article histories. Amendments noted where applicable.]

**GENERAL REFERENCES**

**Nuisances — See Ch. 131. Parks and playgrounds — See Ch. 138.**

ARTICLE I

### Keeping of Dogs

**[The keeping of dogs within the township is regulated by the statutory provisions of the Dog Law (3 P.S. § 459-101 et seq.) and the Rabies Prevention and Control in Domestic Animals and Wildlife Act (3 P.S. § 455.1 et seq.). Therefore, Ch. VI, Art. 3, § 302, Dogs at Large, of the 1979 General Laws of the Municipality of Tredyffrin, is hereby repealed.]**

ARTICLE II

**Curbing of Dogs**

**[Adopted 1-23-1995 by Ord. No. HR-238]**

**§ 71-1. Disposal of excrement.**

1. It shall be unlawful for the owner, custodian or any other person caring for or controlling any dog to allow excrement from such animal to remain on any public or private street, gutter, driveway, alley, curb or sidewalk or on the floors or stairways of any building or on any other public or private property other than that of the owner of such animal; and it shall be the responsibility of such person to immediately remove and dispose of any and all excrement in a sanitary manner.
2. The provisions of this section shall not apply to any guide dog accompanying any blind person, nor to any log used in any township police or fire-fighting activity.

### § 71-2. Violations and penalties. [Added 10-19-1998 by Ord. No. HR-278; amended 10-2-2000 by Ord. No. HR-290]

Any person who violates or permits a violation of this article shall be guilty of a summary violation and, upon conviction, shall be sentenced to pay a fine of not more than $1,000, plus all court costs, including reasonable attorney's fees, incurred by the township in the enforcement of this article. Each day a violation exists shall constitute a separate offense. In default of the payment of any fine, the defendant shall be sentenced to imprisonment to the extent allowed by law for the punishment of summary offenses. Further, the appropriate officers or agents of the township are hereby authorized to seek any other available relief at law or equity, including injunction, to enforce compliance with this article.

**Chapter 77**

# BRUSH, GRASS AND WEEDS

### [HISTORY: Adopted by the Board of Supervisors of the Township of Tredyffrin as Ch. XII, Art. 3,

**§ 301, of the 1979 General Laws of the Municipality of Tredyffrin. Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Air pollution — See Ch. 64. Nuisances — See Ch. 131.**

**Property maintenance — See Ch. 149.**

### § 77-1. General regulations.

It shall be unlawful for any owner or person in possession of any lot or premises within this township to permit the same to be covered with tall grasses or weeds.

### § 77-2. Notice to comply.

If any owner or person in possession of any lot or premises shall fail to remove tall grasses and weeds therefrom after five days' written notice from the Secretary of the Board of Supervisors, said Board may have the work done at the cost of the property owner and may file a lien therefor against the property or collect the cost thereof from the property owner in an action of assumpsit brought in the name of the township. Said notice may be served upon the property owner personally or by registered mail and, if he has no residence within the township, by delivering the same in like manner to the person in charge of said property or posting the notice upon the premises.

### § 77-3. Violations and penalties.77

Any person who violates or permits a violation of this chapter, upon being found liable therefor in a civil enforcement proceeding, shall pay a fine of not more than $600, plus all court costs, including reasonable attorney's fees, incurred by the township in the enforcement of this chapter. No judgment shall be imposed until the date of the determination of the violation by the District Justice and/or Court. 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 a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.

* 1. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

BUILDING CONSTRUCTION § 80-3

## Chapter 80 BUILDING CONSTRUCTION

### [HISTORY: Adopted by the Board of Supervisors of the Township of Tredyffrin 10-21-1996 by Ord. No. HR-25278; amended in its entirety 5-3-2004 by Ord. No. HR-327. Subsequent amendments noted where applicable.]

**GENERAL REFERENCES**

**Numbering of buildings — See Ch. 83. Registration of contractors — See Ch. 96. Property maintenance — See Ch. 149.**

**Sewers, utilities and sewage disposal — See Ch. 163. Subdivision and land development — See Ch. 181. Zoning — See Ch. 208.**

### § 80-1. Election to enforce construction code.

1. The Township of Tredyffrin hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, as amended, and its regulations.**79**
2. The Uniform Construction Code, contained in 34 Pa. Code, Chapters 401-405, as amended, is hereby adopted and incorporated herein by reference as the construction code of the Township of Tredyffrin.
3. The Township's Inspections Department shall administer and enforce the Uniform Construction Code in Tredyffrin. The Township Manager or designee shall be the Building Code Official. As necessary, third-party agencies also may be retained for plan examination or inspections on behalf of the Township of Tredyffrin.

### § 80-2. Additions, insertions and changes. [Amended 10-18-2004 by Ord. No. HR-331; 9-26-2005 by Ord. No. HR-346; 10-22-2018 by Ord. No. HR-422; 4-18-2022 by Ord. No. HR-450]

As included in ordinances adopted before July 1, 1999, the following sections of the 2018 International Building Code (IBC), the 2018 International Plumbing Code (IPC), and the Uniform Construction Code, 2004 edition,**80** are hereby revised as follows:

1. Section 101.1, Title, of the 2018 International Building Code (IBC) shall be amended by the insertion of "Tredyffrin Township" in the "[NAME OF JURISDICTION]" blank.

### § 80-3. As included in ordinances adopted before July 1, 1999, the following requirements shall apply.

1. Applications for the construction of new buildings shall be accompanied by two site plans drawn to scale.
2. Costs incurred in the performance of emergency work shall be paid by the municipality, and the legal
   1. **Editor's Note: This ordinance also provided for the repeal of Ch. XIV of the 1979 General Laws of the Municipality of Tredyffrin.**
   2. **Editor's Note: See 35 P.S. § 7210.101 et seq.**
   3. **Editor's Note: This reference is to Title 34, Labor and Industry, Part XIV, Uniform Construction Code.**

#### § 80-3 TREDYFFRIN CODE

authority of the municipality shall institute any appropriate action, including the placing of a lien against the property owner of the premises, for recovery of such costs.

### § 80-4. Historic properties.

The Building Code Official shall grant or deny a permit application, in whole or in part, for the erection, reconstruction, alteration, restoration, demolition or razing of any building within the historical district which has been certified to have historical significance under Chapter 114, Historical District, of the Code of the Township of Tredyffrin within 90 business days of the application filing date. Reasons for the denial shall be in writing and sent to the applicant. The Building Code Official and the permit applicant may agree in writing to extend the deadline by a specific number of days. Within the ninety-day period, the Board of Historical Architectural Review shall recommend and the Board of Supervisors shall decide whether to issue a certificate of appropriateness authorizing the permit, in accordance with the provisions of Chapter 114.

### § 80-5. Board of Appeals.

The Board of Supervisors shall establish a Board of Appeals by resolution, in conformity with the requirements of the relevant provisions of the Uniform Construction Code, as amended from time to time.

### § 80-6. Fees.

The Board of Supervisors shall establish by resolution fees for the administration and enforcement of the Uniform Construction Code and this chapter. Fees shall be refunded in full only if paid or collected erroneously. Fees will not be pro-rated or partially refunded for any reason.

### § 80-7. Violations and penalties.

Any person who shall violate any provision of this code or who shall fail to comply with any of the requirements hereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the Code Official or of a permit or certificate issued under the provisions of this code shall, upon conviction thereof, be subject to a fine of not more than $1,000, plus costs of prosecution. Each day that a violation continues shall be deemed a separate offense.

### § 80-8. Savings clause.

Nothing in this chapter or in the construction codes hereby adopted shall be constructed to affect any suit or proceeding impending in any court or any rights acquired or liability incurred or any cause or causes of action acquired or existing under any act or ordinance hereby repealed as cited in § 80-1 of this chapter; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this chapter.

BUILDINGS, NUMBERING OF § 83-4

## Chapter 83 BUILDINGS, NUMBERING OF

### [HISTORY: Adopted by the Board of Supervisors of the Township of Tredyffrin 9-24-1990 by Ord. No. HR-156 (Ch. VI, Art. 7, of the 1979 General Laws of the Municipality of Tredyffrin).

**Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Building construction — See Ch. 80. Fire prevention — See Ch. 111.**

**Property maintenance — See Ch. 149.**

### § 83-1. Applicability.

The provisions of this chapter apply to all principal buildings within Tredyffrin Township and each tract, lot or parcel of land.

### § 83-2. Definitions.

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

ACCESSORY BUILDING — A subordinate building, the use of which is customarily incidental to that of the principal building and is used for an accessory use and is located on the same lot.

AUXILIARY NUMBERS — Any number, other than the principal street address, used to identify either component buildings comprising a principal use at a site or separate entrances to a multi-tenant facility.

PRINCIPAL BUILDING — Any building or structure erected on a tract, lot or parcel of land on which any use is carried out, except an accessory building.

### § 83-3. Assignment of numbers.

1. Street address numbers shall be assigned to each tract, lot or parcel of land, placed on file in the township office and assigned to the owners or occupants of such tract, lot or parcel of land by the Township Manager or by such other person as may be designated by the Manager. Then such property shall thereafter be designated for all purposes by the number assigned, and thereafter, all persons shall take due notice thereof and comply with the provisions of this chapter, when applicable.
2. The Township Manager or such other person as may be designated shall have the power and duty of correcting any errors with respect to assignment of street address numbers, as and when such errors are discovered. The Board of Supervisors shall have the right and power to change a street address number or numbers assigned to any property whenever it may deem such a change necessary and desirable and to require the owner or occupant thereof to comply with the provisions of this chapter with respect to such change.

### § 83-4. Application for street address number.

The owner or occupant of each tract, lot or parcel of land to which no street address number has been previously assigned shall, upon purchase, acquisition or occupancy thereof, or within seven days

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of discovery that no such number has been assigned, make application to the Township Manager for assignment of such number, and thereupon, the Township Manager shall assign a correct street address number to the property.

### § 83-5. Specifications.

In order to comply with this chapter, street address numbers shall be posted by such owner or occupant as follows:

1. The address numbers shall be Arabic in design, shall have a minimum height of three inches and shall be mounted in a secure fashion to the principal building's front wall or to a porch or other fixed appurtenance in front of the principal building in the general vicinity of the main entryway or main path of travel which leads to the main entrance from a public street, or otherwise separately mounted in an approved manner upon the face or wall or upon a post or mailbox in the front yard of the premises. They shall be sufficiently legible as to contrasting background, arrangement, spacing, size and uniformity of integers so that the numbers may be read with ease during daylight hours by a person possessing normal vision and viewing the numbers from the center line of the facing street. To ensure readability after daylight hours, street address numbers shall be made or coated with material which is light reflective. The numbers shall be so placed that trees, shrubs and other obstructions do not block the line of sight of the numbers from the center of the street to any appreciable degree.
2. Auxiliary numbers shall meet the above specifications except that they should be readable from the center line of adjacent driveways.

### § 83-6. Violations and penalties.

1. The absence of street or auxiliary numbers or the insecure fastening or absence of any integers thereof or the use of any street address number not assigned by the Township Manager or the failure of a street address number to meet the visibility requirements shall be a violation; a notice of violation shall be sent by certified mail to the property owner or occupant or shall be served personally on the property owner or occupant or his agent or shall be posted in a prominent place upon the property by the Township Manager, his agent or the township police. Such notice shall specify the specific provision of the chapter violated and shall require compliance with the provisions of this chapter within 15 days from the date of service or posting of the notice of violation.
2. Any person who shall fail to comply with the notice of violation and any person who violates or permits a violation of this chapter, upon being found liable therefor in a civil enforcement proceeding, shall pay a fine of not more than $600, plus all court costs, including reasonable attorney's fees, incurred by the township in the enforcement of this chapter. No judgment shall be imposed until the date of the determination of the violation by the District Justice and/or Court. 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 a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.**81**
3. Every violator of the provisions of this chapter shall be deemed guilty of a separate offense for each and every day such violation shall continue and shall be subject to the penalty imposed by this chapter for each and every such offense.
   1. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

### § 83-7. Authority and enforcement.

The final authority for determining and assigning the street number or numbers to be used upon any particular property, as well as the enforcement of this chapter, shall be in the office of the Township Manager, his agent or such other person as provided for in § 83-3 of this chapter.

## Chapter 88 CABLE TELEVISION

### [HISTORY: Adopted by the Board of Supervisors of the Township of Tredyffrin as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

**Cable Television**

**[Adopted 7-17-1995 by Ord. No. HR-243, which ordinance also repealed Ord. No. HR-47]**

**§ 88-1. Title.**

This article shall be known and may be cited as the "Tredyffrin Township Cable and Other Telecommunication System Ordinance."

### § 88-2. Authority.

This article regulates cable and other telecommunication service pursuant to the township's power to regulate telephone, telegraph and electric power poles and/or other obstructions erected upon or in the township's streets, roads and/or rights-of-way, exercise the township's general police powers, enforce the Township Code and exercise authority pursuant to the federal and state law.

### § 88-3. Conflict with federal and state law.

It is the intent of the township that this article conform to the federal and state law. If a court of competent jurisdiction holds, by its final order, any provision of this article to be in conflict with the federal and state law, the federal and state law will control and this article, only to the extent that any provision is so held to be in conflict with the federal and state law, shall not apply.

### § 88-4. Construal of provisions.

This article shall be construed broadly to promote the maintenance of peace, good government and public health, safety and general welfare.

### § 88-5. Amendment and repealer.

All other township ordinances and regulations are repealed to the extent inconsistent herewith. All franchise agreements between the township and any operator are abrogated to the extent, and only to the extent, inconsistent herewith, except to the extent abrogation is otherwise required or prohibited by prevailing law. Any ordinance or other document authorizing a grant of franchise is otherwise incorporated herein by reference.

### § 88-6. Definitions and word usage.

For purposes of this article, the following terms shall have the meanings indicated, unless otherwise expressly stated or the context clearly indicates otherwise. When not inconsistent with the text, words used in the present tense include the future, tense, words in the plural include the singular, and words in the singular include the plural. Unless otherwise expressly stated, words not defined in this section shall be given the meaning set forth in Title 47 of United States Code, 47 U.S.C § 521 et seq., as amended, and, if not defined therein, their common and ordinary meaning.

ACCESS CHANNEL — Any channel or channel capacity designated for noncommercial public, educational and/or governmental use.

AFFILIATE — When used in relation to any person, another person who owns or controls, is owned or controlled by or is under common ownership or control with such person.

ASSOCIATED EQUIPMENT — All equipment in a subscriber's home used to receive basic service and/

or other tiers of regulated programming service and/or unregulated service. Equipment shall include but not be limited to converter boxes; remote control units; connections for additional television receivers; antennas; other home wiring; and other similar devices or apparatus.

BASIC SERVICE — Any service tier that includes the retransmission of local broadcast signals.

BASIC SERVICE RATE — The rate charged by an operator for basic service, and associated equipment costs.

BOARD — The Tredyffrin Township Board of Supervisors.

CABLE ACT — The Cable Communications Policy Act of 1984, 47 U.S.C. § 521 et seq., as amended from time to time.

CABLE AND OTHER TELECOMMUNICATION SERVICE or SERVICE — The one-way or interactive transmission to subscribers of video, audio, information and/or other programming services.

CABLE AND OTHER TELECOMMUNICATION SYSTEM or SYSTEM — A facility consisting of a set of transmission paths and associated signal generation, reception and control equipment that is designed to provide cable and other telecommunication service to subscribers within the township, but such term does not include:

* + 1. A facility that serves only to retransmit the television signals of one or more television signals of one or more television broadcast stations.
    2. A facility that serves only subscribers in one or more multiple-unit dwellings under common ownership, control or management, unless such facility or facilities use any public right-of-way, including streets or easements.
    3. A facility of a common carrier or utility, only to the extent that regulation of such common carrier or utility is prohibited by federal or state law.

COMMITTEE — The Tredyffrin Township Cable Advisory Committee, its designee, or any successor governmental entity thereto.**82**

EDUCATIONAL ACCESS CHANNEL — Any channel on a cable and other telecommunication system designated for noncommercial educational use by the public school system serving the township.

FCC — The Federal Communication Commission, its designee, or any successor governmental entity thereto.

FEDERAL OR STATE LAW — The Federal Cable Communications Policy Act of 1984, as amended by the Cable Television Consumer Protection and Competition Act of 1992 and all regulations promulgated by the FCC thereunder, as any of the foregoing may be amended from time to time. "Federal or state law" further includes any other federal or state statute or regulation, currently or hereinafter in force, under which the township has the authority to control or regulate cable and other telecommunication services or systems.

FRANCHISE — The nonexclusive rights granted in accordance with this article to construct, operate and maintain a cable and other telecommunication system along the public rights-of-way within all or a specified area of the township. No such franchise authorization shall mean nor include any license or permit required for the privilege of transacting and carrying on a business within the township as required by the ordinances and laws of the township or for excavating or performing other work in or along public rights-of-way.

* 1. **Editor's Note: See Article III, Cable Television Advisory Committee, below.**

#### § 88-6 CABLE TELEVISION § 88-6

FRANCHISE AREA — The area of the township that the franchisee is authorized to serve by its franchise. FRANCHISEE — Any person, so defined, who has been granted a franchise by the township.

GOVERNMENTAL ACCESS CHANNEL — Any channel on a cable and other telecommunication system designated for noncommercial local government access use.

GROSS ANNUAL REVENUES — Any and all cash, credits, property or other consideration of any kind or nature, received during a defined twelve-month period, directly or indirectly, by the franchisee, its affiliates or any person in which the franchisee has a financial interest or by any other entity that is an operator of the system arising from, in connection with, attributable to or in any way derived from the provision by the franchisee of cable and other telecommunication service, including the studios and other facilities associated therewith. Gross annual revenues include, but are not limited to, monthly fees charged subscribers for any cable and other telecommunication service, including but not limited to basic, programming, optional, premium, per-channel or per-program service or tier of service; installation, disconnection, reconnection and change-in-service fees, leased channel fees, late fees and administrative fees; fees, payments or other consideration received from programmers for carriage of programming on the system; revenues from converter rentals or sales; studio rental, production equipment and personnel fees; advertising revenues; barter; revenues from program guides; and revenues from home shopping and bank-at-home channels. The township may require that gross annual revenues also includes revenues from the sale or carriage of non-cable and other telecommunication services, including information services. This provision is to be construed in its broadest sense, to include all present and future sources of revenue unless specifically excluded. Gross annual revenue shall be the basis for computing the franchise fee under this article. Gross annual revenue shall not include any sales, service, occupation or other excise tax to the extent that such taxes are charged separately from normal service charges and are remitted by the franchisee directly to the taxing authority. Subscriber-based revenue shall be calculated by determining revenue derived from subscribers within the township. Non-subscriber-based revenue shall be calculated on a pro rata basis (revenue/subscribers times the number of subscribers within the township). All figures used in determining gross annual revenue shall be calculated to the third decimal point.

MANAGER — The Township Manager.

MINIMUM CUSTOMER SERVICE STANDARDS — The minimum customer service standards established by the FCC or otherwise pursuant to federal or state law.

NONCOMMERCIAL — Refers to programming, the primary purpose of which does not propose a sale of a commercial product or service. The term expressly does not refer to programming the cost of which is underwritten by one or more commercial or noncommercial programmers, even where the underwriting is acknowledged as part of the program.

OPERATOR OR OPERATORS — Any person or group of persons who provides cable and other telecommunication service over a cable and other telecommunication system and directly or through one or more affiliates owns a significant interest in such cable and other telecommunication system or who otherwise owns, controls or is responsible for, through any arrangement, the management and/or operation of a cable and other telecommunication system.

PERSON — A domestic or foreign individual, partnership, association, joint-stock company, trust, corporation, joint venture, government entity organization, other legal entity or any lawful successor thereto or transferee thereof.

PROGRAMMING SERVICE TIER — A category of cable and other telecommunication service provided by the franchisee and for which a separate charge is made by the franchisee.

PUBLIC ACCESS CHANNEL — Any channel on a cable and other telecommunication system designated for noncommercial use by the township, township residents or noncommercial organizations within the

#### § 88-6 TREDYFFRIN CODE § 88-7

township and which is available for such use on a nondiscriminatory basis.

PUBLIC RIGHT-OF-WAY — The surface, the air space above the surface and the area below the surface of any public street, highway, lane, path, alley, sidewalk, boulevard, drive, bridge, tunnel, park, parkway, waterway, easement or similar property in which the township now or hereafter holds any property interest which, consistent with the purposes for which it was dedicated, may be used for the purpose of installing and maintaining a cable and other telecommunication system. No reference herein to a public right-of-way shall be deemed to be a representation or guaranty by the township that its interest or other right to control the use of such property is sufficient to permit its use for such purposes and a franchisee shall be deemed to gain only those rights to use as are properly in the township and as the township may have the undisputed right and power to give.

SALE — Any sale, exchange or barter transaction.

STREET — The surface of and the space above or below any public street, public roadway, public highway, public freeway, public lane, public way, public alley, public court, public sidewalk, public boulevard, public parkway, public drive or any public easement or public right-of-way now or hereafter held by the township or in which the township otherwise holds an interest, which shall entitle the franchisee to the use thereof for the purposes of installing over poles which wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, attachments and other property as may be ordinarily necessary and appurtenant to the operation of the system.

SUBSCRIBER — Any person who legally receives cable and other telecommunication service, whether or not a fee is paid for such service.

SYSTEM FACILITIES or FACILITIES — Cable and other telecommunication system equipment and physical plant used by the franchisee to provide service in the franchise area.

TOWNSHIP — The Township of Tredyffrin, Chester County, Pennsylvania, as represented by the Board of Supervisors.

TOWNSHIP CODE — The Township of Tredyffrin Home Rule Charter, ordinances enacted thereto and, where applicable, the Pennsylvania Second Class Township Code.**83**

TRANSFER — Any transaction in which an ownership or other interest in the franchisee, its cable and other telecommunication system or any person that is an operator of the cable and other telecommunication system is transferred from one person or group of persons to another person or group of persons so that control of the franchisee is transferred; or the rights and/or obligations held by the franchisee under a franchise are transferred or assigned to another person or group of persons. Unless otherwise specified, "control," for these purposes, means working control, in whatever manner exercised. Unless otherwise specified, the addition, deletion or other change of any general partner of the franchisee, any person who owns or controls the franchisees or an operator of the cable and other telecommunication system is such a change of control.

USER — A person utilizing a channel or equipment and facilities for purposes of producing and/or transmitting material, as contrasted with the receipt thereof in the capacity of a subscriber.

### § 88-7. Cable television operations administration and enforcement.

The Manager, in conjunction with the advice and assistance of the Committee, shall be responsible for the enforcement of the Board's rate decisions and orders and the minimum customer service standards and the administration of this article, including, without limitation, the broad authority to administer and enforce

* 1. **Editor's Note: See 53 P.S. § 65101 et seq.**

Township of Tredyffrin, PA

#### § 88-7 CABLE TELEVISION § 88-8

the following duties pursuant to this article, all of which shall be carried out with the advice and assistance of the Committee.

1. To take such action, on behalf of the township, as may, from time to time, be required to obtain and maintain the township's certification and authority to regulate basic service rates and to assure that the township complies with federal or state law.
2. To establish and protect the township's right to otherwise regulate cable and other telecommunication systems or service to the fullest extent permitted by federal or state law.
3. To provide and give all notices which are required to exercise the township's authority to regulate basic service rates or other regulatory authority.
4. To make all required and/or appropriate filings to and communications with the FCC.
5. To receive, file and review for completeness all submissions, petitions, applications, requests, comments and other filings required and/or permitted to be made to the township pursuant to federal or state law.
6. To receive, record and deposit any fees paid to the township pursuant to this article.
7. To establish organize and maintain the township's public records concerning this article.
8. To provide the Board with all information necessary for the Supervisors to exercise oversight and control over all proceedings, administrative practices and procedures and enforcement concerning this article and to be aware of all service and rate issues which may require legislative or policy action.
9. To enforce the provisions of this article, all Board decisions and township policy.
10. To take all actions, conduct all proceedings and enforcement in compliance with federal or state law and the Township Code.
11. To apply the regulations of this article so as to maximize the township's regulatory authority, with respect to basic service rates and minimum service standards or other regulatory power, under federal or state law.

### § 88-8. Rate regulation.

1. Regulation of basic service rates.
   1. Basic service rates shall be subject to the township's regulatory authority under federal or state law. Should the township choose, in its discretion, to exercise such authority, the township shall regulate basic service rates in accordance with the substantive and procedural provisions of the federal or state law and any other applicable law and/or regulation.
   2. The township shall make any decision on the reasonableness of current basic service rates and/ or proposed rate changes pursuant to the procedural and substantive provisions of the federal or state law and any other applicable law and/or regulation.
   3. In making a decision on the reasonableness of current basic service rates or proposed rate changes, the township shall have the authority to compel the production of proprietary information from operators and, when requested to do so in writing by the operator, the township shall protect the confidentiality of such information to the extent required by law.
   4. Upon the township's receipt of an operator's schedule of basic service rates or a proposed rate change, the township shall allow reasonable opportunity for the consideration of views of interested parties consistent with, but not limited to, the procedures mandated by the public participation provisions of the Sunshine Act, 65 P.S. § 280.1 et seq., and other applicable statutes ordinances and regulations.
2. Duties of operator.
   1. Any and all operators which provide cable and other telecommunication service within the township shall provide the township, by delivery to the Township Manager and the Committee, the information and documentation necessary to establish entitlement to any basic service rate schedule and/or requested rate change. All applications for approval of basic service rate schedules and requests for rate changes and all information and documentation provided to the township in support thereof shall comply with and be provided according to the procedures and requirements of the federal or state law and this article.
   2. All submissions, petitions, applications and requests and other filings made to the township, pursuant to federal or state law and/or this article, shall be made either via first class mail, postage prepaid, to the township, Attention: Township Manager, or shall be hand-delivered to the Township Manager at the municipal building during regular business hours. A copy shall also be provided for the Committee.
   3. Within 30 days of receiving written notification from the township that the township has been certified by the FCC to regulate rates for basic service, an operator shall file its schedule of basic service rates with the township.
   4. Operator shall comply with township orders concerning proposed initial rates or proposed rate changes, which shall conform with the requirements of appropriate federal or state law.
   5. At least 30 days prior to changing its rates for the basic service and following township approval, an operator shall notify each subscriber of the rate change, including a description of the basis for the change.
   6. Beginning on the date an operator files a schedule of rates or a proposed rate change with the township, the operator shall publish a summary of the rates or rate changes in two or more newspapers of general circulation in the township, in each case notifying interested parties that they must submit written comments by a date certain (within 15 days of the operator's filing with the township) to the Manager at the township offices. The required summaries shall give clear and reasonable notice of all new and changed rates.
   7. The operator shall pay all fees as may be required by § 88-18 of this article to the township by delivery to the Township Manager.
3. Board actions. In rendering its decisions, the Board shall have the full authority granted to the township, pursuant to the federal or state law and the Township Code, to order and compel an operator to take any and all actions as the federal or state law permits, including, without limitation:
   1. Requiring an operator to implement a reduction in basic service rates where necessary to bring rates into compliance with the standards set forth in the federal or state law.
   2. Prescribing a maximum reasonable rate for the basic service rates after it determines that a proposed rate is unreasonable and requiring the operator to not exceed such rate.
   3. Requiring the operator to refund to subscribers that portion of previously paid rates determined to be in excess of the permitted basic service rates, unless the operator has submitted a cost-of- service showing which the Board determines justifies the rate charges as reasonable. Before ordering a refund, however, the township shall give the operator notice and shall give the operator 15 days, from the date such notice is given, to submit written comments to the township. Any such refund order shall be subject to the limitations contained in the federal or state law.
4. Penalties. In the event that an operator does not comply with a decision order and/or requirement made by the township pursuant to this article, i.e., a "violation," the township may assess a fine against the operator as required by § 88-18 of this article.

### § 88-9. Customer service regulation.

1. Federal minimum customer service standards adopted. It is the township's intention to enforce the minimum customer service standards as set forth at 47 CFR 76.309 or, at the township's discretion, such other or additional standards established by franchise agreement, federal or state law or regulation or local ordinance, whether now or hereafter enacted, to the extent that such other customer service standards are not preempted by the federal or state law.
2. Enforcement. The Manager, in conjunction with the advice and assistance of the Committee, 90 days after giving notice to the operator of the township's intent to enforce the minimum customer service standards, shall have the authority and responsibility to enforce these standards to the fullest extent permitted by the federal or state law and in accordance with all substantive and procedural requirements of the federal or state law, including, without limitation, the power to:
   1. Make any and all such orders and assess any and all such penalties for violations of these standards as are permitted by the federal or state law and the Township Code.
   2. Ordering the operator to pay credits or refunds to the subscribers to the operator's system.
   3. Filing suit against an operator to compel specific performance and/or enjoin action.
   4. Conducting performance evaluations at the time of renewal of the operator's franchise agreement.
   5. Imposing penalties equal to those described in § 88-18 of this article, relating to fees and fines or otherwise defined in the grant of franchise.

### § 88-10. Grant, renewal or modification of franchises.

1. A written application shall be filed with the township for grant of an initial franchise, renewal of a franchise or modification of a franchise pursuant to this article. The township may require the applicant to demonstrate in its application compliance with all requirements of this article and all applicable laws.
2. To be acceptable for filing, a signed original of the application shall be submitted together with 10 copies. The application must be accompanied by the required application filing fee as set forth in

§ 88-18 of this article, conform to any applicable request for proposals and contain all required information. All applications shall include the names and addresses of persons authorized to act on behalf of the applicant with respect to the application.

1. All applications accepted for filing shall be made available by the township for public inspection.

### § 88-11. Application for grant of an initial franchise.

1. A person may apply for an initial franchise by submitting a request for issuance of a request for proposal ("RFP") and requesting an evaluation of the resulting proposal pursuant to this section. Upon receipt of a request for an RFP, and should the township determine that cable and other telecommunication related needs and interests of the community exist, the township shall promptly issue an RFP and proposed franchise terms, which shall be mailed to the person requesting its issuance and made available to any other interested party. The applicant shall respond within the time directed by the township, providing the information and material set forth in this section. The procedures, instructions and requirements set forth in the RFP shall be followed by each applicant as if set forth and required herein. The Township Manager, the Committee or their designee shall be authorized to seek additional information from any applicant and to establish deadlines for the submission of information.
2. Notwithstanding the provisions of this section, a person may apply for an initial franchise by submitting an unsolicited proposal, providing the information and material set forth in this section and requesting an evaluation of that proposal pursuant to this section.
3. A proposal for the grant of an initial franchise, whether unsolicited or in response to an RFP, shall require at minimum the following information:
   1. Name and address of the applicant and identification of the ownership and control of the applicant, including the names and addresses of the 10 persons holding the largest interests in the applicant and affiliates of the applicant and all persons with 5% or more ownership interest in the applicant and its affiliates; the persons who control the applicant and its affiliates; all officers and directors of the applicant and its affiliates; the extent of the ownership interest of each of the aforementioned persons and any other business affiliation and cable and other telecommunication system ownership interest of each named person.
   2. A demonstration of the applicant's technical ability to construct and/or operate the proposed cable and other telecommunication system, including identification of key personnel.
   3. A demonstration of the applicant's legal qualifications to construct and/or operate the proposed cable and other telecommunication system, including but not limited to a demonstration that the applicant meets following criteria:
      1. The applicant must not have submitted an application for an initial or renewal franchise to the township, which was denied on the ground that the applicant failed to propose a system meeting the needs and interests of the community or as to which any challenges to such franchising decision were finally resolved adversely to the applicant within three years preceding the submission of the application.
      2. The applicant must not have had any franchise validly revoked by any franchising authority within three years preceding the submission of the application.
      3. The applicant must have the necessary authority under Pennsylvania law to operate a cable and other telecommunication system.
      4. The applicant must have or show that it is qualified to obtain the necessary federal licenses or waivers required to operate the system proposed. A franchise will not be issued to an applicant that may not hold the franchise as a matter of federal or state law.
      5. The applicant shall not be issued a franchise if, at any time during the 10 years preceding

the submission of the application, the applicant was convicted of any act or omission of such character that the applicant cannot be relied upon to deal truthfully with the township and the subscribers of the cable and other telecommunication system or to substantially comply with its lawful obligations under applicable law, including obligations under consumer protection laws and laws prohibiting anticompetitive acts, fraud, racketeering or other similar conduct.

* + 1. An applicant shall not be issued a franchise if it files materially misleading information in response to an RFP issued by the township or intentionally withholds information that the applicant lawfully is required to provide. An applicant shall not be issued a franchise if an elected official of the township holds a controlling interest in the applicant or an affiliate of the applicant. Notwithstanding the foregoing, the township shall provide an opportunity to an applicant to show that it would be inappropriate to deny it a franchise due to such controlling interest, by virtue of the particular circumstances surrounding the matter and the steps taken by the applicant to cure all harms flowing therefrom, the lack of involvement of the applicant's principals or the remoteness of the matter from the operation of cable and other telecommunication systems.
  1. A statement prepared by a duly authorized financial officer regarding the applicant's financial ability to complete the construction and operation of the cable and other telecommunication system proposed.
  2. A description of the applicant's prior experience in cable and other telecommunication system ownership, construction and operation and identification of communities in which the applicant or any of its principals have or have had a franchise or license or any interest therein.
  3. Identification of the area of the township to be served by the proposed cable and other telecommunication system, including a description of the proposed franchise area's boundaries.
  4. A detailed description of the physical facilities proposed.
  5. Where applicable, a description of the construction of the proposed system, including an estimate of plant mileage and its location, the proposed construction schedule and a description, where appropriate, of how services will be converted from existing facilities to new facilities and information on the availability of space in conduits, including, where appropriate, an estimate of the cost of any necessary rearrangement of existing facilities.
  6. The proposed rate structure, including projected charges for each basic, programming, optional, premium, per-channel or per-program service or tier of service, installation, converters and other equipment or services.
  7. A demonstration of how the applicant's proposal will reasonably meet the future cable and other telecommunication related needs and interests of the community, including descriptions of how the proposal will meet the needs described in any recent community needs assessment conducted by or for the township and how the proposal will provide adequate public, educational and governmental access channel capacity, facilities, financial support and program production capability to meet the community's needs and interests.
  8. Pro forma financial projections for the proposed franchise term, including a statement of projected income and a schedule of planned capital additions, with all significant assumptions explained in notes or supporting schedules.
  9. If an applicant proposes to provide cable and other telecommunication service to an area already served by an existing franchise, the identification of the area where the overbuild would occur, the potential subscriber density in the area that would encompass the overbuild and the ability of the streets to accommodate an additional system.
  10. Any other information as may be reasonably necessary to demonstrate compliance with the requirements of this article.
  11. An affidavit or declaration of the applicant or authorized officer certifying the truth and accuracy of the information in the application, acknowledging the enforceability of application commitments and certifying that the proposal meets all federal or state law requirements, as well as requirements under this article.

1. In evaluating an application for a franchise, the township shall consider, among other things, the following factors:
   1. The extent to which the applicant has substantially complied with the applicable law and the material terms of any existing franchise granted by the township.
   2. Whether the quality of the applicant's service under any existing franchise in the township, including signal quality, response to customer complaints and billing practices, has been reasonable in light of community needs and interests.
   3. Whether the applicant has the financial, technical and legal qualifications to provide cable and other telecommunication service.
   4. Whether the applicant's proposal is reasonable to meet the future cable and other telecommunication related needs and interests of the community, taking into account the cost of meeting such needs and interests.
   5. Whether, to the extent not considered as part of this section, the applicant will provide adequate public, educational and governmental access channel capacity, facilities or financial support.
   6. Whether issuance of a franchise is warranted in the public interest considering the immediate and future affect on the public right-of-way and private property which would be used by the cable and other telecommunication system, including the extent to which installation or maintenance as planned would require replacement of property or involve disruption of property, public services or use of the public rights-of-way; the effect of granting a franchise on the ability of the township to meet the cable and other telecommunication related needs and interests of the community; and, to the extent permissible pursuant to the provisions of federal or state law, the comparative superiority or inferiority of competing proposals.
   7. Whether the applicant or an affiliate of the applicant owns or controls any other cable and other telecommunication system in the township or whether grant of the application may eliminate or reduce competition in the delivery of cable and other telecommunication service in the township.
2. If the township finds that it is in the public interest to issue a franchise considering the factors set forth above, it shall issue a franchise, effective upon written acceptance of the applicant. If the township denies a franchise, it will issue a written decision explaining why the franchise was denied. Prior to deciding whether to issue or not to issue a franchise, the township may hold one or more public hearings or implement other procedures under which comments from the public on an applicant's proposal may be received. The township also may grant or deny a request for a franchise

based on its review of an application without further proceedings. The township may reject any application which is incomplete or fails to respond to an RFP. This article is not intended and shall not be interpreted to grant any applicant or existing franchisee standing to challenge the issuance of a franchise to another.

1. If the township grants, renews or modifies a franchise effective upon the written acceptance of the applicant, the applicant shall submit such acceptance within 30 calendar days from the date of the township resolution or ordinance granting, renewing or modifying the franchise. This period may be extended for good cause. If such acceptance is not submitted within 30 calendar days from the date of the township resolution or ordinance granting, renewing or modifying the franchise or if the period is not extended by the township, the franchise grant, renewal or modification will be null and void without action by the township.

### § 88-12. Application for grant of a renewal franchise.

Renewal shall be conducted in a manner consistent with section 626 of the Cable Act, 47 U.S.C. § 546. If neither the franchisee nor the township activates or can activate the renewal process set forth in 47 U.S.C.

§ 546(a) through (c) (including, for example, if the provisions are repealed), the provisions of § 88-11 shall apply and a renewal request shall be treated in the same manner as a request for an initial franchise. The following additional requirements shall apply to all applicants seeking renewal after the effective date of this article where the procedures set forth in 47 U.S.C. § 546(a) through (c) are activated.

1. Upon completion of the review and evaluation process set forth in Section 626(a)(1) and (2) of the Cable Act, 47 U.S.C. § 546(a)(1) and (2), should that process be invoked, an operator seeking renewal of the franchise may, on its own initiative or at the request of a franchising authority, submit a proposal for renewal.
2. Upon receipt of the proposal for renewal, the township shall publish notice of its receipt and make copies available for review by the public.
3. Within four months of the date it receives the proposal for renewal and based on the standards set forth in Section 626(c) of the Cable Act, 47 U.S.C. § 546(c), the township will either:
   1. Pass a resolution or ordinance agreeing to renew the franchise, subject to the negotiation of franchise terms mutually satisfactory and agreeable to the township and the franchisee and subject to written acceptance by the franchisee as provided for in § 88-11F of this article; or
   2. Pass a resolution that makes a preliminary assessment that the franchise should not be renewed.
4. If a preliminary assessment is made that a franchise should not be renewed, at the request of the franchisee, the township will commence a proceeding in accordance with Section 626(c) of the Cable Act, 47 U.S.C. § 546(c), to address the issues set forth in Section 626(c)(1)(A) through (D) of the Cable Act, 47 U.S.C. § 546(c)(1)(A) through (D).
5. If renewal of a franchise is denied, the township may acquire ownership of the cable and other telecommunication system or effect a transfer of ownership of the system to another person upon approval of the Board. Any such acquisition or transfer shall be at fair market value, determined on the basis of the cable and other telecommunication system valued as a going concern but with no value allocated to the franchise itself.
6. If renewal of a franchise is denied and the township does not purchase the cable and other telecommunication system or approve or effect a transfer of the cable and other telecommunication

system to another person, the township may require the former franchisee to remove its facilities and equipment at the former franchisee's expense. If the former franchisee fails to do so within a reasonable period of time, the township may have the removal done at the former franchisee's and/or surety's expense.

1. Notwithstanding any other provisions of Subsection A through D of this section, an operator may submit a proposal for the renewal of a franchise pursuant to this subsection at any time and a franchising authority may, after affording the public adequate notice and opportunity for comments, grant or deny such proposal at any time (including after proceedings pursuant to this section have commenced). The provisions of Subsections A through D of this section shall not apply to a decision to grant or deny a proposal under this subsection. The denial of a renewal pursuant to this subsection shall not effect action on a renewal proposal that is submitted in accordance with Subsections A through D.
2. Notwithstanding any other provisions of this section, any lawful action to revoke an operator's franchise for cause shall not be negated by the subsequent initiation of renewal proceedings by an operator.

### § 88-13. Application for modification of a franchise.

An application for modification of a franchise agreement shall include, at minimum, the following information:

1. The specific modification requested;
2. The justification for the requested modification, including the impact of the requested modification on subscribers and the township and the financial impact on the applicant if the modification is approved or disapproved, demonstrated through, inter alia, submission of financial pro formas;
3. A statement whether the modification is sought pursuant to Section 625 of the Cable Act, 47 U.S.C.

§ 545, and, if so, a demonstration that the requested modification meets the standards set forth in 47

#### U.S.C. § 545;

1. Any other information that the applicant believes is necessary for the township to make an informed determination on the application for modification; and
2. An affidavit or declaration of the applicant or authorized officer certifying the truth and accuracy of the information in the application and certifying that the application meets all federal or state law requirements, as well as requirements under this article.

### § 88-14. Filing fees.

To be acceptable for filing, an application related to grant, renewal or modification of a franchise submitted after the effective date of this article shall be accompanied by a filing fee in the amount stated in § 88-18 of this article enumerating fees and fines.

### § 88-15. Public hearings.

An applicant shall be notified of any public hearing held in connection with the evaluation of its proposal and shall be given an opportunity to be heard.

### § 88-16. Grant of franchise.

The township may grant one or more franchises, and each such franchise shall be awarded in accordance with and subject to the provisions of this article. This article may be amended from time to time; however, no such amendment shall foreclose the franchisee's vested right hereunder to occupy the franchise for its duration except as otherwise provided hereunder.

### § 88-17. Franchise required; exception.

1. No person may construct or operate a cable and other telecommunication system over, on or under public streets in the township without a franchise granted by the township unless otherwise authorized by law.
2. Any person who occupies township streets or public rights-of-way for the purpose of operating or constructing a cable and other telecommunication system and who does not hold a valid franchise from the township shall be subject to all provisions of this article, including but not limited to its provisions regarding construction and technical standards and franchise fees. In its discretion, the township at any time may require such person to apply for a franchise within 30 days of receipt of a written notice by the township that a franchise is required and/or require such person to remove its property and restore the area to a satisfactory condition and charge the person the costs therefor. In no event shall a franchise be created unless it is issued by action of the township and subject to the provisions of this article.

### § 88-18. Fees and fines.

1. Fines.
   1. In the event that an operator does not comply with a decision, order and/or requirement made by the township pursuant to this article, i.e., a violation, the township may assess a fine against the operator as follows: $500 per violation. Each day that a violation continues shall be a separate violation for which a separate fine may be imposed. The operator shall pay all such fines within 30 days. In addition to the fines established hereby, the township may pursue all of the remedies that it has under statute, law and/or equity.
   2. Prior to assessing fines for a violation under this section, the township shall provide an operator written notice of such violation and a fifteen-day period in which to cure the violation.
2. Filing fees related to application for grant, renewal or modification of a franchise. To be acceptable for filing, an application submitted after the effective date of this article concerning an application for grant, renewal or modification of franchise shall be accompanied by a filing fee in the following amount, as appropriate:
   1. For an initial franchise:
      1. The request for issuance of an RFP: as set from time to time by resolution of the Board of Supervisors.
      2. The request for consideration of an unsolicited proposal/application: as set from time to time by resolution of the Board of Supervisors.
      3. Township response to solicited or unsolicited proposal/application: as set from time to time by resolution of the Board of Supervisors.
   2. Application for renewal of franchise: as set from time to time by resolution of the Board of Supervisors.
   3. Application for modification of a franchise: as set from time to time by resolution of the Board of Supervisors.

ARTICLE II

### Cable Television Franchise [Adopted 6-20-2011 by Ord. No. HR-38984]

**§ 88-19. Grant of franchise. [Amended 5-23-2022 by Ord. No. HR-451; 8-28-2023 by Ord. No. HR-468]**

1. Tredyffrin Township hereby authorizes the renewal of its cable franchise agreement with Comcast of Pennsylvania, LLC, to construct, install, maintain, extend, and operate a cable system, the specific terms of which, agreeable to both parties, are memorialized in said agreement, a copy of which is attached hereto as Exhibit "A."**85**
2. Tredyffrin Township hereby authorizes the renewal of its cable franchise agreement with Verizon Pennsylvania, LLC, to construct, install, maintain, extend, and operate a cable system, the specific terms of which, agreeable to both parties, are memorialized in said agreement, a copy of which is attached hereto as Exhibit "A."**86**
   1. **Editor’s Note: This ordinance also repealed former Art. II, Cable Television Franchise, adopted 12-11-1995 by Ord. No. HR-247.**
   2. **Editor's Note: Said agreement is on file in the Township offices.**
   3. **Editor's Note: Said agreement is on file in the Township offices.**

ARTICLE III

### Cable Television Advisory Committee [Adopted 4-20-1981 by Ord. No. HR-55]

**§ 88-20. Creation; residency requirements; terms; vacancies; compensation.**

A Cable Television Advisory Committee is hereby created, the members of which shall be appointed by the Board of Supervisors. The members shall reside within the township and shall serve for terms as designated by the Board. An appointment to fill a vacancy shall be made by the Board of Supervisors and only for the unexpired portion of the term. The members of the Committee shall serve without compensation.

### § 88-21. Membership; officers.

The members of the Committee shall elect their own Chairman and Secretary and create and select such other officers as they may determine. The Committee shall adopt rules and regulations for the conduct of all business within its jurisdiction, consistent with the ordinances of the township and the laws of the Commonwealth of Pennsylvania and the federal government. It shall keep a record of its transactions, findings and determinations, which records shall be public record.

### § 88-22. Powers and duties.

The duties and powers of the Committee, which shall be advisory only, are as follows: oversee technical aspects of Cable Television Ordinance No. HR-47,**87** oversee public access programming and utilization of the institutional network, certify finished cable television system by Harron Communications, Inc., supervise extensions of cable television, institutional network extensions and adjacent cable system interconnects, review program content and rates, review annual FCC system certification and conduct such other activities which may properly come before this Committee.

* 1. **Editor's Note: Said Ord. No. HR-47 was repealed. See now Art. I of this chapter, Ord. No. HR-243.**

ARTICLE IV

### Rates and Participation in Mandated Procedures [Adopted 1-3-1994 by Ord. No. HR-220]

**§ 88-23. Adoption of rates.**

Tredyffrin Township, as franchising authority, hereby adopts and follows all current and future rate regulations as promulgated by the Federal Communications Commission.

### § 88-24. Public participation.

Tredyffrin Township, as franchising authority, will allow reasonable opportunity for the consideration of the views of interested parties, consistent with but not limited to the procedures mandated by the public participation provision of Sunshine Act, 65 P.S. § 280.1 et seq., and other applicable statutes, ordinances and regulations.

ARTICLE V

### Verizon Cable Television Franchise Agreement [Adopted 10-2-2006 by Ord. No. HR-356]

**§ 88-25. Grant of franchise.**

Tredyffrin Township hereby authorizes the entering into of a cable franchise agreement with Verizon Pennsylvania, Inc., to construct, install, maintain, extend, and operate a cable communications system, the specific terms of which, agreeable to both parties, shall be memorialized in said agreement.**88**

* 1. **Editor's Note: Said document is on file in the Township offices.**

## Chapter 92 CARNIVALS AND FAIRS

### [HISTORY: Adopted by the Board of Supervisors of the Township of Tredyffrin as Ch. III, Art. 2, of the 1979 General Laws of the Municipality of Tredyffrin. Amendments noted where applicable.]

**GENERAL REFERENCES**

**Littering — See Ch. 126.**

**Peace and good order — See Ch. 141.**

**Peddling and soliciting — See Ch. 143.**

### § 92-1. Permit required.

No carnival or fair shall be conducted in Tredyffrin Township without a permit obtained from the Township Manager, acting on behalf of the Board of Supervisors. Upon application for such permit, the Township Manager, or his duly authorized representative, shall make an investigation of the proposed conduct of such carnival or fair, including but not limited to an investigation as to the safety of operation and noise in connection therewith. The permit shall be issued until the Township Manager is satisfied that the owner and/or operator of such carnival or fair has purchased suitable insurance, liability and otherwise, with respect to the operation of such place of amusement.

### § 92-2. Operating hours. [Amended 10-19-1998 by Ord. No. HR-278]

All carnivals or fairs shall operate between the following hours only: from Monday through Friday, 9:00

a.m. local time and 10:30 p.m. local time; on Saturdays, 9:00 a.m. local time and 11:00 p.m. local time.

### § 92-3. Permit fee.

The fee for the issuance of such permit shall be as set from time to time by resolution of the Board of Supervisors for each week or portion of a week during which the carnival or fair is in operation. Such permit shall not be assigned or transferred without the written permission of the Township Manager.

### § 92-4. Noise restriction.

The owner and/or operator of such carnival or fair shall not permit unnecessarily loud noises to issue from the premises upon which such carnival or fair is located.

### § 92-5. Violations and penalties. [Amended 10-19-1998 by Ord. No. HR-278; 10-2-2000 by Ord. No. HR-290]

Any person who violates or permits a violation of this chapter shall be guilty of a summary violation and, upon conviction, shall be sentenced to pay a fine of not more than $1,000, plus all court costs, including reasonable attorney's fees, incurred by the township in the enforcement of this chapter. Each day a violation exists shall constitute a separate offense. In default of the payment of any fine, the defendant shall be sentenced to imprisonment to the extent allowed by law for the punishment of summary offenses. Further, the appropriate officers or agents of the township are hereby authorized to seek any other available relief at law or equity, including injunction, to enforce compliance with this chapter.

### § 92-6. Special exception.

The Board of Supervisors, by the Township Manager, upon application for special exception, shall permit any religious, philanthropic or charitable organization to open such carnival or fair at an earlier time than prescribed in § 92-2 hereof and/or extend the time of closing of such carnival or fair as prescribed in § 92-2 hereof, as it, in its sole discretion, shall determine, provided that such special exception shall be governed by the general public interest.

## Chapter 96 CONTRACTORS, REGISTRATION OF

### [HISTORY: Adopted by the Board of Supervisors of the Township of Tredyffrin 2-7-1994 by Ord. No. HR-223 (Ch. XIV, Art. I, 102, of the 1979 General Laws of the Municipality of Tredyffrin); amended in its entirety 5-3-2004 by Ord. No. HR-328. Subsequent amendments noted where applicable.]

**GENERAL REFERENCES**

**Building construction — See Ch. 80.**

### § 96-1. Title.

This chapter shall be known as the "Tredyffrin TownshipContractor Registration Ordinance."

### § 96-2. Definitions; word usage.

The following words and phrases as used in this chapter shall have the meanings ascribed to them in this section, unless the context clearly indicates a different meaning. The singular includes the plural and the plural includes the singular.

CONSTRUCTION PERMIT — A document issued for the construction, alteration, repair, demolition, location, maintenance or installation relating to a building, structure, elevator or equipment as required under the Uniform Construction Code.**89**

CONTRACT — An agreement, whether oral or written and whether contained in one or more documents, between a contractor and an owner, for the performance of work, including all labor, services and materials to be furnished and performed thereunder.

CONTRACTOR — Any person, other than a bona fide employee of the owner, who undertakes or offers to perform construction, installation, repair, roofing, remodeling, rehabilitation, demolition and any other residential or nonresidential construction or demolition work in the Township, including electrical, mechanical and plumbing work, whether as a general contractor, specialty contractor or home improvement contractor.

OWNER — The owner of the property for which construction services have been contracted.

PERSON — Any individual, partnership, limited partnership, association, corporation, trust or other legally recognizable entity.

REGISTRATION YEAR — The twelve-month period beginning the first day of January of each year. TOWNSHIP — The Township of Tredyffrin.

### § 96-3. Enforcement.

The Township's Inspections Department shall administer and enforce the provisions of this chapter.

* 1. **Editor's Note: See Ch. 80, Building Construction.**

### § 96-4. Compliance required.

No person shall act as a contractor in the Township except in compliance with the provisions of this chapter. Any person, including an owner, who willfully aids a contractor or participates with a contractor in violating any provisions of this chapter is in violation of this chapter. The provisions of this chapter may not be waived by agreement.

### § 96-5. Applicability of registration.

Registration approved pursuant to this chapter shall not be construed to authorize the contractor to perform any particular type of work or type of business which is reserved to qualified licensees under other provisions of state or local law.

### § 96-6. Registration required.

1. It shall be unlawful for any contractor, as defined herein, to do work for which a construction permit is required within Tredyffrin Township without first registering with the Township.
2. It shall be unlawful for any person other than a master plumber, or a journeyman in the employ of or under the direct supervision and control of a master plumber, to be hired by another to alter, repair, make connections with or otherwise affect any drain, sewer line, waste line, vent pipe or other connection therewith. Prior to the issuance of any permit for such plumbing work, the plumber shall submit satisfactory proof, based on education or certification by another municipality, that he or she is a bona fide master plumber or a journeyman plumber in the employ of a bone fide master plumber.

### § 96-7. Registration application; issuance; renewal.

1. Every person desiring to engage in the business of acting as a contractor in the Township shall, prior to performing work for which a construction permit is required, apply to register as a contractor in the Township.
2. To register, each contractor shall complete an application furnished by the Township and pay the registration fee established by the Township Board of Supervisors. Each application must include satisfactory proof of insurance. Each application shall be signed by the applicant if a natural person, and in the ease of an association or a partnership, by a member or partner thereof, and in the case of a corporation, by an officer thereof.
3. Each successful applicant shall be registered and issued a wallet-sized registration card. Every registered contractor, while actually acting as a contractor in the Township, shall carry said registration card with him or her and shall display it to the Township upon request to do so.
4. All contractors' registrations shall expire at 12:00 midnight on December 31 of each registration year unless the registration is revoked or suspended prior thereto under the terms of this chapter.

### § 96-8. Exceptions and exemptions.

No contractor's registration shall be required of any person when acting in a particular capacity or particular type of transaction as follows:

1. An employee of a registered contractor.
2. Homeowner, or family member of the homeowner, performing work on the house which is their primary residence.

### § 96-9. Insurance required.

1. Every applicant shall file a certificate of insurance with the Township at the time of application. The certificate of insurance shall contain a provision that coverage afforded under the policy will not be canceled until at least 25 days' prior written notice of such cancellation has been given to the Township. The certificate of insurance must evidence policies of insurance, maintained at the expense of the applicant, for public liability, property damage, products liability and completed operations. Each policy must have a single occurrence limit of at least $300,000. In addition to the above, blasting and demolition insurance shall also be required for blasting and demolition contractors, and the reasonable limits of such insurance shall be determined by the Township at the time of application, based on the nature and extent of the applicant's proposed operations.
2. All types and limits of insurance for which certificates are presented at the time of application, and based upon which a registration card is issued, shall be maintained throughout the registration year or the registration will be suspended or revoked as hereinafter set forth in this chapter.

### § 96-10. Fees.

The annual contractor's registration fee shall be in the amount established by resolution of the Board of Supervisors and set forth in the Township Fee Schedule. There shall not be a pro-rated reduction in the registration fee, and no fee or portion thereof shall be returned.

### § 96-11. Contents of application.

The application for registration shall be a form provided to the applicant by the Township, and the application shall require a written answer to all questions contained thereon. Failure to answer all questions on the application form shall mean that the application is incomplete and will not be considered until completed. The application form shall be signed by the applicant.

### § 96-12. Changes in ownership, address or trade name.

Every contractor registered to perform work in the Township shall, within 10 days after a change in ownership, address or trade name, notify the Township of such change.

### § 96-13. Standards for refusal of issuance or revocation of registration.

No registration shall be issued, or any registration issued under the provisions of this chapter shall be revoked, under the following circumstances:

1. The applicant falsely answered any question or questions contained on the application form.
2. The applicant has been convicted within two years prior to the date of the application for any crimes or offenses under any federal or state criminal statute or common law criminal offense or for violation of any municipal ordinance so long as such convictions were for crimes or offenses related to the applicant's work as a contractor. The term "conviction" shall include guilty pleas of nob contendere.
3. The registrant fails to maintain the policies of insurance required under the provisions of this chapter.
4. The registrant violates any of the terms or provisions of the Code of the Township of Tredyffrin.
5. The registrant fails to obtain a construction permit prior to the commencement of work, except in the case of an emergency.
6. The registrant violates any condition or requirement of a construction permit issued by the Township.
7. The registrant willfully deviates from or disregards any plans or specifications for any contracting job in any material respect without first obtaining the consent of the owner, in writing, to any such change and without first notifying the Township of any such change.
8. The registrant fails to comply with an order, demand or requirement lawfully made by the Township under the authority of this chapter or any other Township ordinance.

### § 96-14. (Reserved)

**§ 96-15. Violations and penalties.**

In addition to revocation or suspension of registration, any person who fails to correct a violation or institute a remedial action as ordered by the Township or who violates a provision or fails to comply with any requirements of this chapter or of any of the other applicable provisions of the Township Code, upon being found liable therefor in a civil enforcement proceeding, shall pay a fine of not less than

$100 nor more than $1,000, plus all court costs, including reasonable attorney's fees, incurred by the Township in the enforcement of this chapter. The fine or penalty imposed under this section shall be in addition to any registration fees imposed under this chapter. No judgment shall be imposed until the date of the determination of the violation by the District Justice and/or court. 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's failure to comply herewith shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.

**Chapter 104**

# EMERGENCY COMMUNICATIONS SYSTEMS

### [HISTORY: Adopted by the Board of Supervisors of the Township of Tredyffrin 1-19-2016 by Ord. No. HR-413. Amendments noted where applicable.]

**GENERAL REFERENCES**

**Alarm systems — See Ch. 68.**

### § 104-1. Findings.

The Board of Supervisors finds that the ability of the police, fire, ambulance, and other emergency providers and personnel to communicate with each other within buildings and structures, and to communicate from within structures and buildings to personnel and locations outside the building and structure, is of vital public importance. A breakdown in communications among emergency providers and personnel creates a serious risk of harm to and is a serious threat to the safety and welfare of emergency personnel, the citizens of Tredyffrin Township and the public in general. Therefore, pursuant to the police power, the Board enacts this chapter to protect the public health, safety and welfare.

### § 104-2. Definitions.

The following words and terms shall, for the purposes of this chapter and as used elsewhere in this Code, have the meanings shown herein:

APCO — Association of Public Safety Communications Officials International. CCDES — Chester County Department of Emergency Services.

FCC — Federal Communications Commission.

NPSPAC — National Public Safety Planning Advisory Committee.

### § 104-3. General provisions.

1. Except as otherwise provided, no person shall erect, construct, alter, refit, change the use of, or provide an addition of more than 20% of the existing floor area to any building or structure or any part thereof, or cause the same to be done, which fails to support adequate radio coverage for CCDES, the Berwyn and Paoli Fire Departments, and the Tredyffrin Township Police Department. For the purposes of this section, adequate radio coverage shall include all of the following:
   1. A minimum signal strength of -95dBm available in 95% for the area of each floor of the building.
   2. A minimum signal strength of -95dBm received at the closest CCDES radio communications site when transmitted from 95% of the area of each floor of the building.
   3. The frequency range which must be supported shall be between 763 MHz and 861 MHz.
   4. A reliability factor of 90%.
   5. Signal strength measurements, for the purpose of measuring the performance of a bidirectional amplifier, shall be based on one input signal adequate to obtain a maximum continuous operating output level.
2. The provisions of this section shall become applicable upon notification to the property owner that unacceptable performance levels exist. The property owner shall have 90 days from date of notification to enhance radio coverage and bring it within the acceptable limits of these provisions.

### § 104-4. Amplification systems allowed.

Buildings and structures which cannot support the required level of radio coverage shall be equipped with either a radiating cable system or an internal multiple antenna system with or without FCC-type accepted bidirectional 700/800 MHz amplifiers as needed. If any part of the installed system or systems contains an electrically powered component, the system shall be capable of operating on an independent battery and/ or generator system for a period of at least 12 hours without external power input. The battery system shall charge in the presence of an external power input.

### § 104-5. Testing procedures.

1. Acceptance test procedure.
   1. When an in-building radio system is required, and upon completion of installation, it will be the building owner's responsibility to have the radio system tested to ensure that two-way coverage on each floor of the building is a minimum of 95%. Each floor of the building shall be divided into a grid of approximately 20 equal areas. A maximum of two nonadjacent areas will be allowed to fail the test. In the event that three of the areas fail the test, in order to be more statistically accurate, the floor may be divided in 40 equal areas. In such event, a maximum of four nonadjacent areas will be allowed to fail the test. After the forty-area test, if the system continues to fail, the building owner shall have the system altered to meet the ninety-five- percent coverage requirement.
   2. The test shall be conducted using the most current portable radio or its equivalent, available to the Tredyffrin Township Police and/or Fire Departments, talking through the CCDES as specified by the authority having jurisdiction. A spot located approximately in the center of a grid area will be selected for the test, then the radio will be keyed to verify two-way communications to and from the outside of the building through the CCDES. Once the spot has been selected, prospecting for a better spot within the grid area will not be permitted.
   3. The gain values of all amplifiers shall be measured and the test measurement results shall be kept on file with the building owner so that the measurements can be verified each year during the annual tests. In the event that the measurements results become lost, the building owner will be required to rerun the acceptance test to reestablish the gain values.
2. Annual tests. When an in-building radio system is required, the building owner shall test all active components of the system, including but not limited to amplifiers, power supplies, and backup batteries, a minimum of once every 12 months. Amplifiers shall be tested to ensure that the gain is the same as it was upon initial installation and acceptance. Backup batteries and power supplies shall be tested under load for a period of one-hour to verify that they will properly operate during an actual power outage. If within the one-hour test period, in the opinion of the testing technician, the battery exhibits symptoms of failure, the test shall be extended for additional one-hour periods until the testing technician confirms the integrity of the battery. All other active components shall be checked

to determine that they are operating within the manufacturer's specifications for the intended period.

1. Five-year tests. In addition to the annual test, the building owner shall perform a radio coverage test a minimum of once every five years to insure that the radio system continues to meet the requirements of the original acceptance test. The procedure set forth above shall apply to such tests. A copy of the accepted tests shall be provided to the Chester County Department of Emergency Services.
2. Qualifications of testing personnel. All tests shall be conducted, documented, and signed by a person in possession of a current FCC technician license or a current technician certification issued by APCO, NABER, or PCIA. All test records shall be retained on the inspected premises by the building owner and a copy submitted to officials of the Tredyffrin Police Department and the Berwyn and Paoli Fire Departments.

### § 104-6. Field testing.

Police and fire personnel, after providing reasonable notice to the owner or his representative, shall have the right to enter onto the property to conduct field testing to be certain that the required level of radio coverage is present.

## Chapter 108 FIREARMS

### [HISTORY: Adopted by the Board of Supervisors of the Township of Tredyffrin as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

**Sale of Air Guns**

**[Adopted as Ch. VI, Art. 4, § 401, of the 1979 General Laws of the Municipality of Tredyffrin]**

**§ 108-1. Prohibited acts.**

It shall be unlawful and it is hereby prohibited for any person, persons, firms or corporations to store, sell, offer or expose for sale at retail or have in their possession with intent to sell at retail or with intent to use in the Township of Tredyffrin any air gun, air pistol, spring gun or any implement not a firearm which impels with force a pellet of any kind. "At retail" shall mean any sale of less than one dozen such articles, or any sale to anyone not a bona fide dealer herein.

### § 108-2. Police authority.

The Captain of Police is hereby authorized to seize, remove and destroy any air gun, air pistol, spring gun or any implement not a firearm which impels with force a pellet of any kind, which shall be used or discharged in the Township of Tredyffrin, Chester County, Pennsylvania, or which shall be held or possessed in violation of this article.

### § 108-3. Violations and penalties. [Amended 10-19-1998 by Ord. No. HR-278; 10-2-2000 by Ord. No. HR-290]

Any person who violates or permits a violation of this article, shall be guilty of a summary violation and, upon conviction, shall be sentenced to pay a fine of not more than $1,000, plus all court costs, including reasonable attorney's fees, incurred by the township in the enforcement of this article. Each day a violation exists shall constitute a separate offense. In default of the payment of any fine, the defendant shall be sentenced to imprisonment to the extent allowed by law for the punishment of summary offenses. Further, the appropriate officers or agents of the township are hereby authorized to seek any other available relief at law or equity, including injunction, to enforce compliance with this article.

ARTICLE II

**Discharge of Firearms**

**[Adopted as Ch. VI, Art. 4, § 402, of the 1979 General Laws of the Municipality of Tredyffrin]**

**§ 108-4. Title.**

This article shall be known and may be cited as the "Shooting Ordinance of Tredyffrin Township."

### § 108-5. Definitions.

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

APPROVED RANGE — A place for shooting weapons, having a natural or artificial barrier of sufficient size and density to stop any projectile or pellets fired into it, approved and designated of record by the Tredyffrin Township Chief of Police as an approved range.

AUTHORIZED RANGE SHOOTING — Shooting upon an approved range in a manner consistent with safety of persons and property as authorized by the Chief of Police in approving such range under the supervision of the owner or occupant of the land or his duly designated representative.

CERTIFICATE — A certification, upon a form prescribed by the Township Supervisors, dated and signed by the owner or occupant of real property, attesting that the bearer has been instructed by the signer concerning the topography and natural artificial hazards and traffic conditions existing upon his land and adjacent thereto, has been duly cautioned regarding existing dangers and precautions to be taken, and has thereupon been granted permission to hunt upon the same for a period not exceeding one year from the date of the certificate.

SHOOTING — The discharge or release of a projectile or pellets from any weapon, including the shooting of a pointed arrow from a bow.

WEAPON — Any shotgun, rifle, air rifle, flobert rifle, pistol, revolver, pellet gun or weapon of similar type, and any bow used to propel a pointed arrow.

### § 108-6. Responsibilities.

It shall be the responsibility of each owner or occupant of land to instruct carefully any person applying for permission to hunt thereon concerning the terrain, its dangers and all necessary precautions to be observed before issuing a certificate. Any certificate shall be revocable at will upon notice to the holder. A copy of each certificate and of each revocation notice shall be filed with the Township Secretary.

### § 108-7. Exceptions.

Shooting within Tredyffrin Township is hereby prohibited, except:

1. While lawfully hunting game in conformity with the game laws and other applicable laws, regulations and ordinances of the Commonwealth of Pennsylvania and this township, provided that each person other than the owner or occupant of land, the members of his immediate family and his employees shall carry a valid certificate upon his person and exhibit the same to any representative of the township upon request.
2. At an authorized range shooting, as herein defined.
3. By any duly appointed law officer in the course of his or her official duties. **[Added 10-19-1998 by Ord. No. HR-278]**
4. When necessary for the preservation of human life, as authorized in the Pennsylvania Crimes Code (18 Pa.C.S.A. § 101 et seq.). **[Added 10-19-1998 by Ord. No. HR-278]**

### § 108-8. Disorderly practice.

The careless or improper use of any weapon, tending to imperil the safety of persons or endanger property within Tredyffrin Township, is hereby prohibited as a disorderly practice.

### § 108-9. Violations and penalties. [Amended 10-19-1998 by Ord. No. HR-278; 10-2-2000 by Ord. No. HR-290]

Any person who violates or permits a violation of this article, shall be guilty of a summary violation and, upon conviction, shall be sentenced to pay a fine of not more than $1,000, plus all court costs, including reasonable attorney's fees, incurred by the township in the enforcement of this article. Each day a violation exists shall constitute a separate offense. In default of the payment of any fine, the defendant shall be sentenced to imprisonment to the extent allowed by law for the punishment of summary offenses. Further, the appropriate officers or agents of the township are hereby authorized to seek any other available relief at law or equity, including injunction, to enforce compliance with this article.

### § 108-10. Signs.

Legible signs giving public notice of the essential provisions of this article shall be posted at or near the public highways at the boundaries of Tredyffrin Township.

## Chapter 111 (RESERVED)

### [Former Ch. 111, Fire Prevention, adopted 10-21-1996 by Ord. No. HR-253, as amended, was repealed 5-3-2004 by Ord. No. HR-327. For current provisions, see Ch. 80, Building Construction.]

Township of Tredyffrin, PA

(RESERVED)

## Chapter 114 (RESERVED)

### [Former Ch. 114, Historical District, adopted as Ch. IX, Art. 24, of the 1979 General Laws of the Municipality of Tredyffrin, as amended, was repealed 5-23-2011 by Ord. No. HR-388. See now Ch. 280, Zoning, Art. XXIVA, Historic Resource Overlay District.

TREDYFFRIN CODE

## Chapter 117 INSURANCE

### [HISTORY: Adopted by the Board of Supervisors of the Township of Tredyffrin as indicated in article histories. Amendments noted where applicable.]

§ 117-1 INSURANCE § 117-2

ARTICLE I

### Fire Insurance Claims [Adopted 5-1-1995 by Ord. No. HR-242]

**§ 117-1. Certificate and compliance required.**

No insurance company, association or exchange doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within Tredyffrin Township under the terms of Section 508(a) of the Insurance Company Law of 1921, as amended, 40 P.S. § 638(a), unless the insurance company, association or exchange is furnished with a certificate pursuant to § 117-2 of this article and unless there is compliance with the procedures set forth in §§ 117-3 and 117-4 of this article.

### § 117-2. Fire loss certificate.

1. The Township Manager or his/her designee shall, upon the written request of the named insured specifying the tax description of the property, name and address of the insurance company, association or exchange and the date agreed upon by the insurance company, association or exchange and the named insured as the date of the receipt of a loss report of the claim, and the payment of a certification fee in the amount as set from time to time by resolution of the Board of Supervisors to cover the administrative expense of processing the request and copying, furnish the insurance company, association or exchange either of the following within 14 working days of the request:
   1. A certificate or, at the discretion of the township, a verbal notification which shall be confirmed in writing by the insured to the effect that, as of the date specified in the request, there are no delinquent taxes, assessments, penalties or user charges against the property and that, as of the date of the Manager's certificate or verbal notification, the township has not certified any amount as total costs incurred by the township for the removal, repair or securing of a building or other structure on the property; or
   2. A certificate and bill showing the amount of delinquent taxes, assessments, penalties or user charges against the property as of the date specified in the request that have not been paid as of the date of the certificate and also showing as of the date of the Manager's certificate, the amount of the total costs, if any, certified to the Manager or his/her designee that have been incurred by the township for the removal, repair or securing of a building or other structure on the property. For the purposes of this subsection, the Township Manager shall certify the total amount, if any, of such costs. For the purposes of this article, a tax, assessment, penalty or user charge becomes delinquent at the time and on the date a lien could otherwise have been filed against the property by the township under applicable law or ordinance.
2. Upon receipt of a certificate pursuant to Subsection A(1) of this section, the insurance company, association or exchange shall pay the claim of the named insured in accordance with the policy terms, unless the loss agreed to between the named insured and the company, association or exchange equals or exceeds 60% of the aggregate limits of liability on all fire policies covering the building or other structure. In the case of such a loss, the insurance company, association or exchange, the insured property owner and the township shall follow the procedures set forth in §§ 117-3 and 117-4 of this article.
3. Upon the receipt of a certificate and bill pursuant to Subsection A(2) of this section, the insurance company, association or exchange shall return the bill to the Manager or his/her designee and transfer to the Manager or his/her designee an amount from the insurance proceeds necessary to pay the taxes,

assessments, penalties, charges and costs shown on the bill. In the case of a loss subject to §§ 117-3 and 117-4 of this article, the insurance company, association or exchange shall transfer to the Manager or his/her designee the amount from the insurance proceeds shown on the bill separately from the amounts transferred under § 117-3 of this article. The township shall receive the amount and apply or credit it to payment of the items shown in the bill.

### § 117-3. Establishment of municipal fire insurance escrow.

When the loss agreed to between the named insured and the company, association or exchange equals or exceeds 60% of the aggregate limits of liability on all fire policies covering the building or other structure, the insurance company, association or exchange shall transfer from the insurance proceeds to the Township Manager or his/her designee the amounts required by and in accordance with the procedures set forth in 40 P.S. § 638(c). Policy proceeds remaining after the transfer to the township shall be disbursed in accordance with the policy terms. The named insured may submit a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure after the transfer, and the Township Manager or his/her designee shall return the amount of the fund in excess of the estimate to the named insured if the township has not commenced to remove, repair or secure the building or other structure. The Township Manager or his/her designee shall carry out the duties of this section.

### § 117-4. Disposition of escrow proceeds.

Upon receipt of the proceeds by the township as authorized by § 117-3, the Township Manager or his/ her designee shall place the proceeds in a separate fund to be used solely as security against the total cost of removing, repairing or securing incurred by the township. When transferring the funds as required in

§ 117-3, an insurance company, association or exchange shall provide the township with the name and address of the named insured, whereupon the township shall contact the named insured, certify that the proceeds have been received by the municipality and notify the named insured that the procedures under this section shall be followed. The fund shall be returned to the named insured when repairs, removal or securing of the building or other structure have been completed and the required proof received by the Township Manager or his/her designee if the township has not incurred any costs for repairs, removal or securing. If the township has incurred costs for repairs, removal or securing of the building or other structure, the costs shall be paid from the fund, and if excess funds remain, the township shall transfer the remaining funds to the named insured. Nothing in this article shall be construed to limit the ability of the township to recover any deficiency. Further, nothing in this section shall be construed to prohibit the township and the named insured from entering into an agreement that permits the transfer of funds to the named insured if some other reasonable disposition of the damaged property has been negotiated.

### § 117-5. Costs.

The total costs incurred by the township for the removal, repair or securing of a building or other structure under this article shall include, but not be limited to, all administrative, personnel and overhead costs incurred by the township in accordance with generally accepted accounting procedures.

### § 117-6. Filing of copies.

Upon the enactment of this article, the Township Secretary shall file an exact copy of the article with the Department of Community and Economic Development, together with the name, position and phone number of the municipal official responsible for compliance with Section 508 of the Insurance Company Law of 1921, as amended.**90**

* 1. **Editor's Note: See 40 P.S. § 638.**

## Chapter 126 LITTERING

### [HISTORY: Adopted by the Board of Supervisors of the Township of Tredyffrin as Ch. VIII, Art. 1, § 103, of the 1979 General Laws of the Municipality of Tredyffrin. Amendments noted where applicable.]

**GENERAL REFERENCES**

**Brush, grass and weeds — See Ch. 77. Property maintenance — See Ch. 149.**

**Solid waste — See Ch. 168.**

### § 126-1. Title.

This chapter shall be known and may be cited as the "Tredyffrin Township Anti-Littering Ordinance."

### § 126-2. Prohibited acts.

No person, firm, corporation or association shall throw or drop or cause to be thrown or dropped or allow the following described litter to escape from his, her, their or its premises upon any street or other public place or upon the land of another: any garbage, bottles, wastepaper, cans, wood cartons, ashes, metal or metal sweepings, wire, glass, handbills, cardboard, boxes of any kind, nails, discarded or soiled personal property, trash or rubbish of any kind; nor interfere with, scatter or disturb the contents of any receptacle containing garbage, ashes, household wastes or rubbish which has been placed upon any sidewalk or elsewhere for the collection of the contents thereof.

### § 126-3. Sweeping litter into gutters prohibited.

No person shall sweep into or deposit in any gutter, street or other public place within the township the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free from litter. Persons owning or occupying places of business within the township shall keep the sidewalk in front of their business free from litter.

### § 126-4. Violations and penalties. [Amended 10-19-1998 by Ord. No. HR-278; 10-2-2000 by Ord. No. HR-290]

Any person who violates or permits a violation of this chapter shall be guilty of a summary violation and, upon conviction, shall be sentenced to pay a fine of not more than $1,000, plus all court costs, including reasonable attorney's fees, incurred by the township in the enforcement of this chapter. Each day a violation exists shall constitute a separate offense. In default of the payment of any fine, the defendant shall be sentenced to imprisonment to the extent allowed by law for the punishment of summary offenses. Further, the appropriate officers or agents of the township are hereby authorized to seek any other available relief at law or equity, including injunction, to enforce compliance with this chapter.

TREDYFFRIN CODE

## Chapter 129 MUNICIPAL CLAIMS

### [HISTORY: Adopted by the Board of Supervisors of the Township of Tredyffrin as indicated in article histories. Amendments noted where applicable.]

§ 129-1 MUNICIPAL CLAIMS § 129-1

ARTICLE I

### Attorney's Fees for Collection of Delinquent Accounts [Adopted 6-19-2017 by Ord. No. HR-415]

**§ 129-1. Fees to be added to unpaid taxes and charges.**

The Township hereby approves the following fee schedule for the collection of the unpaid taxes and charges, which fees shall be added to the unpaid taxes and charges.

1. Notice of fee shifting expense. A charge of $40 plus applicable postage shall be added to the unpaid claims for providing notice of fee shifting pursuant to § 7106 of the Act**91**. The Township may hire a private company to perform this service and add the amount of this charge to the unpaid taxes and municipal claims.
2. Legal fees.

|  |  |
| --- | --- |
| Initial review and sending first demand letter | $160 |
| File lien and prepare satisfaction | $250 |
| Prepare writ of scire facias | $250 |
| Obtain reissued writ | $30 |
| Prepare and mail letter under Pa. R.C.P. 237.1 | $30 |
| Prepare motion for alternate service | $250 |
| Obtain vehicle identification number (VIN) for mobile home | $35 |
| Prepare discovery in preparation for trial | $100 |
| Prepare pretrial memorandum | $150 |
| Prepare motion for judgment for want of sufficient affidavit of defense pursuant to 53 P.S. § 7271 | $150 |
| Prepare default judgment | $175 |
| Prepare writ of execution | $800 |
| Attendance at sale; review schedule of distribution and resolve distribution issues | $400 |
| Continue Sheriff sale | $50 |
| Prepare petition to assess damages | $50 |
| Prepare petition for free and clear sale | $400 |
| Services not covered above | At an hourly rate between $60 and $275 per hour |

1. Collection fees.
   1. **Editor's Note: See 53 P.S. § 7106.**

§ 129-1 TREDYFFRIN CODE § 129-5

|  |  |
| --- | --- |
| Bookkeeping fee for payment plan of 3 months or less | $25 |
| Bookkeeping fee for payment plan of more than 3 months | $50 |
| Guaranteed payoff fee | $25 |
| Handling fee for returned check | Bank charge, if any |

### § 129-2. Costs to be added to the unpaid taxes and charges.

In addition to the fees set forth in § 129-1 above, the reasonable and necessary out-of-pocket charges, costs, expenses, commissions and fees incurred in collection, including, but not limited to, postage, title searches, VIN searches, prothonotary fees and charges, and sheriff fees, shall be added to the unpaid taxes.

### § 129-3. Credit card and debit card charges.

The Township authorizes any attorney or private collector collecting the unpaid taxes and municipal charges on behalf of the Township to accept payment of the delinquent amounts by credit card or debit card. Where payment is made by credit card or debit card, any fees charged by the credit card or debit card company and/or the credit card or debit card servicing agent shall be charged immediately to the credit card or debit card used to make payment. This applies to credit card or debit card payments made by mail, by telephone, over the Internet, or in person.

### § 129-4. Interest.

Interest will be assessed upon the unpaid taxes and municipal charges at a rate of 10% per annum and added to the delinquent amounts.

### § 129-5. Collection procedures.

The following collection procedures are hereby established in accordance with the Act:**92**

1. At least 30 days prior to assessing or imposing attorney fees in connection with the collection of a delinquent account, the Township or its designee shall mail or cause to be mailed, by certified mail, return receipt requested, a notice of such intention to the property owner or other entity liable for the account (the "property owner").
2. If the certified mail notice is undelivered, then, at least 10 days prior to assessing or imposing such attorney fees, the Township or its designee shall mail or cause to be mailed, by first-class mail, a second notice to the property owner.
3. All notices required by this article shall be mailed to the property owner's last known post office address as recorded in the records or other information of the Township or such other address obtained by the Township from the County Tax Assessment Office.
4. Each notice as described above shall include the following:
   1. The type of tax or other charge, the year that it became due and the amount owed, including penalty and interest;
   2. A statement of the Township's intent to impose or assess attorney fees no earlier than 30 days
   3. **Editor's Note: See 53 P.S. § 7101 et seq.**

after receipt of the first notice, or no earlier than 10 days after receipt of the second notice;

* 1. The manner in which the assessment or imposition of attorney fees may be avoided by payment of the account; and
  2. The place of payment for accounts and the name and telephone number of the Township's representative designated as responsible for collection matters.

## Chapter 131 NUISANCES

### [HISTORY: Adopted by the Board of Supervisors of the Township of Tredyffrin 9-22-1986 by Ord. No. HR-105 (Ch. VI, Art. 3, § 305, of the 1979 General Laws of the Municipality of Tredyffrin).

**Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Air pollution — See Ch. 64. Animals — See Ch. 71.**

**Brush, grass and weeds — See Ch. 77.**

**Littering — See Ch. 126.**

**Property maintenance — See Ch. 149. Solid waste — See Ch. 168.**

### § 131-1. Prohibited activities.

The following uses and activities upon real property in the Township of Tredyffrin are hereby declared to be nuisances and hereby prohibited:

1. The use of any premises as a trash or garbage dump.
2. The depositing or dumping of any amount of trash or garbage upon the premises of another or upon public property.
3. The burning or setting fire to trash, rubbish, refuse or garbage brought upon and accumulated or stored on any premises from any other location or locations.**93**
4. Any use of or activity upon properties that, by reason of flames, smoke, odors, fumes, noise or dust, unreasonably interferes with the reasonable use, comfort and enjoyment of a neighbor's property or endangers the health or safety of the occupants of a neighboring property.
5. The excessive or unreasonable accumulation or storage of scrap, junk, wrecked or unlicensed automobiles, trash, garbage or other waste material upon any premises causing odors, fumes or unsightly appearance to neighboring properties or which unreasonably interferes with the reasonable use, comfort and enjoyment of a neighbor's property or endangers the health or safety of the occupants of a neighboring property. **[Amended 10-19-1998 by Ord. No. HR-278]**
6. The keeping or confining of any animal which shall or shall be permitted to disturb the peace, quiet and/or sanitary environment of the immediate neighborhood by continued outcries, objectionable noises and/or odors.
7. For the owner, custodian or keeper of any animal to allow such animal to run loose at any time, either upon any of the streets, alleys or public grounds or upon the property of one other than the owner, custodian or keeper of such animal. The following shall be exempt from the prohibition set forth in this Subsection G: **[Amended 11-7-2018 by Ord. No. HR-425]**
   1. **Editor's Note: Subsections 4, 5 and 6 of former Section 305IA, which immediately followed this subsection and prohibited automobile graveyards, junkyards and storage of petroleum products, were deleted 10-19-1998 by Ord. No. HR-278.**
8. Animals accompanied by and under the immediate physical control of such owner, custodian or keeper, by the use of a leash, harness, and/or similar device;
9. Dogs accompanying a duly licensed hunter in regular hunting seasons upon property where hunting is not prohibited by the owner or by law are exempt from this chapter; and
10. Dogs permitted to be off-leash, but under voice command and control, in compliance with

#### § 138-3H.

1. The placing or dumping of any amount of trash, garbage, leaves or sticks upon any of the roadways of Tredyffrin Township or the Commonwealth of Pennsylvania.**94**

### § 131-2. Definitions.

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

TRASH OR GARBAGE DUMP — The accumulation or storage of trash, refuse, rubbish or garbage which has been brought upon or conveyed to a premises from sources or locations other than the premises upon which said trash, refuse, rubbish or garbage is stored or accumulated. Whether the owner of such premises is compensated for said dumping or not is irrelevant for purposes of this chapter.

### § 131-3. Seizure of animals.

It shall be the duty of any police officer or authorized dog control officer of the Township of Tredyffrin who witnesses any animal running at large in conflict with the provisions of § 131-1G, or who receives information of any such animal running at large, to seize such animal and dispatch it to a place designated by the Board of Supervisors as a pound. Notice of such seizure shall be sent to the owner of such animal in the manner prescribed by law, and such animal may be redeemed by the owner within the time specified by law, upon payment of the charges incurred by reason of such detention. Rates for such charges shall be determined from time to time by the Board of Supervisors.

### § 131-4. Violations and penalties. [Amended 10-19-1998 by Ord. No. HR-278; 10-2-2000 by Ord. No. HR-290]

Any person who violates or permits a violation of this chapter shall be guilty of a summary violation and, upon conviction, shall be sentenced to pay a fine of not more than $1,000, plus all court costs, including reasonable attorneys' fees, incurred by the Township in the enforcement of this chapter. Each day a violation exists shall constitute a separate offense. In default of the payment of any fine, the defendant shall be sentenced to imprisonment to the extent allowed by law for the punishment of summary offenses. Further, the appropriate officers or agents of the Township are hereby authorized to seek any other available relief at law or equity, including injunction, to enforce compliance with this chapter.

* 1. **Editor's Note: Subsection II of original Section 305, which immediately followed this subsection and defined "automobile graveyard," was deleted 10-19-1998 by Ord. No. HR-278.**

**Chapter 138**

# PARKS AND PLAYGROUNDS

### [HISTORY: Adopted by the Board of Supervisors of the Township of Tredyffrin 4-2-1984 by Ord. No. HR-81 (Ch. VI, Art. 2, of the 1979 General Laws of the Municipality of Tredyffrin.); amended in its entirety 3-21-2022 by Ord. No. HR-449. Subsequent amendments noted where applicable.]

**§ 138-1. Title.**

This chapter shall be known and may be cited as the "Parks Ordinance."

### § 138-2. Definitions.

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

HUNTING — Any act or furtherance of the taking or killing of any game or wildlife, or any part or product thereof; stalking, driving, pushing, pursuing, lying in wait, trapping, shooting at, including shooting at game or wildlife facsimile, or wounding with any weapon or implement; or using any personal property, including dogs, or the property of others, of any nature, in furtherance of any of these purposes; or aiding, abetting or conspiring with another person in that purpose.

PARK — Includes playgrounds.

### § 138-3. Regulations.

1. No person shall be permitted in a Township Park except between the hours of 6:00 a.m. and dusk, unless a permit has been issued by the Township as hereinafter provided in Subsection P, or unless lighting has been installed for nighttime activities. In parks where lighting has been installed, the 6:00

a.m. to dusk hours may be extended as late as the facilities remain lighted, but in no case later than 11:00 p.m.

1. No person shall enter or leave a Township Park except by entrances and/or exits provided for such purposes.
2. Individual distribution or consumption of beer, ale, other alcoholic or intoxicating beverage, or controlled substance (such as are now defined or may later be defined by federal, state or Township law, act, or ordinance) is strictly prohibited in all Township Parks.
   1. The Township has the right to permit the consumption of alcohol by all persons of legal age provided by a licensed distributor for the sole purpose of Township-sponsored events with proceeds to benefit Township 501(c)(3) organizations or other events approved by the Board of Supervisors.
3. No gambling or gambling device is permitted in any Township Park without a games of chance license issued by PA Department of Revenue REV-1752 (AS) 05-18.
4. No abusive, threatening, indecent or profane language and/or conduct that is publicly inappropriate and/or annoying to others using Township Park facilities shall be permitted.
5. No person or persons shall be permitted to solicit money, or promise for same, within the confines of a Township Park.
6. Excrement disposal and leash requirements. In all Township Parks, owners or handlers shall be

responsible for prompt and complete removal of their animal's excrement. No animals owned or possessed by people shall be permitted to run loose or otherwise uncontrolled within the confines of a Township Park. Any animal while in the confines of a Township Park must be under actual physical control in the form of a physical leash, harness, and/or similar device at all times, except that dogs that are responsive to voice command and control of their owner or handler are permitted to be off- leash in areas of Township Parks designated for off-leash activities as posted by the Township with signage, subject to strict compliance with each of the following regulations:

* 1. Annual registration. As a condition to the applicability of the exception provided herein, each owner or handler seeking to have a dog off-leash shall register each dog with the Township pursuant to registration forms promulgated by the Township and shall pay the required annual registration fee set by the Township per its fee schedule. In connection with registration under this subsection, an applicant will be required to provide evidence of current vaccinations and a valid license under the rules of the Pennsylvania Department of Agriculture, Bureau of Dog Law Enforcement.
  2. Registration tag. Any owner or handler availing himself or herself of the exception provided in this section shall cause any dog registered per Subsection G(l) above to wear on its dog collar the tag issued by the Township in connection with the registration required by Subsection G(l) above at all times that such owner or handler's dog is off-leash.
  3. Time restrictions.
     1. Subject to Subsection G(3)(c) below, between the third Sunday of March and the third Sunday of November, dogs otherwise satisfying the requirements of this subsection shall be allowed off-leash only between the hours of dawn and 4:00 p.m. on Monday through Friday, between the hours of dawn and 8:30 a.m. on Saturday, and between the hours of dawn and 11:30 a.m. on Sunday.
     2. Subject to Subsection G(3)(c) below, between the third Monday of November and the third Saturday of March, dogs otherwise satisfying the requirements of this subsection shall be allowed off-leash between the hours of dawn and dusk.
     3. All dogs shall be under actual physical control in the form of a physical leash, harness, and/or similar device at any time there is a league-related athletic activity occurring at one of the athletic fields.
  4. Voice command and control. Each off-leash dog shall at all times be under the voice command and control of its owner or handler and shall at all times be wearing a collar or harness.
  5. Notwithstanding anything in Subsection G(l) or (2) to the contrary, no dogs shall be allowed inside any fenced or enclosed areas at any time.
  6. In the event that the Township receives a report of aggressive or dangerous behavior of a dog registered in accordance with Subsection G(l) above, or in the event of any other violation of this section, in addition to the penalties set forth in § 138-6 of this chapter, the Township shall have the right to revoke the permit issued pursuant to Subsection G(l) above.

1. Vehicles.
   1. No person shall drive, operate or park any vehicle (motor or self-propelled) in any portion of a Township Park except in spaces specifically set aside and marked for parking purposes; and no person shall occupy a parked motor vehicle after dark within a Township Park except with the

exterior parking lights and interior lights turned on and in operation.

* 1. Except where specifically allowed by designation, the use and operation of go carts, dirt bikes, all-terrain vehicles, skateboards, aircraft (including but not limited to ultralight planes and hot- air balloons), and/or other motorized devices employing wheels and/or blades of any kind (metal, wooden, plastic, rubber, etc.) are strictly prohibited on Township Park basketball courts, tennis courts, volleyball courts, picnic areas, ball fields, paved trails, or any open space area of any Township Park.
  2. Authorized motor vehicles.
     1. Only authorized motor vehicles may be driven upon any sidewalk, walking path, trafficway, field, grass, or wooden area within any Township Park. Authorized motor vehicles include all Township-owned vehicles and equipment (police vehicles, off-road ATVs, maintenance vehicles, trucks, lawn care equipment, backhoes, and any motorized units operated by Township employees), fire and EMS vehicles, and any vehicle or equipment that has written authorization from the Township.
     2. Where a permit or authorization has been issued to a motor vehicle for the purpose of loading and unloading equipment for special events, such vehicle may only engage in loading/unloading for the special event and are not authorized to park or stop in any other area in the Township Park except duly designated public parking areas.

1. No person, other than Township active-duty police officers employed in the execution of their duties, shall carry, possess, discharge, or use firearms or weapons of any type in a Township Park.
2. No person or persons shall scatter, drop, or leave any paper, rags, garbage, dead flowers and plants, grass cuttings, tree limbs, glass, metal or plastic cans and/or containers or any other rubbish anywhere within a Township Park except in receptacles provided for such purposes. Grass clippings, brush and other debris from private property may not be discarded or otherwise placed anywhere on Township Park property, including trash receptacles.
3. No person shall injure, damage or otherwise deface any buildings, structures, fences, bridges, monuments, playground equipment or other property (permanently or temporarily erected or placed) in a Township Park; or climb a tree or break, cut down, trample upon, remove or in any manner injure or damage any ornament, rock, stone, tree, plant, shrub, fern, blooms, blossom, flower or turf; nor shall any person foul and/or otherwise contaminate any stream of water in any Township Park at any time.
4. No person shall injure, deface, or destroy any public signs, ordinances or other official Township notices posted in a Township Park.
5. No advertisement, placard, or notice, except official authorized notices, shall be posted and/or distributed in a Township Park.
6. No person shall light or permit a fire to burn in a Township Park except in a proper fireplace (permanent or portable) provided for such purposes. All fires must be constantly attended, and responsibility for such fires shall be solely that of the person or persons starting and/or using the fire.
7. The playing of golf or the hitting of golf balls is strictly prohibited at all times in any Township Park.
8. Use of a Township Park for any of the following purposes is prohibited, unless a permit is first obtained from the Township, as hereinafter provided:
   1. Sales of merchandise of any kind.
   2. Use of fireworks, other explosives.
   3. Musical, theatrical, or other entertainment.
   4. Overnight camping.
   5. Parties, gatherings and/or sporting activities in excess of 15 persons.
   6. Hunting.
   7. Any individual, group, company, or organization who charges a fee from its participants must obtain a field/facilities usage permit regardless of the number of participants in the program, clinic, seminar, class, or camp.
9. Placement of any unauthorized item, including but not limited to sporting equipment, shrubs, or plantings is prohibited in any Township Park. Authorization must be obtained from the Township with consideration from the Parks and Recreation Board prior to any installation on Township Park property.
10. Tobacco products.
    1. The use of a tobacco product in a park, recreation ground, or open space owned and operated by the Township shall be prohibited.
    2. For purposes of this subsection, the term "tobacco product" shall include the following:
       1. Any product containing, made or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, a cigarette, a cigar, a little cigar, chewing tobacco, pipe tobacco, snuff, and snus.
       2. Any electronic device that delivers nicotine or another substance to a person inhaling from the device, including, but not limited to, electronic nicotine delivery systems, an electronic cigarette (vaping), a cigar, a pipe, and a hookah.
       3. Any product containing, made or derived from either:
11. Tobacco, whether in its natural or synthetic form; or
12. Nicotine, whether in its natural or synthetic form.

### § 138-4. Enforcement.

The Police Department shall enforce the regulations herein set forth and shall exercise general supervision over persons and property in all Township Parks.

### § 138-5. Permits.

Permits for use of Township Park(s) shall be issued on behalf of the Township. The Township may enact a fee schedule for such permits. All moneys received from these fees will be entered into the Township's General Fund and be designated for Township Park maintenance and improvements, appropriate Township-sponsored recreation programs held within the confines of its parks, or at other sites and

facilities approved by the Township, and for the General Fund of the Township.

### § 138-6. Violations and penalties.

1. Any person who violates or permits a violation of this chapter shall be guilty of a summary violation and, upon conviction, shall be sentenced to pay a fine of not more than $1,000, plus all court costs, including reasonable attorney's fees, incurred by the Township in the enforcement of this chapter. Each day a violation exists shall constitute a separate offense. In default of the payment of any fine, the defendant shall be sentenced to imprisonment to the extent allowed by law for the punishment of summary offenses. Further, the appropriate officers or agents of the Township are hereby authorized to seek any other available relief at law or equity, including injunction, to enforce compliance with this chapter.
2. Parents and/or legal guardians of person(s) less than 18 years of age will be held liable for any/all fines assessed, and/or damages incurred by those persons to Township Park properties.

**Chapter 141**

# PEACE AND GOOD ORDER

### [HISTORY: Adopted by the Board of Supervisors of the Township of Tredyffrin as Ch. VI, Art. 1, of the 1979 General Laws of the Municipality of Tredyffrin. Amendments noted where applicable.]

**GENERAL REFERENCES**

**Air pollution — See Ch. 64. Animals — See Ch. 71.**

**Brush, grass and weeds — See Ch. 77. Carnivals and fairs — See Ch. 92.**

**Firearms — See Ch. 108. Littering — See Ch. 126. Nuisances — See Ch. 131.**

### § 141-1. Disturbing the peace, noise and disorderly conduct defined and prohibited. [Amended 7-14-2003 by Ord. No. HR-317]

Disturbing the peace, within the meaning of this chapter, shall constitute the causing, making, or permitting to be made, anywhere in Tredyffrin Township, any excessive or unreasonable noise, clamor, din or other sounds tending to disturb the peace and quiet of the community or the carrying on of any business, trade, transportation, recreation or amusement at any time in a place or manner or of a duration which causes any excessive or unreasonable noise or disturbance. Any and all such noises and disturbances are hereby prohibited. All noises or other sounds shall be considered to be excessive and unreasonable and to constitute disorderly conduct, even though they are no louder than is customary and are unavoidable sounds or noises attendant upon the ordinary use and occupation of business, trade, transportation, recreation or other amusement, if they are made during hours other than usual and customary hours for such work or activity, or as expressly prohibited in this chapter. Except in case of emergency, no person shall carry on any activity at a time, in a manner or of a duration which causes any annoyance that disturbs the peace and quiet of the immediate neighborhood.

### § 141-2. Particular conduct prohibited. [Amended 7-14-2003 by Ord. No. HR-317]

Without in any manner intending to limit or restrict the generality of the above definition of and prohibition against disturbing the peace, the following are hereby declared to constitute excessive or unreasonable noise, disturbing the peace and/or disorderly conduct.

1. The excessive or unreasonable sounding of automobile horns, sirens, bells, whistles or other warning devices. The operators of motor vehicles shall at all times exercise due care and foresight in their operation and shall not substitute the sounding or warnings for careful driving and the maintenance of proper control over their respective vehicles. It is not intended hereby to prohibit the use of such warning devices in emergencies or at times when, in the exercise of good judgment, a prudent operator would use such devices.
2. The playing, using or operating, or permitting to be played, used or operated any radio, tape player, cassette player, compact disc player, phonograph or other mechanical instrument, or singing, shouting or playing of musical instruments in such a manner and at such a time which is generally considered to be inappropriate and which excessively or unreasonably disturbs the peace and quiet of the

immediate neighborhood.

1. The creation of excessive or unreasonable noise in connection with the loading or unloading of any vehicle, the opening or destruction of bales, boxes, crates and containers or the delivery of local or other materials, merchandise or commercial products at a time of the day or night which excessively or unreasonably disturbs the peace and quiet of the immediate neighborhood.
2. The discharging of air guns, spring guns, rifles, firearms or paint guns of any kind or character whatsoever on or across the streets or highways or on or across any public property or Township park.
3. Loitering, lounging or congregating on the street corners or in front of any place of business in the Township.
4. Acting in a noisy, loud, boisterous and unseemly manner or in such a manner as to disturb the peace and quiet of the community in and about the streets or other public places of the Township.
5. Acting in and about the streets or other public places of the Township while visibly under the influence of intoxicating liquor or otherwise acting or conducting oneself so as to present an unruly, immoral or improper appearance.
6. The uttering in a loud audible fashion of vulgar, profane, immoral or abusive language in and about the streets or other public places of the Township.
7. Operating domestic power tools, including but not limited to lawn mowers, garden equipment, snow removal equipment, power saws, sanders and other equipment used for building repair or ground maintenance, between the hours of 9:00 p.m. and 7:00 a.m.
8. Construction activity between the hours of 8:00 p.m. and 7:00 a.m., except in the case of an emergency.

### § 141-3. Violations and penalties. [Amended 10-19-1998 by Ord. No. HR-278; 10-2-2000 by Ord. No. HR-290]

Any person who violates or permits a violation of this chapter shall be guilty of a summary violation and, upon conviction, shall be sentenced to pay a fine of not more than $1,000, plus all court costs, including reasonable attorney's fees, incurred by the Township in the enforcement of this chapter. Each day a violation exists shall constitute a separate offense. In default of the payment of any fine, the defendant shall be sentenced to imprisonment to the extent allowed by law for the punishment of summary offenses. Further, the appropriate officers or agents of the Township are hereby authorized to seek any other available relief at law or equity, including injunction, to enforce compliance with this chapter.

## Chapter 143 PEDDLING AND SOLICITING

### [HISTORY: Adopted by the Board of Supervisors of the Township of Tredyffrin as Ch. III, Art. 1, of the 1979 General Laws of the Municipality of Tredyffrin. Amendments noted where applicable.]

**§ 143-1. General regulations.**

From and after the enactment hereof, it shall be unlawful for any person, not exempted by § 143-6 hereof, who is not the holder of a valid and unexpired license issued pursuant to this chapter to engage in selling, purchasing or soliciting the sale or purchase of food, printed matter, services, goods, wares or merchandise of any description or in soliciting contributions, gifts or pledges of money or any other thing of value by visitation to private homes or residences or on the public streets or highways of Tredyffrin Township.

### § 143-2. Application for license.

1. Any person, not exempted by § 143-6 hereof, desiring to obtain a license to engage in the activities described in § 143-1 above shall make application thereof, in person, to the Township Manager. The applicant shall supply, over his signature, the following information:
   1. His name.
   2. His place and date of birth.
   3. His temporary address.
   4. His residence address.
   5. The address at which he will receive notices under this chapter.
   6. The name and address of his employer or principal, if any, and the nature of the business activity thereof.
   7. The nature of the business or activity in which the applicant wishes to engage within the township.
   8. A statement as to whether the applicant has been convicted of any crime other than of minor traffic violations and, if so, of what crime or crimes.
2. The applicant shall, together with his application, submit to the Township Manager his photograph, the fingerprints of his two hands and a written description of himself, all recorded by the Tredyffrin Township Police, and shall pay a fee amount as set from time to time by resolution of the Board of Supervisors to defray the cost of administering this chapter.
3. Upon submission of said application and supporting evidence of identification and the payment of fee as aforesaid, there shall be issued to the applicant a license in the form of a card which shall, unless revoked, entitle the licensee to engage in the activities described in § 143-1 above, for a period of one year from the date of issuance.
4. Licenses may be renewed annually upon payment of the fee hereinabove provided for and amendment of the original application to reflect any changes necessary in the information therein contained.
5. A permit card issued pursuant to this chapter is not transferrable to any other person or entity. A

permit card issued pursuant to this chapter is not transferable to any employee or agent of a licensee who is not listed in the licensee's permit card application. A separate application shall be filed and a separate permit fee shall be paid by each person who shall actually conduct the soliciting or peddling and shall apply where an employer desires to secure permit cards for his employees or agents. **[Added 9-17-2018 by Ord. No. HR-421]**

### § 143-3. Rules of conduct.

Every person to whom a license has been issued hereunder shall, in the carrying on of his business or activities in the township, comply with the following rules of conduct:

1. He shall carry his license card at all times and exhibit it upon request to any peace officer or any person upon whom he shall call or with whom he shall talk in carrying on his licensed activities.
2. He shall not permit any person to have possession of his license card and shall immediately report its loss to the Township Manager. He shall not cause or permit his license card to be altered or defaced.
3. He shall not enter or attempt to enter any dwelling house without invitation or permission of the occupant and shall immediately leave any premises upon request.
4. He shall not represent his license card to be an endorsement of himself or of his goods or services or of the goods or services of his principal or employer.
5. He shall immediately surrender his license card upon revocation of his license as hereinafter provided.
6. He shall peddle, solicit or distribute merchandise only between the hours of 9:00 a.m. and dusk, which for the purposes of this subsection is hereby defined as 30 minutes after sunset Monday through Saturday and is expressly prohibited on Sundays. **[Added 9-17-2018 by Ord. No. HR-421]**
7. He shall comply with "No Soliciting" notices posted on any property or business in the Township and comply with the standards relating to the "No Soliciting" registry established by § 143-6 of this chapter. **[Added 9-17-2018 by Ord. No. HR-421]**
8. He shall not engage in peddling or soliciting in a manner that is intended to or is likely to intimidate a person responding affirmatively to the peddling or soliciting activity; or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon a person's property. **[Added 9-17-2018 by Ord. No. HR-421]**

### § 143-4. Revocation of license. [Amended 10-19-1998 by Ord. No. HR-278]

Any license hereafter issued may be revoked by the Board of Supervisors upon the failure of the licensee to comply with the standards of conduct established by § 143-3 hereof or upon ascertainment that the licensee has made any false statement in his application for license hereunder. Notice of revocation shall be given by written notice personally served or sent by certified mail to the address designated for this purpose in the application for license.

### § 143-5. Request for reinstatement.

Any person whose license has been revoked shall be entitled to appear, with counsel, if he so desires, before the Board of Supervisors at a regular or special meeting and be heard in behalf of a request for reinstatement of his license.

### § 143-6. List of homes not wishing to be solicited. [Amended 10-19-1998 by Ord. No. HR-278; 9-17-2018 by Ord. No. HR-421]

1. Any resident of Tredyffrin Township may register with the Tredyffrin Township Police Department by signing a registration application indicating that such owner or resident of such home does not wish to be solicited.
2. Any person seeking a permit card under the provisions of this chapter shall, in signing the application to obtain the same, agree that he or she will not solicit homes whose owners or residents have signed a registration list which indicates that such owner or resident of such home does not wish to be solicited. Such a list shall be held by the Police Department, and a copy thereof shall be given to each person obtaining a license and identification card under the provisions of this chapter. In the event that such person soliciting within the boundaries of the Township shall fail to recognize the wishes of the homeowner or the resident of such home expressed in the notice, then any such attempt to solicit such home shall result in revocation of the solicitor's license and identification card.

### § 143-7. Exemption from licensing.

The following persons are exempted from the licensing requirements of this chapter:

1. Persons soliciting contributions in behalf of organizations or nonprofit corporations exempted from the provisions of or duly registered pursuant to the Act of 1925, May 13, P.L. 644, as amended;**95** who, while soliciting, are possessed of a card or other written evidence of their appointment or authority to solicit for said organization or corporation.
2. Farmers engaged in selling only the produce of their own farms from a truck or other vehicle.
3. Persons who have been licensed by the Commonwealth of Pennsylvania to engage in an activity described in § 143-1 above, when so engaged; including, without limitation to real estate, insurance or securities brokers and salesmen.
4. Minors who are members of civic organizations or who are involved in school-sanctioned fund- raisers. **[Amended 10-19-1998 by Ord. No. HR-278]**

### § 143-8. Violations and penalties. [Amended 10-19-1998 by Ord. No. HR-278; 10-2-2000 by Ord. No. HR-290]

Any person who violates or permits a violation of this chapter shall be guilty of a summary violation and, upon conviction, shall be sentenced to pay a fine of not more than $1,000, plus all court costs, including reasonable attorney's fees, incurred by the township in the enforcement of this chapter. Each day a violation exists shall constitute a separate offense. In default of the payment of any fine, the defendant shall be sentenced to imprisonment to the extent allowed by law for the punishment of summary offenses. Further, the appropriate officers or agents of the township are hereby authorized to seek any other available relief at law or equity, including injunction, to enforce compliance with this chapter.

* 1. **Editor's Note: See now 10 P.S. § 162.1 et seq., the Solicitation of Funds for Charitable Purposes Act.**

## Chapter 145 (RESERVED)

**[Former Ch. 145, Plumbing, which consisted of Art. I, Licensing Regulations, adopted as Ch. XI, Art. 1, of the 1979 General Laws of the Municipality of Tredyffrin, as amended, and Art. II, Plumbing Standards, adopted 10-21-1996 by Ord. No. HR-254, was repealed 5-3-2004 by Ord. No. HR-327. For current provisions, see Ch. 80, Building Construction.]**

## Chapter 149 PROPERTY MAINTENANCE

### [HISTORY: Adopted by the Board of Supervisors of the Township of Tredyffrin 8-20-2007 by Ord. No. HR-359.96 Amendments noted where applicable.]

**GENERAL REFERENCES**

**Brush, grass and weeds — See Ch. 77. Building construction — See Ch. 80. Nuisances — See Ch. 131.**

**Solid waste — See Ch. 168. Zoning — See Ch. 208.**

### § 149-1. Title.

This chapter shall be known as the "Tredyffrin Township Property Maintenance Code" and may be referred to herein as "this chapter."

### § 149-2. Purposes.

The purposes of this chapter are to establish minimum standards of property maintenance to: (1) protect, preserve and promote the safety, physical and mental health and social well-being of the citizens of Tredyffrin Township and the general public; and (2) to reduce environmental hazards to health. Further purposes of this chapter are to establish the responsibilities of owners and occupants for compliance with the standards included herein, to make provision for administration and enforcement and to fix penalties for violations thereof.

### § 149-3. Scope.

The provisions of this chapter shall apply uniformly to the maintenance and use of all buildings, structures and premises, including individual residential, commercial, industrial and institutional uses and uses included in shopping centers and industrial parks. The provisions shall apply uniformly to existing premises, buildings and structures, irrespective of when or under what codes said buildings were originally constructed, altered or repaired, and to all buildings and structures hereafter constructed.

### § 149-4. Definitions; word usage.

Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meanings indicated in this section. Words used in the present tense include the future, the singular number includes the plural, and the plural the singular. Where terms are not defined in this section but are defined in the Township Building Code, they shall have the meanings ascribed to them as in the building code. Where terms are not defined under the provisions of this chapter or under the provisions of the building code, they shall have ascribed to them their ordinarily accepted meanings or such as the context herein may imply.

* 1. **Editor's Note: This ordinance also repealed former Ch. 149, Property Maintenance, which consisted of Art. I, Nonresidential Property, adopted 5-4-1981 by Ord. No. HR-57 (Ch. VI, Art. 6, of the 1979 General Laws of the Municipality of Tredyffrin), as amended.**

COMPOST — Relatively stable decomposed or decomposing organic matter.

DETERIORATION — The exterior condition of a building or part thereof, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay, resulting from neglect, inadequate maintenance or excessive use.

EXPOSED TO PUBLIC VIEW — Any premises or any part thereof, or any building or any part thereof, which may be lawfully viewed by the public from a public street, sidewalk or right-of-way.

EXTERMINATION — The control and elimination of insects, rodents, vermin and other pests.

GARBAGE — Putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food or other organic materials.

INFESTATION — The presence of insects, rodents, vermin or other pests on the premises which constitutes a health hazard.

#### NUISANCE —

* + 1. Any public nuisance known at common law or in equity jurisprudence or as provided by the statutes or regulations of the Commonwealth of Pennsylvania or the ordinances or regulations of Chester County or of Tredyffrin Township.
    2. Any attractive nuisance which may prove detrimental to the health or safety of persons whether in a building, on the premises of a building or upon an unoccupied lot. This includes, but is not limited to, abandoned wells, shafts, basements, excavations, abandoned refrigerators, motor vehicles, or other equipment, trash or debris, which may prove hazardous to inquisitive persons.
    3. Unsanitary conditions or anything dangerous to health in violation of this chapter.

OPERATOR — Any person who has charge, care or control of a building premises or a part thereof, whether with or without the knowledge and/or consent of the owner.

OUTSIDE PREMISES — Open space on the premises outside of any building thereon.

OWNER — Any person who, alone or jointly or severally with others, shall have legal or equitable title to any premises, with or without accompanying actual possession thereof, or shall have charge, care or control of any premises as owner or agent of the owner or as executor, administrator, trustee, receiver or guardian of the estate or as a mortgagee in possession, regardless of how such possession was obtained. Any person who is a lessee subletting or reassigning any part or all of any premises shall have joint responsibility over the portion of the premises sublet or assigned by said lessee.

PREMISES — A lot, plot or parcel of land, including the buildings or structures thereon, which is subject to the provisions of this chapter.

PUTRESCIBLE — Liable to undergo putrefaction; becoming rotten and foul-smelling.

REFUSE — All putrescible and nonputrescible solid waste (except body wastes), including but not limited to glass, garbage, rubbish, ashes, street cleanings, dead animals, uninspected or unregistered vehicles and solid market and industrial wastes.

RUBBISH — Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

WEATHERING — Deterioration, decay, rotting or damage caused by exposure to the elements.

WEED — Any rank vegetative growth, including, but not limited to, poison ivy, jimsonweed, burdock,

ragweed, thistle, nettle, sumac, goldenrod, tall grasses in excess of twelve (12) inches in height, cocklebur, plants of obnoxious odors or any other plant or vegetation whatsoever not edible or planted for ornamental or agricultural purposes. Weeds shall not include trees, shrubs, crops, cultivated flowers or gardens.

### § 149-5. Minimum requirements for building exterior and outside premises.

1. Outside premises. All outside premises, whether occupied or vacant, shall be kept free of unsanitary conditions and of all nuisances and any hazards to the safety of occupants, pedestrians and other persons utilizing or exposed to the premises. Unsanitary conditions, nuisances and hazards include, but are not limited to, the following for any outside premises:
   1. Vegetation, defined as:
      1. Excessive weeds.
      2. Hedges, trees, shrubs or other vegetation that obstruct the approach sight distance of any highway, street, driveway, traffic signal, traffic signal sign or crosswalk.
      3. Dead and dying trees and limbs or other natural growth which, by reason of rotting or deteriorating conditions or storm damage, constitute a hazard to persons in the vicinity thereof. Trees shall be kept pruned and trimmed to prevent such conditions.
   2. Loose and overhanging objects and accumulations of ice and snow which by reason of location above ground level constitute a danger of falling on and causing injury or damage to persons or property in the vicinity thereof.
   3. Ground surface hazards or unsanitary conditions, including holes, excavations, breaks, projections, obstructions, icy conditions, uncleared snow and excretion of animals on paths, walks, driveways, parking lots and parking areas, and other parts of the premises which are accessible to and used by persons on the premises.
   4. Recurring accumulations of stormwater. Adequate runoff drains shall be provided and maintained to eliminate any recurrent or excessive accumulation of stormwater.
   5. Sources of infestation. All structures and outside premises shall be kept free from insect infestation and rodent harborage.
   6. All sidewalks, walkways, public driveways, parking spaces and similar areas on or abutting the property shall be maintained free from conditions that are hazardous to pedestrians, including but not limited to permanent or semipermanent obstructions. Branches or limbs that overhang such walkways shall be no less than seven (7) feet above the walkway below.
   7. No uninspected or unregistered motor vehicle shall be stored on an outside premises at any time in a state of major disassembly, disrepair, or in the process of being stripped or dismantled for longer than thirty (30) days. Inoperable vehicles may not be stored on an outside premises for longer than thirty (30) days.
   8. All premises shall be kept free from an accumulation of rubbish and refuse. The owner of every occupied premises shall supply leakproof containers with tight-fitting covers for rubbish and garbage, and the owner of the premises shall be responsible for the removal of rubbish and garbage. Every occupant of a structure shall dispose of all rubbish and garbage in a sanitary manner by placing such rubbish in containers. Composting material placed in piles, ventilated bins or pits shall not be considered garbage, rubbish or refuse, provided the material is

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periodically turned or mixed. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on an outside premises without first removing the doors.

1. Landscaping. Premises with landscaping and lawns, hedges and bushes shall be kept from becoming overgrown and unsightly where exposed to public view, so that they do not constitute a blighting factor to adjoining property.
2. Exterior of buildings and structures. The following maintenance requirements shall apply to the exterior of all buildings and structures, including accessory buildings and structures:
   1. The exterior of every structure or accessory structure (including fences) shall be maintained in a condition or state of repair which is free of broken or missing glass, loose shingles, crumbling stone or brick, excessive peeling paints, rotted wood or other condition indicative of deterioration or inadequate maintenance to the end that the property itself may be preserved in good condition, safety and fire hazards eliminated and so rain, rodents, insects, vermin or other pests or animals likely to cause deterioration shall be prevented from entering.
   2. Exterior porches, landings, balconies, stairs, fire escapes, banisters, railings and decorative features such as cornices, beltcourses, corbels, terra cotta trim and wall facings shall be kept structurally sound and properly maintained.
   3. Foundation walls, columns, posts, piers, chimneys, handrails, guards and other structural members shall be kept structurally sound and free from defects and damage.
   4. Windows, exterior doors and basement hatchways shall be substantially tight, within frames when closed, and kept in sound condition and repair, without open cracks or holes.
   5. Roofs and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.
   6. Swimming pools shall be maintained in good repair and in a sanitary condition. Private swimming pools, hot tubs and spas containing water more than 24 inches in depth shall be completely surrounded by a fence or barrier at least 48 inches in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when in an open position of six inches from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier. Spas or hot tubs with a safety cover that complies with ASTM F1346 or subsequent amendment shall be exempt from the provisions of this amendment.
   7. In the event that the exterior surface of any structure or building on any public or private property has been defaced or damaged by a marking, carving or graffiti, it shall be the responsibility of the property owner to remove or repair any such marking, carving or graffiti within 10 business days.
3. Maintenance of commercial, industrial and institutional uses. In addition to the maintenance requirements for outside premises and exterior structures of Subsections A through C above, the owner and/or the lessees, assignee or entity responsible by contract for maintenance of any shopping

center, industrial park or other commercial, industrial or institutional use shall be responsible for:

* 1. Full maintenance, repair and cleanliness of all roadways, parking areas, lawns, landscaped areas and buffer strips and other outside premises, including the regular removal of litter and refuse and mowing of lawn areas.
  2. Repainting or remarking of traffic lines and lanes indicating parking spaces, traffic flow, fire lanes, pedestrian walkways and other traffic control designations, so as to be clear and conspicuous at all times.
  3. The maintenance and replacement or repair of paving, bumper blocks, guide rails and lighting installations in parking areas and entrances thereto.
  4. The maintenance of any fences in good repair along the perimeter of the premises.
  5. The prompt removal or abatement of any nuisance and any hazard to the health and safety of occupants, pedestrians, motorists and other persons utilizing or exposed to the premises.
  6. The removal and replacement of plantings or other landscaping features which were required as a condition of site plan or other approval, but which did not survive.
  7. The maintenance of all signs in good repair. Any sign which has weathered excessively or faded or the paint on which has excessively peeled or cracked such that the sign no longer serves its intended purpose shall, with its supporting members, be removed or put into a state of good repair. All nonoperative electrical signs shall be repaired or shall, with their supporting members, be removed. All signs shall comply with Zoning Ordinance requirements.**97**
  8. The maintenance of any awning or marquee in good repair. Such awning or marquee shall not show evidence of excessive weathering, discoloration, ripping, tearing or other deterioration and shall not constitute a nuisance or safety hazard.
  9. Providing a minimum of one working bathroom and one drinking facility for employees that are accessible from within the employees' working area. The floor of every bathroom shall be maintained with a hard, smooth and nonabsorbent surface to permit such floor to be kept in a sanitary condition. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in bathrooms.
  10. Supplying indoor occupiable work spaces with heat during the period from October 15 to April 15 to maintain a temperature of not less than 65° F. during the period the spaces are occupied. The required room temperatures shall be measured three feet above the floor near the center of the room and two feet inward from the center of each exterior wall.
  11. The maintenance of the electrical system free from hazards. Any defects relating to inadequate service, improper fusing, improper wiring or installation, deterioration or damage shall be corrected to eliminate the hazard.
  12. Providing a safe, continuous and unobstructed path of travel from any point in a building or structure to a public way. All means of egress doors and emergency openings shall not be blocked or obstructed or otherwise made inoperable. All means of egress doors and emergency openings shall be readily openable from the side from which egress is to be made without the
  13. **Editor's Note: See Ch. 208, Zoning.**

need for keys, special knowledge or effort. Bars, grilles, gates or similar devices are permitted to be placed over emergency escape and rescue openings, provided the minimum net clear opening size complies with the building code that was in effect at the time of construction, and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape-and-rescue opening.

* 1. Providing adequate handrails and guards. Every flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, ramp or other walking surface which is more than 30 inches above the floor or grade below shall have guards. Handrails shall not be less than 30 inches high or more than 42 inches high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Except where exempt by the building code, guards shall not be less than 30 inches high above the first floor of the landing, balcony, ramp or other walking surface.
  2. The maintenance of plumbing systems. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects. Where it is found that a plumbing system constitutes a hazard by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the Code Official shall require the defects to be corrected to eliminate the hazard.

### § 149-6. Vacant or unsafe structures.

1. Closing of vacant structures. All vacant structures and premises thereof or vacant land shall be maintained in a safe, secure and sanitary condition so as not to adversely affect public health or safety. If a structure is vacant and unfit for human habitation and occupancy and is not in danger of structural collapse, the Code Official is authorized to order the structure closed up so as not to be a nuisance. Upon failure of the owner to close up a vacant premises within the time specified in the order, the Code Official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons, and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.
2. Emergency measures. When there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of any structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure, the Code Official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Code Official shall cause to be posted at each entrance to such structure a notice reading as follows: "This structure is unsafe and its occupancy has been prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or demolishing the same. The Code Official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe and shall cause such other action to be taken as the Code Official deems necessary to meet such emergency. The Township may institute appropriate action against the owner of the premises where the unsafe structure is or was for the recovery of any costs incurred by the Township in the performance of emergency work.
3. Demolition. The Code Official shall order the owner of any structure which is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and

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make safe and sanitary or to demolish and remove at the owner's option; or when there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure. If the owner of a structure fails to comply with a demolition order within the time prescribed, the Code Official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

### § 149-7. Enforcement.

The Director of the Department of Building and Zoning is hereby designated to enforce the provisions of this chapter. The Director of Building and Zoning shall be appointed by the Township Manager and shall be certified by the Commonwealth of Pennsylvania to serve as the Township's Building Code Official. The Director may designate building inspectors in the Department to make inspections and perform such other duties as may be necessary to the enforcement of this chapter, who shall also be certified by the Commonwealth of Pennsylvania under the Uniform Construction Code Act. The Director of Building and Zoning and building inspectors shall be referred to in this chapter as "Code Official." Code Officials shall have the right to issue necessary notices of violations and orders to abate illegal or unsafe conditions and, in the event of noncompliance, to institute appropriate actions at law or in equity. Code Officials shall have the right to enter any property or structure: (1) pursuant to an administrative warrant; (2) that is abandoned;

(3) with the consent of the owner or occupant; or (4) in the case of exigent circumstances, including imminent danger of injury to any person or serious damage to property. An administrative warrant shall be issued by a magisterial district justice or other court of competent jurisdiction upon a showing of: (1) specific evidence of an existing statutory or regulatory violation; or (2) a reasonable plan supported by a valid and neutral public interest.

### § 149-8. Responsibilities of owners and occupants.

1. In the absence of specific contractual agreements between owners and occupants with respect to responsibilities for compliance with the requirements of this chapter, the following shall apply:
   1. Responsibility for maintaining premises in a clean and sanitary condition:
      1. Single unit: owner and/or occupant, at the Township's discretion.
      2. Building containing two or more units: owner for shared or public areas of the premises; owner and/or occupant, at the Township's discretion, for all other areas.
   2. Responsibility for structural repairs, maintenance and painting of the exterior of the building, parking lot, sidewalk and curb repairs, common lawn and landscaped areas maintenance and other requirements, other than those provided for in Subsection A(1)(a) above: owner.
2. No owner shall be relieved of responsibility for compliance nor be entitled to defend against any change or violation thereof by reason of the fact that he has contracted with an agent to be responsible therefor or by reason of the fact that the owner's agent or the occupant is also jointly responsible therefor and in violation thereof.

### § 149-9. Notices.

1. The Code Official shall issue all necessary notices or orders to ensure compliance with this chapter. Whenever the Code Official determines that there has been a violation of this chapter or has grounds to believe that a violation has occurred, notice shall be given to the owner of the property, the lessee

of the property, and/or the person responsible for the violation as specified in this chapter.

1. The form of such notice shall be in accordance with all of the following:
   1. Be in writing.
   2. Include the Chester County tax parcel identification number and address for the real estate.
   3. Include a statement of the violation or violations and why the notice is being issued.
   4. Include a correction order allowing a minimum of ten (10) days to make the repairs and improvements required to bring the premises into compliance with the provisions of this chapter. The number of days granted for compliance shall be computed by excluding the date of receipt and counting the last day, regardless of whether the same falls on a weekend or holiday.
   5. Inform the property owner, lessee and/or the person responsible for the violation of the right to appeal.
   6. Include a statement of the right to file a lien in accordance with the provisions of this chapter.
2. Such notice shall be deemed to be properly served if a copy thereof is:
   1. Delivered personally;
   2. Sent by certified or first-class mail to the owner of record as indicated by the Chester County Tax Department and/or the occupant; or
   3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the premises affected by such notice.
3. Said notice requirement to invoke the penalty provisions of this chapter shall not be required, however, in the event of an emergency situation where there is imminent danger of substantial harm to property or threat to human life. In such a situation, personal notice to the owner or occupant of the property shall constitute the necessary notice required to invoke the penalty provisions of this chapter.

### § 149-10. Violations and penalties.

Any person, firm, corporation, partnership or other entity who or which violates or permits a violation of this article, after notice as set forth in § 149-9 above, upon being found liable in a civil enforcement proceeding, shall pay a fine of not more than $1,000, plus all court costs, including reasonable attorney's fees, incurred by the Township in the enforcement of this chapter. No judgment shall be imposed until the date of the determination of the violation by the District Justice and/or Court of Common Pleas of Chester County. If the defendant neither pays nor timely appeals the judgment, the Township may institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of unlawful occupancy of the premises in violation of the provisions of this chapter. Each day a violation continues after due notice has been served shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.

### § 149-11. Means of appeal.

The Township has formed an ICC Board of Appeals (Board), which Board shall hear and decide appeals, orders, decisions or determinations made by the Code Official relative to the application and interpretation of all building and property maintenance codes, including this chapter. Any person directly affected by a

decision of the Code Official or a notice or order issued under this chapter shall have the right to appeal to the Board, provided that a written request for appeal is filed within 30 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of the code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this chapter do not fully apply, or the requirements of this chapter are adequately satisfied by other means. The members of the Board shall be appointed by the Board of Supervisors and shall be governed by the rules and regulations adopted by the Township. Appeals of notices and orders, other than notices regarding imminent dangers, shall stay the enforcement of the notice and order until the appeal is heard by the Board.

### § 149-12. Conflict of ordinances.

In any case where a provision of this chapter is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code of Tredyffrin Township, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

### § 149-13. Severability.

If a section, subsection, sentence, clause or phrase of this chapter is, for any reason, held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this chapter.

### § 149-14. Liability.

The Code Official or any subordinate charged with enforcement of this chapter, while acting for Tredyffrin Township, shall not thereby be rendered liable personally and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties, with the exception of conduct that is intentional, willful, outrageous or malicious. Any suit initiated against any Code Official in the lawful discharge of duties and under the provisions of this chapter shall be defended by the legal representative of Tredyffrin Township until the final determination of the proceedings. The Code Official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this chapter, and any employee of the Department of Building and Zoning, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

**Chapter 150**

# PROPERTY REGISTRATION FOR SHORT-TERM RENTALS

### [HISTORY: Adopted by the Board of Supervisors of the Township of Tredyffrin 12-5-2022 by Ord. No. HR-460. Amendments noted where applicable.]

**§ 150-1. Purpose.**

It is the purpose of this chapter to protect and promote the public health, safety and welfare of the residents of Tredyffrin Township; to establish the obligations of owners of dwelling units used as a short-term rental within Tredyffrin Township; to provide information through the registration of the use with Tredyffrin Township; and to improve the maintenance of short-term rentals and preserve the quality of neighborhoods in which they are located.

### § 150-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated: DWELLING UNIT — As defined in § 208-6 of the Tredyffrin Code.

EVENT SPACE — A location where a celebration, ceremony, wedding, reception, corporate function, or similar activity for the benefit of someone other than the property owner takes place on a periodic basis, involving the gathering of individuals assembled for the common purpose of attending a special event.

FAMILY — As defined in § 208-6 of the Tredyffrin Code. OWNER — As defined in § 208-6 of the Tredyffrin Code.

SHORT-TERM RENTAL — As defined in § 208-6 of the Tredyffrin Code.

### § 150-3. Permit required; registration.

1. All short-term rentals shall submit an application for a permit with the Township. The permit shall be valid for one year and must be resubmitted annually to continue to operate the short-term rental. Failure to renew the permit annually will result in immediate termination of the permit. The permit fees shall be as set forth in the Township's Fee Schedule. The Board of Supervisors may establish by resolution, which may be amended from time to time, reasonable fees for the costs the administration and enforcement of this chapter. The application fee shall be submitted with the rental permit application.
2. No short-term rental shall be occupied by a tenant(s) without a rental permit.
3. The owner(s) of the short-term rental shall register the use with the Township at least 30 days prior to the occupancy of the short-term rental, on forms provided by the Township, which shall include the following information:
   1. Address of the short-term rental.
   2. Description of the portion of the subject property that constitutes the home, including accessory structures, off-street parking facilities, driveways, garages, sheds, swimming pools and trash receptacles.
   3. Name, permanent address, mailing address, phone number, fax number and email address of the owner, noting whether the owner(s) are individuals, limited-liability companies/partnerships,

property trusts, private corporations, or public corporations. In the case of all ownership except that of individuals, the names of the agents or officers of the owner shall be set forth therein with their permanent address, mailing address, phone number, fax number and email address as it applies to the acting agent or officer for the owner.

* 1. The name, address, telephone number and email address of the owner. If the owner does not have a managing agency, agent or local contact person, then the owner shall provide a twenty- four-hour telephone number. If the owner uses a managing agency, agent or local contact person, then such managing agency, agent or local contact person shall have written authorization to accept service for the owners.
  2. At all times, the owner or a management company must be located within 15 miles from the short-term rental. An agent or local contact person must be selected to act as a person in charge for the short-term rental. The name, address and twenty-four-hour telephone number of the managing agency, agent or local contact person shall be provided in the rental permit application.

1. If, during the term of the rental permit, the names and above-listed contact information changes, the owner(s) shall submit a supplemental permit application, within five days of the changes, to the Township, to include the new contact information for the rental permit.

### § 150-4. Conduct and activities.

1. Every owner of a short-term rental shall be responsible for regulating the proper use and occupancy of the short-term rental in accordance with this chapter and for regulating the proper conduct and activities of their tenants and guests. Subsections B through C below shall be incorporated as a supplemental rental agreement for short-term rentals in the Township.
2. Improper conduct and activities shall be, but not limited to, the following conduct and activities within the short-term rental or on the premises thereof:
   1. Violation of obligations imposed by this chapter and all applicable codes and ordinances of the Township.
   2. Short-term rentals shall comply with the parking standards contained within § 208-103C(28) of the Zoning Ordinance. In no event shall required parking for short-term rental tenant(s) and/or guests include spaces in any public street, right-of-way or on any lawns or vegetated areas. In no case shall any vehicles park on any lawn or vegetated area on the property.
   3. Short-term rental tenants and guests shall not engage in disorderly conduct or disturb the peace and quiet of any nearby neighborhood or person by loud, unusual or excessive noise (including fireworks), by tumultuous or offensive conduct, public indecency, threatening, quarreling, challenging to fight, or fighting, or creating a dangerous or physically offensive condition.
   4. The owner shall use best efforts to assure that the tenant(s) and/or guests of the short-term rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or otherwise violate provisions of the Township Code or any state law pertaining to noise or disorderly conduct, including, but not limited to, notifying the tenant(s) and/or guests of the rules regarding short-term rentals and remedying the issue when notified that tenant(s) and/or guests are violating laws, ordinances or regulations regarding their occupancy.
   5. Except for trash pickup day, trash and refuse shall not be left or stored on the exterior of the

#### § 150-4 PROPERTY REGISTRATION FOR SHORT-TERM

property.

1. The short-term rental shall not be used as an event space.

### § 150-5. Enforcement.

1. This chapter is not intended, nor shall its effect be, to limit any other enforcement remedies which may be available to the Township against an owner, tenant(s) and/or guest thereof found in this code or applicable law.
2. The Township Manager is authorized to designate the officials of the Township to enforce this chapter.

### § 150-6. Violations and penalties.

1. In the interest of protecting and promoting the public health, safety and welfare, and minimizing the burden on Township and community services and the negative impacts on residential neighborhoods posed by short-term rentals, a violation of any of the provisions of this chapter shall be declared to be a public nuisance.
2. This chapter shall be enforced by an action brought before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person, partnership, corporation or other entity who or which violates or permits a violation of the provisions of this chapter shall, upon conviction in a summary proceeding, pay a fine of not less than $100 nor more than $1,000 per violation, plus all court costs and reasonable counsel fees incurred by the Township in the enforcement proceedings and/or be imprisoned to the extent permitted by law for the punishment of summary offenses. Each day or portion thereof that a violation exists or continues shall constitute a separate violation. Further, the appropriate officers or agents of the Township are hereby authorized to institute appropriate actions or proceedings at law or in equity to enforce compliance with this chapter. All fines, penalties costs, and reasonable counsel fees collected for a violation of this chapter shall be paid to the Township for its general use.
3. In addition to, but not in limitation of, the provisions of § 150-4, the Township may either revoke or deny an application to renew a short-term rental permit for three uncured or repeated violations of this chapter in any rolling twelve-calendar-month period. The revocation or denial to renew a short- term rental permit shall continue for one year from the date of the third violation.

TREDYFFRIN CODE § 151-3

**Chapter 151**

# PROPERTY REGISTRATION FOR STUDENT HOMES

### [HISTORY: Adopted by the Board of Supervisors of the Township of Tredyffrin 8-16-2010 by Ord. No. HR-383. Amendments noted where applicable.]

**GENERAL REFERENCES**

**Property maintenance — See Ch. 149. Zoning — See Ch. 208.**

### § 151-1. Intent; objective.

It is the purpose of this chapter to protect and promote the public health, safety and welfare of the residents of Tredyffrin Township; to establish the obligations of owners and student tenants of dwelling units used for student homes within Tredyffrin Township to provide information through the registration with Tredyffrin Township of rental agreements; and to improve the maintenance of student homes and preserve the quality of neighborhoods.

### § 151-2. Definitions.

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

DWELLING UNIT — A single unit providing complete, independent living facilities, including permanent provisions for living, sleeping, eating, cooking and sanitation.

FAMILY — As defined in § 208-6 of the Tredyffrin Township Zoning Ordinance.

OWNER — The record owner(s) or the record owner's agent, including but not limited to operator or manager, of a student rental unit.

RENTAL AGREEMENT — A written agreement, including but not limited to a contract or tease, between the owner and student tenant(s), embodying the terms and conditions concerning the use and occupancy of student homes.

STUDENT HOME — A dwelling unit used and or leased by a student tenant(s), except if all the student tenants are family of the owner of the dwelling unit or the dwelling unit is leased and used only by a family, as the family's primary residence. student homes shall not include dormitories and apartments as defined by the Tredyffrin Township Zoning Ordinance.

STUDENT TENANT — An individual who has made application and been accepted at or is enrolled or has been enrolled within the last 12 months prior to the first date of occupancy at a university, college or trade school, and whose primary occupation is a student, including both undergraduate and graduate students alike, residing in a dwelling unit governed by this chapter.

### § 151-3. Registration of rental agreements.

1. No student home shall be occupied by a student tenant(s) in excess of 10 days without a rental agreement. Such rental agreement shall be submitted to the Township at least 30 days prior to the occupancy of the student home by a student tenant(s).
2. No more than three student tenants may reside in a student home; and such residency of student

#### § 151-3 PROPERTY REGISTRATION FOR STUDENT HOMES § 151-4

tenants shall be limited to the student tenants listed on the rental agreement.

1. The owners of the student home shall register with the Township at least 30 days prior to the occupancy of the student home, on forms provided by the Township, which shall include the following information:
   1. Address of the student home.
   2. Description of the portion of the subject property that constitutes the student home, including accessory structures, off-street parking facilities, driveways, garages, sheds, swimming pools and trash receptacles.
   3. Name, permanent address, mailing address, phone number, fax number and email address of the owner; noting whether the owner(s) are individuals, limited liability companies/partnerships, property trusts, private corporations, or public corporations. In the case of all ownership except that of individuals, the names of the agents or officers of the owner shall be set forth therein with their permanent address, mailing address, phone number, fax number and email address as it applies to the acting agent or officer for the owner.
   4. Name, permanent street address, permanent mailing address, temporary mailing address while leasing the student home (if different then the permanent mailing address), phone number, fax number and email address of the student tenant(s) listed in the rental agreement. If a student tenant is not at least 18 years of age at the time of the execution of the rental agreement, then the information of the parent or legal guardian who executed the rental agreement on behalf of the student tenant must be listed in addition to that of the student tenant.
   5. The name of the college, university, or trade school at which the student tenant(s) will be enrolled for the term of the lease; the name of and contact information for the dean of students or official that holds a similar position at the college, university, or trade school.
2. If, during the term of the rental agreement the names and above-listed contact information for the owners, student tenants, or any party to the rental agreement changes, the owner is required to submit a supplemental registration within five days of the changes to the Township.
3. Subsections A through D above shall be attached to and incorporated into all rental agreements for student homes in the Township.

### § 151-4. Conduct and activities.

1. Every owner of a student home shall be responsible for regulating the proper use and occupancy of the student home in accordance with this chapter and for regulating the proper conduct and activities of their tenants and guests.
2. Improper conduct and activities shall be, but not be limited to, the following conduct and activities within the student home or on the premises thereof:
   1. Violation of obligations imposed by this chapter and all applicable codes and ordinances of the Township.
   2. Occupancy of the student home by an individual who would be a student tenant that is not a party to the rental agreement.
   3. Occupancy or use of the student home for purpose other than as a residential dwelling, unless

otherwise permitted by applicable law or ordinance.

* 1. Engaging in or permitting others to engage in any conduct declared illegal under the Pennsylvania Crimes Code, Liquor Code, or Controlled Substance, Drug and Device Cosmetic Act.**98**

### § 151-5. Enforcement.

1. This chapter is not intended, nor shall its effect be, to limit any other enforcement remedies which may be available to the Township against an owner, student tenant or guest thereof found in this Code or applicable law.
2. The Township Manager is authorized to designate the officials of the Township to enforce this ordinance.

### § 151-6. Violations and penalties.

Any person who violates or permits a violation of this chapter shall be guilty of a summary violation and, upon conviction, shall be sentenced to pay a fine of not less than $250 and not more than $1,000, plus all court costs and including reasonable attorney's fees incurred by the Township in the enforcement of this chapter. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek any other available relief at law or equity, including injunctive relief, to enforce compliance with this chapter,

### § 151-7. Fees.

The Board of Supervisors may establish by resolution, which may be amended from time to time, reasonable fees for the costs the administration and enforcement of this chapter to be charged at the time of filing the rental agreements and registrations.

* 1. **Editor's Note: See 18 Pa.C.S.A. § 101 et seq., 47 P.S. § 1-101 et seq., and 35 P.S. § 780-101 et seq., respectively.**

# QUARRIES

### [HISTORY: Adopted by the Board of Supervisors of the Township of Tredyffrin as Ch. VI, Art. 3,

**§ 303, of the 1979 General Laws of the Municipality of Tredyffrin. Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Subdivision and land development — See Ch. 181. Zoning — See Ch. 208.**

### § 156-1. Owner's responsibility.

Every owner or occupant of property in Tredyffrin Township on which a quarry is located shall erect a fence around the same in such a manner as to preclude trespassers or other unauthorized persons.

### § 156-2. Construction requirements.

The fences shall be constructed in such a manner and of materials sufficient to prevent unauthorized persons from gaining access to such quarries. The fences shall be at least six feet in height and constructed so as to prevent access under or through the fence.

### § 156-3. Owner's expense.

The fences shall be erected and properly maintained at the expense of the owner or occupant of the property on which the quarry is located.

### § 156-4. Violations and penalties.99

For any and every violation of the provisions of this chapter, the owner or occupant of property on which a quarry is located, upon being found liable therefor in a civil enforcement proceeding, shall pay a fine of not more than $600, plus all court costs, including reasonable attorney's fees, incurred by the township in the enforcement of this chapter. No judgment shall be imposed until the date of the determination of the violation by the District Justice and/or Court. 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 a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.

* 1. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

# SEWERS, UTILITIES AND SEWAGE DISPOSAL

### [HISTORY: Adopted by the Board of Supervisors of the Township of Tredyffrin as indicated in article histories. (Ordinance No. HR-310 amended the chapter title from "Sewers and Sewage Disposal" to "Sewers, Utilities and Sewage Disposal.") Amendments noted where applicable.]

**GENERAL REFERENCES**

**Municipal Authorities — See Ch. 9. Building construction — See Ch. 80.**

**Plumbing — See Ch. 145.**

**Subdivision and land development — See Ch. 181.**

ARTICLE I

**Use of Township Sewer System**

**[Adopted 6-13-1983 by Ord. No. HR-73 (Ch. V of the 1979 General Laws of the Municipality of Tredyffrin)]**

**§ 163-1. Definitions.**

Unless the context specifically indicates otherwise, the meaning of the terms used in this article shall be as follows:

ANALYTICAL METHODS — The laboratory and analytical procedures set forth in the latest revised edition of Standard Methods for the Examination of Water and Wastewater, as published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation, the latest revised edition of Methods for Chemical Analysis of Water and Wastes, compiled by the Environmental Protection Agency, or the latest revised edition of ASTM Standards. All wastewater analyses shall be performed in accordance with the above-prescribed publications.

BIOCHEMICAL OXYGEN DEMAND (BOD) — The quantity of oxygen, expressed in milligrams per liter, utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five days at 20º C. The standard laboratory procedure shall be found in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, Inc.

BUILDING DRAIN — That part of the lowest horizontal piping of a building drainage system which receives the discharge from other drainage pipes inside the walls of the building and conveys it to the lateral, beginning five feet outside the inner face of the building wall.

CHEMICAL OXYGEN DEMAND (COD) — A measure of the oxygen-consuming capacity of inorganic and organic matter present in sewage. It is expressed as the amount of oxygen consumed from a chemical oxidant.

CHLORINE DEMAND — The difference between the amount of chlorine applied to sewage and the amount of residual chlorine remaining at the end of a contact period of 15 minutes.

COMMERCIAL ESTABLISHMENT — Any structure intended to be used wholly or in part for the purposes of carrying on a trade, business or profession or for social, amusement, religious, educational, charitable or public uses.

COMPATIBLE POLLUTANT — Biochemical oxygen demand, suspended solids and pH, plus additional pollutants the sewage treatment facilities were designed to treat and, in fact, does remove to a substantial degree. The term "substantial degree" is not subject to precise definition, but generally contemplates removals on the order of 80% or greater. Minor incidental removals on the order of 10% to 30% are not considered substantial.

CONNECTION — The physical attachment of a sewer lateral or other sewage piping to the sewer main. DISCHARGER — The person discharging sanitary sewage or industrial waste to the sewer system.

DOMESTIC WASTE — The normal water-carried household and toilet wastes from residences, business buildings, institutions and commercial and industrial establishments.

GARBAGE — Solid wastes from the preparation of cooking and dispensing of food and from the handling, storage and sale of produce.

GARBAGE GRINDER — Electric-driven mechanical shredding equipment installed as part of residential plumbing system or specifically equipped commercial or industrial system to properly shred garbage prior to its discharge into the system.

INCOMPATIBLE POLLUTANT — Any pollutant which is not defined as a compatible pollutant.

INDUSTRIAL ESTABLISHMENT — Any structure intended to be used wholly or in part for the manufacturing, fabricating, processing, cleaning, laundering or assembly of any product, commodity or article or from which any process waste, as distinct from domestic waste, shall be discharged.

INDUSTRIAL WASTE — Any solid, liquid or gaseous substance or waterborne wastes or form of energy rejected or escaping from any industrial, manufacturing, trade or business process or from the development, recovery or processing of natural resources, as distinct from domestic waste.

INDUSTRIAL WASTE CONNECTION PERMIT — The written approval of the Township to discharge or to continue to discharge industrial waste to the sewer system and to construct and operate any facilities required for the pretreatment of the industrial waste.

LATERAL — The sewage piping between the building drain and the sewer main.

MILLIGRAMS PER LITER (mg/l) — The ratio of weight to volume expressing the concentration of a specified component in a dilute sewage.

NATURAL OUTLET — Any outlet into a watercourse, ditch, pond, lake or other body of surface water or groundwater.

PERSON — Any individual, firm, company, association, society, corporation or group.

pH — The logarithm of the reciprocal of the hydrogen ion concentration expressed as moles per liter of the solution.

PPM (PARTS PER MILLION) — Milligrams per liter (mg/l) or weight to weight ratio.

PRETREATMENT — Treatment of wastes from industrial sources before their introduction into the sewer system.

PRIVATE DWELLING OR LIVING UNIT — Any structure intended to be occupied as a whole by one family or an apartment intended to be occupied by one family or any other one-family living unit, containing plumbing for kitchen or for toilet facilities.

PROPERLY SHREDDED GARBAGE — The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.

RECORDS — Includes books, documents, papers, apparatus, data, readings, records of analysis, plans and graphs.

REGULATORY AGENCY — The Pennsylvania Department of Environmental Protection and the Environmental Protection Agency or their successors, holding jurisdiction with regard to the enforcement of the terms of any permit given for permission to the Township to operate the sewer system.

SANITARY SEWER — A pipe or conduit which carries sewage and to which stormwater, surface water and groundwater are not intentionally admitted.

SERVICE CONNECTION — That portion of a lateral between the sewer main and the edge of cartway or to the curbline or, if there shall be no edge of cartway or curbline, then to the right-of-way line of the street or alley or, if there is no street or alley, then to the property line.

SEWAGE — Any combination of water-carried wastes from residences, buildings, industrial establishments, institutions, manufacturing plants, processing plants, commercial establishments or other places in which such wastes are produced, together with such groundwater, surface water, stormwater or other water as may be naturally present.

SEWAGE TREATMENT PLANT — Any devices and/or structures and facilities used for treating sewage discharged to and conveyed through the Township sewer system.

SEWAGE WORKS — All facilities for collecting, pumping, transporting, treating and disposing of sewage.

SEWER MAIN — The sanitary sewers which are at least eight inches in diameter, which are owned by the Tredyffrin Township Municipal Authority and which are operated and maintained by the Township.

SEWER MANAGER — Any person who may, from time to time, be placed in general charge of the sewer system.

SEWER SYSTEM — All facilities operated by the Township for the collection and conveyance of domestic waste and acceptable industrial waste in and for the Township.

SEWER/UTILITY SYSTEM — All sewer system facilities and all streetlight and traffic signal facilities operated by the Township.**[Added 9-16-2002 by Ord. No. HR-310]**

SHALL and MAY — "Shall" is mandatory; and "may" is permissive.

SLUG — Any discharge of domestic waste or industrial waste exceeding a concentration or flow greater than five times that of an average rate of discharge, during the normal period of operation, occurring for a period of 15 minutes or more.

STORM SEWER — A pipe or conduit which carries stormwater or surface water, drainage and some industrial water discharges, such as cooling and air-conditioning waters, but which excludes domestic waste and polluted industrial wastes.

STRAFFORD DRAINAGE AREA — That part of the Township to be served by the portion of the sewer system discharging sewage by gravity into interceptors located in the Township of Radnor, as more particularly described in Exhibit A to an agreement dated March 3, 1960, between the Township and the Authority and the Townships of Haverford, Marple and Radnor and Radnor Township Municipal Authority.**100**

SURCHARGE — The additional charge in excess of the basic charge for the treatment of industrial waste, based upon the extra strength of such sewage applied as a factor against charges of domestic waste.

SUSPENDED SOLIDS — Suspended solids, expressed in milligrams per liter, in the sewage as determined pursuant to the procedure set forth in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, Inc.

TOWNSHIP — The Township of Tredyffrin, Chester County, Pennsylvania.

TOWNSHIP ENGINEER — The engineer employed by the Township of Tredyffrin or an authorized member of his staff.

TROUT RUN/PANHANDLE DRAINAGE AREA — That part of the Township served by the portion of the sewer system discharging sewage into sewers located in Upper Merion Township for treatment in the Upper Merion Trout Run or Matsunk Sewage Treatment Plants.**101**

UTILITIES — All streetlight and traffic signal facilities operated by the Township.**[Added 9-16-2002 by Ord. No. HR-310]**

WATER COMPANY — That private or public water company providing water service to the customer.

* 1. **Editor's Note: See Article III of this chapter.**
  2. **Editor's Note: See Article II of this chapter.**

### § 163-2. Use of public sewers required.

1. It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the Township or in any area under the jurisdiction of the Township, human or animal excrement, garbage or other objectionable waste.
2. It shall be unlawful to discharge domestic waste into any natural outlet within the Township or to discharge industrial waste or other polluted water into said outlets unless the person so doing is operating with the approval of or under a permit issued by the appropriate government regulatory agency.
3. It shall be unlawful to construct or maintain any privy, privy vault or a septic tank, intended or used for the disposal of sewage within the limits of the sewered area in the Township.
4. Each owner of any house, building or property used for human occupancy, employment, recreation or other purposes, situated in the Township and abutting on any street, alley or right-of-way in which there has been constructed a sanitary sewer operated by the Township and the principal building is within 150 feet of said sanitary sewer, shall at his own expense install suitable sanitary facilities therein and connect such facilities and industrial waste outlets directly with the sanitary sewer operated by the Township in accordance with the provisions of this article within 60 days after the date of official notice to do so given in the manner provided by law. In the event that any owner of property shall refuse or neglect to connect with such sewer system within said sixty-day period, the Board of Supervisors of the Township or its agents may enter upon such property and construct such connection. In such case, the Board of Supervisors shall forthwith, upon completion of the work, send an itemized bill of the cost of the construction of such connection to the owner of the property to which connection has been made, which bill shall be payable forthwith. In case of the neglect or refusal by the owner of such property to pay said bill, it shall be the duty of the Board of Supervisors to file municipal liens for said construction of said connection, the same to be subject in all respects to the general law provided for the filing and recovery of municipal liens. The above regulations shall not apply to the owner of any property who is operating under a permit from or with the approval of the Department of Environmental Protection of the Commonwealth of Pennsylvania or such other governmental regulatory agency having jurisdiction. Such private sanitary facilities may not be connected to the sanitary sewer operated by the Township until the owner of the premises has received a sewer permit from the Township as set forth in Subsection E below; provided, however, that the Board of Supervisors of the Township or its agents may construct such a connection under this Subsection D, even though the owner of the premises has not received such sewer permit.
5. Permit.
   1. Each owner of any premises as set forth in Subsection D above shall make application, in writing, to the Township for a permit to make the required connection to the public sanitary sewer. Such application shall set forth the name of the owner or owners, the location of the lot, including the street and number and a description thereof, together with a plan of said premises showing the proposed lateral, the connection and the sanitary facilities, and shall agree to pay all lawful charges for sewage service to the premises.
   2. Upon approval of the application to connect and the payment of a connection charge as set from time to time by resolution of the Board of Supervisors and the payment of any applicable tapping fee, the applicant shall be entitled to a permit to make such connection.

### § 163-3. Connections to sewer system.

1. The construction of all laterals and the making of all connections to the Township's sewer system shall be performed in accordance with the provisions of this article, the provisions of the Township's Building and Plumbing Codes, the Township's specifications for making connections with Tredyffrin Township sewers, the Tredyffrin Township Municipal Authority's standard construction and material specifications for sanitary sewer extensions or any other applicable rules and regulations of the Township which may be adopted from time to time.
2. Where a property is to be served by an existing sanitary sewer and a service connection has not been provided from the sewer main to the edge of the property, the property owner shall, at his expense, construct (or cause to be constructed) any and all laterals from the building or buildings to be served to the sewer main.
3. A separate and independent lateral and connection shall be provided for every building, except for buildings owned by the same owner on one lot as hereinafter provided. Notwithstanding the above, it is the intention of this section to require a separate and distinct permit, lateral and connection for each individual building or housing unit whether constructed as a single-detached unit or as one of a pair of row houses or as one of a group of townhouses or buildings; provided, however, that a single connection may be permitted to serve a school, a factory, an apartment house or other permanent multiple-unit structure where the entire building is served through a single building drain and could not, under prevailing circumstances, be split into two or more separate and sole ownerships or where the Township determines it to be impractical to provide separate connections. In cases where a single connection is allowed, it shall be so noted on the connection permit.
4. Old laterals may be used where new buildings replace old buildings or the use of an old building is substantially changed only when approved by the Township. At its discretion, the Township may require the examination or testing of old laterals, at the owner's expense, prior to approving or disapproving the lateral use.
5. Whenever possible, the lateral shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sanitary sewer, sewage carried by such building drain shall be lifted by an approved means and discharged to the lateral.
6. No person shall connect roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to the sewer system, either directly or indirectly.
7. The applicant for the connection permit shall notify the Township when the lateral is ready for inspection and connection to the sewer system. The connection shall be made under the inspection of the Township or its representative.
8. All excavations for lateral installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Township and, for work in state highways, in a manner satisfactory to the Pennsylvania Department of Transportation.
9. The owner of any property served by the sewer system shall be responsible for the operation, maintenance and repair, all at his expense, of each lateral serving his property or properties from the building to the sewer main. The property owner shall notify the Township in advance of all repairs, modifications or replacements of any lateral.

### § 163-4. Use of sewer system.

1. No person shall discharge or cause to be discharged any stormwater, surface water, springwater, groundwater, roof runoff, subsurface drainage, building foundation drainage, cellar drainage, drainage from roof leader connections, overflow or drainage from cesspools, uncontaminated cooling water or unpolluted industrial process waters to the sewer system.
2. Stormwater and all other unpolluted drainage shall be discharged into such facilities as are specifically designated as storm sewers, if available or to a natural outlet approved by the Township Engineer. Industrial cooling water or unpolluted process waters shall be discharged into a storm sewer approved by the Township Engineer or into a natural outlet if such storm sewer or outlet is not available, as may be approved by the appropriate governmental regulatory agencies.
3. No person shall discharge or cause to be discharged any of the following described waters or wastes into any public sanitary sewer.
   1. Any liquids or vapors having a temperature greater than 120º F.
   2. Any garbage which has not been properly shredded.
   3. Any radioactive isotopes whatsoever.
   4. Any wastewater having a pH less than 6.0 or greater than 9.0 or having a corrosive property capable of causing damage or hazards to structures. In the event that the pH of wastewater is not continuously maintained within the acceptable limits, the Township shall require adequate pretreatment facilities, including but not limited to a pH monitoring and recording device to be installed at the expense of the industry.
   5. Any wastewaters containing amounts of animal or vegetable fats, oils, greases or wax in excess of 100 parts per million or wastes containing substances which may solidify or become viscous at temperatures between 32º F. and 100º F.
   6. Any gasoline, benzene, naphtha or any other flammable or explosive solids with a flash point less than 100º F.
   7. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, fur, plastics, wood, paunch manure, hair, clay, slag, mill scale, sludge and slurries or any viscous substance capable of causing obstruction to the flow in the sewer systems or the interference with the proper operation of the sewer system or the receiving sewage treatment plant.
   8. Any waters or wastes having corrosive toxic or poisonous characteristics capable of damaging or interfering with any sewage works or to other humans or to animals or create any hazard in the receiving waters of the sewage treatment plant. Toxic wastes shall include any pollutant identified pursuant to Section 3.07(a) of the Federal Water Pollution Control Act.
   9. Any noxious or malodorous gas or substance capable of creating a public nuisance.
   10. Any wastewaters containing slugs, as defined in § 163-1 of this article.
   11. Any chemical vapors or steam.
   12. Any waters or wastes containing total solids of such character and quantity that unusual attention or expense is required to handle such materials at the receiving sewage treatment plant.
   13. Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not.
   14. Materials which exert or cause:
       1. Unusual concentrations of inert suspended solids (such as but not limited to fuller's earth, lime slurries and lime residues) or of dissolved solids (such as but not limited to sodium chloride and sodium sulfate).
       2. Excessive discoloration, such as but not limited to dye wastes, chromates and vegetable tanning solutions.
       3. Unusual biochemical oxygen demand or chlorine demand in such quantities as to constitute a significant load on the sewage treatment plant.
   15. Any waters or wastes having a biochemical oxygen demand concentration in excess of 250 mg/l or a suspended solids concentration in excess of 300 mg/l.
   16. Any waters or wastes having a total solids concentration in excess of 1,100 mg/l.
   17. Water or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or which are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of regulatory agencies having jurisdiction over discharge to the receiving waters.
4. Grease, oil and sand traps shall be provided for outlets connected with the public sanitary sewers when, in the opinion of the Township Engineer, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients; except that such traps shall not be required for private living quarters or dwelling units. All traps shall be of a type and capacity approved by the Township Engineer and shall be located so as to be readily and easily accessible for cleaning and inspection. Grease and oil traps shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which when bolted in place will be gastight and watertight.
5. Where installed, all grease, oil and sand traps shall be maintained by the owner, at his expense, in continuously efficient operation at all times.
6. Domestic garbage grinders.
   1. Requirements. Garbage, fruit, vegetable, animal or other solid kitchen waste materials may be admitted to the Township sewer system, provided that they shall first be passed through a mechanically operated garbage grinder which shall be approved by the Tredyffrin Township Plumbing Inspector and installation must be in accordance with Township specifications sheet, as from time to time amended.
   2. Electric work. The mechanically operated garbage grinder shall have a three-prong plug-in receptacle 18 inches from the grinder in the sink cabinet. Wiring shall be done in accordance with the National Electric Code, and a certificate to this effect shall be issued by a recognized inspection agency.
   3. Installation permit fee. An installation fee for each garbage grinder installed shall be as prescribed in a Schedule of Permit Fees, adopted by resolution of the Board of Supervisors. In the same manner, replacement fees shall be charged for each garbage grinder.**102**
   4. **Editor's Note: Original Subsection 4 of Section 104F, Penalties for violation, was deleted at time of adoption of Code (see Ch. 1,**

### § 163-5. Industrial wastewaters.

1. In order to control the admission of industrial waste for discharge into the sewer system, the written approval of the Township must be obtained prior to the discharge of such waste and as evidenced in writing by an industrial waste connection permit. Also, the consent of the owner of the receiving sewage treatment plant or its designated representative must be obtained prior to the discharge of such waste to the sewer system.
2. The application for an industrial waste connection permit shall include the following information:
   1. Name and address.
   2. Name and title of responsible official and name and title of person preparing the application.
   3. Location of establishment.
   4. The type of industry and nature of the business conducted in such establishment.
   5. Description of process or processes which produce the industrial waste.
   6. Description of types and characteristics of the industrial waste, volume and rates of flow and methods of measuring the same, frequency and duration of discharge.
   7. The volume of industrial waste and sewage discharged by each establishment to:
      1. Sanitary sewers.
      2. Storm sewers.
   8. For existing discharges of industrial waste, a chemical analysis of the waste.
   9. The average daily number of employees employed or to be employed in each establishment by shifts.
   10. The source of water supply of each industrial establishment and the volume of water used by each industrial establishment daily, specified separately as to each source.
   11. Description of proposed or existing pretreatment facilities and a schematic diagram of such facilities.
   12. An indication as to whether or not the proposed discharge will comply with this article.
   13. Such additional information as is deemed applicable to ascertain the volume, nature and composition of the waste so discharged or as may be required by the Sewer Manager or the Township Engineer.
3. Any person, firm or corporation now discharging industrial waste into the sewer system, either directly or indirectly, shall file an application for an industrial waste connection permit within 90 days after notification by the Township.
4. Any person, firm or corporation that plans to change operations so as to materially alter the characteristics and volumes of industrial waste discharged to the sewer system, either directly or indirectly, shall file an application for an industrial waste connection permit.

**General Provisions, Art. I).**

1. As not all waste can be satisfactorily treated at the sewage treatment plant, pretreatment may be required before acceptance into the sewer system. Any waste containing substances which are not compatible to treatment or reduction by the treatment processes employed or are amenable only to such a degree that the sewage treatment plant effluent cannot meet the degree of treatment required by regulatory agencies having jurisdiction over the discharge to the stream, such waste will require pretreatment to the degree as required by the terms of the industrial waste connection permit.
2. Where pretreatment facilities are provided for any waters or wastes, they shall be constructed and be maintained continuously in satisfactory and effective operation by the discharger at his expense. No pretreatment facilities shall be constructed until they have been approved, in writing, by the Township and by the owner of the receiving sewage treatment plant.
3. The Township reserves the right to cancel any agreement or industrial waste connection permit between the industry and the Township upon the industry's violation of the conditions of this article or the industrial waste connection permit. The Township has the right to amend the permit when required by the owner of the receiving sewage treatment plant, by appropriate regulatory agencies or by technical revelations. The industrial waste connection permits will be written for a one-year period. If the Township elects not to cancel the permit on or before its anniversary, the permit will automatically renew itself for another period of one year.
4. Adequate means shall be provided in each lateral carrying industrial waste to the sewer system for periodic sampling. A suitable manhole shall be installed in the lateral discharging the waste into the sewer system, to facilitate observation, sampling and measuring of the waste being discharged. The Township may require sampling, metering and/or measuring devices. Such manhole shall be constructed in accordance with plans and specifications approved by the Township and by the owner of the receiving sewage treatment plant. The manhole shall be installed and maintained in a safe condition, at the expense of the discharger, and be so located as to be accessible at all times to authorized representatives of the Township or of the owner of the receiving sewage treatment plant, without consent of the discharger. Samples for the determination of all physical and chemical characteristics and concentrations of the waste shall be collected in such a manner as to be representative of the waste, using the current edition of Standard Methods for the Examination of Water and Wastewater as a basis.
5. In lieu of introducing untreated or partially treated industrial wastes and polluted waters into the sewer system of the Township, the owner of premises producing such wastes may construct and operate at his expense private waste treatment facilities, with the effluent discharged to a natural outlet, provided that such facilities are constructed and operated in compliance with the Statutes of the Commonwealth of Pennsylvania and the regulations of any regulatory agency.
6. Where such private waste treatment facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
7. Any authorized representative of the Township or of the receiving sewage treatment plant, bearing proper credentials and identification, shall be permitted to enter upon any private property discharging industrial waste into the sewer system at any time, for the purpose of observation, measuring or sampling.
8. The discharger is liable for any cost, damage, injury and/or fines on or to the Township or to the owner of the receiving sewage treatment plant as a result of his industrial waste discharge.
9. Every person discharging any industrial waste mixture into the sewer system shall keep and maintain records of the data required to be furnished in the application for an industrial waste connection

permit, as defined above, and such records shall be available for inspection during regular business hours by authorized representatives or employees of the Township or the owner of the receiving sewage treatment plant upon presenting written credentials of their authority and such representatives or employees shall be permitted to make and retain copies of such records.

1. Limits.
   1. The following limits shall be applied to all industrial discharges to the sewer system of the Township:

### Item

**Limits (mg/l)**

Acetates 100.0

Aluminum 2.0

Arsenic 0.05

Barium 1.0

Beryllium 1.0

Biochemical oxygen demand (5-day) 250.0

Boron 50.0

Bromides 250.0

Cadmium 0.01

Chemical oxygen demand 500.0

Chlorides 500.0

Chlorine demand (15 minutes) 50.0

Maximum combination of chromium (hexavalent) and chromium cobalt (trivalent)

0.05

Cobalt 1.0

Copper 1.0

Cyanides 0.1

Fluorides 25.0

Iodides 25.0

Iron 10.0

Lead 0.05

Manganese 2.0

Mercury 0.002

Nickel 2.0

Ammonia (as N) 30.0

Nitrates (as N) 10.0

### Item

Oil and grease:

### Limits (mg/l)

Animal/vegetable 100.0

Petroleum 20.0

Pesticides None

Phenols 0.2

Phosphates (as P) 10.0

Selenium 0.01

Silicates 5.0

Silver 0.05

Sulfates 500.0

Sulfides 0.02

Suspended solids 300.0

Tin 2.0

Total dissolved solids 1000.0

Zinc 1.0

* 1. Limits are subject to change and additional parameters may be added as required by the Township, the owner of the sewage treatment plant, regulatory agencies or as technical revelations may dictate.

1. The industrial waste discharged into the sewer system shall be sampled and analyzed by and at the expense of the discharger and results of laboratory analyses shall be submitted to the Township within 15 days. Analytical parameters shall be determined by the Township and the owner of the receiving sewage treatment plant. Frequency of sampling and analysis shall be quarterannually, as a minimum. Discharges having a significant contribution to the system or which are variable in composition, will require more frequent monitoring, possibly monthly, weekly or daily. The Township reserves the right to require, at any time, an analysis of a sample taken by Township personnel or personnel of the receiving sewage treatment plant at the expense of the discharger. The laboratory analyses shall be made on a representative twenty-four-hour composite wastewater sample in accordance with analytical methods. The choice of analytical laboratory shall be subject to approval by the Township and the owner of the receiving sewage treatment plant.
2. Upon notice from the Township or if analytical evidence indicates that the discharge to the sewer system has a biochemical oxygen demand concentration greater than 250 mg/l and/or a suspended solids concentration greater than 300 mg/l, the discharger will take immediate corrective action and, within 15 days, advise the Township as to what action has been taken to bring the discharge within the allowable limits. During the period that the discharger is, in good faith, taking corrective action, the Township may accept the substance on a surcharge basis.
   1. Where the biochemical oxygen demand and suspended solids concentrations exceed the allowable limits, the following formula will be used to calculate the surcharge multiplier:

(BOD - 250) + (suspended solids - 300) 1,000 1,000

* 1. Any member of the surcharge formula giving a negative value shall be disregarded. BOD and suspended solids values used in the formula shall be the average of Township sewage analyses and such other analyses, as are provided pursuant to Subsection O of § 163-5 of this article, of samples collected over the semiannual billing period during which the discharge limits are exceeded.
  2. The amount of the surcharge payment shall equal the product of the surcharge factor times the discharger's semiannual sewer rental (as calculated under § 163-7 of this article) for the period during which the discharge limits are exceeded. The surcharge payment shall be added to the discharger's semiannual sewer rental billing.
  3. If, in the judgment of the Township, the discharger is not acting expeditiously, he shall be subject to the penalties outlined in § 163-10.

### § 163-6. Measuring volume.

The requirements of this section shall apply to each customer of the sewer system whose sewer rental is based upon the amount of water used.

1. Methods of measuring volume.
   1. Whenever a person discharges domestic and/or industrial waste into the sewer system, in cases where all of the water used is obtained from the water company, the volume of water to be used in computing the sewer rental shall be the volume of water company water used, as determined from meter readings, during the billing period.
   2. In cases where persons have sources of water supply in addition to or other than the water company and discharge domestic waste and/or industrial waste into the sewer system, those persons shall permit the Township to install a meter on such additional or other source of supply. The total amount of water consumed, as shown by these meter readings, will be used in computing the sewer rentals.
   3. In cases where persons use water from the water company and/or from an independent supply such that all or any part of the water so used is not discharged into the sewer system, the quantity of water used to determine the sewer rentals shall be computed by one of the following methods:
      1. Method No. 1: By placing a meter or measuring device on the sewer connection to each structure being served. The readings from this meter or measuring device shall be used in computing the sewer rentals.
      2. Method No. 2: By placing a meter or measuring device on the effluent not discharging into the sewer system. The reading from this meter or measuring device will then be deducted from the total water meter readings and the remainder will be used in computing the sewer rentals.
      3. Method No. 3: When, in the opinion of the Sewer Manager, it is not practical to install measuring devices to determine continuously the quantity of water discharged or not discharged into the sewer system, the Sewer Manager will determine, in such manner and

by such method as he may prescribe, the percentage of total water used which is discharged into the sewer system and the quantity of water used to compute the sewer rentals shall be the percentage so determined. Any dispute as to the percentage of such discharge determined by the Superintendent of the Sewer Department shall be submitted to the Board of Supervisors, whose decisions on the matter shall be final for the current calendar year.

1. Measuring devices. All meters or measuring devices required to be used under provisions of these rules and regulations except those provided by the water company shall be furnished and installed by the Township at the expense of the property owner. All such meters or measuring devices (except those provided by the water company) shall be under the control of the Township and may be tested, inspected or repaired by the Township employees whenever the Sewer Manager shall deem necessary. The owner of the property upon which such measuring device is installed shall be responsible for its maintenance and safekeeping, and all repairs thereto shall be made by the Township, at the property owner's expense, whether such repairs are made necessary by ordinary wear and tear or other causes. Bills for such installation and repairs shall be due and payable at the same time and collected in the same manner as are the bills for sewer services; such bills from and after their due date shall constitute a lien upon the property upon which such measuring device is installed.
2. Meter readings. All meter or measuring devices shall be made available to Township employees for meter reading at any reasonable time.**103**

### § 163-7. Rents or charges. [Amended 11-16-1987 by Ord. No. HR-113; 10-16-1991 by Ord. No. HR-131; 9-16-2002 by Ord. No. HR-310]

1. Imposition of sewer and utility rent or charge. There is hereby imposed upon each property located within the limits of the Township served by the sewer/utility system and having the use thereof, sewer/utility service district rents or charges payable as hereinafter provided, for the use, whether direct or indirect, of the system, based on the current utility rental rate, as set forth in Schedule A, attached hereto, and the Schedule of Equivalent Dwelling Unit (EDU) values, as set forth in Schedule B, attached hereto.**104**
2. Certifications. Periodic certifications as to factors upon which the aforesaid EDU determinations are to be computed may be required by the Township from owners of property served or to be served by the sewer/utility system.
3. Changes in classification, additional classifications and modifications. If use or classification of any property should change within any six-month period, the difference in rental, prorated on a monthly basis to the nearest calendar month, will be charged or credited, as the case may be, on the bill for the succeeding six-month period. Additional classifications and additional utility rentals may be established by the Township from time to time.
4. Time and method of payment. Rentals or charges shall be paid annually. Billings for utility rentals shall be made each year, for the prior full calendar year period immediately preceding the date of the bill. The bills for utility rentals under § 163-7, Subsection A, for the utility billing period during which a property is not connected to the system for a full twelve-month period will be prorated on the
   1. **Editor's Note: Original Sections 107, Additional Regulations Applicable to the Trout Run/Panhandle Drainage Areas, and 108, Additional Regulations Applicable to the Strafford Drainage Area, which immediately followed this subsection, were deleted 10-19-1998 by Ord. No. HR-278.**
   2. **Editor's Note: Schedules A and B are on file in the Township offices.**

basis of the annual rate. All bills shall be due and payable on their respective dates.

### § 163-8. Protection from damage.

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewage works.

### § 163-9. Powers and authority of inspectors.

The Township Engineer and other duly authorized employees of the Township bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this article.

### § 163-10. Violations and penalties; delinquent sewer rentals and liens.

1. Semiannual charges for sewer service shall be subject to a ten-percent penalty if not paid within 30 days after they are due. If not paid within 60 days after becoming due, the bill plus the penalty shall bear interest from the due date at the rate of 1/2 of 1% per month or fraction thereof until paid. The Township shall have the right to cut off sewer service from the delinquent premises and not to restore the same until all delinquent bills against the same and the cost of cutting off and restoring service shall have been paid. **[Amended 9-23-1991 by Ord. No. HR-178]**
2. All persons connected to the sewer system must give the Township their correct address. Failure to receive bills will not be considered an excuse for nonpayment nor permit an extension of the period during which bills are payable at face.
3. All sewer rentals, together with all penalties thereon, not paid on or before the end of one year from the date of each bill shall be deemed to be delinquent. All delinquent sewer rentals and all penalties there on shall be a lien on the property served and shall be entered as a lien against such property in the office of the Prothonotary of Chester County and shall be collected in the manner provided by law for the filing and collection of such liens.
4. Any person who shall violate any provision of this article, other than § 163-8, shall be served by the Township with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. Any person who shall violate § 163-8 or who shall continue any violation beyond the time limit fixed as provided above shall, upon being found liable therefor in a civil enforcement proceeding, pay a fine of not more than $600, plus all court costs, including reasonable attorney's fees, incurred by the Township in the enforcement of this article. No judgment shall be imposed until the date of the determination of the violation by the District Justice and/or Court. 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 a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith. **[Amended 9-23-1991 by Ord. No. HR-178105]**
5. Any person violating any of the provisions of this article, in addition to becoming liable for a fine and penalty, shall become liable to the Township for any expense, loss or damage occasioned the Township by reason of such violation.
   1. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

ARTICLE II

**Trout Run/Panhandle Drainage Area**

**[Adopted 9-9-1991 by Ord. No. HR-172, which ordinance also repealed Ord. No. HR-121]**

**§ 163-11. Purpose; objectives.**

1. This article sets forth uniform requirements for Tredyffrin Township users of the publicly owned treatment works (POTW) which are tributary to the Upper Merion Township Trout Run and Matsunk Wastewater Treatment Plants. Said users are located in Tredyffrin Township's Trout Run/Panhandle Drainage Areas. This article enables Tredyffrin Township to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the general pretreatment regulations (40 CFR Part 403).
2. The objectives of this article are to prevent the introduction of pollutants into Tredyffrin's sewer system which will:
   1. Interfere with the operation of the Upper Merion wastewater treatment plants.
   2. Contaminate the sludge of the Upper Merion wastewater treatment plants.
   3. Pass through the Upper Merion wastewater treatment plants, inadequately treated, into the receiving waters or the atmosphere or otherwise be incompatible with the system.

### § 163-12. Rules and regulations.

1. Adoption of Upper Merion Township legislation.
   1. The following rules and regulations pertaining to the use of Upper Merion's POTW have been enacted by the Upper Merion Township Board of Supervisors:
      1. Ordinance No. 75-352.
      2. Resolution No. 75-53.
      3. Resolution No. 81-46.
      4. Resolution No. 83-56.
      5. Resolution No. 84-465.
      6. Resolution No. 90-49.
      7. Ordinance No. 93-614. **[Added 8-28-2023 by Ord. No. HR-469]**
      8. Resolution No. 2023-16. **[Added 8-28-2023 by Ord. No. HR-469]**
   2. These rules and regulations, as may be amended or supplemented from time to time, are hereby adopted by Tredyffrin Township as the rules and regulations governing use of the POTW by users located in Tredyffrin's Trout Run/Panhandle Drainage Areas. All user in the Trout Run/ Panhandle Drainage Areas shall comply with these regulations.
2. Any categorical pretreatment standards promulgated by the United States Environmental Protection Agency (EPA) [promulgated by authority of the Clean Water Act Sections 307 (b) and (c)] are automatically incorporated by reference into this article. These standards shall supersede any specific

discharge limits in this article which are less stringent than the categorical standards as they apply to the particular industrial subcategory.

1. Any industrial user, located in Tredyffrin's Trout Run/Panhandle Drainage Areas, responsible for a significant accidental discharge of any substance other than sewage into the Township sewer system shall immediately notify both Upper Merion and Tredyffrin Townships.
2. The use of dilution as a control technique for compliance with discharge limits, except as allowed by federal pretreatment standards, is prohibited.
3. Tredyffrin and Upper Merion shall have the authority to impose mass discharge limits in lieu of or in conjunction with concentration discharge limits.
4. Any authorized officer or employee of Upper Merion or Tredyffrin may enter and inspect, at any reasonable time, any part of the sewer system of Tredyffrin which is tributary to Upper Merion's Trout Run or Matsunk Wastewater Treatment Plant. The right of entry and inspection shall extend to public streets, easements and property within which the system is located. Additionally, Upper Merion and Tredyffrin shall be permitted, as appropriate, to enter onto private property to inspect industrial waste dischargers which discharge to sewers tributary to Upper Merion's Trout Run or Matsunk Treatment Plants. Tredyffrin shall make all necessary legal and administrative arrangements for these inspections. The right of inspection shall include on-site inspection of pretreatment and sewer facilities, observation, measurement, sampling, testing and access to (with the right to copy) all pertinent compliance records located on the premises of the industrial user.

### § 163-13. Enforcement.

1. Harmful contributions.
   1. Tredyffrin Township or Upper Merion Township may suspend the wastewater treatment service and/or a wastewater contribution permit when such suspension is necessary, in the opinion of Tredyffrin or Upper Merion, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment or which caused or may cause interference to the POTW or which causes or may cause Upper Merion to violate any condition of its NPDES permit.
   2. Any person notified of a suspension of the wastewater treatment service and/or the wastewater contribution permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, Tredyffrin Township shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. Tredyffrin shall reinstate the wastewater contribution permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to Tredyffrin within 15 days of the date of occurrence.
2. Revocation of permit. Any user who violates the following conditions of this article or applicable state and federal regulations is subject to having his permit revoked in accordance with the procedures of § 163-13 of this article.
   1. Failure of a user to factually report the wastewater constituents and characteristics of his discharge.

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#### § 163-13 SEWERS, UTILITIES AND SEWAGE DISPOSAL § 163-14

* 1. Failure of the user to report significant changes in operations, wastewater constituents and characteristics.
  2. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring.
  3. Violation of conditions of the permit.

1. Notification of violation. Whenever Tredyffrin or Upper Merion find that any user has violated or is violating this article, wastewater contribution permit or any prohibition, limitation of requirements contained herein or in Upper Merion's rules and regulations, Tredyffrin may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the Township by the user.
2. Show cause hearing.
   1. Tredyffrin Township may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the Board of Supervisors why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the Board of Supervisors regarding the violation, the reasons why the action is to be taken, the proposed enforcement action and directing the user to show cause before the Board of Supervisors why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least 10 days before the hearing. Service may be made on any agent or officer of a corporation.
   2. The Board of Supervisors may itself conduct the hearing and take the evidence or may designate any of its members or any officer or employee to:
      1. Issue in the name of the Board of Supervisors notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.
      2. Take the evidence.
      3. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Board of Supervisors for action thereon.
   3. At any hearing held pursuant to this article, testimony taken must be under oath and recorded stenographically. The transcripts, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.
   4. After the Board of Supervisors has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.
3. Legal action. If any person discharges sewage, industrial wastes or other wastes into the Township's sewer system contrary to the provisions of this article, federal or state pretreatment requirements or any order of the Township, the Township Solicitor may commence an action for appropriate legal and/or equitable relief in the Court of Common Pleas of Chester County.

### § 163-14. Violations and penalties; costs.

1. Civil penalties. Any user who is found to have violated an order of the Board of Supervisors or who willfully or negligently failed to comply with any provisions of this article and the orders, rules, regulations and permits issued hereunder, upon being found liable therefor in a civil enforcement proceeding, shall pay a fine of not more than $600, plus all court costs, including reasonable attorney's fees, incurred by the Township in the enforcement of this article. No judgment shall be imposed until the date of the determination of the violation by the District Justice and/or Court. 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 a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.**106**
2. Falsifying information. Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this article or wastewater contribution permit or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this article shall be prosecuted in accordance with the provisions of the Pennsylvania Crimes Code pertaining to perjury and falsification of official matters (18 Pa.C.S.A. § 4901 et seq.).
   1. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

ARTICLE III

**Strafford Drainage Area**

**[Adopted 11-18-1991 by Ord. No. HR-184, which ordinance also repealed Ord. No. HR-122]**

**§ 163-15. Purpose; intent.**

1. The DELCORA Standards, Rules and Regulations are hereby adopted by Tredyffrin Township to govern and conduct of all dischargers to the DELCORA Wastewater Management System.
2. This article sets forth uniform requirements for Tredyffrin Township users of the publicly owned treatment works (POTW) which are tributary to the Philadelphia Water Department's Southwest Treatment Plant. Said Tredyffrin Township users are located in the Strafford Drainage Area.
3. This article is adopted to promote and protect the public health, safety, comfort, convenience and other aspects of the general welfare. These general goals include, among others, the specific enforcement of the various regulations promulgated by the Delaware County Regional Water Quality control authority (DELCORA), the United States Environmental Protection Agency (USEPA), the Pennsylvania Department of Environmental Protection (PADEP) and such other agencies which may succeed the aforementioned agencies to implement the Delaware County Wastewater Management Plan and the National Pretreatment Standards, 40 CFR 401 et seq. **[Amended 12-16-1996 by Ord. No. HR-256]**

### § 163-16. Rules and regulations.

1. The DELCORA Standards, Rules and Regulations Resolution Nos. 91-03 and 91-04 of 1991, as may be amended or supplemented from time to time, shall be minimum regulations and shall apply uniformly to each user located in Tredyffrin's Strafford Drainage Area.
2. The DELCORA Standards, Rules and Regulations, adopted by Tredyffrin Township as Tredyffrin Township's Wastewater Treatment Regulations for discharges of wastewater within Tredyffrin Township which are ultimately discharged into the DELCORA wastewater management system are amended as provided by DELCORA Resolution Nos. 95-06 and 95-12 which are attached hereto, made a part hereof and identified as Exhibits A and B respectively.**107 [Added 12-16-1996 by Ord. No. HR-256]**

### § 163-17. Local limitations. [Added 12-16-1996 by Ord. No. HR-256]

The Eastern Area Local Limitations for discharge of wastewater as provided by DELCORA Resolution No. 91-04, which is attached hereto, made a part hereof and identified as Exhibit C,**108** are adopted as the local limitations for all discharges of wastewater within Tredyffrin Township which are ultimately discharged into the DELCORA Wastewater Management System.

### § 163-18. Compliance; enforcement.

1. The Board of Supervisors of Tredyffrin Township hereby ordains and establishes that any person who fails or refuses to comply with the DELCORA Standards, Rules and Regulations of 1991, as embodied in DELCORA Resolution No. 91-03, adopted May 22, 1991, as the same is amended from time to time, which is incorporated herein by reference and attached hereto as Appendix A,**109** shall
   1. **Editor's Note: Said Exhibits A and B are on file in the Township offices.**
   2. **Editor's Note: Said Exhibit C is on file in the Township offices.**

be subject to the penalties set forth in § 163-19 of this article.

1. Tredyffrin Township hereby appoints DELCORA or its designee as its agent having the power of Tredyffrin Township to institute proceedings in the name of Tredyffrin Township against any and all persons, firms or corporations who discharge sewage, industrial wastewater or other wastes into the POTW within Tredyffrin's Strafford Drainage Area contrary to the provisions of this article, any pretreatment requirements or national standards.
2. In cases involving the enforcement of this article, the Solicitor of DELCORA or its designee may cause subpoenas to be issued for witnesses for the prosecution and may conduct the hearing on behalf of Tredyffrin Township. **[Added 3-16-1992 by Ord. No. HR-192]**

### § 163-19. Violations and penalties.

1. Any person who violates or permits a violation of this article, upon being found liable therefor in a civil enforcement proceeding, shall pay a fine of not more than $600, plus all court costs, including reasonable attorney's fees, incurred by the Township in the enforcement of this article. No judgment shall be imposed until the date of the determination of the violation by the District Justice and/or Court. 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 a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith. **[Amended 10-19-1998 by Ord. No. HR-278]**
2. Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this article or wastewater discharge permit or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this article shall be prosecuted in accordance with the provisions of the Pennsylvania Crimes Code pertaining to perjury and falsification in official matters (18 Pa.C.S.A. § 4901 et seq.).
   1. **Editor's Note: Said Appendix A is on file in the Township offices.**

ARTICLE IV

**Valley Forge Sewer Authority Drainage Area**

**[Adopted 9-19-1994 by Ord. No. HR-235110; amended in its entirety 8-18-2003 by Ord. No. HR-318]**

**§ 163-20. Purpose and policy; definitions and word usage.**

1. Purpose and policy.
   1. This article sets forth uniform requirements for connected and nonconnected users discharging into the public sanitary sewage system within Tredyffrin Township tributary to the treatment plant of the Valley Forge Sewer Authority and enables Tredyffrin Township and the Authority to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR Part 403).
   2. The objectives of this article are to:
      1. Prevent the introduction of pollutants into the public sanitary sewage system and treatment plant which will interfere with the operation of the sewer system or contaminate the resulting biosolids or otherwise be incompatible to the sewer system;
      2. Prevent the introduction of pollutants into the treatment plant which will pass through the treatment system, inadequately treated, into receiving waters or the atmosphere;
      3. Improve the opportunity to recycle and reclaim wastes and biosolids from the sewer system; and
      4. Provide for equitable distribution of the cost of the treatment plant operation and maintenance.
2. Definitions and word usage.
   1. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated.

AUTHORITY — The Valley Forge Sewer Authority or its authorized representatives.

BASELINE MONITORING REPORT — The report required in 40 CFR Part 403.12, to be submitted by all industrial users or waste generators subject to National Categorical Pretreatment Standards.

BEST MANAGEMENT PRACTICES (BMPs) — Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.**[Added 6-15-2009 by Ord. No. HR-378]**

BIOSOLIDS — The primarily solid organic material recovered from a sewage treatment process and recycled especially as a fertilizer.

BOD (Biochemical Oxygen Demand) — The quantity of dissolved oxygen consumed in the biochemical oxidation of the organic matter in waste under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter (mg/L). It shall be determined by one of

* 1. **Editor's Note: This ordinance superseded Ord. No. HR-123, adopted 12-19-1988, regarding the Valley Forge Sewer Authority Drainage Area.**

the acceptable methods described in 40 CFR Part 136 and amendments thereto, or by any other methods approved by the Environmental Protection Agency (EPA).

CATEGORICAL INDUSTRIAL USER — Any industrial user subject to a National Categorical Pretreatment Standard.

CATEGORICAL WASTE GENERATOR — Any waste generator subject to a National Categorical Pretreatment Standard.

CLEAN WATER ACT (CWA) — Public Law 92-500, October 18, 1972, 33 USC 1251 et

seq.; as amended by PL 95-217, December 28, 1977; PL 97-177, December 29, 1981; PL

97-440, January 8, 1983, and PL 100-04, February 4, 1987, and any subsequent amendments or reauthorizations thereto.

COLOR OF A WASTE — The color of the light transmitted by the waste solution after removing the suspended material, including the pseudocolloidal particles.

COMMERCIAL DISCHARGE PERMIT — A permit issued to those industrial users that the Authority does not classify as significant industrial users, but are considered to have an impact, either potential or realized, either singly or in combination with other contributing commercial or industrial establishments, on the public sanitary sewage system and/or the treatment plant (either its operational efficiency, effluent quality or quality of the biosolids produced by such facility).

COMMERCIAL USER or COMMERCIAL ESTABLISHMENT — A property which is intended to be used for the purpose of carrying on a trade, business or profession, or for social, religious, educational, charitable or public uses, or a person discharging waste generated. by the trade, business, profession, social, religious, educational, charitable or public use of the property.

COMPOSITE SAMPLE — A sample consisting of a combination of individual samples that are either time- or flow-proportioned or both, obtained at regular intervals over a period of time and shall reasonably reflect the actual wastewater or waste discharge conditions for that period of time.

CONNECTED USER — A user located in the Authority service area that discharges into the public sanitary sewage system through a direct connection point that has been approved by the Authority.

COOLING WATER — The water discharged from any system of condensation, including but not limited to air conditioning, cooling or refrigeration.

DAILY COMPOSITE SAMPLE — A sample consisting of a combination of individual samples, regardless of flow, collected at regular intervals over a period of time; the sampling duration shall be not less than 20 hours, but shall not exceed 28 hours, or as specified in an industrial waste discharge permit or commercial discharge permit.

DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) — The Department of

Environmental Protection of the Commonwealth of Pennsylvania, or any department or agency of the commonwealth succeeding to the existing jurisdiction or responsibility of the Department of Environmental Protection.

DISSOLVED SOLIDS — That concentration of matter in a waste consisting of colloidal particulate matter, and both organic and inorganic molecules and ions present in solution that pass through a standard filter according to the approved procedures outlined in 40 CFR Part 136 or amendments thereto, or outlined in any other procedure approved by the EPA.

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DOMESTIC USER — Any connected user discharging only sanitary sewage. This discharge shall not exceed an average daily total suspended solids concentration of 250 milligrams per liter (mg/L) and an avenge daily BOD concentration of 250 milligrams per liter (mg/L).

ENVIRONMENTAL PROTECTION AGENCY (EPA) — The Environmental Protection Agency of the United States, or any agency or department of the United States succeeding to the existing jurisdiction or responsibility of the Environmental Protection Agency.

GARBAGE — Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the commercial handling, storage and sale of produce.

GRAB SAMPLE or INSTANTANEOUS GRAB SAMPLE — A sample taken from a wastewater or waste with no regard to flow in the wastewater or waste and collected over a period of time not exceeding 15 minutes but shall reasonably reflect actual discharge conditions for that period.

GROUND GARBAGE — Garbage that has been shredded to such a degree that all its particles will be carried freely under normal sewer flow conditions, with no particle greater than 1/2 inch in any dimension.

GROUNDWATER — Water which is standing in or passing through the ground.

HOLDING TANK — A watertight receptacle designed to receive and retain wastes and is constructed to facilitate the ultimate disposal of the wastes at another site.

HOLDING TANK WASTE — The wastes originating from normal household activities containing human and customary household wastes, or such wastes from commercial or industrial establishments, but excluding industrial wastes. The waste must be certified by a waste hauler licensed by the Authority as sanitary sewage, and must be stored in such a way as not to concentrate said waste to a level of total suspended solids exceeding 1,000 milligrams per liter (mg/L).

HOUSEHOLD WASTE — The water-carried waste originating from normal household functions such as waste from kitchens, toilets, lavatories and laundries, or such waste from industrial or commercial establishments, but excluding industrial waste.

INDIRECT DISCHARGE or DISCHARGE — The introduction of pollutants into the Authority’s public sanitary sewage system from any nondomestic source regulated under Section 307(b), (c) or (d) of the Clean Water Act.**[Added 6-15-2009 by Ord. No. HR-378]**

INDUSTRIAL USER — Any connected user which is not a domestic user.

INDUSTRIAL WASTE — Any liquid, solid or gaseous substance, whether or not solids are contained therein, discharged from any user during the course of any industrial, manufacturing, trade, or business process or in the course of development, recovery or processing of natural resources, or any wastes having any of the characteristics described under § 163-21A (General discharge prohibitions), as distinct from sanitary sewage.

INDUSTRIAL WASTE DISCHARGE PERMIT — A permit issued to a significant industrial user in accordance with § 163-23.

INFILTRATION — The groundwater unintentionally entering the public sanitary sewage system, including building foundation drains and sewers, from the ground through such means as, but not limited to, defective pipes, pipe joints, connection or manhole walls. Infiltration does not include, and is distinguishable from, inflow.

INFILTRATION/INFLOW — The total quantity of water from both infiltration and inflow

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without distinguishing the source.

INFLOW — The water discharged into a public sanitary sewage system, including building drains and sewers, from such sources as, but not limited to: roof leaders, cellar, yard and area drains; foundation drains; unpolluted cooling water discharges; drains from springs and swampy areas; manhole covers; cross connection from storm sewer and/or combined sewers; catch basins; stormwater; surface runoff; street wash water; or drainage. Inflow does not include, and is distinguishable from, infiltration.

INTERCEPTOR — A device designed and installed so as to separate and retain for removal by automatic or manual means, deleterious, hazardous or objectionable waste, including but not limited to grease, oil or sand, while permitting sanitary sewage or industrial waste to discharge by gravity into a public sanitary sewage or on-site drainage system.

INTERFERENCE — A discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations and results in a violation of any requirement of the treatment plant’s NPDES permit or prevents biosolids use or disposal in compliance with applicable federal or state statutes or regulations. The term includes those discharges that cause a prevention of biosolids use or disposal by the treatment plant in accordance with 405 of the Act (33 USC 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, 40 CFR Part 503, or more stringent state criteria, including those contained in any state biosolids management plan prepared pursuant to Title IV of SWDA or any more stringent DEP criteria, guidelines or regulations pursuant to the Solid Waste Management Act (SWMA), the Clean Streams Law (CSL), or the Air Pollution Control Act (APCA)**111** applicable to the method of disposal or use employed by the treatment plant, and those discharges that cause a pass through or disrupt operations at the treatment plant or in the public sanitary sewage system.

MANHOLE — A shaft or chamber leading from the surface of the ground to a sewer, large enough to enable a man to gain access to the latter.

Mg/L or mg/L — Milligrams per liter.

NATIONAL CATEGORICAL PRETREATMENT STANDARD — Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with 40 CFR Chapter I, Subchapter N, Parts 405-471 and Section 307 (b) and (c) of the Act (33 USC 1317) which applies to a specific category of industrial user or waste generator.

#### NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT (NPDES

PERMIT) — A permit issued under the National Pollutant Discharge Elimination System (NPDES) for discharge of wastewater to the navigable waters of the United States pursuant to Section 402 of the Clean Water Act, as amended.

NEW SOURCE — Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307 (c) of the Clean Water Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that the building, structure, facility or installation is constructed at a site at which no other source is located; or the building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or the production or wastewater-generating processes of the building structure,

* 1. **Editor's Note: See 35 P.S. § 6018.101 et seq., 35 P.S. § 691.1 et seq., and 35 P.S. § 4001 et seq., respectively.**

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facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered. Determination of new-source status shall be consistent with the provisions of 40 CFR Part 403.3

(k) (1), (2) and (3).

NONCONNECTED USER — Any user who contributes waste (including trucked industrial waste, domestic holding tank waste or septage) to the treatment plant by transporting or allowing the transport of such waste by vehicle and allows or causes the discharge of said trucked waste into the treatment plant at such a discharge point and under such conditions as may be approved by the Authority.

NORMAL DOMESTIC STRENGTH SEWAGE — As defined for the purposes of this article, shall mean wastewater or sewage having an average daily total suspended solids concentration of not more than 250 milligrams per liter (mg/l) and an average daily BOD of not more than 250 milligrams per liter (mg/L) and excluding toxic and/or flammable wastes.

OBJECTIONABLE WASTE — Any wastes that can, in the Authority’s judgment, harm either the sewer system or treatment plant process or equipment; have an adverse effect on the receiving stream; endanger life, health or property; or which constitutes a public nuisance.

OWNER — Any person vested with ownership, legal or equitable, sole or partial, of any property, or his authorized representative.

PASS THROUGH — A discharge which exits the treatment plant into waters of the United States in quantities or concentrations which, alone or in conjunction with other discharges, is a cause of a violation of the treatment plant’s NPDES permit or of any applicable local, state or federal water quality criteria (including an increase in the magnitude or duration of a violation).

PERSON — Includes an individual, a partnership, an association, a corporation, a joint-stock company, a trust, an unincorporated association, a governmental body, a political subdivision, a municipality, a municipality authority or any other group or legally recognized entity. The masculine gender shall include the feminine and singular shall include the plural where indicated by the context.

pH — The logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution indicating the degree of acidity or alkalinity of a substance. pH shall be determined by one of the accepted methods described in 40 CFR Part 136 and amendments thereto, or by any other method approved by the EPA.

POLLUTANTS — Any material that, when added to water, shall render that water (either because of the nature or quantity of the material) unacceptable for its original intended use, including, but not limited to: dredged spoil; solid waste; incinerator residue; sewage; garbage; biosolids; chemical wastes; biological materials; radioactive materials; heat; sand; cellar dirt; and/or industrial, municipal, and agricultural wastes.

POLLUTION — The man-made or man-induced alteration of the chemical, physical, biological, and/or radiological integrity of water.

PRETREATMENT — The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in a waste to a less harmful state prior to or in lieu of discharging (either by a connected user or nonconnected user through a licensed waste hauler) or otherwise introducing such pollutants into the public sanitary sewage system. The reduction or alteration can be obtained by physical, chemical or biological processes, or by

process changes by other means.

PRETREATMENT REQUIREMENT — Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an industrial user or waste generator.

PRETREATMENT STANDARD — Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act (33 USC 1317), which applies to industrial users and including prohibitive discharge limits established pursuant to 40 CFR 403.5.

PROCESS STREAM OF THE TREATMENT PLANT — The forward flow of waste through various treatment units of the treatment plant, including primary clarifiers, aeration tanks, secondary (final) clarifiers and chlorine contact tanks, and including holding tank waste or trucked industrial waste discharged directly into one of those treatment units.

PROCESS WASTE — Any water which, during manufacturing or processing, comes into direct contact with, or results from the production or use of any raw material, intermediate product, finished product, by-product or waste product, excluding noncontact cooling water and boiler blowdown.

PUBLIC SANITARY SEWAGE SYSTEM (sometimes called the "sewer system") — All sanitary sewers, all pumping stations, all force mains, and all other sewage facilities owned or leased and operated by Tredyffrin Township tributary to the treatment plant for the collection, transportation and treatment of sanitary sewage and industrial wastes and septage, together with their appurtenances, and any additions, extensions or improvements thereto. It shall also include sewers within the Tredyffrin Township service area which serve one or more persons and discharge into the public sanitary sewage system even though those sewers may not have been constructed by Tredyffrin Township and are not owned or maintained by Tredyffrin Township. It does not include separate storm sewers or culverts which have been constructed for the sole purpose of carrying stormwater or surface runoff, the discharge from which is not and does not become tributary to the treatment plant.

#### REPORT ON COMPLIANCE WITH NATIONAL CATEGORICAL PRETREATMENT

STANDARDS OR NINETY-DAY COMPLIANCE REPORT — The report required by 40 CFR Part 403.12 (d), to be submitted by all industrial users or waste generators subject to National Categorical Pretreatment Standards.

#### RESPONSIBLE INDIVIDUALS —

1. Responsible individuals shall be:
2. A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or
3. The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25,000,000 (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
4. A general partner or proprietor if the industrial user submitting the reports required by paragraphs (b), (d) and (e) of 40 CFR Part 403.12 is a partnership

or sole proprietorship, respectively.

1. A duly authorized representative of the individual designated in Subsection (1)(a) or (b) if:
   1. The authorization is made in writing by the individual described in Subsection (1)(a) or (b);
   2. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
   3. The written authorization is submitted to the control authority.
2. If an authorization under Subsection (1)(c) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of Subsection (1)(c) must be submitted to the control authority prior to or together with any reports to be signed by an authorized representative.

SANITARY SEWAGE — Wastes originating from domestic users containing human and customary household wastes, or such wastes from commercial or industrial establishments, but excluding industrial wastes.

SANITARY SEWER — Any pipe or conduit constituting a part of the sewer system, or usable for sewage collection purposes, which carries wastewater and to which stormwater, surface and groundwater are not admitted and which discharges to the treatment plant owned by the Valley Forge Sewer Authority.

SEPTAGE — Household waste from normal household functions, or such waste from commercial or industrial establishments, concentrated or treated in such a manner so as to concentrate the total suspended solids in such waste to a level at which it is treatable through the septage discharge station at the treatment plant.

SEPTAGE DISCHARGE STATION — One of the locations at the treatment plant designated by the Authority to receive septage, holding tank waste or trucked industrial waste which is not discharged directly into the process stream of the treatment plant.

SEWAGE (also referred to as "wastewater") — Any sanitary sewage or industrial waste, carried either separately or in combination, that are discharged into the public sanitary sewage system by a connected user, or any trucked industrial waste or holding tank waste generated by a waste generator and transported to the treatment plant by a licensed waste hauler and discharged into the process stream of the treatment plant as a Tier I waste.

#### SIGNIFICANT INDUSTRIAL USER —

1. Except as provided in Subsection (b) of this definition, shall mean:
2. All industrial users subject to categorical pretreatment standards under 40 CFR

403.6 and 40 CFR Chapter I, Subchapter N; and

1. Any other industrial user that discharges an average of 25,000 gallons per day or more of process waste to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the Authority on the basis that the industrial user has a reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6).
2. Upon a finding that an industrial user meeting the criteria in Subsection (a)[2] of this definition has no reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement, the Authority may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

SIGNIFICANT NONCOMPLIANCE (SNC) — A violation by an industrial user meeting one or more of the following criteria [40 CFR 403.8 (f) (2) vii]:**[Amended 6-15-2009 by Ord. No. HR-378]**

1. Chronic violations of waste discharge limits, defined here as those in which 66% or more of all of the measurements taken during a six-month period exceed, by any magnitude, the daily maximum, average or instantaneous limit for the same pollutant parameter;
2. Technical review criteria (TRC) violations, defined here as those in which 33% or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum, average or instantaneous limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
3. Any other violation of a pretreatment effluent limit (daily maximum, instantaneous limit or longer-term average) that the control authority determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public);
4. Any discharge of a pollutant that has caused imminent endangerment to human health or welfare or to the environment or has resulted in the POTW's exercise of its emergency authority [40 CFR 403.8 (f) (1) (vi) (B)] to halt or prevent such a discharge;
5. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction or attaining final compliance;
6. Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
7. Failure to accurately report noncompliance;
8. Any other violation or group of violations, including a violation of best management practices, which the control authority determines will adversely affect the operation

or implementation of the local pretreatment program.

#### SIGNIFICANT WASTE GENERATOR —

1. Any categorical waste generator;
2. Any other waste generator which:
3. Discharges a flow of 10,000 gallons or more process waste per day to the treatment plant;
4. Contributes a process waste which makes up 5% or more of the average dry weather hydraulic flow or 5% or more of the organic (BOD) capacity of the treatment plant; or
5. Is designated by the Authority, EPA or DEP to have a reasonable potential, either singly or in combination with other users, for adversely affecting the operation of the public sanitary sewer system and/or the treatment plant (either its operational efficiency, effluent quality or quality of the biosolids produced by said facility), or for violating any pretreatment standard or requirement.

SLUDGE — Any solid material containing large amounts of entrained water collected during water or wastewater treatment which may be recycled.

SLUG — Any discharge of a nonroutine, episodic nature, or at a flow rate or concentration which would cause a violation of the prohibited discharge standards in § 163-21.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) — A classification pursuant to the latest Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget.

STORMWATER — That portion of the precipitation that runs off over the surface during a storm and for a short period following a storm and enters the sewer system, and causes the flow at the treatment plant to exceed the normal or ordinary flow.

TIER I WASTE — A waste generated by any user that is required, by the Authority, to be discharged directly into the process stream of the treatment plant. The Authority’s determination is based on waste characteristics including, but not limited to total suspended solids and BOD concentration. This category of waste may include, but is not limited to most holding tank wastes, industrial wastes and sanitary landfill leachates.

TIER II WASTE — A waste generated by any user that is transported to the treatment plant by a licensed waste hauler and is required, by the Authority, to be discharged into the septage discharge station at the treatment plant. The Authority’s determination is based on waste characteristics including, but not limited to total suspended solids and BOD concentration. This category of waste may include, but is not limited to most septages, biosolids and sludges.

TOTAL SOLIDS — The sum of the total suspended solids in milligrams per liter (mg/l) and dissolved solids in milligrams per liter (mg/L), as determined by one of the acceptable methods described in 40 CFR Part 136 and amendments thereto, or by any other method approved by the EPA.

TOTAL SUSPENDED SOLIDS — Solids that either float to the surface or are in suspension in water, sewage, industrial waste or other liquids, and which are removable by laboratory filtration. The quantity of total suspended solids shall be determined by one of the acceptable methods described in 40 CFR Part 136 and amendments thereto, or by any other method

approved by the EPA.

TOWNSHIP — Tredyffrin Township.

TOXIC POLLUTANT — Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the EPA under the provision of CWA 307 (a) or other acts.

TREATMENT PLANT — The structures, equipment and processes owned by the Valley Forge Sewer Authority and required to collect, transport and treat domestic and industrial waste and to treat trucked industrial waste, holding tank waste and septage and to dispose of the effluent and accumulated residual solids.

TRUCKED INDUSTRIAL WASTE — Any liquid, solid or gaseous substance, whether or not solids are contained therein, produced by any user during the course of any industrial, manufacturing, trade, or business process or in the course of development, recovery or processing of natural resources, as distinct from sanitary sewage, that is permitted in accordance with § 163-23B and that is transported by vehicle and discharged to the treatment plant by a waste hauler licensed in accordance with §163-23B. Leachates from sanitary landfills shall be considered trucked industrial waste.

USER — Any person who contributes, causes or permits the contribution of wastewater, or waste into the Authority’s treatment plant.

WASTE — Any sewage (or wastewater), trucked industrial waste, holding tank waste or septage.

WASTE GENERATOR — Any nonconnected user of the treatment plant.

WASTE HAULER — A person licensed by the Authority under § 163-23B to transport and discharge trucked industrial waste (generated by a permitted waste generator), or holding tank waste or septage at the treatment plant.

WASTE HAULER LICENSE — The license issued by the Authority pursuant to § 163-23B which allows the discharge of domestic holding tank waste, septage or trucked industrial waste transported to the treatment plant in an over-the-road vehicle.

WASTE PERMIT — The permit issued by the Authority to a significant waste generator for a particular trucked industrial waste pursuant to § 163-23B.

* 1. Words in the present tense include the future. The singular number includes the plural number. The plural number includes the singular number. “Shall” is mandatory, “may” is permissive.

### § 163-21. Regulations.

1. General discharge prohibitions.
   1. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant, or waste which will cause pass through or interference with the operation or performance of the treatment plant. These general prohibitions apply to all such users of the treatment plant whether or not the user is subject to National Categorical Pretreatment Standards or any other national, state or local pretreatment standards or requirements.
   2. The following limitations and prohibitions shall apply to all users of the treatment plant:
      1. Unpolluted water or waste prohibition. No person shall discharge to the public sanitary

sewage system unpolluted water or waste capable of being disposed of by any means other than discharge into the public sanitary sewage system, including but not limited to noncontact cooling water, except under such conditions as may be authorized in a permit issued by the Authority pursuant to this article.

* + 1. Stormwater prohibition. No person shall discharge to the public sanitary sewage system any amount of unpolluted stormwater, including but not limited to surface water, foundation drainwater, groundwater, roof runoff or surface drainage. All connections which would result in the discharge of inflow are hereby specifically prohibited.
    2. Dilution of wastes prohibited. No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with the limitations contained in the National Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the Authority or DEP.
    3. Grease and oil prohibitions. No person shall discharge to the public sanitary sewage system any grease, oils or grease interceptor wastes capable of being disposed of by any means other than discharge into the public sanitary sewage system, except under such conditions as may be authorized in a permit issued by the Authority pursuant to this article. In addition, discharge of petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts causing interference or pass through at the treatment plant is prohibited.
    4. Other general prohibitions. Except as otherwise provided, no person shall discharge or cause to be discharged any waste or other matter or substance:

1. That could cause pass through or interference, alone or in conjunction with a waste or wastes from other sources.
2. Containing any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the treatment plant or to the operation of the treatment plant.
3. Containing any noxious or malodorous or toxic gases/vapors/fumes or substance, which alone or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or preventing entry into sewers for their maintenance and repair. The discharge of wastes that result in gases, vapors or fumes in quantities that could cause worker health or safety problems at the treatment plant is specifically prohibited.
4. Containing garbage that is not ground garbage.
5. Containing any solid or viscous substances in quantities or of size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the treatment plant. Such substances include, but are not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, bones, rags, feathers, tar, plastic, wood, paunch manure, butchers offal, whole blood, bentonite, lye, building materials, rubber, hair, leather, porcelain, china, ceramic wastes, asphalt, paint and waxes.
6. Containing a toxic pollutant or poisonous substance in sufficient quantity, either

singly or by interaction with any sewage treatment process, to constitute a hazard to humans or animals or to create any hazard in the receiving stream of the treatment plant, or that exceeds any applicable limitation set forth in a National Categorical Pretreatment Standard.

1. Containing total solids, total suspended solids or BOD of such character or quantity that unusual attention or expense is required to handle such materials at the treatment plant, except as may be approved by the Authority, or as may be otherwise provided herein.
2. Containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations.
3. Prohibited by any permit issued by the Commonwealth of Pennsylvania, or by the EPA or any other federal agency.
4. That constitute a slug as defined in this article.
5. Specific discharge prohibitions. The discharge of the following wastes into the treatment plant is hereby specifically prohibited:
   1. Wastes containing more than 100 milligrams per liter (mg/L) of grease and oil, if the grease and oil is of unknown or petroleum origin in a Tier I or Tier II waste; or containing more than 200 milligrams per liter (mg/L) of grease and oil in a Tier I waste, or more than 10,000 milligrams per liter (mg/L) of grease and oil in a Tier II waste, if the grease and oil is determined to be of an animal or vegetable origin. The differentiation between grease and oil of animal/vegetable origin and those of petroleum origin shall be made by the Authority.
   2. Wastes having a temperature higher than 150° F. or less than 32° F., but in no case heat in such quantities that the temperature of the influent to the treatment plant exceeds 104° F. or inhibits the biological activity of the treatment plant.
   3. Wastes having a closed-cup flash point of less than 140° F. as determined by a method listed under 40 CFR Part 261.21 and amendments thereto are specifically prohibited. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than 5%, nor any single reading over 10%, of the lower explosive limit (LEL) of the meter.
   4. Wastes having a pH lower than 6.0 or greater than 9.5 in a Tier I waste, or a pH lower the 5.0 or greater the 9.5 in a Tier II waste, or having any corrosive or scale-forming property capable of causing damage or hazards to structures, equipment, bacterial action, or health or safety hazards to operating personnel or the sewer system or the treatment plant.
   5. Wastes that exceed any of the following concentrations in a discharge to the process stream of the treatment plant from a connected user as sewage or Tier I waste or from a nonconnected discharge (through a licensed waste hauler) as a Tier I waste, as a daily composite sample or grab sample: **[Amended 4-5-2004 by Ord. No. HR-326; 5-23-2011 by Ord. No. HR-387; 6-17-2024 by Ord. No. HR-481]**

|  |  |  |
| --- | --- | --- |
| Arsenic (total) | 0.04 | mg/L |
| Cadmium (total) | 0.09 | mg/L |
| Chromium (total) | 4.00 | mg/L |
| Copper (total) | 1.00 | mg/L |
| Cyanide (total) | 0.26 | mg/L |
| Lead (total) | 0.10 | mg/L |
| Mercury (total) | 0.005 | mg/L |
| Molybdenum | 0.50 | mg/L |
| Nickel (total) | 0.90 | mg/L |
| Selenium | 0.50 | mg/L |
| Silver (total) | 0.08 | mg/L |
| Zinc (total) | 1.00 | mg/L |

* 1. Wastes that exceed any of the following concentrations in a discharge to the septage discharge station of the treatment plant from a nonconnected discharge (through a licensed waste hauler) as a Tier II waste in a grab sample or daily composite sample: **[Amended 4-5-2004 by Ord. No. HR-326; 5-23-2011 by Ord. No. HR-387; 11-1-2022 by Ord. No. HR-458; 6-17-2024 by Ord. No. HR-481]**

**Parameter**

**Tier I Limits**

**Limitation**

**Units**

**Parameter**

**Tier II Limits**

**Limitation**

**Units**

|  |  |  |
| --- | --- | --- |
| Arsenic (total) | 2.50 | mg/L |
| Cadmium (total) | 0.5000 | mg/L |
| Chromium (total) | 21.0000 | mg/L |
| Copper (total) | 22.00 | mg/L |
| Cyanide (total) | 0.2600 | mg/L |
| Lead (total) | 18.00 | mg/L |
| Mercury (total) | 0.04 | mg/L |
| Molybdenum | 5.00 | mg/L |
| Nickel (tota1) | 5.0000 | mg/L |
| Selenium | 4.00 | mg/l |
| Silver (total) | 5.0000 | mg/L |
| Zinc (total) | 95.0000 | mg/L |

* 1. Individual control limits. If the Authority determines that a waste from any significant industrial user or significant waste generator poses a unique potential for pass through or interference due to the quality or quantity of the discharge, the Authority shall place special requirements or limits, in excess of those contained in this article, in any industrial waste discharge permit or waste permit to prevent such pass through or interference. Such individual control limits may include, but are not limited to solvent/toxic organic management plans (STOMPs), toxic reduction evaluation plans (TREs), hazardous waste disposal plans, slug discharge control plans or specific numerical limitations on substances.
  2. Any pollutant, including oxygen demanding pollutants (BOD etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with or pass through at the treatment plant.
  3. Wastes containing color from any source that when diluted with distilled water 1:10 will have a luminescence of 10% or greater and a purity of 90% or less, at its dominant wavelength by the tristimulus method, or containing any objectionable color not removed by the treatment process utilized by the Authority.
  4. Wastes containing more than 10 milligrams per liter (mg/L) of hydrogen sulfide, sulfur dioxide or nitrous oxide as determined by a method referenced in 40 CFR Part 136 and amendments thereto or any method approved by the EPA.
  5. Trucked industrial waste, holding tank waste or septage, except at discharge points designated by the Authority in accordance with § 163-23B.

1. Federal and state requirements.
   1. Primary of state and federal requirements. Nothing in this section shall be construed to provide lesser discharge standards than are presently or may hereafter be imposed and required by the EPA or DEP.
   2. National Categorical Pretreatment Standards. The National Categorical Pretreatment Standards, as defined in § 163-20B (relating to definitions) and promulgated by the EPA as of May 9, 1994, and the National Prohibitive Discharge Standards, as defined in § 163-20B and promulgated by the EPA as of May 9, 1994, are specifically incorporated herein by reference. A National Categorical Pretreatment Standard or a National Prohibitive Discharge Standard and Pretreatment Standard, as defined in § 163-20B, and promulgated by the EPA subsequent to May 9, 1994, is specifically incorporated by reference upon publication in the Federal Register as final rulemaking. Any EPA standard as defined above which is more stringent than that imposed under this article shall immediately supersede the less stringent requirement upon incorporation by reference as provided herein.
   3. Pennsylvania state standards. Upon the promulgation of any Pennsylvania state (DEP) standards or requirements, the DEP standards or requirements shall immediately supersede the limitations imposed under this article if the DEP standards are more stringent than federal limitations or requirements or the limitations and requirements imposed under this article.
2. Accidental and slug discharges.
   1. Accidental discharge and slug discharge prevention. All users shall provide and maintain at their own expense facilities adequate, in the judgment of the Authority, to prevent accidental discharge of prohibited and/or regulated substances and/or slug discharges and to protect the

public sanitary sewage system from damages caused by such substances. No industrial user or significant waste generator which commences discharge to the treatment plant after the effective date of this article shall be permitted to introduce pollutants into the treatment plant until the Authority has reviewed and approved that user's accidental discharge prevention or slug prevention procedures (if those procedures are required by the Authority). Users designated as SIUs after October 14, 2005, must be evaluated for the need for a slug control discharge plan within one year of designation. If the Authority decides a slug control plan is needed, the plan shall contain, at a minimum, the following elements: **[Amended 6-15-2009 by Ord. No. HR-378]**

* + 1. Description of discharge practices, including nonroutine batch discharges;
    2. Description of stored chemicals;
    3. Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5 (b), with procedures for followup written notification within five days; and,
    4. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment measures for containing toxic organic pollutants (including solvents), and/or measures and equipment necessary for emergency response.
  1. Accidental and/or sludge discharge notification. In the case of an accidental and/or slug discharge to the treatment plant, the user shall immediately telephone and notify the Authority of the accident. The notification shall include information regarding the location of the discharge, the type of pollutants involved, the concentration and volume of the discharge and corrective actions taken and/or contemplated.
  2. Accidental and/or slug discharge report. Within five working days following an accidental and/ or slug discharge, the user shall submit to the Authority a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result damage to the treatment plant, fishkills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.
  3. Employee notice concerning accidental and/or slug discharge. A notice shall be permanently posted on the user’s bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

1. Grease and sand interceptors.
   1. Interceptors required. Grease, oil and sand interceptors or retainers shall be installed by the user at his own expense when, in the opinion of the Authority, such are necessary for the proper handling of liquid wastes containing grease, oil or sand in excessive amounts, and of such other harmful ingredients. Such interceptors shall be of a type and capacity approved by the Authority and shall be located as to be readily and easily accessible for cleaning by the user and for inspection by the Authority.
   2. Interceptor maintenance. Where installed, all grease, oil and sand interceptors shall be maintained by the user, at his own expense, and shall be kept in continuous and efficient operation at all times.
2. Hazardous wastes general notification requirements. All users shall notify in writing EPA, DEP, the Authority, and the Township of any discharge of a substance whereby if otherwise disposed of would be hazardous waste (listed or characteristic under Section 3001 of RCRA) into the public sanitary sewage system per the requirements of 40 CFR 403.12 (p) (1) through (4).

### § 163-22. Surcharges and fees for certain wastes.

1. Surcharges required. Although the sewage treatment works will be capable of treating certain industrial wastes, the actual treatment of such wastes may increase the cost of operating and maintaining the public sanitary sewage system. Therefore, there will be imposed upon each user discharging such waste into the public sanitary sewage system a surcharge or surcharges which are intended to cover such additional costs. Such surcharges shall be in addition to regular sewage service charges and shall be payable as herein provided.
2. Determination of surcharges. The strength of any industrial or commercial waste discharge which is to be subject to a surcharge as determined by Subsection C of this section shall be determined quarterly, or more frequently, as the Authority shall determine. The surcharge shall be determined from samples taken either at the manhole or metering chamber referred to in this article, or at any other sampling point mutually agreed upon by the Authority and the producer of such waste. The frequency and duration of the sampling period shall be such as, in the opinion of the Authority, will permit a reasonably reliable determination of the average composition of such waste, exclusive of stormwater runoff. Samples shall be collected or their collection supervised by a representative of the Authority and will be samples that reasonably reflect the characteristics of the waste. Except as hereinafter provided, the strength of waste so found by analysis shall be used for establishing the surcharge or surcharges. However, the Authority may, if it so elects, accept the results of routine sampling and analyses by the producer of such wastes in lieu of making its own sampling and analyses.
3. Calculation of surcharges. In the event that, after sampling and analysis as prescribed in Subsection B hereof, any industrial or commercial waste is found by the Authority to have pollutants of BOD concentration in excess of 250 milligrams per liter (mg/L) and/or total suspended solids concentration in excess of 250 milligrams per liter (mg/L), the producer of said waste shall pay a strength-of-waste surcharge in addition to the regular sewage service charge, which surcharge shall be computed by using the following formula:

#### S = 0.00834 QI [(BODI - 250) TA + (TSSI - 250) TB]

Where:

S is the surcharge to be added to the basic user charge.

QI is the industrial or commercial waste flow expressed in million gallons. 0.00834 is a constant to convert waste concentration.

BODI and TSSI are the respective concentrations of BOD and total suspended solids of the industrial or commercial waste expressed in milligrams per liter (mg/L).

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250 is a constant which expresses the waste load concentrations of BOD and total suspended solids for normal domestic-strength sewage in milligrams per liter (mg/L).

TA and TB are actual treatment costs incurred by the Authority per 1,000 pounds of BOD and total suspended solids, respectively. These costs are determined annually by the Authority based upon actual costs of operation and maintenance.

When a value of BOD and/or total suspended solids is less than 250 milligrams per liter (mg/ L), than 250 milligrams per liter (mg/L) shall be used in the calculation of the surcharge.

1. Sampling fees and schedules. All industrial or commercial users and all significant waste generators shall be assessed a fee or service charge for each sampling to be performed by the Authority. The fees to the user for each sampling shall include charges, as determined by the Authority, for sample collection, analysis and administrative services, and shall be in addition to any costs of sample collection and analysis which the user performs or has performed independently or privately.

### § 163-23. Administration.

1. General. Permits required for certain wastes. Only sanitary sewage may be discharged into the public sanitary sewage system except as may be authorized by the Authority in accordance with the provisions of this article concerning industrial waste discharge permits, waste hauler licenses, waste generator permits and commercial discharge permits.
2. Permits and licenses.
   1. Permits and licenses required. No sanitary sewage, industrial waste, trucked industrial waste, holding tank waste or septage shall be discharged to the treatment plant from any significant industrial user, significant waste generator or waste hauler other than that for which the following permits or licenses have been issued:
      1. Significant industrial users require industrial waste discharge permits;
      2. Significant waste generators require waste permits; or,
      3. Waste haulers require waste hauler licenses.
   2. Commercial discharge permits. When determined by the Authority, a commercial establishment may be required to obtain a commercial discharge permit.
   3. Permit and license applications.
      1. All industrial users, waste generators and waste haulers proposing to contribute to the public sanitary sewage system shall make application for a permit or license according to Subsection B(3)(a)[1] and [2] of this section. All existing significant industrial users, significant waste generators and waste haulers contributing to the treatment plant at the time of the adoption of this article shall apply for a permit or license within 30 days after the adoption of this article, and shall obtain a permit or license within 90 days after the effective date of this article. Any user required to apply for a permit or license shall complete and file an application form approved by the Authority, accompanied by a nonreturnable processing fee to be set by the Authority. Proposed new industrial users shall apply at least 90 days prior to connecting to or contributing to the treatment plant. In support of the application for an industrial waste discharge permit, commercial discharge permit, waste permit or waste hauler license the user may be required to submit, in units

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and terms appropriate for evaluation, any of the following information, including, but not limited to:

1. Name, address, location, phone number;
2. Standard Industrial Classification (SIC) number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1987;
3. Names of responsible individuals;
4. Waste constituents and characteristics, before and after pretreatment, as determined by a reliable analytical laboratory;
5. Time and duration of contribution;
6. Average daily waste flow rates and/or estimated or required daily discharge volumes and frequency, including daily, monthly and seasonal variations, if any;
7. Site plans, plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
8. Description of activities, and plant processes on the premises including all materials which are or could be discharged;
9. Description of waste to be discharged;
10. Where known, the nature and concentration of any pollutants in the discharge which are limited by the Authority, state or federal pretreatment standards, and a statement reviewed by an authorized representative of the user (as defined in § 163-20B) and certified to by a qualified professional, indicating whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional pretreatment is required for the user to meet applicable pretreatment standards;
11. If additional pretreatment and/or operation and maintenance (O&M) will be required to meet pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard;
12. Make, model, year, capacity and vehicle registration number of all vehicles to be used for transportation and discharge at the treatment plant;
13. Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system; and
14. Any other information as may be deemed by the Authority to be necessary to evaluate the permit application.
    * 1. The Township or the Authority shall also have, at its discretion, the right to inspect the premises, equipment and material, and laboratory testing facilities of the applicant. The completed application shall be signed by the user’s responsible individuals. The Authority will evaluate the data furnished by the user for completeness and may require additional information. After evaluation and acceptance of the data furnished as a complete application, the Authority may, for cause shown, either refuse to issue or may issue a permit or license subject to terms and conditions provided herein.

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* + 1. If the application for a permit or license is denied by the Authority, or if the discharge indicated from the application is not in accordance with the requirements of this article, the user may have the Authority review the denial, provided the user shall give written notice of his request within 30 days after receiving the denial. The Authority shall review the permit application, the written denial, and such other evidence and matters as the applicant shall present at a public hearing following receipt of request for its review, and the decision of the Authority rendered publicly shall be final.
  1. Terms and conditions of permits and licenses. Permits and licenses may include any of the following terms and conditions, including, but not limited to: **[Amended 6-15-2009 by Ord. No. HR-378]**
     1. Maximum discharge flow rate;
     2. Term of permit;
     3. Definitions;
     4. General limitations;
     5. Specific limitations;
     6. Special conditions;
     7. Self-monitoring requirements (including sampling, reporting, notification and recordkeeping);
     8. Reopener clause;
     9. Compliance schedules (if required);
     10. Statements of applicable civil and criminal penalties;
     11. Statement of nontransferability; or
     12. Best management practices.
  2. Industrial waste discharge permit and commercial discharge permit. Industrial waste discharge permits and commercial discharge permits shall be issued for a specified time period, not to exceed five years. The user shall apply for permit reissuance a minimum of 90 days prior to the expiration of the user’s existing permit accompanied by a nonreturnable processing fee to be set from time to time by resolution of the Authority. The terms and conditions of the permit may be subject to modification by the Authority during the term of the permit to accommodate changing conditions and as local, state and federal laws, rules and regulations are modified or amended, or other just cause exists. The user shall be informed of any proposed changes in his permit at least 60 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance, including a comment period which shall be the first 30 days of the sixty-day period prior to the effective date of change.
  3. Waste permit and waste hauler license duration. Waste permits and waste hauler licenses shall be issued for a specified time period, not to exceed one year. Each significant waste generator or waste hauler shall apply for a waste permit or waste hauler license reissuance a minimum of 30 days prior to the expiration of the existing permit or license accompanied by a nonreturnable processing fee to be set from time to time by resolution of the Authority. The terms and

conditions of the waste permit or waste hauler license shall be subject to modification by the Authority during the term of the permit or license to accommodate changing conditions and as local, state and federal laws, rules and regulations are modified or amended, or other just cause exists.

* 1. Permit and license transfer. Permits and licenses are issued to a specific operation. No permit or license shall be assigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the prior approval of the Authority upon written application therefor accompanied by a nonreturnable processing fee to be set from time to time by resolution of the Authority. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit or license.
  2. Revocation of permits and licenses. All permits and licenses are subject to revocation according to the provisions outlined in § 163-23C. In the event that any discharge of material to a sewer shall materially and substantially differ in type or volume from that shown in the application or permit, the person and user shall immediately cease and desist from such discharge. The Township or Authority may suspend any permit, license, and/or waste treatment service when such suspension is necessary, in the judgment of the Township or Authority, in order to stop a discharge which presents a hazard to the public health, safety, or welfare, to the environment or operations at the Authority’s treatment plant or upon a finding that the discharger has violated any provisions of this article. Any discharger notified of such a suspension shall immediately stop the discharge of all wastes into the system. The Township or Authority may reinstate the permit or license upon proof of satisfactory compliance with all discharge requirements of this article and all other requirements of the Township or Authority. In the event of a failure of a person to comply voluntarily with the suspension order, the Township or Authority may take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the system or endangerment to any individuals. The Township or Authority may reinstate the permit, license and/or the waste treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Township or Authority within 15 days of the date of the occurrence.

1. Permit/license revocation causes. An industrial waste discharge permit or a hauler license or a waste permit or a commercial discharge permit may be revoked by the Township or Authority for, including, but not limited to, the following causes.
   1. Failure of a permittee or licensee to accurately report his wastewater characteristics;
   2. Failure of a permittee to report significant changes in operations which affect wastewater characteristics;
   3. Refusal of access to the permittee’s premises or licensee’s vehicle for the purpose of inspection or monitoring;
   4. Any violation of any condition of any permit or license or this article;
   5. Falsification of self-monitoring reports;
   6. Application falsification;
   7. Tampering with monitoring equipment; or
   8. Failure to meet compliance schedule.
2. Compliance schedules.
   1. Compliance schedules required. If additional pretreatment and/or operation and maintenance procedures are required for a permittee to meet all applicable regulations contained herein, the shortest schedule by which the permittee can provide such additional pretreatment and/or operation and maintenance procedures may be issued by the Authority or submitted by the permittee to the Authority for review and approval. The completion date for this schedule shall not be later than the compliance date established for applicable pretreatment standards. The Authority shall have the right to deny or to require the modification of proposed compliance schedules.
   2. Compliance schedule increments of progress. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the permittee to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
   3. Time limits for increments of progress. No increment of progress shall exceed nine months.
   4. Compliance schedule compliance reports. Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Authority including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which the user expects to comply with this increment of progress, the reason for delay, and the steps being taken by the permittee to return to the schedule established. In no event shall more than nine months elapse between such progress reports to the Authority. Failure to meet required milestone dates shall constitute a violation of this article.
3. Record maintenance.
   1. Record retention requirements. All users shall maintain and retain all records, including, but not limited to, documentation associated with best management practices, relating to wastewater discharged for a period of not less than three years and shall afford the Authority access thereto at all reasonable times. This period of retention shall be extended during the course of any unresolved litigation. Such records shall include for all samples: **[Amended 6-15-2009 by Ord. No. HR-378]**
      1. The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;
      2. The date(s) and time(s) the analyses were performed;
      3. Who performed the analyses;
      4. The analytical techniques/methods used; and
      5. The results of such analyses.
   2. Availability of records. All records maintained by users relating to compliance with pretreatment standards shall be made available to officials of the EPA, DEP, Township, and

Authority for inspection and copying upon request.

1. Industrial agreements required. As a condition precedent to the issuance of an industrial waste discharge permit, the Authority shall require industrial users to enter into agreements with the Authority containing such provisions as the Authority deems appropriate in furtherance of its effort to comply with regulations promulgated by the EPA in 40 CFR Part 403. Industrial users shall comply with federal, state and local statutes, ordinances, rules and regulations, and with the provisions of such agreements; and in the event of conflict between provisions, shall comply with whichever provision on a particular matter is most stringent or more strict.
2. Pretreatment and handling of industrial wastes.
   1. General. Users shall provide necessary pretreatment as required to comply with this article and shall achieve compliance with all National Categorical Pretreatment Standards within time limitations as specified in 40 CFR Part 403 and amendments thereto. Any facilities required to pretreat wastewater to a level acceptable to the Authority shall be provided, operated and maintained at the user’s expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Authority for review, and shall be acceptable to the Authority before construction of the facility. The review of such plans and operating procedures and approval of such plans as required by § 163-23G(3) shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Authority under the provisions of this article. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Authority prior to the user’s initiation of the changes.
   2. Purposes and pretreatment. The Authority may require the owner of an improved property to construct, operate and maintain at his expense a pretreatment facility when, in the opinion of the Authority, such facility is necessary to reduce quantities and/or concentrations of pollutants or flows to:
      1. Decrease the concentration levels of pollutants in the wastewater discharge to comply with the maximum limits specified in § 163-21;
      2. Prevent excessive quantities of flow; or
      3. Prevent discharges (flow or concentration) of pollutants from the user which may cause interference or pass through at the Authority’s treatment plant.
   3. Review and approval of pretreatment facilities. If required by the Authority, no pretreatment plant and facilities shall be constructed or operated unless all plans, specifications, technical operating data, and other information pertinent to its proposed operation and maintenance are reviewed by the Authority and found by the Authority to conform to all Authority regulations; and unless written approval of the plans, specifications, technical operating data and biosolids disposal methods has been obtained by the Authority from the EPA, the Commonwealth of Pennsylvania, and any other local, state or federal agency having regulatory authority with respect thereto, providing such approval is required by those agencies.
   4. Pretreatment facility maintenance requirement. All such pretreatment facilities as required by this article shall be maintained continuously in satisfactory and effective operating conditions by the user or person operating and maintaining the facility served thereby, and at the user’s expense. The Township and the Authority shall have access to such facilities at all reasonable times for purposes of inspection and testing.
   5. Rejection of waste if not adequately pretreated. The Township and Authority reserve the right to reject admission to the system of any waste harmful to the public sanitary sewage system or to the receiving stream, to compel discontinuance of use of the public sanitary sewage system or to compel pretreatment of industrial wastes in order to prevent discharges deemed harmful to or having a deleterious effect upon any portion of the public sanitary sewage system or receiving stream.
3. Sampling procedures and reporting criteria for industrial users, waste haulers and waste generators.
   1. Self-monitoring reports. **[Amended 6-15-2009 by Ord. No. HR-378]**
      1. All significant industrial users shall submit at least twice annually to the Authority a self- monitoring report, on a form approved by the Authority, indicating the nature and concentration of pollutants in the waste discharged to the Authority treatment plant which are of particular concern to the Authority and which are limited by this article. The waste characteristics to be measured and reported shall be determined by the Authority and specified in the industrial waste discharge permit or waste permit. All wastewater samples must be representative of the user's discharge. In cases where this article requires compliance with a best management practice or pollution prevention alternative, the user shall submit documentation as required by the Authority to determine compliance of the user. If an industrial user monitors any pollutant more frequently than required by the Authority, using the procedures prescribed in 40 CFR 403.12(g)(4), the results of this monitoring shall be included in the report. In addition, this report shall include flow information for the reporting period and shall be signed by the user's responsible individuals. This report shall be received by the Authority no later than the 30th day of the month following the quarter for which the report is required.
      2. All categorical industrial users and categorical waste generators shall submit at least twice annually to the Authority a self-monitoring report, on a form approved by the Authority indicating the nature and concentration of pollutants in the waste discharged to the Authority treatment plant which are of particular concern to the Authority and which are limited by this article. The waste characteristics to be measured and reported shall be determined by the Authority and specified in the industrial waste discharge permit or waste permit. All wastewater samples must be representative of the user's discharge, and, for all parameters required to be analyzed utilizing a grab sample, a minimum of one grab sample must be collected and analyzed for each parameter. In cases where this article requires compliance with a best management practice or pollution prevention alternative, the user shall submit documentation as required by the Authority to determine compliance of the user. If a categorical industrial user or categorical waste generator monitors any pollutant more frequently than required by the Authority, using the procedures prescribed in 40 CFR 403.12(g)(4), the results of this monitoring shall be included in the report. In addition, this report shall include flow information for the reporting period and shall be signed by the user's responsible individuals. This report shall be received by the Authority no later than the 30th day of the month following the period for which the report is required.
      3. All significant waste generators shall submit at least annually to the Authority a self- monitoring report, on a form approved by the Authority, indicating the nature and concentration of pollutants in the waste discharged to the Authority treatment plant which are of particular concern to the Authority and which are limited by this article. The waste characteristics to be measured and reported shall be determined by the Authority and specified in the industrial waste discharge permit or waste permit. All wastewater samples

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must be representative of the user's discharge, and, for all parameters required to be analyzed utilizing a grab sample, a minimum of one grab sample must be collected and analyzed for each parameter. In cases where this article requires compliance with a best management practice or pollution prevention alternative, the user shall submit documentation as required by the Authority to determine compliance of the user. If a significant waste generator monitors any pollutant more frequently than required by the Authority, using the procedures prescribed in 40 CFR 403.12(g)(4), the results of this monitoring shall be included in the report. In addition, this report shall include flow information for the reporting period and shall be signed by the user's responsible individuals. This report shall be received by the Authority no later than the 30th day of the month following the period for which the report is required.

* 1. Responsible individuals. All significant industrial users, significant waste generators, licensed waste haulers and industrial users issued commercial discharge permits shall designate responsible individuals as described by this article.
  2. Signatory requirements. All reports submitted pursuant to requirements outlined in this article, including but not limited to the baseline monitoring report, the self-monitoring report and the report on compliance with National Categorical Pretreatment Standards or ninety-day compliance report shall be signed by the user’s responsible individuals.
  3. Certification requirements. All reports referenced in § 163-23H, as well as industrial waste discharge permit applications, waste permit applications and waste hauler license applications submitted pursuant to § 163-23A, shall include the following statement:

I certify, under penalty of law, that this document and all attachments, were prepared under my direction or supervision in accordance with a system designed to assure that quality personnel properly gather, and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

* 1. Monitoring manholes. Whenever required by the Township or the Authority, the owner of any property served by a building sewer carrying wastewater and material shall install a large manhole or sampling chamber, flow-metering chamber, flow monitoring equipment, pH- monitoring equipment and other appurtenances in the building sewer to facilitate the observation, sampling and measurement of the combined flow of wastes from the user’s premises into the public sanitary sewage system. These monitoring facilities shall be constructed in accordance with plans and specifications approved by the Township or the Authority and installed and maintained at all times at the user’s expense. There shall be ample room in each sampling chamber to accurately sample and composite samples for analysis. The chamber shall be safely and easily and independently (of other premises and buildings of users) accessible to authorized representatives of the Township and Authority at all tines. When construction of a sampling chamber and monitoring facilities are not economically or otherwise feasible in the opinion of the Authority, alternative arrangements for sampling and monitoring may be made at the discretion of the Authority.

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* 1. Flow monitoring and recording. Each flow-measuring chamber shall contain a Parshall flume, weir or similar device with a recording and totalizing register for measuring liquid quantity, or the metered water supply to the industrial plant may be used as a measure of liquid quantity where it is substantiated by the Authority that the metered water supply and waste quantities are approximately equal or where a measurable adjustment agreed to by the Authority is made in the metered water supply to determine the liquid waste quantity.
  2. Sampling by Authority. Samples shall be taken as deemed appropriate by the Authority. All significant industrial users shall be sampled by the Authority at least once per year. Such sampling shall be done as prescribed by the Authority to insure that the compliance of the user is determined with a reasonable degree of certainty for the entire reporting period. Samples shall be taken at the manhole or metering chamber referred to in § 163-23H(5), or in the absence of such manhole or metering chamber, at such place as the Authority shall determine will provide a representative sample of the discharge and shall represent the entire flows from the significant industrial user.
  3. Inspection and verification of sampling and testing. The sampling frequency, sampling device, sampling methods, and analyses of samples shall be subject, at any time, to inspection and verification by the Township or the Authority.
  4. Sampling and testing methods. All sampling measurements, tests and analyses of the characteristics of waters and wastes shall be determined in accordance with procedures contained in 40 CFR Part 136, and amendments hereto or any other method approved by the EPA.
  5. Confidentiality of information. The Township or Authority shall consider all information in their possession regarding an industrial user’s or waste generator’s effluent characteristics as being nonconfidential and may make all such information available to the public without restriction, unless the user specifically requests and is able to demonstrate to the satisfaction of the Township or Authority that the release of such information in their possession would divulge information of processes or methods of production entitled to protection as trade secrets of the user. Upon written request, at the time of submission of the data by the industrial user or waste generator furnishing a report, permit application or answering a questionnaire, those portions of any document which might disclose trade secrets or secret processes shall not be disclosed to any person other than to duly authorized representatives of the EPA or DEP. Any effluent data of a user’s waste will not be recognized as confidential information or as a trade secret.
  6. Sampling and testing costs. When the Authority conducts its own sampling and/or analyses of wastes discharged by any user, the Authority may make or have made any such tests, and the user shall reimburse the Authority for the full cost thereof. Such costs shall be established by resolution annually.
  7. Ninety-day compliance reports. Within 90 days following the date for final compliance with applicable National Categorical Pretreatment Standards or, in the case of a new source, following commencement of the introduction of wastewater into the treatment plant, any industrial user or waste generator subject to National Categorical Pretreatment Standards and requirements shall submit to the Authority a report containing the information listed in 40 CFR Part 403.12 (b) (4) through (6) indicating the nature and concentration for all pollutants in the discharge from the regulated process which are limited by the National Categorical Pretreatment Standards and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards. Industrial users or waste generators subject to

equivalent mass or concentration limits established in accordance with 40 CFR Part 403.6 (c), must include in the report a reasonable measure of the user’s long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user’s actual production during the appropriate sampling period. The report shall indicate the compliance status of the user with the applicable pretreatment standards as listed in 40 CFR 403.12 (b) and (d), whether the applicable pretreatment standards are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the user into compliance with all applicable pretreatment standards. This statement shall be signed by the user’s responsible individuals.

* 1. Baseline monitoring reports. All industrial users and waste generators subject to National Categorical Pretreatment Standards shall submit to the Authority, within 180 days after the effective date of a categorical standard or the final administrative decision on a category determination under 40 CFR 403.6 (a) (4), whichever is later, a report (baseline monitoring report) which indicates the compliance status of the user with the applicable National Categorical Pretreatment Standards as listed in 40 CFR 403.12 (b).
  2. New or increased contributions. All industrial users, waste haulers or waste generators shall immediately notify the Authority prior to any changes in the volume or character of their waste discharge or in the operation of their pretreatment processes that may result in interference or pass-through at the treatment plant or affect the potential for a slug discharge to the treatment plant. The Authority reserves the right to deny the admission of, or to require the pretreatment of, all discharges to the public sanitary sewage system. **[Amended 6-15-2009 by Ord. No. HR-378]**
  3. Mass limitations. The Authority may impose mass limitations on users which, in the opinion of the Authority, are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by Subsection H(1) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where required by the Authority, of pollutants contained herein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in accordance with procedures established by the EPA pursuant to Section 304 (g) of the CWA and contained in 40 CFR Part 136, and amendments thereto, or with any other test procedures approved by the EPA.
  4. Notice of violation/resampling requirement. If sampling performed by an industrial user or significant waste generator indicates a violation, the industrial user or significant waste generator shall notify the Authority within 24 hours of becoming aware of the violation. The industrial user or significant waste generator shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Authority within 30 days after becoming aware of the violation pursuant to 40 CFR 403.12(g). Where the Authority has performed the sampling and analysis in lieu of the industrial user or significant waste generator, the Authority must perform the repeat sampling and analysis within 30 days unless it notifies the industrial user or significant waste generator of the violation and requires the industrial user or significant waste generator to perform the repeat analysis. **[Amended 6-15-2009 by Ord. No. HR-378]**

1. Annual fee. All permitted industrial users shall be subject to an annual fee to defray the cost of administration of this article. The annual fee shall be set from time to time by resolution of the

Authority.

1. Administrative fee. All connected and nonconnected users utilizing the services of the Authority under this article shall be subject to an administrative fee to defray the cost of processing invoices, bills and other charges and fees for such services. The administrative fee shall be set from time to time by resolution of the Authority.

### § 163-23.1. Enforcement; violations and penalties.

1. Enforcement response. Enforcement actions taken by the Authority shall be consistent with an enforcement response plan maintained at the wastewater treatment plant offices.
2. General. Any duly authorized employee or agent of the Authority, bearing credentials which so identify him or her, shall be permitted at any reasonable time to enter upon all properties served by the treatment plant, or all properties generating trucked waste for discharge to the treatment plant, or licensed vehicles transporting waste for the purpose of discharge at the treatment plant, for the purpose of inspecting, observing, measuring, sampling and testing, as may be required in pursuance of the implementation and enforcement of the terms and provisions of this article. Any records of monitoring activities or results maintained by any user shall be made available for inspection and copying by the Authority and/or the DEP and/or the EPA. Users may be required by the Authority to install monitoring equipment, as per 40 CFR 403.8(f)(1)(v). **[Amended 6-15-2009 by Ord. No. HR-378]**
3. Injunctive relief. The Township and/or Authority reserve the right to seek injunctive relief for noncompliance by any industrial user or waste generator with any pretreatment standard or pretreatment requirement, or for noncompliance by any person with any provision of this article. The Authority, through counsel, may petition the court for the issuance of a preliminary or permanent injunction (or both, as may be appropriate), which restrains or compels the activities on the part of the industrial user, waste generator, or person, including a prayer for payment of costs and attorney’s fees as may be authorized by law. In addition, the Township and/or Authority shall have such remedies to collect all fees incurred by the Township and/or Authority as a result of this petition as it has to collect other sewer service charges.
4. Show-cause hearing. The Township and/or Authority may order any industrial user which causes or contributes to a violation of this article or industrial waste discharge permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the industrial user specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail to any principal executive, general partner, corporate officer or owner of the industrial user at least 10 days prior to the hearing. Whether or not a duly notified industrial user appears as noticed, immediate enforcement action may be pursued.
5. Emergency response.
   1. General. The Township and/or Authority may suspend the waste treatment service and/or industrial waste discharge permit, waste permit, waste hauler license, or commercial discharge permit whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the public sanitary sewage system or the environment. Any user notified of a suspension of the waste treatment service and/or industrial waste discharge permit, waste

permit, waste hauler license or commercial discharge permit shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Township and/or Authority shall take such steps as deemed necessary, including the immediate severance of the sewer connection, to prevent or minimize damage to the treatment plant, its receiving stream, or endangerment to any individuals. The Township and/or Authority may allow the user to recommence its discharge when the endangerment has passed, unless the permit revocation proceedings set forth in § 163-23B(8) are initiated against the user.

* 1. Report requirements. Any industrial user which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Township and/or Authority prior to the date of a show-cause hearing as described in § 163-23D.

1. Administrative fine.
   1. General. Notwithstanding any other section of this article, any user, industrial user or waste generator or waste hauler who is found to have violated any provision of this article, or commercial discharge permit or industrial waste discharge permit, or waste permit or hauler license or order issued hereunder, shall be fined in an amount up to $1,000 per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. All fine money shall be made payable to the Township and/or the Authority. The Township and/or Authority shall have such other collection remedies as it has to collect other service charges. Unpaid charges, fines and penalties shall constitute a lien against the individual user’s property.
   2. Appeals. Users who desire to dispute such fines must file a request before the Authority to reconsider the fine within 10 working days of being notified of the fine.
2. Civil penalties.
   1. General. Any person who violates any substantive or procedural provision of § 163-21 or any term or condition of any industrial waste discharge permit, commercial discharge permit or waste permit shall be subject to a civil penalty not to exceed $25,000 per day for each violation. Each violation for each separate day shall constitute a separate and distinct violation. Notwithstanding the foregoing, a single operational upset which gives rise to simultaneous violations shall be treated as a single violation.
   2. Appeals. Users who desire to dispute such fines must file a request before the Authority to reconsider the fine within 10 working days of being notified of the fine.
3. Criminal penalties.
   1. General. Any person who willfully or negligently violates any provision of this article or who violates any condition of an industrial waste discharge permit, a waste permit, a hauler license, a commercial discharge permit or an order issued pursuant to this article, is guilty of a summary offense, and, following institution of a summary proceeding by the municipality and, upon conviction, such person shall be subject to a fine of not less than $100 nor more than $1,000 for each separate offense, and, in default of the payment of such a fine, a person shall be imprisoned for a period of 30 days.
   2. Partnership, corporations and associations. If such person violating the provisions of this article

shall be a partnership, then the members thereof, or if such person be a corporation or association, then the officers, members, agents, servants, or employees thereof shall, in default of payment of any fine levied under this section, be imprisoned in the county prison.

* 1. Continuing violations. Each day of continued violation of any provision of this article shall constitute a separate offense.
  2. Transfer of fine money. All fine money assessed through suit or summary proceedings before any District Justice, pursuant to this section, shall be transferred to the municipality instituting the summary proceeding for the use and benefit of the Township and/or the Authority.

1. Notice of violation; general. Whenever the Township and/or Authority determines that any industrial user or waste generator or waste hauler has violated any provisions of any permit or license issued under any section of this article, or a compliance schedule issued under § 163-23D, the Township and/or Authority or their duly authorized representative shall serve upon said user a written notice of violation. Within 10 working days of the receipt of this notice, a written response to this notice, including an explanation of the cause of the violation and a plan for the correction and prevention thereof, shall be submitted to the Township and/or Authority by the user. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation.
2. Public notification. The Authority shall at least annually publish in the largest daily newspaper published in the area encompassed by the Authority, a list of the users which were significantly violating applicable pretreatment standards or requirements or other provisions of this article, or who were determined to be in significant noncompliance, during the 12 previous months. Significant noncompliance shall be determined according to the standards as defined in 40 CFR Part 403.8(f)(2)(vii).

ARTICLE V

### Wastewater Treatment [Adopted 1-3-1994 by Ord. No. HR-221]

**§ 163-24. Purpose and policy.**

1. This article sets forth uniform requirements for users of the wastewater collection system of Tredyffrin Township and the subsequent flow of such wastewater to the wastewater collection and treatment system of Upper Merion Township pursuant to the service agreement of September 1, 1989, between and among Township of Tredyffrin, Tredyffrin Township Municipal Authority, Township of Upper Merion, Upper Merion Township Authority and Upper Merion Municipal Utility Authority and enables the Township to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR 403).
2. The objectives of this article are:
   1. To prevent the introduction of pollutants into the wastewater systems of this Township and Upper Merion Township which will interfere with the operation of the system or contaminate the resulting sludge.
   2. To prevent the introduction of pollutants into the wastewater systems which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system.
   3. To protect the Upper Merion Township publicly owned treatment works personnel and Tredyffrin Township personnel who may be affected by wastewater and sludge in the course of their employment and the general public.
   4. To improve the opportunity to recycle and reuse industrial wastewaters and sludges from the system.
   5. To provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the POTW's wastewater systems.
   6. To enable the Upper Merion POTW to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements and any other federal or state laws to which the Upper Merion publicly owned treatment works is subject.

### § 163-25. Administration.

1. This article provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain nondomestic users and through enforcement of general requirements for users; authorizes monitoring, compliance and enforcement activities; requires user reporting; assumes that existing customer's capacity will not be preempted; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.
2. Except as otherwise provided herein, Upper Merion Township and its authorized representative, as the "control authority," shall administer, implement and enforce the provisions of this article. The Control Authority shall administer this article according to the provisions of 40 CFR, Part 403, Section 403.8(f) with respect to program development and implementation by the POTW. **[Amended 7-15-2002 by Ord. No. HR-308]**

### § 163-26. Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated:

ACT or THE ACT — The Federal Water Pollution Control Act, also known as the "Clean Water Act," as amended, 33 U.S.C. § 1251 et seq.

APPROVAL AUTHORITY — The Regional Administrator of the EPA. AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER —

* 1. Includes:
     1. If the user is a corporation:
        1. The President, Secretary, Treasurer or Vice President of the corporation in charge of a principal business function or any other person who performs similar policy or decisionmaking functions for the corporation; or
        2. The manager of one or more manufacturing, production or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding 25 million dollars (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
     2. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
     3. If the user is a federal, state or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility or their designee.
  2. The individuals described in Subsections A(1), (2) and (3) above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company and the written authorization is submitted to Upper Merion Township and Tredyffrin Township.

BEST MANAGEMENT PRACTICES — Schedules of activities, prohibition of practices, maintenance procedures and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal or drainage from raw materials storage. The control authority, at its sole discretion, may develop BMPs to comply with 40 CFR 403.5(c)(1) and (2). Such BMPs shall be considered local limits and pretreatment standards for the purposes of 40 CFR 403 and Section 307(d) of the Clean Water Act. The control authority, at its sole discretion, may allow a user to implement BMPs to meet the prohibitions listed in 40 CFR 403.5(a)(1) and (b). Noncompliance with BMPs shall be considered exceedances of permit limits and enforcement will be implemented in accordance with the steps shown for “discharge limit violations” in the Summary of Enforcement Response Procedures.**[Added 4-7-2008 by Ord. No. HR-369]**

BIOCHEMICAL OXYGEN DEMAND (BOD) — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, for five days at 20º C. expressed in terms of concentration [milligrams per liter (mg/l)].

BUILDING SEWER — A sewer conveying wastewater from the premises of a user to the POTW. CATEGORICAL STANDARDS or CATEGORICAL PRETREATMENT STANDARDS — National

Categorical Pretreatment Standards, being any regulation heretofore or hereafter adopted by the United States Environmental Protection Agency, being any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which now appear or hereafter appear in 40 CFR Chapter I, Subchapter N.**[Amended 10-16-2000 by Ord. No. HR-291]**

CONTRIBUTING JURISDICTION — The Tredyffrin Township. CONTROL AUTHORITY — The Upper Merion Township.

COOLING WATER — The water discharged from any use such as air conditioning, cooling or refrigeration or to which the only pollutant added is heat.

DIRECT DISCHARGE — The discharge of treated or untreated wastewater directly to the waters of the State of Pennsylvania.

ENVIRONMENTAL PROTECTION AGENCY or EPA — The United States Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency, including the Regional Water Management Division Director.

EXISTING SOURCE — Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

GRAB SAMPLE — A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.

HOLDING TANK WASTE — Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

INDIRECT DISCHARGE or DISCHARGE — The discharge or the introduction of pollution from any nondomestic source regulated under Section 307(b), (c) or (d) of the Act (33 U.S.C. § 1317) into the POTW (including holding tank waste discharge into the system).

INDUSTRIAL USER — A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Act. In addition, "industrial user" shall also be defined as an establishment which discharges or introduces industrial wastes into the POTW.

INDUSTRIAL WASTE — Shall have the meaning ascribed to it in the Act of June 22, 1937 (P.L 1987, No. 394), known as the "Clean Stream Law,"**112** and the regulations adopted thereunder.

INSTANTANEOUS MAXIMUM ALLOWABLE DISCHARGE LIMIT — The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

INTERFERENCE — A discharge which, alone or in conjunction with a discharge or discharges from other sources, causes the inhibition or disruption of the POTW treatment process or operations or its sludge processes, use or disposal; and therefore is the cause of a violation of the Upper Merion POTW's NPDES permits or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder or any more stringent state or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the

* 1. **Editor's Note: See 35 P.S § 691.1 et seq.**

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"Resource Conservation and Recovery Act" (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act;**113** the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

MEDICAL WASTE — Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

NATIONAL CATEGORICAL PRETREATMENT STANDARD — Any regulation heretofore or hereafter adopted by the United States Environmental Protection Agency containing any pollutant discharge limits heretofore or hereafter promulgated by the EPA in accordance with § 307(b) and (c) of the Act (33 U.S.C. § 1317) which applies to a specific category of industrial users, as set forth in 40 CFR Chapter I, Subchapter N.**[Amended 10-16-2000 by Ord. No. HR-291]**

NATIONAL PROHIBITIVE DISCHARGE STANDARD or PROHIBITIVE DISCHARGE STANDARD

* Any regulation developed under the authority of 307(b) of the Act and 40 CFR 403.5. NEW SOURCE —
  1. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of the proposed pretreatment standards pursuant to the Section 307(c) of the Act, which will be applicable to such source if the standards are thereafter promulgated in accordance with that section, provided that:
     1. The building, structure, facility or installation is constructed at a site at which no other source is located;
     2. The process or production equipment that causes the discharge of pollutants at an existing source is totally replaced; or
     3. The production or wastewater generating processes are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plan and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
  2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of Subsection A(2) or (3) above, but otherwise alters, replaces or adds to existing process or production equipment.
  3. Construction of a new source, as defined under this section, has commenced if the owner or operator has:
     1. Begun or caused to begin, as part of a continuous on-site construction program:
        1. Any placement, assembly or installation of facilities or equipment; or
        2. Significant site preparation work, including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or
  4. **Editor's Note: See 42 U.S.C. § 7651 et seq.**
     1. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial losses and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this section.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM or NPDES PERMIT — A permit

issued pursuant to Section 402 of the Act (33 U.S.C. § 1342).

NONCONTACT COOLING WATER — Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product.

PASS-THROUGH — A discharge which exits the POTW into the waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of the Upper Merion POTW's National Pollutant Discharge Elimination System (NPDES) permit, including an increase in the magnitude or duration of a violation.

PERSON — Any individual, partnership, copartnership, firm, company, corporation, association, joint- stock company, trust, estate, governmental entity or any other legal entity or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

pH — The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution; a measure of the acidity or alkalinity of a solution, expressed in standard units.

POLLUTANT — Any dredged soil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, industrial, municipal and agricultural wastes and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity or odor).

POLLUTION — The man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

POTW TREATMENT PLANT — That portion of the POTW designed to provide treatment to wastewater.

PRETREATMENT — The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

PRETREATMENT REQUIREMENTS — Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on a user. Any substantive or procedural provision of the Federal Water Pollution Control Act (62 Stat. 115, 33 U.S.C. § 1251 et seq.) or the Act of June 22, 1937 (P.L. 1987, No. 394), known as the "Clean Streams Law"**114** or any rule or regulation, ordinance or term or condition of a permit or order adopted or issued by the commonwealth or a POTW for the implementation or enforcement of an industrial waste pretreatment program established under the Federal Water Pollution Control Act or the Clean Streams Law.

PRETREATMENT STANDARD — Prohibited discharge standards, categorical pretreatment standards and local limits.

PROHIBITED DISCHARGE STANDARDS or PROHIBITED DISCHARGES — Absolute prohibitions

* 1. **Editor's Note: See 35 P.S § 691.1 et seq.**

against the discharge of certain substances; these prohibitions appear in § 163-28 of this article.

PUBLICLY OWNED TREATMENT WORKS (POTW) — A treatment works, as defined by Section 212 of the Act (33 U.S.C. § 1292), which is operated by Upper Merion Township. This definition includes any sewers that convey wastewater to the POTW treatment plan but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this article, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside Upper Merion Township who are, by contract or agreement with Upper Merion Township, users of the Upper Merion Township's POTW. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

SEPTIC TANK WASTE — Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers and septic tanks.

SEWAGE — Human excrement and gray water (household showers, dishwashing operations, etc.). SHALL and MAY — "Shall" is mandatory; and "may" is permissive.

#### SIGNIFICANT INDUSTRIAL USER —

* + 1. A user subject to categorical pretreatment standards; or
    2. A user that:
       1. Discharges an average of 25,000 gallons per day (gpd) or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
       2. Contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
       3. Is designated as such by the control authority on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
    3. Upon a finding that a user meeting the criteria in Subsection B has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, Upper Merion Township may at any time, on its own initiative or in response to a petition received from a user and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

SIGNIFICANT NONCOMPLIANCE — An industrial user is in significant noncompliance if its violation meets one or more of the specific criteria set forth in 40 CFR 403.8(f)(2)(viii). For purposes of this definition, industrial user is in significant noncompliance if its violation meets one or more of the following criteria:**[Amended 4-7-2008 by Ord. No. HR-369]**

1. Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all of wastewater measurements taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(1).
2. Technical Review Criteria (TRC) violations, defined here as those in which 33% or more of all of wastewater measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(1) multiplied by the applicable criterion (1.4

for BOD, CBOD, TSS, fats, oil and grease and 1.2 for all other pollutants except pH).

1. Any other violation of a pretreatment standard or requirement as defined by 40 CFR 403.3(1) (daily maximum, long-term average, instantaneous limit or narrative standard) that the control authority determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public).
2. Any discharge of pollutants that has caused imminent endangerment to the public health and welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under of this article to halt or prevent such a discharge.
3. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained wastewater discharge permit or in an enforcement order for starting construction, completing construction, or attaining final compliance.
4. Failure to provide, within 45 days after the due date, any required reports including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports and reports on compliance with compliance schedules.
5. Failure to accurately report noncompliance; or
6. Any other violation or group of violations, which may include violation of best management practices, which the POTW determines will adversely affect the operation or implementation of the local pretreatment program.

SLUG DISCHARGE — Any pollutant release in a discharge at a flow rate or concentration which will cause a violation of the specific discharge prohibitions in 40 CFR 403.5(b) and/or any discharge of nonroutine nature, episodic nature, including but not limited to accidental spills or noncustomary batch discharges, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW’s regulations, prohibited discharge standards in this article, local limits or NPDES permit conditions.**[Amened 4-7-2008 by Ord. No. HR-369]**

STANDARD INDUSTRIAL CLASSIFICATION (SIC) — A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

STATE — The State of Pennsylvania.

STORMWATER — Any flow occurring during or following any form of natural precipitation and resulting therefrom, including snow melt.

SUPERINTENDENT — The person designated by Upper Merion Township to supervise the operation of the publicly owned treatment works.

SUSPENDED SOLIDS — The total suspended matter that floats on the surface of or is suspended in water, wastewater or other liquids and which is removable by laboratory filtering.

TOWNSHIP — Tredyffrin Township or the Board of Supervisors of Tredyffrin Township.

TOXIC POLLUTANT — Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.

USER or INDUSTRIAL USER — Any person who contributes, causes or permits the indirect discharge of wastewater into the Upper Merion POTW's.

WASTEWATER — The liquid and water-carried industrial and domestic wastes and sewage from dwellings, commercial buildings, industrial and manufacturing facilities and institutions, whether treated

or untreated, which is contributed into or permitted to enter the Upper Merion POTW's.

WASTEWATER TREATMENT PLANT or TREATMENT PLANT — That portion of the Upper Merion POTW which is designed to provide treatment of municipal sewage and industrial waste.

WATERS OF THE STATE — All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.

### § 163-27. Abbreviations and acronyms.

The following abbreviations or acronyms shall have the designated meanings:

AO Administrative order

BAT Best available treatment

BATEA Best available technology economically achievable

BCT Best control technology

BMP Best management practices

BMR Baseline monitoring report

B/N Base/neutral

BOD Biochemical oxygen demand

BPJ Best professional judgment

BPT Best professional technology

CERCLA Comprehensive Environmental Response, Compensation and Liability Act CFR Code of Federal Regulations

CIU Categorical industrial user

COD Chemical oxygen demand

CSO Combined sewer overflow

CWA Clean Water Act

CWF Combined waste stream formula

DMR Discharge monitoring report

DSS Domestic sewage study

EMS Enforcement management system

EP Extraction procedure

EPA Environmental Protection Agency of the United States

FDF Fundamentally different factor

FOV Finding of violation

FOG Fats, oil and grease

FR Federal Register

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#### § 163-27 TREDYFFRIN CODE § 163-27

FTE Full-time equivalent

FWA Flow-weighted averaging

FWPCA Federal Water Pollution Control Act

GC/MS Gas chromatograph/mass spectrophotometry

gpd Gallons per day

I+I Infiltration and inflow

IU Industrial user

IWS Industrial waste survey

MAHL Maximum allowable headworks loading

MGD Million gallons per day

mg/l Milligrams per liter

MOU Memorandum of understanding

MSDS Material Safety Data Sheet

NIOSH National Institute of Occupational Safety and Health

NMP National Municipal Policy

NPDES National Pollutant Discharge Elimination System

NON Notice of noncompliance

NOV Notice of violation

O&G Oil and grease

O&M Operations and maintenance

OCPSF Organic chemicals, plastics and synthetic fibers

OSHA Occupational Safety and Health Administration

OWEC Office of Water Enforcement and Compliance

PAD Proportioned actual domestic flow

PAH Polynuclear aromatic hydrocarbons

PAI Proportioned actual industrial flow

PASS Pretreatment audit summary system

PCB Polychlorinated biphenols

PCI Pretreatment compliance inspection

PCME Pretreatment compliance monitoring and enforcement

PCS Permit compliance system

PIRT Pretreatment Implementation Review Task Force

POTW Publicly owned treatment works

ppb Parts per billion

ppd Pounds per day

PPETS Pretreatment permits enforcement tracking system

ppm Parts per million

PQR Permit quality review

PSES Pretreatment standards for existing sources

PSNS Pretreatment standards for new sources

QA/QC Quality assurance/quality control

QNCR Quarterly noncompliance report

RCRA Resource Conservation and Recovery Act

RNC Reportable noncompliance

SARA Superfund Amendments and Reauthorization Act

SIC Standard industrial classification

SIU Significant industrial user

SMP Solvent management plan

SNC Significant noncompliance

SPCC Spill prevention control and countermeasures

SPMS Strategic planning and management system

STLC Soluble threshold limit concentration

STP Sewage treatment plant

SUO Sewer Use Ordinance

SWDA Solid Waste Disposal Act

TCLP Toxicity characteristic leachate procedure

TDS Total dissolved solids

TICH Total identifiable chlorinated hydrocarbons

TOMP Toxic organic management plan

TRC Technical review criteria

TRE Toxicity reduction evaluations

TSS Total suspended solids

TTLC Total threshold limit concentration

TTO Total toxic organics

USC United States Code

VOA Volatile organic analysis

VOC Volatile organic compounds

VSS Volatile suspended solids

WENDB Water Enforcement National Data Base

WQA Water Quality Act

WQS Water quality standards

WWTP Wastewater treatment plant

### § 163-28. General discharge prohibitions and standards.

No user shall contribute, introduce or cause to be contributed or introduced, directly or indirectly, into the Tredyffrin Township wastewater collection system with subsequent flow to the Upper Merion Township wastewater collection and treatment system, including the Upper Merion POTW, any pollutant or wastewater which causes pass-through or interference. These general prohibitions apply to all users of the POTW whether or not the user is subject to categorical pretreatment standards or any other national, state or local pretreatment standards or requirements.

### § 163-29. Specific prohibitions.

1. No user shall introduce or cause to be introduced into the Tredyffrin Township wastewater collection system with subsequent flow to the Upper Merion Township wastewater collection and treatment system, including the Upper Merion POTW, the following pollutants, substances or wastewater:
   1. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140º F. (60º C.) using the text methods specified in 40 CFR 261.21.
   2. Wastewater having a pH less than 6.0 or more than 10.0 or otherwise causing corrosive structural damage to the POTW or equipment. **[Amended 7-15-2002 by Ord. No. HR-308]**
   3. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference (but in no case solids greater than 1/2 inch in any dimension).
   4. Pollutants, including oxygen-demanding pollutants (BOD, COD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW. **[Amended 5-16-2005 by Ord. No. HR-341]**
   5. Wastewater having a temperature greater than 104º F. (40º C.) or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104º F. (40º C.).
   6. Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin, in amounts that will cause interference or pass-through.
   7. Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
   8. Trucked or hauled pollutants, except at discharge points designated by the control authority in accordance with this article.
   9. Noxious or malodorous liquids, gases, solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life or to prevent entry into the sewers for maintenance or repair.
   10. Wastewater which imparts color which cannot be removed by the treatment process, such as but not limited to dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the Upper Merion NPDES permits.
   11. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations.
   12. Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water and unpolluted wastewater, unless specifically authorized by the control authority.
   13. Sludges, screenings or other residues from the pretreatment of industrial wastes.
   14. Medical wastes, except as specifically authorized by the control authority.
   15. Wastewater causing, alone or in conjunction with other sources, the POTW's effluent to fail a toxicity test.
   16. Detergents, surface-active agents, phosphates or other substances which may cause excessive foaming in the POTW. **[Amended 5-16-2005 by Ord. No. HR-341]**
   17. Fats, oils or greases of animal or vegetable origin in concentrations greater than 100 mg/l.

### [Amended 7-15-2002 by Ord. No. HR-308]

* 1. Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW or at any point in the POTW of more than 5% or any single reading over 10% of the lower explosive limit of the meter.
  2. Any substance which will cause the POTW to violate its NPDES and/or state disposal system permit or the receiving water quality standards.
  3. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed any time period longer than 15 minutes or contain more than five times the average twenty-four-hour concentration of flow during normal operation or otherwise constitutes a slug discharge.
  4. The discharge of toxic or hazardous wastes, as defined in the Act or RCRA.

1. When the control authority determines that a user(s) is contributing to the POTW any of the above- enumerated substances in such amounts as to interfere with the operation of the POTW, the control authority shall advise the Township and the user(s) of the impact of the contribution on the POTW; develop effluent limitation(s) for such user to correct the interference with the POTW; and proceed with enforcement pursuant to the provisions of this article.
2. Pollutants, substances or wastewater prohibited by this section shall not be processed or stored in a manner that they could be discharged to the POTW.

### § 163-30. National Categorical Pretreatment Standards. [Amended 10-16-2000 by Ord. No. HR-291; 7-15-2002 by Ord. No. HR-308]

The categorical pretreatment standards now found or hereafter found at 40 CFR, Chapter 1, Subchapter N, are hereby incorporated in this article by reference as though set forth in full and shall apply to significant industrial users, including categorical industrial users.

1. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director of Public Works may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

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#### § 163-30 TREDYFFRIN CODE § 163-34

1. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Director of Public Works shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).
2. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions of 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by the EPA when developing the categorical pretreatment standard.
3. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

### § 163-31. State requirements.

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this article.

### § 163-32. Township's right of revision.

The Township reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in § 163-24.

### § 163-33. Dilution.

No user shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The control authority may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements or in other cases when the imposition of mass limitations is appropriate.

### § 163-34. Accidental discharges.

1. Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the control authority and the Township for review and shall be approved by the control authority under the terms of this article and by the Township under other applicable ordinances before construction of the facility. All existing users shall complete such a plan by January 1, 1994. No user shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the control authority and the Township. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this article. In the case of an accidental discharge, it is the responsibility of the user to immediately notify the control authority and the Township of the incident. The notification shall include location of discharge, type of waste, concentration and volume and corrective actions.
2. Written notice. Within five days following an accidental discharge, the user shall submit to the control authority and the Township a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills or any other damage to person or property; nor shall such notification

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#### § 163-34 SEWERS, UTILITIES AND SEWAGE DISPOSAL § 163-37

relieve the user of any fines, civil penalties or other liability which may be imposed by this article or other applicable law.

1. Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of an accidental discharge. Employers shall ensure that all employees who may cause or suffer such an accidental discharge to occur are advised of the emergency notification procedures.

### § 163-35. Local limits.

Local limits shall be established by the control authority by resolution. The local limits shall be on a uniform concentration limit basis or selected reductions for specific industrial users. The pollutant limits established by the local limits are established to protect against pass-through and interference. No person shall discharge wastewater containing in excess of instantaneous maximum allowable discharge limits as established by Township ordinance. The local limits as established by the control authority resolution shall apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The control authority may impose mass limitations in addition to or in place of the concentration-based limitations.

### § 163-36. Pretreatment facilities.

Users shall provide wastewater treatment as necessary to comply with this article and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in § 163-28 of this article within the time limitations specified by the EPA, the state or the control authority, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the control authority and the Township for review and shall be acceptable to the control authority and the Township before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the control authority under the provisions of this article.

### § 163-37. Additional pretreatment measures.

1. Whenever deemed necessary, the control authority may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this article.
2. The control authority may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow control facility to ensure equation of flow. A wastewater discharge permit may be issued solely for flow equalization.
3. Grease, oil and sand interceptors shall be provided by the user when, in the opinion of the control authority or the Township, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the control authority and the Township and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned and repaired regularly, as needed, by the user at their expense.
4. Users with the potential to discharge flammable substances may be required to install and maintain

an approved combustible gas detection meter.

### § 163-38. Accidental discharge/slug control plans.

At least once every two years, the control authority shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The control authority may require any user to develop, submit for approval and implement such a plan. Alternatively, the control authority may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

1. Description of discharge practices, including nonroutine batch discharges.
2. Description of stored chemicals.
3. Procedures for immediately notifying the control authority and the Township of any accidental or slug discharge, as required by this article.
4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

### § 163-39. Hauled wastewater.

1. Septic tank waste may be introduced into the POTW only at locations designated by the control authority and at such times as are established by the control authority. Such waste shall not violate this article or any other requirements established by the control authority. The control authority may require septic tank waste haulers to obtain wastewater discharge permits.
2. The control authority shall require haulers of industrial waste to obtain wastewater discharge permits. The control authority may require generators of hauled industrial waste to apply for wastewater discharge permits. The control authority may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this article.
3. Industrial waste haulers may discharge loads only at locations designed by the control authority. No load may be discharged without prior written consent of the control authority. The control authority may collect samples of each hauled load to ensure compliance with applicable standards. The control authority may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
4. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents and whether any wastes are RCRA hazard wastes.

### § 163-40. Wastewater dischargers.

It shall be unlawful to discharge within any area under the jurisdiction of the Township and/or to the POTW any wastewater except as authorized by the control authority in accordance with the provisions of this article, subject to state and federal laws and regulations.

### § 163-41. Wastewater analysis.

When requested by the control authority and with just cause, a user must submit information on the nature and characteristics of its wastewater within 30 days of the request. The control authority is authorized to prepare a form for this purpose and may periodically require users to update this information.

### § 163-42. Wastewater discharge permit requirement.

1. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the control authority. A permitted user may discharge for the time period specified in the permit.
2. The control authority may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this article.
3. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this article and subjects the wastewater discharge permittee to the sanctions set out in this article. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state and local law.

### § 163-43. Wastewater discharge permitting: existing connections.

Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this article and who wishes to continue such discharges in the future shall, within 30 days after said date, apply to the control authority for a wastewater discharge permit in accordance with this article. Said user shall not cause or allow discharges to the POTW to continue after 30 days of the effective date of this article except in accordance with a wastewater discharge permit issued by the control authority.

### § 163-44. Wastewater discharge permitting; new connections.

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit from the control authority prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with this article, must be filed at least 90 days prior to the date upon which any discharge will begin or recommence.

### § 163-45. Wastewater discharge permit application contents.

1. Users required to obtain a wastewater discharge permit shall complete and file with the control authority, and with a copy to the Township, an application in the form prescribed in this article. The control authority may require all users to submit as part of an application the following information:
   1. All information required by §§ 163-56 through 163-68 of this article.
   2. Description of activities, facilities and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are or could accidentally or intentionally be discharged to the POTW.
   3. Number and type of employees, hours of operation and proposed or actual hours of operation.
   4. Each product produced by type, amount, process or processes and rate of production.
   5. Type and amount of raw materials processed (average and maximum per day).
   6. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, floor drains and appurtenances by size, location and elevation and all points of discharge.
   7. Time and duration of discharges.
   8. Wastewater constituents and characteristics sampling and analysis shall be performed in accordance with Section 304(g) of the Act and 40 CFR, Part 136, as amended.
   9. Any other information as may be deemed necessary by the control authority and the Township to evaluate the wastewater discharge permit application.
2. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

### § 163-46. Application signatories and certification.

All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

### § 163-47. Wastewater discharge permit decisions.

The control authority will evaluate the data furnished by the user, in consultation with the Township, and may require additional information. Within 60 days of receipt of a complete wastewater discharge permit application, the control authority will determine whether or not to issue a wastewater discharge permit. The control authority may deny any application for a wastewater discharge permit, which does not comply with the requirements of this article or applicable federal and state statutes and regulations.

### § 163-48. Wastewater discharge permit duration.

A wastewater discharge permit shall be issued for a specified time period, not to exceed five years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five years, at the discretion of the control authority. Each wastewater discharge permit will indicate a specific date upon which it will expire.

### § 163-49. Wastewater discharge permit contents.

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the control authority to prevent pass-through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal and protect against damage to the POTW.

1. Wastewater discharge permits must contain:
   1. A statement that indicates wastewater discharge permit duration, which in no event shall exceed five years.
   2. A statement that the wastewater discharge permit is nontransferable without prior notification to the control authority and the Township in accordance with §§ 163-50 and 163-52 of this article and provisions for furnishing the new owners or operator with a copy of the existing wastewater discharge permit.
   3. Effluent limits based on applicable pretreatment standards.
   4. Self monitoring, sampling, reporting, notification and recordkeeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency and sample type based on federal, state and local law.
   5. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state or local law.
2. Wastewater discharge permits may contain, but need not be limited to, the following conditions:
   1. Limits on the average and/or maximum rate of discharge, time of discharge and/or requirements for flow regulation and equalization.
   2. Requirements for the installation of pretreatment technology, pollution control or construction of appropriate containment devices, designed to reduce, eliminate or prevent the introduction of pollutants into the treatment works.
   3. Requirements for the development and implementation of spill control plans or other special conditions, including management practices necessary to adequately prevent accidental, unanticipated or nonroutine discharges.
   4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.
   5. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW.
   6. Requirements for installation and maintenance of inspection and sampling facilities and equipment.
   7. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit.
   8. Other conditions as deemed appropriate by the control authority, after consultation with the Township, to ensure compliance with this article and state and federal laws, rules and regulations.

### § 163-50. Wastewater discharge permit appeals.

The control authority shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the control authority to reconsider the terms of a wastewater

discharge permit within 30 days of notice of its issuance.

1. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
2. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
3. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
4. If the control authority fails to act within 30 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
5. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Court of Common Pleas of Montgomery County within 30 days of the final administrative wastewater discharge permit decision.

### § 163-51. Wastewater discharge permit modification.

The control authority may modify a wastewater discharge permit for good cause, including but not limited to the following reasons:

1. To incorporate any new or revised federal, state or local pretreatment standards or requirements.
2. To address significant alterations or additions to the user's operation, processes or wastewater volume or character since the time of wastewater discharge permit issuance.
3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.
4. Information indicating that the permitted discharge poses a threat to the POTW, Township or control authority personnel or the receiving waters.
5. Violation of any terms or conditions of the wastewater discharge permit.
6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting.
7. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13.
8. To correct typographical or other efforts in the wastewater discharge permit.
9. To reflect a transfer of the facility ownership or operation to a new owner or operator.

### § 163-52. Wastewater discharge permit transfer.

1. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation without approval of the control authority and the Township. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit, as well as any additional terms and conditions which may be required, as a result of the proposed

transfer.

1. Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 90 days' advance notice to the control authority and the Township and the control authority approves the wastewater discharge permit transfer. The notice to the control authority must include a written certification by the new owner or operator which:
   1. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
   2. Identifies the specific date on which the transfer is to occur;
   3. Acknowledges full responsibility for complying with the existing wastewater discharge permit; and
   4. A completed application pursuant to § 163-36 of this article.
2. Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

### § 163-53. Wastewater discharge permit revocation.

1. The control authority may revoke a wastewater discharge permit for good cause, including but not limited to the following reasons:
   1. Failure to notify the control authority and the Township of significant changes to the wastewater prior to the changed discharge.
   2. Failure to provide prior notification to the control authority and the Township of changed conditions pursuant to § 163-60 of this article.
   3. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.
   4. Falsifying self-monitoring reports.
   5. Tampering with monitoring equipment.
   6. Refusing to allow the control authority or his designated representative or the Township timely access to the facility premises and records.
   7. Failure to meet effluent limitations.
   8. Failure to pay fines.
   9. Failure to pay sewer charges.
   10. Failure to meet compliance schedules.
   11. Failure to complete a wastewater survey or the wastewater discharge permit application.
   12. Failure to provide advance notice of the transfer of business ownership of a permitted facility.
   13. Violation of any pretreatment standard or requirement or any terms of the wastewater discharge permit or this article.
2. Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

### § 163-54. Wastewater discharge permit reissuance.

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with § 163-45 of this article, a minimum of 90 days prior to the expiration of user's existing wastewater discharge permit. It is the responsibility of the user to request a permit application form no less than 120 days prior to the expiration of the existing permit. The application shall include calibration reports on flow monitoring devices used during the term of the prior permit.

### § 163-55. Regulation of waste from other jurisdictions.

1. If another municipality or user located within another municipality contributes wastewater which flows to the POTW through the Township wastewater collection system, the Township and control authority shall enter into an intermunicipal agreement with the contributing municipality.
2. Prior to entering into an agreement required by Subsection A above, the Township and control authority shall request the following information from the contributing municipality:
   1. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality.
   2. An inventory of all users located within the contributing municipality that are discharging to the POTW.
   3. Such other information as the Township and control authority may deem necessary.
3. An intermunicipal agreement, as required by Subsection A above, shall contain the following conditions:
   1. A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this article and local limits which are at least as stringent as those set out in

§ 163-35 of this article. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the Township's ordinance or local limits.

* 1. A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis.
  2. A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling and enforcement will be conducted by the contributing municipality; which of these activities will be conducted by the control authority; and which of these activities will be conducted jointly by the contributing municipality and the control authority.
  3. A requirement for the contributing municipality to provide the control authority and the Township with access to all information that the contributing municipality obtains as part of its pretreatment activities.
  4. Limits on the nature, quality and volume of the contributing municipality's wastewater at the point where it discharges to the POTW.
  5. Requirements for monitoring the contributing municipality's discharge.
  6. A provision ensuring the control authority, its designated representative and the Township access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling and any other duties deemed necessary by the control authority.
  7. A provision specifying remedies available for breach of the terms of the intermunicipal agreement and authorizing the Township and control authority to take legal action to enforce the terms of the contributing municipality's ordinance or impose and enforce pretreatment standards.

### § 163-56. Baseline monitoring reports.

1. Within either 180 days after the effective date of a categorical pretreatment standard or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the control authority and the Township a report which contains the information listed in Subsection B below. At least 90 days prior to commencement of their discharge, new sources and sources that become categorical users subsequent to the promulgation of an applicable categorical standard shall submit to the control authority and the Township a report which contains the information listed in Subsection B below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
2. Users described above shall submit the information set forth below:
   1. Identifying information. The name and address of the facility, including the name of the operator and owner.
   2. Environmental permits. A list of any environmental control permits held by or for the facility.
   3. Description operations. A brief description of the nature, average rate of production and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
   4. Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary to allow use of the combined waste stream formula set out in 40 CFR 403.6(e). Flow measuring devices shall be approved by the control authority prior to installation. The flow measuring device shall be compatible with the process involved and shall be accurate. All flow measuring devices shall be calibrated semiannually, which calibration report shall be included as part of the permit application.
   5. Measurement of pollutants.
      1. The categorical pretreatment standards applicable to each regulated process.
      2. The results of sampling and analysis identifying the nature and concentration and/or mass, where required by the standard or by the control authority, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long-term average concentrations or mass, where required, shall be reported. The sample shall be

representative of daily operations and shall be analyzed in accordance with procedures set out in § 163-65 of this article.

* + 1. Sampling must be performed in accordance with procedures set out in § 163-65 of this article.
  1. Certification. A statement, reviewed by the user's authorized representative and certified to by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
  2. Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in § 163-57.
  3. Signature and certification. All baseline monitoring reports must be signed and certified in accordance with § 163-46.

### § 163-57. Compliance schedule progress reports.

The following conditions shall apply to the schedule required by § 163-56B(7).

1. The schedule shall contain progress increments (milestones) in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include but are not limited to hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction and beginning and conducting routine operation).
2. No increment referred to above shall exceed six months.
3. The user shall submit a progress report to the control authority and the Township no later than 14 days following each date in the schedule and the final date for compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay and, if appropriate, the steps being taken by the user to return the construction to the established schedule.
4. In no event shall more than one month elapse between such progress reports to the control authority and the Township.

### § 163-58. Report on compliance with categorical pretreatment standard deadline.

Within 90 days following the date for final compliance with applicable categorical pretreatment standards or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the control authority and the Township a report containing the information described in § 163-56B(4) through (6) of this article. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in

accordance with § 163-46 of this article.

### § 163-59. Periodic compliance reports.

1. All significant industrial users shall, at a frequency determined by the control authority but in no case less than quarterly, submit a report to the control authority and the Township indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with § 164-46 of this article.
2. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean and maintained in good working order at all times. The failure of the user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
3. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the control authority, using the procedures prescribed in § 163-65 of this article, the results of this monitoring shall be included in the report.

### § 163-60. Reports of changed conditions.

Each user must notify the control authority and the Township of any planned significant changes to the user's operations or system which might alter the nature, quality or volume of its wastewater at least 90 days before the change.

1. The control authority or the Township may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 163-45 of this article.
2. The control authority may issue a wastewater discharge permit under § 163-47 or modify an existing wastewater discharge permit under § 163-52 of this article in response to changed conditions or anticipated changed conditions.
3. For purposes of this requirement, significant changes include but are not limited to flow increases of 20% or greater and the discharge of any previously unreported pollutants.

### § 163-61. Reports of potential problems.

1. In the case of any discharge, including but not limited to accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the control authority and the Township of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and collective actions taken by the user.
2. Within five days following such discharge, the user shall submit a detailed written report to the Township and control authority describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, natural resources or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties or other liability which may be imposed pursuant to this article.
3. A notice shall be permanently posted on the user's bulletin board or other prominent place advising

employees whom to call in the event of a discharge described in Subsection A above. Employers shall ensure that all employees who may cause such a discharge to occur are advised of the emergency notification procedure.

### § 163-62. Reports from unpermitted users.

When just cause exists, all users not required to obtain a wastewater discharge permit shall provide appropriate reports to the control authority as the control authority may require.

### § 163-63. Notice of violation/repeat sampling and reporting.

If sampling performed by a user indicates a violation, the user must notify the control authority and the Township within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the result of the repeat analysis to the control authority and the Township within 30 days after becoming aware of the violation. The user is not required to resample if the control authority monitors at the user's facility at least once a month or if the control authority samples between the user's initial sample and when the user receives the results of this sampling.

### § 163-64. Analytical requirements.

All pollutant analyses, including sample techniques, to be submitted as a part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

### § 163-65. Sample collection.

1. Except as indicated in Subsection B below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event that flow proportional sampling is infeasible, the control authority may authorize the use of time proportional sampling or a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
2. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides and volatile organic compounds must be obtained using grab collection techniques.

### § 163-66. Timing.

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date or receipt of the report shall govern.

### § 163-67. Recordkeeping.

Users subject to the reporting requirements of this article shall retain and make available for inspection and copying all records of information obtained pursuant to any monitoring activities required by this article and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who

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performed the analyses; the analytical techniques or the methods used; and the results of such analyses. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user, Township or the control authority or where the user has been specifically notified of a longer retention period by the control authority or his designated representative.

### § 163-68. Notification of discharge of hazardous waste.

1. Any user who commences the discharge of hazardous waste shall notify the control authority, Township, the EPA Regional Waste Management Division Director and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number and the type of discharge (continuous, batch or other). If the user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during the calendar month and an estimation of the mass of constituents in the waste stream expected to be discharged during the following 12 months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under § 163-60 of this article. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of §§ 163-56, 163-58 and 163-59 of this article.
2. Dischargers are exempt from the requirements of Subsection A above during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of nonacute hazardous wastes a calendar month or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e) requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
3. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the control authority, Township, the EPA Regional Waste Management Waste Division Director and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.
4. In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
5. The provisions in this section do not create a right to discharge any substance not otherwise permitted to be discharged by this article, a permit issued thereunder or any applicable federal or state law.

### § 163-69. Compliance monitoring.

1. Right of entry: inspection and sampling. The control authority and Township shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of

this article and any wastewater discharge permit or order issued hereunder. Users shall allow the control authority and Township access to all parts of the premises for the purposes of inspection, sampling, records examination and copying and the performance of any additional duties. A user shall not obstruct block or otherwise interfere with access to the sampling point(s).

* 1. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that upon presentation of suitable identification, the control authority and Township will be permitted to enter without delay for the purposes of performing specific responsibilities.
  2. The control authority shall have the right to set up on the user's property or require installation of such devices as are necessary to conduct sampling and/or metering of the user's operations.
  3. The control authority, after consultation with the Township, may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated semiannually to ensure their accuracy.
  4. Any temporary or permanent obstruction of safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the control authority and shall not be replaced. The costs of clearing such access shall be born by the user.
  5. Unreasonable delays in allowing the control authority and Township access to the user's premises shall be a violation of this article.

1. Search warrants. If the control authority and Township has been refused access to a building, structure or property or any part thereof and is able to demonstrate probable cause to believe that there may be a violation of this article or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the control authority designed to verify compliance with this article or any permit or order issued hereunder or to protect the overall public health, safety and welfare of the community, then the control authority or Township may seek issuance of a search warrant from the Court of Common Pleas of Chester County, Pennsylvania, or other court of competent jurisdiction.

### § 163-70. Confidential information.

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, monitoring programs and from the control authority or Township's inspection and sampling activities shall be available to the public without restriction, unless the user specifically requests and is able to demonstrate to the satisfaction of the control authority that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user using a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to NPDES program or pretreatment program and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined by 40 CFR 2.302, will not be recognized as confidential information and will be available to the public without restriction.

### § 163-71. Publication of users in significant noncompliance. [Amended 4-7-2008 by Ord. No. HR-369]

The control authority shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the POTW, a list of the users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term "significant noncompliance" shall mean:

1. Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of wastewater measurements taken during a six-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount.
2. Technical review criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease and 1.2 for all other pollutants except pH).
3. Any other discharge violation that the control authority believes has caused, alone or in combination with other discharges, interference or pass-through, including endangering the health of POTW personnel or the general public.
4. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment or has resulted in the control authority's exercise of its emergency authority to halt or prevent such a discharge.
5. Failure to meet, within 30 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction or attaining final compliance.
6. Failure to provide within 30 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports and reports on compliance with compliance schedules.
7. Failure to accurately report noncompliance.
8. Any other violation(s) which the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

### § 163-72. Administrative enforcement remedies.

1. Notification of violation. When the control authority finds that a user has violated or continues to violate any provision of this article, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the control authority may serve upon that user a written notice of violation. Within 30 days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the control authority. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the control authority to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.
2. Consent orders. The control authority may enter into consent orders, assurances of voluntary compliance or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the

noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Subsection D and E of this section.

1. Show cause hearing. The control authority may order a user which has violated or continues to violate any provision of this article a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement to appear before the control authority and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 10 days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against or prerequisite for taking any other action against the user.
2. Compliance orders. When the control authority finds that a user has violated or continues to violate any provision of this article, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the control authority may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against or a prerequisite for taking any other action against the user.
3. Cease and desist orders.
   1. When the control authority finds that a user has violated or continues to violate any provision of this article, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement or that the user's past violations are likely to recur, the control authority may issue an order to the user directing it to cease and desist all such violations and directing the user to:
      1. Immediately comply with all requirements.
      2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.
   2. Issuance of a cease and desist order shall not be a bar against or a prerequisite for taking any other action against the user.
4. Administrative civil penalties.
   1. When the control authority finds that a user has violated or continues to violate any provision of this article, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the control authority may fine such a user in an amount not to exceed

$25,000 per day for each violation, regardless of jurisdictional boundaries. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, penalties shall be assessed for each day during the period of violation. The

foregoing administrative civil penalties shall be enforced in accordance with the provisions of

§ 163-73B and D of this article.

* 1. A lien against the user's property will be sought for unpaid charges, fines and penalties.
  2. Users desiring to dispute such fines must file a written request for the control authority to reconsider the fine along with full payment of the fine amount within 30 days of being notified of the fine. Where a request has merit, the control authority may convene a hearing on the matter. In the event that the user's appeal is successful, the payment, together with any interest accruing there on, shall be returned to the user. The control authority may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
  3. Issuance of an administrative fine shall not be a bar against or a prerequisite for taking any other action against the user.

1. Emergency suspensions.
   1. The control authority may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The control authority may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW or which represents or may present an endangerment to the environment.
      1. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the control authority may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream or endangerment to any individuals. The control authority may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the control authority that the period of endangerment has passed, unless the termination proceedings in Subsection H of this section are initiated against the user.
      2. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the control authority prior to the date of any show cause or termination hearing under Subsection C or H of this section.
   2. Nothing in this subsection shall be interpreted as requiring a hearing prior to any emergency suspension under this section.
2. Termination of discharge.
   1. In addition to the provisions in § 163-54 of this article, any user who violates the following conditions is subject to discharge termination:
      1. Violation of wastewater discharge permit conditions.
      2. Failure to accurately report the wastewater constituents and characteristics of its discharge.
      3. Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge.
      4. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling.
      5. Violation of the pretreatment standards in §§ 163-28 through 163-35.
   2. Such user will be notified of proposed termination of its discharge and be offered an opportunity to show cause under Subsection C of this section why the proposed action should not be taken. Exercise of this option by the control authority shall not be a bar to or a prerequisite for taking any other action against the user.

### § 163-73. Judicial enforcement remedies.

1. Injunctive relief. When the control authority finds that a user has violated or continues to violate any provision of this article, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the control authority may petition the Court of Common Pleas of Chester County, Pennsylvania, or other competent jurisdiction for appropriate legal and equitable relief, including the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit order or other requirement imposed by this article on activities of the user. Relief requested may also include requirements for environmental remediation. A petition for injunctive relief shall not be a bar against or a prerequisite for taking any other action against a user.
2. Civil penalties.
   1. A user who has violated or continues to violate any provision of this article, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement shall be liable to the control authority for a maximum civil penalty of $25,000 per violation per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation. Such penalty may be assessed in accordance with § 163-74D of this article.
   2. The control authority or the Township may recover reasonable attorneys' fees, court costs and other expenses associated with enforcement activities, including sampling and monitoring expenses and the cost of any actual damages incurred by the control authority or the Township.
   3. In determining the amount of civil liability, there shall be taken into account all relevant circumstances, including but not limited to the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user and any other factor as justice requires.
   4. Filing a suit for civil penalties shall not be a bar against or a prerequisite for taking any other action against a user.
3. Criminal prosecution. A user who willfully or negligently violates any provision of this article, a wastewater discharge permit order issued hereunder, any other pretreatment standard or requirement or who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage or any user who knowingly makes any false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this article, a wastewater discharge permit or order issued under this article or who falsifies, tampers with or knowingly renders inaccurate any monitoring device of method required under this article may be subject to criminal prosecution in accordance with the applicable

provisions of the Pennsylvania Crimes Code (18 Pa.C.S.A. § 101 et seq.).

1. Remedies nonexclusive. The remedies provided for in this article are not exclusive. The control authority may take any, all or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the control authority's enforcement response plan. However, the control authority may take other action against any user when the circumstances warrant. Further, the control authority is empowered to take more than one enforcement action against any noncompliant user.

### § 163-74. Supplemental enforcement action.

1. Performance bonds. The control authority may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this article, a previous wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the Township, in a sum not to exceed a valued determined by the control authority to be necessary to achieve consistent compliance.
2. Liability insurance. The control authority may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this article, a previous wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, unless the user submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.
3. Public nuisances. A violation of any provision of this article, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the control authority or the Township. Any person(s) creating a public nuisance shall be subject to the provisions of the Second Class Township Code**115** and applicable Township ordinances governing such nuisances, including reimbursing the control authority or Township for any costs incurred in removing, abating or remedying said nuisance.
4. Assessment of civil penalties.
   1. Pursuant to the provisions of Act 9 of 1992**116** providing for enhanced penalty authority for publicly owned treatment works which are authorized to enforce industrial pretreatment standards for industrial waste discharges, and in addition to proceeding under any other remedy available at law or equity for violation of pretreatment standards and/or requirements, the control authority, as the operator of a publicly owned treatment works, may assess a civil penalty upon an industrial user for violation of any of the terms and provisions of this article. The penalty may be assessed whether or not the violation was willful or negligent. The civil penalty shall not exceed $25,000 per day for each violation, regardless of jurisdictional boundaries. Each violation for each separate day shall constitute a separate and distinct defense under this section.
   2. As part of any notice of assessment of civil penalties issued by the control authority to an industrial user, there shall also be included a description of the applicable appeals process to be followed, including the name, address and telephone number of the person responsible for accepting such appeal on behalf of the control authority.
   3. **Editor's Note: See 53 P.S. § 65101 et seq.**
   4. **Editor's Note: See 35 P.S. § 752.1 et seq.**
   5. For purposes of this section, a single operational upset which leads to simultaneous violations of more than one pretreatment standard or requirement shall be treated as a single violation as required by Federal Water Pollution Control Act. The control authority may, however, recover its costs for reestablishing the operation of the treatment works in addition to any civil penalty imposed under this section.
   6. The control authority has publicly adopted a formal, written civil penalty assessment policy as Resolution No. 93-25 on April 22, 1993, and made it publicly available. Said policy is incorporated herein by reference. Each industrial discharger participating in the pretreatment program shall be given written notice of the policy. The penalty assessment policy shall consider:
      1. Damage to air, water, land or other natural resources of the Commonwealth of Pennsylvania and their uses.
      2. Costs of restoration and abatement.
      3. Savings resulting to the person in consequence of the violation.
      4. History of past violations.
      5. Deterrence of future violations.
      6. Other relevant factors.
   7. Uses for penalties. All civil penalties collected pursuant to this section shall be placed by the control authority in a restricted account and shall only be used by the control authority and the publicly owned treatment works for the following uses:
      1. The repair of damage and any additional maintenance needed or any additional costs imposed as a result of the violation for which the penalty was imposed.
      2. Pay any penalties imposed on the control authority or the publicly owned treatment works by the federal or state government for violation of pretreatment standards.
      3. For the costs incurred by the control authority, the Township or publicly owned treatment works to investigate and take the enforcement action that resulted in a penalty being imposed.
      4. For the monitoring of discharges in the pretreatment program and for capital improvements to the treatment works, including sewage collection lines, which may be required by the pretreatment program.
      5. Any remaining funds may be used for capital improvements to the treatment works, including collection lines owned by the control authority or the Township.
   8. Injunctive relief.
      1. The control authority shall have the power to obtain injunctive relief to enforce compliance with or restrain any violation of any pretreatment requirement or standard pursuant to and in accordance with the provisions of Act 9 of 1992**117** and 40 CFR 403.8(f)(1)(vi)(A). Injunctive relief shall be available upon the showing of one or more of the following:
   9. **Editor's Note: See 35 P.S. § 752.1 et seq.**
5. A discharge from an industrial user presents an imminent danger or substantial harm to the POTW or the public.
6. A discharge from an industrial user presents an imminent or substantial endangerment to the environment.
7. A discharge from an industrial user causes the POTW to violate any condition of its discharge permit.
8. The industrial user has shown a lack of ability or intention to comply with a pretreatment standard.
   * 1. Notwithstanding the preceding subsection, an injunction affecting an industrial operation not directly related to the condition or violation in question may be issued if the court determines that other enforcement procedures would not be adequate to affect prompt correction of the condition or violation. In addition to an injunction, the court in any such proceedings may levy civil penalties in accordance with Act 9 of 1992**118** and this article.
   1. An industrial user assessed with a civil penalty under the terms of this section shall have the right to file an appeal to contest either the amount of the penalty or the fact of the violation, within 30 days of the assessment of the civil penalty, pursuant to 2 Pa.C.S.A. Section 101 et seq. (relating to administrative law and procedure). Failure to appeal within this period shall result in a waiver of all legal rights to contest the violation or the amount of the penalty. **[Amended 7-15-2002 by Ord. No. HR-308]**
   2. The penalty authorized in this section is intended to be concurrent and cumulative and the provisions of this section shall not abridge or alter any right of action or remedy, now or hereafter existing in equity or under the common law or statutory law, criminal or civil, available to a person, the control authority or Township or the commonwealth.
9. Falsifying information. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this article or wastewater discharge permit or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this article shall be prosecuted in accordance with the provisions of the Pennsylvania Crimes Code pertaining to perjury and falsification in official matters pursuant to 18 Pa.C.S.A. § 4901 et seq.

### § 163-75. Affirmative defenses to discharge violations.

1. Upset.
   1. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance or careless or improper operation.
   2. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of Subsection A(3) below are met.
   3. A user who wishes to establish the affirmative defense of upset shall demonstrate, through
   4. **Editor's Note: See 35 P.S. § 752.1 et seq.**

properly signed, contemporaneous operating logs or other relevant evidence, that:

1. An upset occurred and the user can identify the cause(s) of the upset.
2. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures.
3. The user has submitted the following information to the control authority and the Township within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days):
4. A description of the indirect discharge and cause of noncompliance.
5. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue.
6. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
   1. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
   2. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
   3. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in situations where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.
7. Prohibited discharge standards. A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in § 163-28 of this article or the specific prohibitions in § 163-29 of this article except Subsection A(1), (2) or (8), if it can prove that it did not know or have reason to know that its discharge, alone or in conjunction with discharges from other sources, would cause pass-through or interference and that either:
   1. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to and during the pass-through or interference; or
   2. No local limits exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the control authority was regularly in compliance with its NPDES permit and, in the case of interference, was in compliance with applicable sludge use or disposal requirements.
8. Bypass.
   1. For the purposes of this section:
      1. "Bypass" means the intentional diversion of waste streams from any portion of a user's treatment facility.
      2. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable or substantial and permanent

loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

* 1. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of Subsections C(3) and (4) of this section.
  2. Notice.
     1. If a user knows in advance of the need for a bypass, it shall submit prior notice to the control authority at least 10 days before the date of the bypass, if possible.
     2. A user shall submit oral notice to the control authority of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times; and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass.
  3. Enforcement.
     1. Bypass is prohibited and the control authority may take an enforcement action against a user for a bypass unless:

1. Bypass was unavoidable to prevent loss of life, personal injury or severe property damage.
2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal period of equipment downtime or preventive maintenance.
3. The user submitted notices as required under Subsection C(3) of this section.
   * 1. The control authority, after consultation with the Township, may approve an anticipated bypass, after considering its adverse effects, if the control authority determines that it will meet the three conditions listed in Subsection C(4)(a) of this section.

### § 163-76. Fees.

1. Purpose. It is the purpose of this article to provide for the recovery of costs from users of the control authority and Township's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the control authority's schedule of charges and fees.
2. Charges and fees.
   1. The Township and/or the control authority may adopt by resolution charges and fees which may

### include: [Amended 3-21-2005 by Ord. No. HR-336]

* + 1. Fees for reimbursement of costs of setting up and operating the control authority's pretreatment program.
    2. Fees for monitoring, inspections and surveillance procedures.
    3. Fees for reviewing accidental discharge procedures and construction.
    4. Fees for permit applications.
    5. Fees for filing appeals.
    6. Fees for consistent removal of pollutants otherwise subject to federal pretreatment standards.
    7. Other fees as the control authority may deem necessary to carry out the requirements herein.
  1. These fees relate solely to the matters covered by this article and are separate from all other fees or sewer rentals chargeable by the control authority or Township.

ARTICLE VI

### On-Lot Subsurface Sewage Disposal Facilities [Adopted 11-3-1997 by Ord. No. HR-264]

**§ 163-77. Title; introduction; purpose.**

1. This article shall be known and may be cited as "An Ordinance Providing for a Sewage Management Program for Tredyffrin Township."
2. In accordance with municipal codes, the Clean Streams Law (Act of June 27, 1937, P.L. 1987, No. 394, as amended, 35 P.S. §§ 691.1 to 691. 1001) and the Pennsylvania Sewage Facilities Act (Act of January 24, 1966, P.L. 1535, as amended, 35 P.S.§§ 750.1 et seq., known as "Act 37"), it is the power and the duty of Tredyffrin Township to provide for adequate sewage treatment facilities and for the protection of the public health by preventing the discharge of untreated or inadequately treated sewage. The Official Sewage Facilities Plan for Tredyffrin Township indicates that it is necessary to formulate and implement a sewage management program to effectively prevent and abate water pollution and hazards to the public health caused by improper treatment and disposal of sewage.
3. The purpose of this article is to provide for the regulation, inspection, maintenance and rehabilitation of on-lot sewage disposal systems; to further permit intervention in situations which may constitute a public nuisance or hazard to the public health; and to establish penalties and appeal procedures necessary for the proper administration of a sewage management program.

### § 163-78. Definitions.

1. As used in this article, the following terms shall have the meanings indicated:

AUTHORIZED AGENT — A Sewage Enforcement Officer, employee of the Township, professional engineer, plumbing inspector or any other qualified or licensed person who is authorized to function within specified limits as an agent of Tredyffrin Township to administer or enforce the provisions of this article.

BOARD — The Board of Supervisors, Tredyffrin Township, Chester County, Pennsylvania.

COMMUNITY SEWAGE SYSTEM — Any system, whether publicly or privately owned, for the collection of sewage from two or more lots and the treatment and/or disposal of the sewage on one or more lots or at any other site.

COUNTY — Chester County, Pennsylvania.

DEPARTMENT — The Department of Environmental Protection of the Commonwealth of Pennsylvania (DEP).

INDIVIDUAL SEWAGE SYSTEM — A system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into any waters of this commonwealth.

MALFUNCTION — A condition which occurs when an on-lot sewage disposal system discharges sewage into the surface of the ground, into groundwaters of this commonwealth, into surface waters of this commonwealth, backs up into a building connected to the system or in any manner causes a nuisance or hazard to the public health or pollution of groundwater or surface water or contamination of public or private drinking water wells. Systems shall be considered to be malfunctioning if any condition noted above occurs for any length of time during any period of the year.

OFFICIAL SEWAGE FACILITIES PLAN — A comprehensive plan for the provision of adequate sewage disposal systems, adopted by the Board and approved by the Pennsylvania Department of Environmental Protection, pursuant to the Pennsylvania Sewage Facilities Act.**119**

ON-LOT SEWAGE DISPOSAL SYSTEM — Any system for disposal of domestic sewage involving pretreatment and subsequent disposal of the clarified sewage into a subsurface soil absorption area or retaining tank; this term includes both individual sewage systems and community sewerage systems.

PERSON — Any individual association, public or private corporation for profit or not for profit, partnership, firm, trust, estate, department, board, bureau or agency of the commonwealth, political subdivision, municipality, district, authority or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. Whenever used in any clause prescribing and imposing a penalty or imposing a fine or imprisonment, the term "person" shall include the members of an association, partnership or firm and the officers of any local agency or municipal, public or private corporation for profit or not for profit.

REHABILITATION — Work done to modify, alter, repair, enlarge or replace an existing on-lot sewage disposal system.

SEWAGE — Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substances being harmful or inimical to the public health or to animal or aquatic life or the use of water for domestic water supply or for recreation or which constitutes pollution under the Act of June 22, 1937 (P.L. 1987, No. 394), known as the "Clean Streams Law," as amended.**120**

SEWAGE ENFORCEMENT OFFICER (SEO) — A person certified by DEP who is employed by the county. Such person is authorized to conduct investigations and inspections, review permit applications, issue or deny permits and do all other activities as may be provided for such person in the Sewage Facilities Act,**121** the rules and regulations promulgated thereunder and this article or any other ordinance adopted by the county.

SEWAGE MANAGEMENT DISTRICT — Any area or areas of the Township designated in the Official Sewage Facilities Plan adopted by the Board as an area for which a sewage management program is to be implemented.

SEWAGE MANAGEMENT PROGRAM — A comprehensive set of legal and administrative requirements encompassing the requirements of this article, the Sewage Facilities Act,**122** the Clean Streams Law,**123** the regulations promulgated thereunder and such other requirements adopted by the Board to effectively enforce and administer this article.

SUBDIVISION — The division of 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 — The Township of Tredyffrin, Chester County, Pennsylvania.

1. For the purposes of this article, any term which is not defined herein shall have that meaning attributed to it under the Sewage Facilities Act**124** and the regulations promulgated thereto.
   1. **Editor's Note: See 35 P.S. § 750.1 et seq.**
   2. **Editor's Note: See 35 P.S § 691.1 et seq.**
   3. **Editor's Note: See 35 P.S. § 750.1 et seq.**
   4. **Editor's Note: See 35 P.S. § 750.1 et seq.**
   5. **Editor's Note: See 35 P.S § 691.1 et seq.**

### § 163-79. Applicability.

From the effective date of this article, its provisions shall apply in any portion of the Township identified in the Official Sewage Facilities Plan as a sewage management district. If no such area is specifically identified, this article shall be applicable to the entire Township. Within such an area or areas, the provisions of this article shall apply to all persons owning any property serviced by an on-lot sewage disposal system and to persons installing or rehabilitating on-lot sewage disposal systems.

### § 163-80. Permit requirements.

1. No person shall install, construct or request bid proposals for construction or alter an individual sewage system or community sewage system or construct or request bid proposals for construction or install or occupy any building or structure for which an individual sewage system or community sewage system is to be installed without first obtaining a permit from the Sewage Enforcement Officer, which permit shall indicate that the site and the plans and specifications of such system are in compliance with the provisions of the Clean Streams Law**125** and the Pennsylvania Sewage Facilities Act**126** and the regulations adopted pursuant to those Acts.
2. No system or structure designed to provide individual or community sewage disposal shall be covered from view until approval to cover the same has been given by a Sewage Enforcement Officer. If 72 hours have elapsed, excepting Sundays and holidays, since the Sewage Enforcement Officer issuing the permit received notification of completion of construction, the applicant may cover said system or structure unless permission has been specifically refused by the Sewage Enforcement Officer.
3. Applicants for sewage permits may be required to notify the Sewage Enforcement Officer of the schedule for construction of the permitted on-lot sewage disposal system so that inspection(s) in addition to the final inspection required by the Sewage Facilities Act**127** may be scheduled and performed by a Sewage Enforcement Officer.
4. No building or occupancy permit shall be issued for a new building which will contain sewage generating facilities until a valid sewage permit has been obtained from a Sewage Enforcement Officer.
5. No building or occupancy permit shall be issued and no work shall begin on any alteration or conversion of any existing structure, if said alteration or conversion will result in the increase or potential increase in sewage flows from the structure, until either the structure's owner receives a permit for alteration or replacement of the existing sewage disposal system or until the structure's owner and the appropriate officials of the Township receive written notification from a Sewage Enforcement Officer that such a permit will not be required. The Sewage Enforcement Officer shall determine whether the proposed alteration or conversion of the structure will result in increased sewage flows.
6. Sewage permit may be issued only by a Sewage Enforcement Officer employed by the county.

### § 163-81. Inspections.

1. Any on-lot sewage disposal system may be inspected by an authorized agent at any reasonable time
   1. **Editor's Note: See 35 P.S. § 750.1 et seq.**
   2. **Editor's Note: See 35 P.S § 691.1 et seq.**
   3. **Editor's Note: See 35 P.S. § 750.1 et seq.**
   4. **Editor's Note: See 35 P.S. § 750.1 et seq.**

as of the effective date of this article.

1. Such inspection may include a physical tour of the property, the taking of samples from surface water, wells, other groundwater sources, the sampling of the contents of the sewage disposal system itself and/or the introduction of a traceable substance into the interior plumbing of the structure served to ascertain the path and ultimate destination of wastewater generated in the structure.
2. An authorized agent shall have the right to enter upon land for the purposes of inspections described in this section.
3. An initial inspection may be conducted by an authorized agent within one year of the effective date of this article for the purpose of determining the type and functional status of each sewage disposal system in the sewage management district. If generated, a written report will be furnished to the owner of each property inspected and a copy of said report will be maintained in the Township records.
4. A schedule of routine inspections may be established to assure the proper functioning of the sewage systems in the sewage management district.
5. An authorized agent shall inspect systems known to be or alleged to be malfunctioning. Should said inspections reveal that the system is indeed malfunctioning, the authorized agent shall order action to be taken to correct the malfunction. If total correction cannot be done in accordance with the regulations of DEP, including but not limited to those outlined in Chapter 73 of Title 25 of the Pennsylvania Code, or is not technically or financially feasible in the opinion of the authorized agent and a representative of DEP, then action by the property owner to mitigate the malfunction shall be required.
6. There may arise geographic areas where numerous on-lot sewage disposal system are malfunctioning. A resolution of these area-wide problems may necessitate detailed planning and a revision to the portion of the Sewage Facilities Plan pertaining to areas affected by such malfunctions. When a DEP authorized Official Sewage Facilities Plan Revision has been undertaken, mandatory repair or replacement of individual malfunctioning sewage disposal systems within the area affected by the revision may be delayed, pending the outcome of the plan revision process. However, immediate corrective action may be compelled whenever a malfunction, as determined by the SEO and/or the Department, represents a serious public health or environmental threat.

### § 163-82. Operation.

Only normal domestic wastes shall be discharged into any on-lot sewage disposal system. The following shall not be discharged into the system:

1. Industrial waste.
2. Automobile oil and other nondomestic oil.
3. Toxic or hazardous substances or chemicals, including but not limited to pesticides, disinfectants (excluding household cleaners), acids, paints, paint thinners, herbicides, gasoline and other solvents.
4. Clean surface water or groundwater, including water from roof or cellar drains, springs, basement sump pumps and french drains.

### § 163-83. Maintenance.

1. Each person owning a building served by an on-lot sewage disposal system which contains a septic tank shall have the septic tank pumped by a qualified pumper/hauler within three years of the effective date of this article or whenever an inspection by a qualified pumper/hauler or an authorized agent reveals that the septic tank is filled with solids or with scum in excess of 1/3 of the liquid depth of the tank. Thereafter, that person shall have the tank pumped at least once every three years or whenever an inspection reveals that the septic tank is filled with solids or with scum in excess of 1/3 of the liquid depth of the tank. Receipts from the pumper/hauler shall be submitted to the Township within the prescribed pumping periods.
2. The required pumping frequency may be increased at the discretion of an authorized agent if the septic tank is undersized, if solids buildup in the tank is above average, if the hydraulic load on the system increases significantly above average, if a garbage grinder is used in the building, if the system malfunctions or for other good cause shown. If any person can prove that such person's septic tank had been pumped within three years of the six-month anniversary of the effective date of this article, then that person's initial required pumping may be delayed to conform to the general three-year frequency requirement except where an inspection reveals a need for more frequent pumping frequencies.
3. Any person owning a property served by a septic tank shall submit, with each required pumping receipt, a written statement, from the pumper/hauler or from any other qualified individual acceptable to the Township, that the baffles in the septic tank have been inspected and found to be in good working order. Any person whose septic tank baffles are determined to require repair or replacement shall first contact a Sewage Enforcement Officer for approval of the necessary repair.
4. Any person owning a building served by an on-lot sewage disposal system which contains an aerobic treatment tank shall follow the operation and maintenance recommendations of the equipment manufacturer. A copy of the manufacturer's recommendations and a copy of the service agreement shall be submitted to the Township. Thereafter, service receipts shall be submitted to the Township at the intervals specified by the manufacturer's recommendations. In no case may the service or pumping intervals for aerobic treatment tanks exceed those required for septic tanks.
5. Any person owning a building served by a cesspool or dry well in an area of numerous malfunctions or in an area where a repair is not technically feasible shall have that system pumped according to the schedule prescribed for septic tanks to mitigate potential pollution. As an alternative to this scheduled pumping of the cesspool or dry well and pending any scheduled replacement of the substandard system as identified in the Official Sewage Facilities Plan, the owner may apply for a sewage permit from a Sewage Enforcement Officer for a septic tank to be installed preceding the cesspool or dry well. For this interim repair system consisting of a cesspool or dry well preceded by an approved septic tank, only the septic tank must be pumped at the prescribed interval.
6. Additional maintenance activity may be required as needed, including but not necessarily limited to cleaning and unclogging of piping, servicing and the repair of mechanical equipment, leveling of distribution boxes, tanks and lines, removal of obstructing roots or trees, the diversion of surface water away from the disposal area, etc.

### § 163-84. System rehabilitation.

1. No person shall operate or maintain an on-lot sewage disposal system in such a manner that it malfunctions. All liquid wastes, including kitchen and laundry wastes and water softener backwash, shall be discharged to a treatment tank. No sewage system shall discharge untreated or partially treated sewage to the surface of the ground or into the waters of the commonwealth unless a permit

for such discharge has been obtained from DEP.

1. A written notice of violation shall be issued by the SEO to any person who is the owner of any property which is found to be served by a malfunctioning on-lot sewage disposal system or which is discharging sewage without a permit.
2. Within seven days of notification by the SEO that a malfunction has been identified, the property owner shall make application to the Sewage Enforcement Officer for a permit to repair or replace the malfunctioning system. Within 30 days of initial notification by the SEO, construction of the permitted repair or replacement shall commence. Within 60 days of the original notification by the SEO, the construction shall be completed unless seasonal or unique conditions mandate a longer period, in which case the SEO shall set an extended completion date.
3. A Sewage Enforcement Officer shall have the authority to require the repair of any malfunction by the following methods: cleaning, repair or replacement of components of the existing system, adding capacity or otherwise altering or replacing the system's treatment tank, expanding the existing disposal area, replacing the existing disposal area, replacing a gravity distribution system with a pressurized system, replacing the system with a holding tank or any other alternative appropriate for the specific site.
4. In lieu of or in combination with, the remedies described in Subsection D above, a Sewage Enforcement Officer may require the installation of water conservation equipment and the institution of water conservation practices in structures served. Water-using devices and appliances in the structure may be required to be retrofitted with water saving appurtenances or they may be required to be replaced by water conserving devices.
5. In the event that the rehabilitation measures in Subsections A through E are not feasible or effective, the owner may be required to apply to DEP for a permit to install an alternative treatment system. Upon receipt of said permit, the owner shall complete construction of the system within 30 days.
6. Should none of the remedies described in this section be totally effective in eliminating the malfunction of an existing on-lot sewage disposal system, the property owner is not absolved of responsibility for that malfunction. The Township may require whatever action is necessary to lessen or mitigate the malfunction to the extent necessary.

### § 163-85. Liens.

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

### § 163-86. Disposal of septage.

1. All septage originating within the sewage management district shall be disposed of in accordance with the requirements of the Solid Waste Management Act (Act 97 of 1980, 35 P.S. § 6018.101 et seq.) and all other applicable laws and at sites or facilities approved by DEP. Approved sites or facilities shall include the following: septage treatment facilities, wastewater treatment plants, composting sites and approved farmlands.
2. Pumper/haulers of septage operating within the sewage management district shall operate in a manner

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consistent with the provisions of the Pennsylvania Solid Waste Management Act (Act 97 of 1980, P.S. §§ 6018.101 through 6018.1003) and all other applicable laws.

### § 163-87. Administration.

1. The Township shall fully utilize those powers it possesses through enabling statutes and ordinances to effect the purposes of this article.
2. The Township shall employ qualified individuals to carry out the provisions of this article. Those employees shall include an administrator and may include such other persons as may be necessary. The Township may also contract with private qualified persons or firms as necessary to carry out the provisions of this article. The Sewage Enforcement Officer shall be an employee of Chester County.
3. All permits, records, reports, files and other written material relating to the installation, operation and maintenance and malfunction of on-lot sewage disposal systems in the sewage management district shall become the property of and be maintained by the Township. Existing and future records shall be available for public inspection during regular business hours at the official office of the Township. All records pertaining to sewage permits, building permits, occupancy permits and all other aspects of the sewage management program shall be made available, upon request, for inspection by representatives of the Pennsylvania Department of Environmental Protection.
4. The Township Board shall establish all administrative procedures necessary to properly carry out the provisions of this article.
5. The Township Board may establish a fee schedule and authorize the collection of fees to cover the cost of the Township of administering this program.

### § 163-88. Appeals.

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

### § 163-89. Violations and penalties.128

Any person who violates or permits a violation of this article, upon being found liable therefor in a civil enforcement proceeding, shall pay a fine of not more than $600, plus all court costs, including reasonable attorney's fees, incurred by the Township in the enforcement of this article. No judgment shall be imposed until the date of the determination of the violation by the District Justice and/or Court. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the

* 1. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

applicable rules of civil procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.

## Chapter 165 SINGLE-USE PLASTICS

### [HISTORY: Adopted by the Board of Supervisors of the Township of Tredyffrin 9-19-2022 by Ord. No. HR-454. Amendments noted where applicable.]

**§ 165-1. Purpose; findings.**

1. Purpose.
   1. The purpose of this chapter is to reduce the use of single-use, plastic carry-out bags, single-use plastic straws, and polystyrene food containers by commercial establishments within the Township; curb litter on the streets, in the parks, and in the trees; protect the local streams, rivers, waterways and other aquatic environments; reduce solid waste generation; promote the use of reusable, compostable, and recyclable materials within the Township; and preserve the natural, scenic, historic, and aesthetic values of the Township.
2. Findings.
   1. The use of single-use, plastic carry-out bags, single-use plastic straws, and polystyrene food containers has severe environmental impacts, including litter, harm to wildlife, water consumption, and solid waste generation.
   2. There are numerous commercial establishments within the Township that provide single-use, plastic carry-out bags, single-use plastic straws, and polystyrene food containers to their customers.
   3. Most single-use, plastic carry-out bags, single-use plastic straws, and polystyrene food containers are made from plastic or other material that does not readily decompose.
   4. Approximately 100,000,000,000 single-use, plastic carry-out bags are discarded by United States consumers each year. In the Township, such bags are not readily recyclable.
   5. Numerous studies have documented the prevalence of single-use, plastic carry-out bags littering the environment, blocking storm drains, entering local waterways, and becoming stuck in or upon natural resources and public property.
   6. The taxpayers of the Township pay the costs related to the cleanup of single-use, plastic carry- out bags, single-use plastic straws, and polystyrene food containers from the roadways, trees, sewers, waters, and parks within the Township.
   7. From an overall environmental and economic perspective, the best alternative to single-use, plastic carry-out bags, single-use plastic straws, and polystyrene food containers is a shift to reusable, compostable, or recyclable paper bags.
   8. There are several alternatives to single-use, plastic carry-out bags, single-use plastic straws, and polystyrene food containers readily available in and around the Township.
   9. Single-use paper bag manufacturing, transportation, and resource consumption also affects the environment, but such bags are biodegradable, single-stream recyclable, and provide a practical retail establishment alternative consistent with most local and state single-use, plastic regulations and prohibitions. Although preferable to single-use, plastic bags, the overall effects of producing, providing, and allowing single-use paper bags should also be mitigated to reduce

waste, litter, and natural resource depletion by encouraging, facilitating, and promoting reusable bag use.

* 1. Studies and past experiences have shown that placing a mandatory charge on paper bags promotes and encourages the use of reusable bags, and prohibiting or otherwise regulating the use of single-use, plastic carry-out bags significantly reduces the use and waste of such items.
  2. As required by the Environmental Rights Amendment to the Pennsylvania Constitution, the Township seeks to preserve the natural, scenic, historic, and aesthetic values of the Township.
  3. The Board desires to conserve resources; reduce waste, litter, water pollution; and protect the public health and welfare, including wildlife, all of which increase the quality of life for the Township's residents and visitors.

### § 165-2. Definitions.

For the purposes of this chapter, the following definitions shall apply unless the context clearly requires and unambiguously dictates otherwise:

BOARD — The Board of Supervisors of Tredyffrin Township.

COMMERCIAL ESTABLISHMENT — Any store or retail establishment that sells perishable or nonperishable goods, including, but not limited to, clothing, food, and personal items, directly to the customer, and is located within or doing business within the geographical limits of the Township. Commercial establishments include: a business establishment that generates a sales or use tax; a drugstore, pharmacy, supermarket, grocery store, farmers market, convenience food store, food mart, or other commercial entity engaged in the retail sale of a limited line of goods that include milk, bread, soda, and snack foods; a public eating establishment (i.e., a restaurant, takeout food establishment, or any other business that prepares and sells prepared food to be eaten on or off its premises); and a business establishment that sells clothing, hardware, or any other nonperishable goods.

COMPLIANT BAG — Certain paper carry-out bags and reusable bags as set forth herein:

1. A paper bag that meets all the following minimum requirements:
   1. It is considered a recyclable material, based on the Township Code, as the same may be amended from time to time; contains a minimum of 40% postconsumer recycled material; and displays the words "recyclable" and/or "reusable" in a highly visible manner on the outside of the bag; or
   2. It can be composted. To qualify as "compostable," the specifications for the bag shall have been submitted to and been approved by the Township Environmental Advisory Council; or have met an applicable federal, Commonwealth of Pennsylvania, American Society for Testing and Materials or other generally recognized and acceptable standards for being compostable.
2. A reusable bag that is a carry-out bag designed and manufactured for multiple uses and is:
   1. Made of cloth or other machine-washable fabric;
   2. A polypropylene bag; or
   3. Made of other material that is specifically designed and manufactured for multiple reuse.

CUSTOMER — Any person purchasing goods or services from a commercial establishment.

EXEMPTED BAG — A bag used inside a commercial establishment by a customer to deliver perishable items to the point-of-sale at that establishment. Exempted bags shall include:

1. A bag used to package bulk items such as fruit, vegetables, nuts, grains, or candy;
2. A bag used to contain or wrap meats or fish, or to contain unwrapped prepared foods or bakery goods;
3. A bag used solely to contain live animals, such as fish or insects sold in a pet store; and/or
4. A bag sold in packaging containing multiple bags and intended for use as food storage bags, garbage bags, or pet waste bags, and packaged at the time of manufacture of the bag.

OPERATOR — The owner, person in control, or person having responsibility for, the operation of a commercial establishment, which may include, but is not limited to, the owner of the commercial establishment.

PLASTIC — A synthetic material made from linking monomers through a chemical reaction to create a polymer chain that can be molded or extruded at high heat into various solid forms that retain their defined shapes during their life cycle and after disposal, including material derived from either petrochemicals or a biologically based polymer, such as corn or other plant sources.

POLYSTYRENE FOOD CONTAINER — A nonrecyclable plastic disposable food or drink container

made of synthetic resin of polystyrene (one example is known as Styrofoam®) which is for single use and intended for serving or transporting ready-to-eat food or beverages. This definition includes cups, plates, trays, bowls, and hinged or lidded containers, but does not apply to cup lids.

POST-CONSUMER RECYCLED MATERIAL — A material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. This term does not include materials and by-products generated from and commonly reused within an original manufacturing and fabrication process.

RECYCLABLE — Material that can be sorted, cleansed, and reconstituted using available recycling collection programs for the purpose of reusing the altered, incinerated, converted, or otherwise thermally destroyed solid waste generated therefrom.

SINGLE-USE, PLASTIC CARRY-OUT BAG — Any bag that is made predominantly of plastic that is made through a blown-film extrusion process, which is provided by an operator of a commercial establishment to a customer at the point-of-sale, but not including an exempted bag.

SINGLE-USE PLASTIC STRAW — A straw sold or distributed for the purpose or intent of transferring a beverage from its container to the mouth of the drinker by suction, which is made predominantly of plastic and which is primarily intended for a single use. The term shall also include a plastic stirrer, a device used to mix beverages, intended for a single use, and made predominantly from plastic. The term single- use plastic straw shall not include straws or stirrers composed of nonplastic materials, such as bamboo, sugar cane, wood, or paper. The term single-use plastic straw shall not include straws provided under the following circumstances:

1. When provided with a beverage on private property used as a residence;
2. When provided by a state, federal or local government agency;
3. When packaged with beverages prepared and packaged outside of the Township, provided such beverages are not altered, packaged or repackaged within the Township; or
4. When provided as an assistance device to reasonably accommodate a disability.

TOWNSHIP — Tredyffrin Township.

### § 165-3. Single-use, plastic carry-out bags prohibited.

Effective 180 days after enactment of this chapter, no commercial establishment shall provide to any customer a single-use, plastic carry-out bag, as defined in § 165-2 above. This prohibition applies to bags provided for the purpose of carrying goods away from the point-of-sale. This prohibition applies to single-use, plastic carry-out bags used for takeout deliveries from commercial establishments within the Township. The point-of-sale in such transactions shall be the commercial establishment, regardless of where payment for the transaction physically or electronically occurs.

### § 165-4. Compliant bags.

1. Beginning 180 days after enactment of this chapter, commercial establishments shall only provide compliant bags to a customer at the commercial establishment or through a delivery.
2. A commercial establishment may provide a customer a compliant bag at the point-of-sale if the bag is provided to the customer for a charge of not less than $0.15 per bag.
3. All monies collected by a commercial establishment under this section for provision of a recycled paper bag shall be retained by the commercial establishment.
4. Any charge for a compliant bag shall be separately stated on any receipt provided to the customer at the time of sale and shall be identified as the "carry-out bag charge" thereon.
5. Customers may use bags of any type, which they bring to the commercial establishment themselves, for the purpose of carrying goods or other materials away from the point-of-sale without incurring a fee for a compliant bag.

### § 165-5. Signage requirement.

Beginning 180 days after enactment of this chapter, and for a minimum of six months thereafter, commercial establishments shall post at all points-of-sale conspicuous signage informing customers that single-use, plastic carry-out bags and nonrecycled paper bags will no longer be provided by the establishment as of the date the prohibition begins; explaining what types of bags and purchases are impacted; and providing any other information the Township may require by regulation.

### § 165-6. Prohibition against single-use plastic straws and polystyrene food containers.

Beginning 180 days after the enactment of this chapter, commercial establishments are prohibited from providing single-use plastic straws or polystyrene food containers to a customer, patron, or user of the commercial establishment under any circumstance, unless subject to an exemption. The prohibition set forth in this section shall not apply to single-use plastic straws or polystyrene food containers such as plates, cups, and bowls, which: a) contain multiple single-use plastic straws or polystyrene food containers;

b) are packaged by the manufacturers of such items at the time of their manufacture; and c) are ultimately sold to consumers for home use.

### § 165-7. Exemptions.

The Township may, upon written request of a commercial establishment, exempt a commercial

establishment from the requirements of this chapter until October 1, 2023, upon a finding by the Board that the requirements of this chapter would cause undue hardship to the commercial establishment. An exemption granted by the Board under this section shall exempt the commercial establishment only from the requirements of this chapter expressly specified in the exemption. An "undue hardship" shall be found only if the commercial establishment demonstrates that it has a unique circumstance or situation such that there are no reasonable alternatives to the use of single-use, plastic carry-out bags or polystyrene food containers.

### § 165-8. Enforcement.

1. The Township Manager, or his/her designee(s), has the responsibility for enforcement of this chapter and may promulgate reasonable rules and regulations to enforce the provisions thereof, including, but not limited to, investigating violations and issuing fines.
2. Any commercial establishment that violates or fails to comply with any of the requirements of this chapter, after an initial written warning notice has been issued for that violation, shall be liable for a violation.
3. Any commercial establishment that receives an initial written warning notice may file a request for an exemption pursuant to the procedure in § 165-7 above.
4. If a commercial establishment has subsequent violations of this chapter after the issuance of an initial written warning notice of violation, the Township may issue a summary criminal citation and seek fines, as provided in § 165-8E below, upon conviction thereof in a summary proceeding brought before a Magisterial District Justice under the Pennsylvania Rules of Criminal Procedure. In default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a term of not more than 30 days. Each section of this chapter violated shall constitute a separate offense, and each day or portion thereof in which a violation of this chapter is found to exist shall constitute a separate offense, each of which violations shall be punishable by a separate fine imposed by the Magisterial District Justice. All fines and penalties collected for the violation of this chapter shall be paid to the Township Treasurer.
5. If a commercial establishment has subsequent violations of this chapter after the issuance of an initial written warning notice of violation, the Township may issue the following penalties that shall be payable by the operator of the commercial establishment:
   1. A fine not exceeding $100 for the first violation;
   2. A fine not exceeding $200 for the second violation in the same year dating from the first violation; and
   3. A fine not exceeding $500 for the third and each subsequent violation in the same year dating from the first violation.
6. For the purposes of enforcement under this section, a violation shall be each occurrence of a person, customer, operator, and/or commercial establishment violating a requirement of this chapter.
7. In addition to the penalties set forth in this chapter, the Township may seek legal, injunctive, or other equitable relief to enforce this chapter.

## Chapter 168 SOLID WASTE

### [HISTORY: Adopted by the Board of Supervisors of the Township of Tredyffrin 4-22-2019 by Ord. No. HR-428.129 Amendments noted where applicable.]

**GENERAL REFERENCES**

**Brush, grass and weeds — See Ch. 77. Building construction — See Ch. 80. Littering — See Ch. 126.**

**Property maintenance — See Ch. 149. Sewers and sewage disposal — See Ch. 163.**

* 1. **Editor’s Note: This ordinance repealed former Ch. 168, Solid Waste, comprised of Art. I, Storage and Collection, adopted as Ch. VIII, Art. 1, § 101, of the 1979 General Laws; Art. II, Licensing of Collectors, adopted as Ch. VIII, Art. I, § 102, of the 1979 General Laws, 8-20-1990 by Ord. No. HR-155; and Art. III, Recycling, adopted as Ch. VIII, Art. I, § 104, of the 1979 General Laws,**

**8-20-1990 by Ord. No. HR-154, as amended.**

ARTICLE I

### Storage and Collection

**§ 168-1. Accumulation prohibited.**

All accumulations of trash, garbage, ashes and/or rubbish on any private or public property or grounds within the Township of Tredyffrin are hereby prohibited.

### § 168-2. Junked automobiles.

The storage or keeping of abandoned or junked automobiles on any private or public property or grounds within the Township of Tredyffrin, where the same amounts to a nuisance in fact, is hereby prohibited.

### § 168-3. Responsibilities and fines.

It is the responsibility of the owner or occupier of any property to keep that property free of any accumulations or nuisances such as those described in this article. Any such accumulations or nuisances prohibited by the terms of this article shall be abated and removed by the occupant and by the owner of the property on which such accumulation or nuisance exists and by the person or persons who are responsible for such accumulation or nuisance within five days after receipt by him, her or them of written notice so to do from the Board of Supervisors of Tredyffrin Township, and upon his, her or their default and/or failure or neglect to abate or remove such accumulation or nuisance within such time, the Township shall have the right and power to remove or cause the removal of or abatement of any such accumulation or nuisance and to pay for the cost or costs thereof and to collect the costs of such removal, together with a penalty of not more than $600, plus all court costs, including reasonable attorney's fees, incurred by the Township in the enforcement of this article, for each and every such accumulation or nuisance, each day constituting a separate offense. No judgment shall be imposed until the date of the determination of the violation by the District Justice and/or Court. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.

### § 168-4. Storage containers.

It shall be unlawful hereafter in Tredyffrin Township for any person, association or corporation to store trash, rubbish or garbage outside of an enclosed building in other than closed waterproof containers.

### § 168-5. Time of collection.

From and after the effective date hereof, in Tredyffrin Township, no person, partnership, firm or corporation shall place containers for trash, rubbish, garbage or recyclables at the curb or in the front yard area of any lot, except during the period beginning at 6:00 p.m., prevailing time, on the day prior to a scheduled collection and ending at 12:00 midnight on the day of a scheduled collection. "Front yard area" shall mean the area between the street line and the first building on the lot.

### § 168-6. Enforcement.

In the enforcement of the provisions or any of the provisions of this article, the Board of Supervisors of Tredyffrin Township shall have the power and right to institute and conduct proceedings in courts of equity or courts of law, as well as before District Justices and other courts not of record.

ARTICLE II

### Municipal Waste and Recyclable Material Collection Requirements

**§ 168-7. Title.**

This article shall be known and may be cited as the "Tredyffrin Township Municipal Waste and Recyclable Material Collection Ordinance."

### § 168-8. Definitions.

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

ACT 101 — The statewide recycling requirement in Pennsylvania known as the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988.**130**

AUTHORIZED COLLECTOR — Person registered and authorized by Tredyffrin Township to collect, remove, transport, and dispose of municipal waste, recyclable materials, and/or leaf waste for owners or occupants of single-family residential establishments, multifamily residential establishments, commercial establishments, institutional establishments, and municipal establishments in Tredyffrin Township.

CHESTER COUNTY WASTE MANAGEMENT PLAN — The Chester County Act 101, Municipal Waste Management Plan, adopted by the Chester County Board of Commissioners on September 25, 1990, and approved by the Pennsylvania Department of Environmental Resources, and which may be amended from time to time.

COMMERCIAL ESTABLISHMENT — A building or buildings used or designed for use for commercial purposes, including wholesale, retail, industrial, manufacturing, transportation, financial or professional services, offices, businesses, or other commercial activities.

CURBSIDE COLLECTION — The placement of recyclable materials at the curbline or other location adjacent to Township streets and roads as established by the Township and/or authorized collector. Recycling containers shall not be placed on the paved portion of a roadway or sidewalk or otherwise obstruct the flow or vision of motorists or pedestrians traveling on adjacent roads, streets, or sidewalks.

DISPOSAL FACILITY — A state-permitted facility which processes or acts upon municipal waste, recyclable materials, and/or leaf waste so as to dispose of the material, such as a composting facility, an incinerator, a resource recovery plant, a recycling processing facility, a waste-to-energy facility, or a sanitary landfill.

INSTITUTIONAL ESTABLISHMENT — Of or pertaining to any establishment engaged in service to persons, but not limited to hospitals, nursing homes, orphanages, schools, universities, churches and social or fraternal societies and organizations.

LEAF WASTE — Leaves, garden residues, tree limbs and similar materials, but not including grass clippings.

MUNICIPAL ESTABLISHMENT — Of or pertaining to any office or other property under the control of any branch or arm of the Federal Government of the United States of America, the Commonwealth of Pennsylvania, or any political subdivision of the Commonwealth of Pennsylvania including, but not limited to, the Township of Tredyffrin, any counties, cities, townships, and municipal authorities.

MUNICIPAL WASTE — Any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or gaseous material resulting from the operations of residential,

* 1. **Editor's Note: See 53 P.S. § 4000.101 et seq.**

municipal, commercial or institutional establishments and from community activities, and any sludge not meeting the definition of residual or hazardous waste in the Solid Waste Management Act of July 7, 1980,

P.L. 380, No. 97, as amended, 35 P.S. § 6018.101 et seq., from a municipal, commercial, or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The term does not include source-separated recyclable materials.

MUNICIPAL WASTE CONTAINTER — A container designated by the property owner or resident for the storage of municipal waste. A container may be provided by the property owner, resident or tenant, or the authorized collector collecting municipal waste. A container must be durable, watertight, and be at least thirty-gallons in size.

PERSON — Any individual, partnership, association, corporation, institution, cooperative enterprise, trust, municipal authority, federal government or agency, commonwealth institution or agency or any other legal entity whatsoever which is recognized by law as a subject of rights and duties. In any provision of this article prescribing a fine, imprisonment or penalty or any combination of the foregoing, the term "person" shall include the officers and directors of any corporation or any other legal entity having officers and directors.

RECYCLABLE MATERIALS — Those materials specified by Tredyffrin Township for collection in accordance with this article and recycling regulations that may be promulgated from time to time for separation, collection, processing, and recovery as part of a recycling program. These materials may include aluminum containers, bi-metal containers, cardboard, glass, leaf waste, magazines, mixed paper, newspaper, office paper, and plastic.

RECYCLING CONTAINER — A container designated by the property owner or resident for the storage of recyclable materials. A recycling container may be provided by the property owner, resident or tenant, or the authorized collector collecting recyclable materials. A container must be durable, and be at least 30-gallons in size with a label indicating the container is for recyclable materials.

RESIDENT — Any person which owns, leases or occupies a property located in Tredyffrin Township used as a residence.

SOURCE-SEPARATION — The separation of recyclable materials from municipal waste at the points of origin for the purpose of recycling.

TOWNSHIP — The governmental jurisdiction and legal entity of Tredyffrin, Pennsylvania.

WASTE FLOW CONTROL ORDINANCE — An ordinance by the Chester County Board of Commissioners Municipal Waste Management Plan, which provides inter alia municipal waste generated within the County.

### § 168-9. Collector registration required.

It shall be unlawful for any person to collect, remove and/or transport municipal waste, recyclable materials, and/or leaf waste within Tredyffrin Township without first registering with the Tredyffrin Township Manager. This includes contractors, companies, organizations, or other entities that perform landscaping or other yard services to persons in the Township and transport leaf waste off the property where it was generated. Exceptions are made for residents who directly deliver (self-haul) their municipal waste, recyclable materials and/or leaf waste to a disposal facility.

### § 168-10. Collector registration required.

1. All persons wishing to collect, remove, and/or transport municipal waste, recyclable materials, and/ or leaf waste within the Township must annually register and receive authorization from the

Tredyffrin Township Manager to provide collection, removal, and transportation services to residential, commercial, institutional, and municipal establishments. Authorized collectors may collect, remove, or transport municipal waste, recyclable materials, and/or leaf waste within the Township for one year from the date of authorization or until January 31 of the next calendar year, whichever is earlier. Authorized collector must remain in full compliance with the requirements of this article, and any regulations enacted pursuant thereto during the authorized collection period. Authorized collectors must renew their registration with the Township annually no later than January 31 of each year in order to continue collecting, removing, and/or transporting municipal waste, recyclable materials, and/or leaf waste in the Township for the subsequent year. Any person whose registration is received and approved by the Tredyffrin Township Manager shall have the privilege of collecting, removing, and/or transporting municipal waste, recyclable materials, and/or leaf waste within the boundaries of Tredyffrin Township. Collector authorizations are not transferable.

1. At the time of registration to become an authorized collector, the person shall provide the following information on a form prepared by the Township.
   1. The business name, contact person name, business address, telephone number, email address, and twenty-four-hour emergency telephone number to receive calls from persons in the Township receiving collection service.
   2. The make, model, year, and registration number of each truck or vehicle used to collect, remove, and/or transport municipal waste, recyclable materials, and/or leaf waste in Tredyffrin Township.
   3. A certificate of the person's workmen's compensation insurance, as required by law.
   4. A certificate of insurance coverage providing complete third-party public liability for both bodily injury and property damage, owner's and person's protective insurance and automobile insurance with respect to personal injuries and property damage. Such insurance shall be in amounts that shall be from time to time set forth by the Township by regulations adopted hereunder. Each and every policy of insurance herein mentioned which is required pursuant to the terms of this article shall carry with it an endorsement to the effect that the insurance carrier will convey to Tredyffrin Township, by certified mail, written notice of any modifications, alterations or cancellation of any such policy or policies or the terms thereof. The above- mentioned written notice shall be mailed to Tredyffrin Township at least 10 days prior to the effective date of any such modification, alteration or cancellation.
   5. Current rate schedule, intended areas of operation in the Township, by street, the terms of service, and the scheduled days of collection in different areas of the Township.
   6. The name of the disposal facility, in compliance with the Chester County Waste Management Plan and Waste Flow Control Ordinance, where municipal waste will be taken for disposal.
   7. The processing and/or marketing facilities where the recyclable materials will be taken.
   8. The state-permitted composting site where leaf waste will be taken for composting.
   9. Annual quantities of municipal waste, recyclable materials, and leaf waste collected from single-family residential establishments in the Township if the person collected municipal waste, recyclable materials, and/or leaf waste in the Township at any point in the preceding year. Recyclable material quantities must be reported by material type.
   10. Such other information as the Township, in furtherance of this article, shall deem appropriate

and necessary.

* 1. At the time of application, the municipal waste collector shall pay to the Township a sum as provided for in a schedule of fees as adopted by resolution of the Board of Supervisors.

1. Upon receipt and review of this information, the Township will issue an authorization letter to persons who have satisfied all the requirements of the Township's registration program. This authorization letter will establish the person as an authorized collector.

### § 168-11. Conditions of registration approval.

1. As a condition to the approval of an authorized collector's registration, the authorized collector shall comply with the following:
   1. Services required. Provide separate collection, removal, and transportation services for municipal waste, recyclable materials, and leaf waste from persons in the Township with whom the authorized collector provides services at frequencies specified in the Tredyffrin Township Recycling Ordinance.
   2. Collection equipment and transportation vehicles. The collection equipment and transportation vehicles used for the collection, removal, and transportation of municipal waste shall be of the closed metal body type with an automatic compactor unit. Other type vehicles may be used only for the collection of recyclable materials and leaf waste. The recyclable materials and leaf waste collected shall be enclosed or covered so as to prevent roadside littering, attraction of vermin, or creation of other nuisances. The equipment and vehicles shall be at all times in good and proper mechanical condition and in compliance with the minimum safety and sanitary regulations and statutes of the Commonwealth of Pennsylvania. All such vehicles shall be specifically designed to prevent leakage of any liquids or fluids.
   3. Establish preparation procedures. Authorized collectors must establish procedures for the separation, storage, and collection of municipal waste, recyclable materials, and leaf waste. The Township and persons serviced must be given adequate notification of these instructions.
   4. Notification of violations. Authorized collectors shall notify persons they service if violations to this article and the Tredyffrin Township Recycling Ordinance are observed. Notifications shall be on a form provided by the Township. Authorized collector shall provide the Township with a list of the addresses or names of customers receiving a notification at the end of each collection day.
   5. Authorization to provide services. At all times while in the process of collecting, removing, and/ or transporting municipal waste, recyclable materials, and/or leaf waste in the Township, a copy of the current, unexpired authorized collector's authorization letter issued by the Township shall be available in each collection vehicle. The driver of the vehicle shall produce the document on request by a Township Code Enforcement Officer or his/her designee or to any police officer of the Township.

### § 168-12. Refusal to grant registration approval; suspension; revocation.

1. The Tredyffrin Township Manager shall have the right to refuse to approve or authorize a registration to any authorized collector or person or to revoke or suspend previously approved authorizations or refuse to renew the same if said person or authorized collector submits incomplete or false information to the Township or fails to comply with the Township's collector registration

requirements, any provision of this article or any regulation adopted hereunder, Act 101, the Chester County Waste Management Plan or Waste Flow Control Ordinance, or any other applicable federal, state, or local regulations.

1. Refusal to grant registration authorization or suspension or revocation of an authorized collector's registration shall be made in writing by the Tredyffrin Township Manager. The written notification shall indicate the reason for the refusal, suspension, or revocation of the registration.

### § 168-13. Prohibited acts.

1. It shall be unlawful and a violation of this article, and grounds for the suspension or revocation of an authorization, for any authorized collector to:
   1. Collect or transport municipal waste from persons failing to source-separate recyclable materials and leaf waste from municipal waste.
   2. Commingle or mix source-separated recyclable materials or leaf waste collected in the Township with municipal waste.
   3. Fail to provide for the proper disposal of any municipal waste, recyclable materials, or leaf waste collected or transported within the Township at a disposal facility.
   4. Commence the collection of municipal waste, recyclable materials, and leaf waste for any property in the Township prior to 6:00 a.m. or after 8:00 p.m.
   5. Load or operate any vehicle within the Township or transport municipal waste, recyclable materials, and/or leaf waste within the Township in such a manner as to allow municipal waste, recyclable materials, and/or leaf waste to fall upon public roads or upon land abutting the public roads in the Township.
   6. Fail to replace the containers with their lids or covers in place at the location of collection in an orderly manner and off roads, streets, and/or sidewalks.
   7. Otherwise create a public nuisance.

### § 168-14. Rules for collection.

The collection of municipal waste, recyclable materials, and/or leaf waste by authorized collector shall be made in compliance with this article or any other regulations adopted by the Board of Supervisors of Tredyffrin Township to carry out the intent and purpose of this article. Such rules and regulations shall be approved by resolution of the Board of Supervisors and, when so approved, shall have the same force and effect as the provisions of this article. Said rules and regulations may be amended, modified or repealed by resolution of the Board of Supervisors.

### § 168-15. Contracting collection services.

The collection of municipal waste, recyclable materials, and/or leaf waste by authorized collector shall be made in compliance with this article or any other regulations adopted by the Board of Supervisors of Tredyffrin Township to carry out the intent and purpose of this article. Such rules and regulations shall be approved by resolution of the Board of Supervisors and, when so approved, shall have the same force and effect as the provisions of this article. Said rules and regulations may be amended, modified or repealed by resolution of the Board of Supervisors.

### § 168-16. Violations and penalties.

1. Penalties. Any person who violates any provision of this article or of the regulations adopted hereunder or any person who engages in unlawful conduct as defined in this article, shall, upon conviction thereof in a summary proceeding before a district justice, be sentenced to pay a fine of not more than $1,000 and not less than $50. Each continuing day of any violation of this article or unlawful conduct as defined in this article shall constitute a separate offense punishable by a like fine or penalty.
2. Injunction. In addition to any other remedy provided in this article, Tredyffrin Township may institute a suit in equity where unlawful conduct or a public nuisance exists as defined in this article for an injunction to restrain a violation of this article or any rules, regulations or resolution promulgated or issued by the Board of Supervisors pursuant to this article.
3. Concurrent remedies. The penalties and remedies prescribed by this article shall be deemed concurrent. The existence or exercise of any remedy shall not prevent the Township from exercising any other remedy provided by this article or otherwise provided at law or equity.

### § 168-17. Construal.

The terms and provisions of this article are to be liberally construed to best achieve and effectuate the goals and purposes hereof. This article shall be construed in pari materia with the Pennsylvania Code of Regulations, Storage, Collection, and Transportation of Municipal Waste and Act 101, and the rules and regulations adopted thereunder.

ARTICLE III

### Recycling Requirements

**§ 168-18. Title.**

This article shall be known and may be cited as the "Tredyffrin Township Recycling Ordinance."

### § 168-19. Program established.

There is hereby established a program for the mandatory source separation and collection of recyclable materials in Tredyffrin Township, Chester County, Pennsylvania. No person shall collect, remove, treat, transport, or dispose of recyclable materials and leaf waste in Tredyffrin Township except in accordance with this article. The use of a registered and approved authorized collector will not relieve any person from compliance with this article.

### § 168-20. Definitions.

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

ACT 101 — The statewide recycling requirement in Pennsylvania known as the Municipal Waste Planning Recycling and Waste Reduction Act of 1988.**131**

ALUMINUM — Empty beverage and food containers, trays and plates comprised of 100% aluminum.

AUTHORIZED COLLECTOR — Person registered and authorized by Tredyffrin Township to collect, remove, transport, and dispose of municipal waste, recyclable materials, and/or leaf waste for owners or occupants of single-family residential establishments, multifamily residential establishments, commercial establishments, institutional establishments, and municipal establishments in Tredyffrin Township.

BI-METAL CONTAINERS — Empty food or beverage container made of steel with a thin plating of tin over the steel.

CARDBOARD — A structural paper material with an inner core shaped in rigid parallel furrows and ridges.

COMMERCIAL ESTABLISHMENT — A building or buildings used or designed for use for commercial purposes, including wholesale, retail, industrial, manufacturing, transportation, financial or professional services, offices, businesses, or other commercial activities.

COMMUNITY ACTIVITY — Events sponsored in whole or in part by Tredyffrin Township or conducted within Tredyffrin Township and sponsored privately, which include, but are not limited to, fairs, bazaars, socials, picnics and organized sporting events that will be attended by 200 or more individuals per day.

CURBSIDE COLLECTION — The placement of recyclable materials at the curbline or other location adjacent to Township streets and roads as established by the Township and/or authorized collector. Recycling containers shall not be placed on the paved portion of a roadway or sidewalk or otherwise obstruct the flow or vision of motorists or pedestrians traveling on adjacent roads, streets, or sidewalks.

DWELLING UNIT — One or more rooms in a residential establishment in which rooms have fixed cooking facilities arranged for occupancy by one or more people in each room.

GLASS — Empty bottles, jars, and food and beverage containers made of clear, blue, green, brown, or amber glass, excluding plate glass, window glass, automotive glass, porcelain, ceramic products, and glass ornaments.

* 1. **Editor's Note: See 53 P.S. § 4000.101 et seq.**

INSTITUTIONAL ESTABLISHMENT — Of or pertaining to any establishment engaged in service to persons, including but not limited to hospitals, nursing homes, orphanages, schools, universities, churches and social or fraternal societies and organizations.

LEAF WASTE — Leaves, garden residues, shrubbery and tree trimmings and similar materials, but not including grass clippings.

MAGAZINE — A periodical publication containing a collection of articles, stories, photographs, illustrations, and other features usually bound with a paper cover and printed in one or more colors on glossy or chemically coated paper, excluding newsprint and all other paper or fiber materials.

MIXED PAPER — Recyclable paper materials including paperboard/boxboard, junk mail, and other designated recyclable paper. Excludes cardboard containers, magazines, office paper, and newsprint.

MULTIFAMILY RESIDENTIAL ESTABLISHMENT — A building or buildings under single or multiple ownership and designed as a residence for four or more families living independently of each other and doing their own separate cooking therein, including apartments, townhomes, or condominiums.

MUNICIPAL ESTABLISHMENT — Of or pertaining to any office or other property under the control of any branch or arm of the Federal Government of the United State of America, the Commonwealth of Pennsylvania, or any political subdivision of the Commonwealth of Pennsylvania including, but not limited to, the Township of Tredyffrin, any counties, cities, townships, and municipal authorities.

MUNICIPAL WASTE — Any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or gaseous material, resulting from the operations of residential, municipal, commercial or institutional establishments and from community activities and any sludge not meeting the definition of residential or hazardous waste in the Solid Waste Management Act, Act of July 7, 1980, P.L. 380, No. 97, as amended, 35 P.S. § 6018.101 et seq., from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The term does not include source-separated recyclable materials or leaf waste.

NEWSPAPER — Paper distributed at fixed or stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest.

OFFICE PAPER — Any white printed or unprinted sheets of ledger, bond, writing, or other papers, including letterwriting stationary, note paper, computer paper, envelopes, and other general purpose paper, including shredded paper.

PERSON — Any individual, partnership, association, corporation, institution, cooperative enterprise, trust, municipal authority, federal government or agency, commonwealth institution or agency or any other legal entity whatsoever which is recognized by law as a subject of rights and duties. In any provision of this article prescribing a fine, imprisonment or penalty or any combination of the foregoing, the term "person" shall include the officers and directors of any corporation or any other legal entity having officers and directors.

PLASTIC — Empty and clean plastic containers that contained food, beverage, cleaning, laundry, and other household products. Includes only rigid containers marked with a recycling symbol and a single number (i.e., 1, 2, 3, 4, 5, 6, or 7). Examples include soda and water bottles, milk and water jugs, laundry soap containers, produce and other food containers, and soap bottles. Excludes expanded polystyrene containers.

RECYCLABLE MATERIALS — Those materials specified by Tredyffrin Township for collection in accordance with this article and recycling regulations that may be promulgated from time to time for separation, collection, processing, and recovery as part of a recycling program. These materials may include aluminum, bi-metal containers, cardboard, glass, leaf waste, magazines, mixed paper, newspaper,

high-grade office paper, and plastic.

RECYCLING — The separation, collection, processing, and recovery and sale or reuse of recyclable materials, which could otherwise be disposed of or processed as municipal waste.

RECYCLING CONTAINER — A container designated by the property owner or resident for the storage of recyclable materials. A recycling container may be provided by the property owner, resident or tenant, or the authorized collector. A container must be durable, and be at least thirty-gallons in size with a label indicating the container is for recyclable materials.

RESIDENT — Any person that owns, leases or occupies a property located in Tredyffrin Township used as a residence.

SINGLE-FAMILY RESIDENTIAL ESTABLISHMENT — Of or pertaining to any occupied dwelling unit for human habitation, except multifamily residential establishment with four or more units. Home occupations incidental to the residential use within a dwelling unit are considered a "residential establishment."

SOURCE-SEPARATION — The separation of recyclable materials from municipal waste at the points of origin for the purpose of recycling.

### § 168-21. Requirement for collection service.

All persons in the Township must contract with an authorized collector for the separate curbside or similar location collection of recyclable materials and leaf waste.

### § 168-22. Self-haul allowance.

Persons may self-haul recyclable materials and leaf waste to a state-authorized recycling facility in lieu of contracting for curbside recyclable material and leaf waste collection services. Persons opting to self-haul materials must receive prior approval from the Township to self-haul, retain receipts and/or weigh tickets that document the quantity of recyclable materials and leaf waste disposed, and submit annual reports to the Township documenting their name, address, quantities of each material self-hauled, name and address of facility where materials were self-hauled, and other information as required by the Township. Reports must be submitted within 30 days of the end of each calendar year for the previous year.

### § 168-23. Single-family residential establishment.

Except as otherwise provided herein, all persons owning or occupying single-family residential establishments shall separate all recyclable materials from municipal waste. Recyclable materials shall be placed in recycling containers and the recycling containers placed curbside or in another designated location for collection by an authorized collector.

1. Separate collection of recyclable materials shall be arranged with an authorized collector by the owner or occupants of each single-family residential establishment. Owners or occupants of each single-family residential establishment and the authorized collector shall establish a collection frequency that shall occur no less than once per week.
2. The owner or occupant of the single-family residential establishment must obtain information from their authorized collector on how recyclable materials should be prepared for collection.
3. Requirements for collection.
   1. All recyclable materials must be placed in a recycling container separate from municipal waste.

Recycling containers may be provided by the authorized collector, property owner, or resident.

* 1. Recyclable materials must be prepared to prevent the materials from being blown about or littered on Township streets or on private property. This may include placement of recyclable materials in recycling containers.
  2. No persons shall place recyclable materials in containers used for the collection of municipal waste and no municipal waste shall be placed in recycling containers.
  3. Containers shall be placed at the curbside or another location as designated by an authorized collector for collection. Under no circumstances shall containers be placed on the paved portion of a roadway or sidewalk or otherwise obstruct the flow or vision of motorists or pedestrians traveling on adjacent roads, streets, or sidewalks.
  4. No container shall be placed at the curb or in the front yard on any lot before 6:00 p.m. on the night prior to the scheduled collection.
  5. Recyclable materials must be clean and dry and prepared according to the requirements of the Township or authorized collector.

1. Nothing herein shall be deemed to impair the ownership of recyclable materials by the person who generated them unless and until such materials are placed at the curb or similar location for collection by the authorized collector.

### § 168-24. Multifamily residential establishments.

1. Owners, landlords, or agents of owners or landlords of a multifamily residential establishment must establish a system for source-separation, collection, transportation, and recycling of the recyclable materials generated at multifamily residential establishments. The system must include an appropriate number of labeled recycling containers at easily accessible locations to accommodate the amount of recyclable materials generated at each multifamily residential establishment. The system must also include written instructions to the residents of multifamily residential establishments to inform them of the requirement to recycle and the use and availability of the collection program. The Township reserves the right to require additional recycling containers if the Township deems there is insufficient recycling containers to serve residents.
2. Owners, landlords, or agents of owners or landlords of multifamily residential establishments must contract with an authorized collector for the separate collection of recyclable materials.
3. No persons shall place recyclable materials in containers used for the collection of municipal waste and no municipal waste shall be placed in containers designated for the collection of recyclable materials.
4. Recyclable material collection frequency shall be set by the owner, landlord, or agent of an owner or landlord of a multifamily residential establishment and the authorized collector, but shall occur no less than once a week. More frequent collection recyclable materials may be necessary to prevent recycling containers from being overfilled and cause materials to be blown about or littered on Township streets and private property.
5. The owner, landlord, or agent of an owner or landlord of multifamily residential establishments must provide a written report to the Township that lists the authorized collector collecting recyclable materials, the name and address of the property that recyclable materials are collected, the total quantity of each recyclable material collected, and the name and affiliation of the person submitting

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#### § 168-24 SOLID WASTE § 168-26

the report. Reports are to be completed on a form supplied by the Township and shall be submitted annually, 30 days after the close of each calendar year.

1. Owners, landlords, or agent of an owner or landlord who comply with this article shall not be liable for the noncompliance of residents.

### § 168-25. Commercial, institutional, and municipal establishments.

1. Owners, landlords, or agents of owners or landlords of a commercial, institutional, or municipal establishment must establish a system for source-separation, collection, transportation, and recycling of recyclable materials generated at each building. The system must include an appropriate number of labeled recycling containers at easily accessible locations to accommodate the amount of recyclable materials generated at each building. It must also include written instructions to the tenants or occupants of commercial, institutional, and municipal establishments to inform them of the requirement to recycle and the use and availability of the collection program. The Township reserves the right to require additional recycling containers if the Township deems there is insufficient containers to serve occupants or tenants.
2. Owners, landlords, or agents of owners or landlords of a commercial, institutional, and municipal establishments must contract with an authorized collector for the separate collection of recyclable materials.
3. No persons shall place recyclable materials in containers used for the collection of municipal waste and no municipal waste shall be placed in containers designated for the collection of recyclable materials.
4. Recyclable material collection frequency shall be set by the owner, landlord, or agent of an owner or landlord of a commercial, institutional, or municipal establishment and the authorized collector, but shall occur no less than once a week. More frequent collection of recyclable materials may be necessary to prevent recycling containers from being overfilled and cause materials to be blown about or littered on Township streets and private property.
5. The owner, landlord, or agent of an owner or landlord of a commercial, institutional, or municipal establishment must provide a written report to the Township that lists the authorized collector collecting recyclable materials, the name and address of the property that recyclable materials are collected, the total quantity of each recyclable material collected, and the name and affiliation of the person submitting the report. Reports are to be completed on a form supplied by the Township and shall be submitted annually, 30 days after the close of each calendar year.

### § 168-26. Community activities.

1. The organizers or sponsors of a community activity must establish a system for source separation, collection, transportation, and recycling of aluminum, plastic, glass, cardboard, high-grade office paper, and leaf waste. Arrangements for the source separation and collection of these materials shall be the responsibility of the organizers or sponsors.
2. The organizers or sponsors of a community activity must establish a collection system that includes an appropriate number of recycling containers at easily accessible locations to accommodate the amount of recyclable materials generated. Community activity organizers and sponsors must provide signage and/or labels on recycling containers to indicate what recyclable materials are to be source- separated by event participants.

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1. Organizers or sponsors must contract with an authorized collector for the collection of recyclable materials.
2. Organizers or sponsors of a community activity must provide a written report to the Township that lists the name of the community activity, the authorized collector collecting recyclable materials, the total quantity of each recyclable material collected, and the name and affiliation of the person submitting the report. Reports are to be submitted to the Township no later than 30 days upon the conclusion of the event.

### § 168-27. Leaf waste.

1. It is prohibited and will be deemed a violation hereof for any person in the Township to put or cause to put leaf waste with municipal waste. Leaf waste shall be source-separated from municipal waste and recyclable materials generated on any property in the Township and stored in containers and/or bags until collection.
2. Nothing herein shall prevent any person from utilizing leaf waste for compost, mulch, or other agriculture, horticulture, or landscaping purposes on the property where the leaf waste is generated.
3. All persons in the Township shall arrange to have leaf waste collected curbside or similar location by an authorized collector separate from municipal waste and recyclable materials at a frequency of no less than once per month, or have available drop off sites provided by the Township open to the residents at least one time per month.
4. The owner, landlord, or agent of an owner or landlord of a multifamily residential, commercial, institutional, or municipal establishment must provide a written report to the Township that lists the authorized collector collecting leaf waste, the name and address of the property that leaf waste is collected, the total quantity of leaf waste collected, the name of the facility authorized by the state to receive collected leaf waste, and the name and affiliation of the person submitting the report. Reports are to be completed on a form supplied by the Township and shall be submitted annually, 30 days after the close of each calendar year.

### § 168-28. Household hazardous waste, electronic waste, and lead-acid batteries.

1. It shall be unlawful for any person to comingle hazardous or residual waste, as defined in Act 101, with municipal waste, recyclable materials, and/or leaf waste or to discard or otherwise dispose of hazardous or residual waste except by disposition in compliance with applicable state and federal laws and regulations. For specific material recycling and disposal requirements, refer to the Chester County Solid Waste Authority or Pennsylvania Department of Environmental Protection guidelines.
2. It shall be unlawful for any person to comingle a lead-acid battery with municipal waste, recyclable materials, and/or leaf waste or to discard or otherwise dispose of a lead-acid battery except by delivery to an automotive battery retailer or wholesaler, to a secondary smelter permitted by the U.S. Environmental Protection Agency, or to a collection or recycling facility authorized under the laws of Pennsylvania.
3. In accordance with Act 108, no person may dispose of a covered device or any of its components with municipal waste. This type of waste requires special collection and disposal arrangements. Information on how to recycle covered devices may be obtained by the Chester County Solid Waste Authority or Pennsylvania Department of Environmental Protection. The Township accepts select covered devices for recycling at the Township Building during normal operating hours.

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#### § 168-28 SOLID WASTE § 168-32

1. Large and small appliances containing Freon may not be combined with municipal waste. These appliances contain chlorofluorocarbons and Freon that must be removed by a certified professional, and these should be taken to a Freon-certified handler. Freon containing appliances may include refrigerators, freezers, air conditioning units, dehumidifiers, and water coolers.

### § 168-29. Prohibitions.

1. Collection by unauthorized persons. From the time of recyclable material placement at the curb or other designated location, it shall be a violation of this article for any person unauthorized by the Township to collect or pick up recyclable materials. Any and each collection in violation hereof from one or more locations shall constitute a separate and distinct offense punishable as hereafter provided.
2. Burning of recyclable materials and leaf waste. The burning of recyclable materials and leaf waste shall be prohibited at all times in the Township.
3. Littering/illegal dumping. It is unlawful for any person in the Township to dump or deposit recyclable materials, leaf waste, municipal waste, or any other refuse on any private or public property or grounds in the Township.
4. Overfilling containers. Containers of recyclable materials, leaf waste, municipal waste, or any other refuse must not be overfilled to provide for or allow materials to become displaced by natural or manufactured elements.
5. Storing/stockpiling materials. All persons in the Township are prohibited from storing, processing, or disposing of recyclable material on a property except at a facility or in preparation for the collection by an authorized collector as provided herein. Notwithstanding the forgoing, leaf waste may be composted onsite.
6. Public nuisance. It shall be unlawful and a public nuisance for any person to violate, cause or assist in a violation of any provision of this article or violate, cause or assist in the violation of any rule, regulation or resolution promulgated by the Township Board of Supervisors pursuant to this article.

### § 168-30. Impairment of ownership.

Nothing in this article or any regulation promulgated pursuant hereto shall be deemed to impair the ownership of recyclable materials and leaf waste by the persons who generated them unless and until separated materials are placed at curbside or similar location for collection by an authorized collector.

### § 168-31. Ownership of recyclable materials.

Nothing in this article or any regulation promulgated pursuant hereto shall be deemed to impair the ownership of recyclable materials by the persons who generated them unless and until separated materials are placed at curbside or similar location and collected by an authorized collector.

### § 168-32. Rules and regulations.

The collection of municipal waste and recyclable materials by municipal waste collectors and the preparation and collection of municipal waste and recyclable materials by property owners and residents of the Township shall be made in compliance with the regulations to be adopted by the Board of Supervisors of Tredyffrin Township to carry out the intent and purpose of this article. Such rules and regulations shall be approved by resolution of the Board of Supervisors and, when so approved, shall have the same force and effect as the provisions of this article. Said rules and regulations may be amended, modified or repealed

by resolution of the Board of Supervisors.

### § 168-33. Enforcement and penalties.

1. Penalties. Any person who violates any provision of this article or of the regulations adopted hereunder or any person who engages in unlawful conduct as defined in this article shall, upon conviction thereof in a summary proceeding before a District Justice, be sentenced to pay a fine of not more than $1,000 and not less than $50 or to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense. Each section of this article that is violated shall also constitute a separate offense.
2. Injunction. In addition to any other remedy provided in this article, Tredyffrin Township may institute a suit in equity where unlawful conduct or a public nuisance exists as defined in this article for an injunction to restrain a violation of this article or any rules, regulations or resolution promulgated or issued by the Board of Supervisors pursuant to this article.
3. Concurrent remedies. The penalties and remedies prescribed by this article shall be deemed concurrent. The existence or exercise of any remedy shall not prevent the Township from exercising any other remedy provided by this article or otherwise provided at law or equity.

### § 168-34. Construal of provisions.

The terms and provisions of this article are to be liberally construed to best achieve and effectuate the goals and purposes hereof. This article shall be construed in pari materia with the Pennsylvania Code of Regulations, Storage, Collection, and Transportation of Municipal Waste and Act 101, and the rules and regulations adopted thereunder.

## Chapter 172 STORM SEWERS

### [HISTORY: Adopted by the Board of Supervisors of the Township of Tredyffrin as indicated in article histories. Amendments noted where applicable.]

**GENERAL REFERENCES**

**Sewers — See Ch. 163. Subdivision — See Ch. 181.**

**Zoning — See Ch. 208.**

ARTICLE I

### Prohibited Discharges to Storm Sewer System [Adopted 10-15-2007 by Ord. No. HR-364132]

**§ 172-1. Definitions; word usage.**

1. As used in this article, words in the singular include the plural and those in the plural include the singular. Words in the present tense include the future tense. The word "person" includes corporation, unincorporated association and partnership, as well as an individual.
2. The following words, as used in this article, shall have the meanings indicated below:

APPLICANT — A landowner or developer, including heirs, successors and assigns, who has filed an application with the Township.

BEST MANAGEMENT PRACTICES (BMPs) — Stormwater quantity and quality management measures, techniques, controls, etc. utilized to mitigate and minimize the negative impacts of runoff to streams, lakes, wetlands, forests, residential, business, commercial, or institutional properties, as well as new land development sites. BMPs can be nonstructural (preventative actions) and structural (treatment facilities).

GROUNDWATER SUPPLY — A supply of water which is drawn from wells or springs. GROUNDWATER TABLE — The depth at which soil particles approach saturation with water.

SPRING — A place where water flows naturally from rock or soil upon the land or into a body of surface water.

STORM SEWER — A system of pipes and/or open channels that conveys intercepted runoff and stormwater from other sources but excludes domestic sewage and industrial wastes.

STORMWATER — Water which surfaces, flows, or collects during and subsequent to rain or snowfall events.

STORMWATER MANAGEMENT — Procedures involved in the control of water that runs off the surface of the land from rain and melting snow.

STREAM — A natural watercourse with perennial or intermittent flow.

SWALE (DRAINAGE, NATURAL) — A low-lying stretch of land (natural) which collects or carries surface water runoff.

SWIMMING POOL — A water-filled enclosure, permanently constructed or portable, having a depth of more than 18 inches below the level of the surrounding land, or an aboveground pool, having a depth of more than 30 inches, designated, used, and maintained, for swimming and bathing.

TOWNSHIP ENGINEER — Duly appointed employee or independent contractor performing engineering services for the Township or such individual appointed by the Supervisors to perform the duties and services designated herein.

WATERCOURSE — A channel or conveyance of surface water having defined bed and banks, whether natural or artificial.

WETLANDS — Those areas that are inundated or saturated by surface water or groundwater at

* 1. **Editor's Note: This ordinance was adopted as Art. I of Ch. 72 and renumbered for purposes of codification to maintain the alphabetical organization of the Code.**

a frequency and duration sufficient to support and which under normal conditions do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

### § 172-2. Prohibited discharges.

1. No person in Tredyffrin 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 (1) as provided in Subsection B below; and (2) discharges allowed under a state or federal permit.
2. Discharges which may be allowed, based on a finding by the Township that the discharge(s) do not significantly contribute to pollution of surface waters of the commonwealth or reduce the hydraulic capacity of the existing storm sewer system, are: discharges from fire-fighting activities; potable water sources including dechlorinated waterline and fire hydrant flushings; irrigation drainage; routine external building washdown (which does not use detergents or other compounds); air- conditioning condensate; water from individual residential car washing; uncontaminated water from foundation or from footing drains; flows from riparian habitats and wetlands; lawn watering; pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used. All authorized nonstormwater discharges shall be directed through existing stabilized vegetated areas prior to entering the Township storm sewer system.
3. In the event that the Township determines that any of the discharges identified in Subsection B significantly contribute to pollution of waters of the commonwealth, or is so notified by DEP, the Township will notify the responsible person to cease the discharge.
4. Upon notice provided by the Township under Subsection C, the discharger will have a reasonable time, as determined by the Township, to cease the discharge consistent with the degree of pollution caused by the discharge.
5. Nothing in this section shall affect a discharger's responsibilities under state or federal law.

### § 172-3. Prohibited nonstormwater connections.

The following connections are prohibited, except as provided in § 72-2B above:

1. Any drain or conveyance, whether on the surface or subsurface, which allows any nonstormwater 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.
2. 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 Tredyffrin Township.
3. Roof drains shall not be connected to streets, sanitary or storm sewers or roadside ditches/ swales. Roof drains shall be discharged to existing vegetated areas, or shall be discharged into appropriate stormwater BMPs (infiltration, vegetative, etc.) to the maximum extent practicable.

### § 172-4. Public nuisance.

1. The violation of any provision of this article is hereby deemed a "public nuisance."
2. Each day that a violation continues shall constitute a separate violation.

### § 172-5. Enforcement.

1. Whenever the Township finds that a person has violated a prohibition or failed to meet a requirement of this article, the Township may order compliance by written notice to the responsible party. Such a 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; and/or
   5. Payment of a fine to cover administrative and remediation costs.
2. 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 may be done by the Township or designee and the expense thereof, including reasonable attorneys' fees and costs, shall be charged to the violator and shall be a lien against the property in question and shall be collected in the manner provided by law for the filing and collection of such liens.
3. Failure to comply within the time specified shall also subject such responsible person or party to the provisions of §§ 72-6 and 72-7 of this article. 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.

### § 172-6. Suspension and revocation of permits and approvals.

1. Any building, land development or other permit(s) or approval(s) issued by Tredyffrin Township may be suspended or revoked by the Township for:
   1. A violation of any provision of this article; or
   2. 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 or approval shall be reinstated by the Township when:
   1. The Township Engineer or designee has inspected and approved the corrections or elimination of the hazard or nuisance; and/or
   2. The Township is satisfied that the violation of the ordinance, law, or rule and regulation has been corrected.

### § 172-7. Violations and penalties; enforcement remedies.

1. Any violation of this article shall be enforced as a summary offense by an action before a District Justice. Any person violating the provisions of this article shall be subject to a fine of not more than

$1,000 for each violation, recoverable with attorneys' fees and costs. Each day that the violation continues shall be a separate offense.

1. In addition, the 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 article. A 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.

### § 172-8. Appeals.

Any person aggrieved by any action of the Township under this article may appeal to the Chester County Court of Common Pleas pursuant to the Local Agency Law within the time period allowed.

### § 172-9. Right of entry.

The authorized representatives of the Township may enter at reasonable times any property within the Township to inspect any drain, conveyance, discharge or stormwater facility under this article, consistent with federal and state laws.

## Chapter 174 STORMWATER MANAGEMENT

### [HISTORY: Adopted by the Board of Supervisors of the Township of Tredyffrin 4-6-2009 by Ord. No. HR-375. Amendments noted where applicable.]

**GENERAL REFERENCES**

**Sewers, utilities and sewage disposal — See Ch. 163. Storm sewers — See Ch. 172.**

**Subdivision and land development — See Ch. 181. Zoning — See Ch. 208.**

ARTICLE I

### General Provisions

**§ 174-1. Title.**

This chapter shall be known and may be cited as the "Tredyffrin Township Stormwater Management Ordinance."

### § 174-2. Statement of findings.

1. Inadequate management of accelerated stormwater runoff resulting from development throughout a watershed 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.
2. Inadequate planning and management of stormwater runoff resulting from land development throughout a watershed can harm surface water resources by changing the natural hydrologic patterns, accelerating stream flows (which increase scour and erosion of streambeds and stream banks, thereby elevating sedimentation), destroying aquatic habitat, and elevating aquatic pollutant concentrations and loadings such as sediments, nutrients, heavy metals, and pathogens. Groundwater resources are also impacted through loss of recharge.
3. A comprehensive program of stormwater management, including regulation of development and activities causing accelerated erosion, as well as minimization of impacts of development, redevelopment, and activities causing accelerated erosion and loss of natural infiltration, is fundamental to the public health, safety, welfare, and the protection of the people of the commonwealth and the residents of Tredyffrin Township, their resources, and the environment.
4. Stormwater is an important water resource which provides groundwater recharge for water supplies and baseflow of streams, which also protects and maintains surface water quality.
5. Impacts from stormwater runoff can be minimized by using project designs that 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 that minimizes impervious surfaces and sprawl, avoids sensitive areas (i.e., stream buffers, floodplains, steep slopes), and considers topography and soils to maintain the natural hydrologic regime.
6. Federal and state regulations require Tredyffrin Township to implement a program of stormwater controls. Tredyffrin Township is required to obtain a permit for stormwater discharges from their separate storm sewer system under the National Pollutant Discharge Elimination System (NPDES).
7. Nonstormwater discharges to the Township's separate storm sewer system can contribute to pollution of waters of the commonwealth by the Township.

### § 174-3. Purpose.

The purpose of this chapter is to promote the public health, safety, and welfare within Tredyffrin Township by maintaining the natural hydrologic regime and minimizing the impacts described in § 174-2 through provisions designed to:

1. Accommodate site development and redevelopment in a manner that protects public safety and is consistent with, or reestablishes, the natural hydrologic characteristics of each watershed and sustains groundwater recharge, stream baseflows, stable stream channel (geomorphology) conditions, the carrying capacity of streams and their floodplains, groundwater and surface water quality, and aquatic living resources and their habitats.
2. Meet legal water quality requirements under state law, including regulations at 25 Pennsylvania Code Chapter 93.4, to protect, maintain, reclaim, and restore the existing and designated uses of the waters of this commonwealth.
3. Promote alternative project designs and layouts that minimize the impacts on surface and groundwater.
4. Conserve the natural drainage systems as much as possible.
5. Manage stormwater runoff close to the source, requiring a minimum of structures and relying on natural processes.
6. Provide procedures and performance standards for stormwater planning and management.
7. Maintain groundwater recharge, to prevent degradation of surface and groundwater quality, and to otherwise protect water resources.
8. Prevent scour and erosion of stream banks and streambeds.
9. Provide proper operation and maintenance of all permanent stormwater management best management practices that are implemented in Tredyffrin Township.
10. Provide standards to meet the NPDES permit requirements.
11. Promote nonstructural best management practices.
12. Minimize increases in runoff stormwater volume.
13. Minimize impervious surfaces.
14. Manage accelerated stormwater runoff and erosion and sedimentation problems and stormwater runoff impacts at their source by regulating activities that cause these problems.
15. Utilize and preserve existing natural drainage systems as much as possible.
16. Maintain existing baseflows and quality of streams and watercourses, where possible.
17. Address the quality and quantity of stormwater discharges from the development site.
18. Implement an illegal discharge detection and elimination program that addresses nonstormwater discharges into the Township's separate storm sewer system. (See Chapter 172, Storm Sewers.)
19. Preserve the flood-carrying capacity of streams.
20. Protect water quality by removing and/or treating pollutants prior to discharge to ground- and surface waters throughout Tredyffrin Township, and to protect, restore, and maintain the chemical, physical, and biological quality of ground- and surface waters.
21. Reduce flooding impacts and prevent a significant increase in surface runoff rates and volumes, predevelopment to postdevelopment, which could worsen flooding downstream in the watershed,

enlarge floodplains, erode stream banks, and create other flood-related health, welfare or property losses; in general, to preserve and restore the natural flood-carrying capacity of streams and their floodplains.

1. Protect adjacent lands from adverse impacts of direct stormwater discharges.
2. Maintain the existing water balance in all watersheds, subwatersheds, and streams in Tredyffrin Township, and protect and/or restore natural characteristics and habitats wherever possible throughout the watershed systems.

### § 174-4. Statutory authority.

Tredyffrin Township is empowered to regulate land use activities that affect runoff and surface and groundwater quality and quantity by the authority of:

1. Pennsylvania Stormwater Management Act (Act 167 of 1978, as amended);**133**
2. Federal Clean Water Act, 33 U.S.C. § 1251;
3. Clean Streams Law, 35 P.S. § 691.1 et seq., since Tredyffrin Township is a municipal separate storm sewer system (MS4) under Phase II of the National Pollution Discharge Elimination System (NPDES) Stormwater Program of the Environmental Protection Agency (EPA);
4. Home Rule Charter and Optional Plans Law (Act 62 of 1972, as amended)**134** and the Tredyffrin Township Home Rule Charter;
5. Pennsylvania Municipalities Planning Code, Act 247, as amended.**135**
   1. **Editor's Note: See 32 P.S. § 680.1 et seq.**
   2. **Editor's Note: See 53 Pa.C.S.A. § 2901 et seq.**
   3. **Editor's Note: See 53 P.S. § 10101 et seq.**

ARTICLE II

### Definitions

**§ 174-5. Interpretation.**

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

1. 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.
2. 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.
3. The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation, unit of government, or any other similar entity.
4. The words "shall" and "must" are mandatory; the words "may" and "should" are permissive.
5. The words "used" or "occupied" include the words "intended, designed, maintained, or arranged to be used, occupied, or maintained."

### § 174-6. Definitions.

As used in this chapter, the following terms shall have the meanings indicated: AASHTO — American Association of State Highway and Transportation Officials.

ACCELERATED EROSION — The removal of the surface of the land through the combined action of human activity and the natural processes of a rate greater than would occur because of the natural process alone.

AGRICULTURAL ACTIVITY — The work of producing crops and raising livestock including tillage, plowing, disking, harrowing, pasturing, mushroom growing, nursery, and sod operations and installation of conservation measures. Construction of new buildings or impervious area is not considered an agricultural activity.

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.

ANTECEDENT CONDITION — The specified characteristics of the land surface (e.g., meadow) prior to a proposed disturbance or prior to a rainfall event (e.g., amount of moisture in the soil); the basis for calculating increases in runoff attributable to the disturbance or storm which must be controlled.

APPLICANT — A person, landowner or developer, etc., who has filed an application for approval to engage in any regulated activity defined in § 174-7.

AQUIFER — A geologic formation, group of formations, or part of a formation that contains sufficient saturated, permeable material to yield useful quantities of groundwater to wells and springs.

AS-BUILT DRAWINGS — Engineering or site drawings maintained by the contractor during construction of the project and upon which are documented the actual locations of the building components and changes to the original contract documents. These documents, or a copy of same, are turned over to the Township Engineer at the completion of the project.

ATTENUATE — To reduce the magnitude of the flow rate by increasing the time it takes to release a specified volume of runoff (for example the one-year, twenty-four-hour storm event). Attenuation is a method of reducing the peak flow rates for postdevelopment compared to the peak flow rates in predevelopment.

BANKFULL — The channel at the top-of-bank or point from where water begins to overflow onto a floodplain.

BASEFLOW — Portion of stream discharge derived from groundwater; the sustained discharge that does not result from direct runoff or from water diversions, reservoir releases, piped discharges, or other human activities.

BERM — Well-compacted earthfilled ridge.

BEST MANAGEMENT PRACTICE (BMP) — Activities, facilities, designs, measures or procedures used to manage stormwater impacts from regulated activities to meet state water quality requirements, to promote groundwater recharge, to prevent or reduce surface runoff and water pollution, and to otherwise meet the purpose of this chapter. Stormwater BMPs are commonly grouped into one of three broad categories or measures: "structural," "nonstructural," and "operation and maintenance procedures." In this chapter, nonstructural 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, treat and reduce stormwater runoff. Nonstructural BMPs include, but are not limited to, a variety of practices, from low- impact planning and design, reduction of impervious surfaces, protection of existing vegetated cover, and minimization of earth disturbances. Structural BMPs include, but are not limited to, a wide variety of practices and devices, from large-scale retention ponds and constructed wetlands to smaller-scale underground treatment systems, seepage beds and trenches, infiltration facilities, vegetated swales and filter strips, low-impact design, bioretention (rain gardens), wet ponds, permeable paving combined with underground seepage beds, detention basins, manufactured devices, and operation and maintenance procedures. Structural stormwater BMPs are permanent appurtenances to the project site.

BIORETENTION SYSTEM (also known as RAIN GARDEN) — A stormwater retention area that utilizes woody and herbaceous plants and soils to remove pollutants before infiltration occurs.

BUFFER — The area of land immediately adjacent to any stream, measured perpendicular to and horizontally from the top-of-bank on both sides of a stream (see "top-of-bank").

CAPTURE AND REUSE SYSTEM (also known as RAINWATER HARVESTING SYSTEM) — A

structural system that intercepts, diverts, stores, and releases stormwater runoff for future use. Capture and reuse systems can be used for landscaping irrigation during dry weather, nonpotable water uses, and on-site stormwater disposal.

CCCD — Chester County Conservation District. CCHD — Chester County Health Department. CFR — Code of Federal Regulations.

CFS — Cubic feet per second.

CHANNEL — A natural or artificial watercourse that conveys, continuously or periodically, flowing water. Channels include, but shall not be limited to, natural and human-made drainageways, swales, streams, ditches, canals, and pipes flowing partly full.

CHANNEL EROSION — The widening, deepening, or headward cutting of channels and waterways caused by stormwater runoff or bankfull flows.

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CISTERN — An underground reservoir or tank for storing rainwater.

CONCENTRATED STORM RUNOFF — Surface runoff from rainfall events, which converges and flows primarily through water conveyance features such as swales, gullies, waterways, channels or storm sewers and which exceeds the maximum specified flow rates of filters or perimeter controls intended to control sheet flow.

CONSERVATION DESIGN — A series of holistic design practices that maximize protection of key land and environmental resources, preserve significant concentrations of open space and greenways, evaluate and maintain site hydrology, and ensure flexibility in development design to meet community needs and complementary and aesthetically pleasing development. Conservation design encompasses the following objectives: conservation/enhancement of natural resources, wildlife habitat, biodiversity corridors and greenways (interconnected open space); maintenance of a balanced water budget by making use of site characteristics and infiltration; incorporation of unique natural, scenic and historic site features into the configuration of the development; preservation of the integral characteristics of the site as viewed from adjoining roads; and reduction in maintenance required for stormwater management practices. Such objectives can be met on a site through an integrated development process that respects natural site conditions and attempts, to the maximum extent possible, to replicate or improve the natural hydrology of a site.

CONSERVATION DISTRICT — A conservation district, as defined in § 3(c) of the Conservation District Law [3 P.S. § 851(c)], which has the authority under a delegation agreement executed with DEP to administer and enforce all or a portion of the erosion and sediment control program in this commonwealth; the Chester County Conservation District.

CONVEYANCE — A facility or structure used for the transportation or transmission of something from one place to another.

CULVERT — A structure with its appurtenant works which carries water under or through an embankment or fill.

DAM — A human-made barrier, together with its appurtenant works, constructed for the purpose of impounding or storing water or another fluid or semifluid. A dam may include a refuse bank, fill, or structure for highway, railroad, or other purposes which impounds or may impound water or another fluid or semifluid.

DEP — Pennsylvania Department of Environmental Protection.

DESIGN PROFESSIONAL (QUALIFIED) — A Pennsylvania registered professional engineer or registered professional land surveyor trained to develop stormwater management plans.

DESIGN STORM — The magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrence (e.g., a five-year storm) and duration (e.g., 24 hours), used in the design and evaluation of stormwater management systems.

DETENTION — The discharge prevention, either directly or indirectly, of a given volume of stormwater runoff into surface waters by temporary storage; the volume of runoff that is captured and released into the waters of the commonwealth at a controlled rate.

DETENTION BASIN — An impoundment designed to collect and retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate. Detention basins are designed to drain completely shortly after any given rainfall event and are dry until the next rainfall event.

DEVELOPER — A person who seeks to undertake any regulated earth disturbance activities at a project site in the Township.

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DEVELOPMENT — The construction, reconstruction, conversion, structural alteration, relocation or enlargement of buildings or other structures, the placement of mobile homes, mining, dredging, grading, filling, paving, excavation, drilling operations, or any use or extension of land. As used in this chapter, development encompasses both new development and redevelopment.

DEVELOPMENT SITE — The specific tract or parcel of land where any regulated activity set forth in

§ 174-7 is planned, conducted, or maintained.

DIAMETER AT BREAST HEIGHT (DBH) — The outside bark diameter at breast height which is defined as 4.5 feet (1.37 m) above the forest floor on the uphill side of the tree.

DIFFUSED DRAINAGE DISCHARGE — Drainage discharge that is not confined to a single point location or channel, including sheet flow or shallow concentrated flow.

#### DISCHARGE —

1. (verb) To release water from a project, site, aquifer, drainage basin, or other point of interest;
2. (noun) The rate and volume of flow of water such as in a stream, generally expressed in cubic feet per second (volume per unit of time).

DISCHARGE POINT — The point of discharge for a stormwater facility.

DISTURBED AREA — Unstabilized land area where an earth disturbance activity is occurring or has occurred.

DITCH — A human-made waterway constructed for irrigation or stormwater conveyance purposes.

DIVERSION TERRACE — Channel or ditch, together with a ridge, constructed across a sloping land surface on the contour or with predetermined grades to intercept and divert surface runoff before it gains sufficient volume and velocity to create harmful erosion.

DOWNSLOPE PROPERTY LINE — That portion of the property line of the lot, tract, or parcels of land being developed, located such that overland or pipe flow from the project site would be directed towards it by gravity.

DRAINAGE AREA — That land area contributing runoff to a single point and that is enclosed by a ridgeline.

DRAINAGE CONVEYANCE FACILITY — A stormwater management facility designed to transport stormwater runoff that includes channels, swales, pipes, conduits, culverts, and storm sewers.

DRAINAGE EASEMENT — A right granted by a landowner to a grantee allowing the use of private land for stormwater management purposes. A right-of-way granted to use private land to facilitate the flow of water, within which the owner shall erect no permanent structures but may use the land in any other way not inconsistent with the grantee's right or other applicable regulations.

DRAINAGE PERMIT — A permit issued by the Township after the drainage plan has been approved.

DRAINAGE PLAN — The documentation of the stormwater management system, if any, to be used for a given development site, the contents of which are established in § 174-11.

DRAINAGE SYSTEM — All facilities and natural features used for the movement of stormwater through and from a drainage area, including, but not limited to, any and all of the following: conduits, pipes and appurtenant features, channels, ditches, flumes, culverts, streets, swales, gutters as well as all watercourses, water bodies and wetlands.

EARTH DISTURBANCE ACTIVITY (EDA) — A construction or other human activity which disturbs the surface of land including, but not limited to, clearing and grubbing, grading, excavations,

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embankments, land development, agricultural plowing or tilling, timber harvesting activities, road maintenance activities, mineral extraction, building construction, and the moving, depositing, stockpiling, or storing of soil, rock, or earth materials.

EASEMENT — A grant of one or more of the property rights by the property owner and/or for use by the public, corporation or any other or entity.

EMERGENCY SPILLWAY — A conveyance area that is used to pass peak discharge greater than the maximum design storm controlled by the stormwater facility.

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

ENERGY DISSIPATER — A concrete, stone, or other similar structure designed to reduce the velocity and force of a concentrated flow of water.

EPA — Environmental Protection Agency.

EROSION — The process by which the surface of the land, including water/stream channels, is worn away by water, wind, or chemical action.

EROSION AND SEDIMENT CONTROL PLAN — A plan that is designed to minimize accelerated erosion and sedimentation.

EXCEPTIONAL VALUE (EV) WATERS — Surface waters of high quality which satisfy Pennsylvania Code Title 25 Environmental Protection, Chapter 93, Water Quality Standards, § 93.4b(b) (relating to antidegradation).

EXISTING CONDITION — The initial condition of a project site prior to the proposed alteration. If the initial condition of the site is undeveloped land, the land use shall be considered as "meadow" unless the natural land cover is proven to generate a lower curve number or Rational "c" value, such as forested lands. If the existing condition is impervious, the land use shall be considered "meadow."

FEMA — Federal Emergency Management Agency.

FIRST-ORDER STREAM — Uppermost perennial tributary in a watershed that has not yet confluenced with another perennial stream. The confluence of two first-order streams forms a second-order stream.

FLOOD — A temporary condition of partial or complete inundation of land areas from the overflow of streams, rivers, and other waters of the commonwealth.

FLOOD, ONE-HUNDRED-YEAR — A flood that has one chance in 100 or a one-percent chance of being equaled or exceeded in any given year.

FLOODPLAIN — Any land area susceptible to inundation by water from any natural source or as delineated by the applicable Department of Housing and Urban Development Federal Insurance Administration Flood Hazard Boundary Map as being a special flood hazard area.

FLOODWAY — The channel of a watercourse and those portions of the adjoining floodplains which are reasonably required to carry and discharge the one-hundred-year-frequency flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by the Federal Emergency Management Agency (FEMA). In an area where no FEMA maps or studies have defined the boundary of the one-hundred-year-frequency floodway, it is assumed, absent evidence to the contrary, that the floodway extends from the stream to 50 feet from the top-of-bank.

FLUVIAL GEOMORPHOLOGY — The study of landforms associated with river channels and the processes that form them.

FORESTRY — The management of forests and timberlands when practiced in accordance with accepted

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silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

FREEBOARD — A vertical distance between the elevation of the design high-water and the top of a dam, levee, tank, basin, swale, or diversion berm. The space is required as a safety margin in a pond or basin.

#### GRADE —

1. (noun) A slope, usually of a road, channel, or natural ground specified in percent and shown on plans as specified herein;
2. (verb) To finish the surface of a roadbed, the top of an embankment, or the bottom of an excavation.

GRASSED WATERWAY — A natural or human-made waterway, usually broad and shallow, covered with erosion-resistant grasses used to convey surface water.

GREEN ROOF (ALSO KNOWN AS VEGETATED ROOF OR ECO ROOF) — Alternative roof surfaces that typically consist of waterproofing and drainage materials and an engineered growth media that is designed to support plant growth. Green roofs capture and temporarily store stormwater runoff in the engineered growth media before it is conveyed to the storm system. A portion of the captured stormwater evaporates or it is taken up by plants, which helps reduce runoff volumes, peak runoff rates, and pollutant loads on development sites.

GROUND STABILIZATION FABRIC — A geotextile material designed to prevent upward or downward movement of soil or other solids while permitting water movement.

GROUNDWATER — Water beneath the earth's surface that supplies wells and springs and is often between saturated soil and rock.

GROUNDWATER RECHARGE — The replenishment of existing natural undergroundwater supplies from rain or overland flow.

HEC-HMS — The U.S. Army Corps of Engineers Hydrologic Engineering Center (HEC) - Hydrologic Modeling System (HMS), used to model the Darby-Cobbs, Crum, and Valley Creek Watersheds during the Act 167 plan development and the basis for the standards and criteria of this chapter.

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).

HIGH TUNNEL — A structure which meets the following:**[Added 10-7-2019 by Ord. No. HR-430]**

1. Is used for the production, processing, keeping, storing, sale or shelter of an agricultural commodity as defined in Section 2 of the Act of December 19, 1974 (P.L. 973, No. 319), known as the "Pennsylvania Farmland and Forest Land Assessment Act of 1974,"**136** or for the storage of agricultural equipment or supplies; and
2. Is constructed with all of the following:
   1. Has a metal, wood or plastic frame;
   2. When covered, has a plastic, woven textile or other flexible covering; and
   3. Has a floor made of soil; crushed stone, matting, pavers or a floating concrete slab.
   4. **Editor's Note: See 72 P.S. § 5490.1 et seq.**

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HOTSPOT — Area where land use or activity generates highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater, including but not limited to: vehicle salvage yards and recycling facilities; vehicle fueling stations; vehicle service and maintenance facilities; vehicle and equipment cleaning facilities; fleet storage areas (bus, truck, etc.); industrial sites based on standard industrial codes; marinas (service and maintenance); outdoor liquid container storage; outdoor loading/ unloading facilities; public works storage areas; facilities that generate or store hazardous materials; commercial container nurseries; and other land uses and activities as designated by an appropriate review authority.

HYDROGRAPH — A graph representing the discharge of water versus time for a selected point in the drainage system.

HYDROLOGIC REGIME — The hydrologic cycle or balance that sustains quality and quantity of stormwater, baseflow, storage, and groundwater supplies under natural conditions.

HYDROLOGIC SOIL GROUP — A classification of soils by the Natural Resources Conservation Service (NRCS), formerly the Soil Conservation Service (SCS), 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. Infiltration rates of soils vary widely and are affected by subsurface permeability as well as surface intake rates. Soils are classified into four HSGs, A, B, C, and D, according to their minimum infiltration rate.

HYDROLOGY — The study of the properties, distribution, circulation and effects of water on the earth's surface, soil and atmosphere.

IMPERVIOUS SURFACE — A horizontal surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water, including but not limited to buildings, structures, and paved areas such as driveways, sidewalks, parking lots, patios, decks, swimming pools, tennis courts, etc. For the purposes of determining compliance with this chapter, stone surfaces routinely used for vehicle parking and movement shall be considered impervious.

IMPOUNDMENT — A retention basin, detention basin, or other stormwater management facility designed to retain stormwater runoff and release it at a controlled rate.

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

INFILTRATION — Movement of surface water into the soil, where it is absorbed by plant roots, evaporated into the atmosphere, or percolated downward to recharge groundwater.

INFILTRATION STRUCTURE — A structure designed to direct runoff into the undergroundwater (e.g., infiltration beds or trenches, dry wells, French drains, seepage pits, or trenches, bioinfiltration areas (rain gardens), porous pavement with underground infiltration beds, etc.).

INFLOW — The flow entering the stormwater management facility and/or BMP. INLET — The upstream end of any structure through which water may flow.

INTENSITY — The depth of accumulated rainfall per unit of time.

INTERMITTENT STREAM — A stream that flows only part of the time. Flow generally occurs for several weeks or months in response to seasonal precipitation or groundwater discharge.

INVERT — The lowest surface, the floor or bottom of a culvert, drain, sewer, channel, basin, BMP, or orifice.

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KARST — A type of topography 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.

LAND DEVELOPMENT — Any of the following activities:

* + 1. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
       1. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
       2. The division 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.

LEVEL SPREADER — A low earthen berm constructed perpendicular to the direction of slope and extending across the width of the slope for the purpose of intercepting surface runoff and spreading it behind the berm to enhance infiltration and reduce erosion and runoff from the slope. The purpose of a level spreader is to prevent concentrated erosive flows from occurring and to spread out stormwater runoff uniformly over the ground as sheet flow.

LIMITING ZONE — A soil horizon or condition in the soil profile or underlying strata that includes one of the following:

1. A seasonal high water table, whether perched or regional, determined by direct observation of the water table or indicated by soil mottling.
2. 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.
3. A rock formation, other stratum, or soil condition that is so slowly permeable that it effectively limits downward passage of water.

LOADING — The total amount (generally measured in pounds or kilograms per acre per year) of material (sediment, nutrients, oxygen-demanding material, or other chemicals or compounds) brought into a lake, stream, or water body by inflowing streams, runoff, direct discharge through pipes, groundwater, the air (aerial or atmospheric deposition) and other sources over a specific period of time (often annually).

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

MAIN STEM (MAIN CHANNEL) — Any stream segment or other runoff conveyance used as a reach in watershed-specific hydrologic models.

MAINTENANCE — The actions taken to restore or preserve the as-built functional design of any facility or system.

MANNING EQUATION (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. "Open channels" may include closed conduits so long as the flow is not under pressure.

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MAXIMUM DESIGN STORM — The maximum (largest) design storm that is controlled by the stormwater facility.

MEADOW IN GOOD CONDITION — A natural ground cover with less than one viable tree of six inches or greater per 1,500 square feet, with continuous grass cover, and typically having greater than 75% uniform grass coverage. A cover condition for which SCS curve numbers have been assigned or to which equivalent Rational Method coefficients have been assigned.

MS4 — Municipal separate storm sewer system.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) — The system created

in 1972 under the Clean Water Act to authorize discharges to local receiving waters only pursuant to governmental permits, in an effort to reduce point source and nonpoint source pollutants.

NATURAL CONDITION — Predevelopment condition. In terms of stormwater management, the land coverage as identified in the latest edition of TR No. 55, which existed 18 months prior to the application, shall be used for determining land cover type, except in the case where land cover was impervious, in which case the condition of meadow shall apply.

NATURAL HYDROLOGIC REGIME — See "hydrologic regime."

NATURAL RECHARGE AREA — Undisturbed surface area or depression where stormwater collects and a portion of which infiltrates and replenishes the underground water and groundwater.

NEW DEVELOPMENT — Any activity regulated by this chapter that is not considered a redevelopment as defined in this chapter.

NOAA — National Oceanic and Atmospheric Administration.

NONPOINT SOURCE POLLUTION — Pollution that enters a water body from diffuse origins in the watershed and does not result from discernible, confined, or discrete conveyances.

NONSTORMWATER DISCHARGE — Water flowing in stormwater collection facilities, such as pipes or swales, which is not the result of a rainfall event or snowmelt.

NONSTRUCTURAL BEST MANAGEMENT PRACTICE (BMP) — Passive site design approaches or regulatory approaches that positively impact water quality and reduce or minimize the generation of stormwater runoff without requiring the construction of specific or discrete stormwater management control structures. Methods of controlling stormwater runoff quantity and quality, such as innovative site planning, impervious area, land disturbance, and grading reduction, protection of natural depression areas, temporary ponding on site, and other techniques.

NPDES — National Pollutant Discharge Elimination System. NRCS — Natural Resource Conservation Service (previously SCS).

OPEN CHANNEL — A natural or human-made watercourse or conduit in which water flows with a free surface; a conveyance channel that is not enclosed.

OPEN VEGETATED CHANNEL — Also known as swales, grass channels, and biofilters or bioswales. These systems are used for the conveyance, retention, infiltration and filtration of stormwater runoff.

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.

OUTFLOW — The flow exiting the stormwater management facility and/or BMP. OUTLET — Points of water disposal to a stream, river, lake, tidewater, or artificial drain. PACD — Pennsylvania Association of Conservation Districts.

PADOT or PennDOT — Pennsylvania Department of Transportation.

PARENT TRACT — The parcel of land from which a land development or subdivision originates, determined from the date of adoption of this chapter.

PARKING LOT STORAGE — Involves the use of parking areas as temporary impoundments with controlled release rates during rainstorms.

PEAK DISCHARGE — The maximum rate of stormwater runoff from a specific storm event.

PENN STATE RUNOFF MODEL — The computer-based hydrologic model developed at Pennsylvania State University.

PERCOLATION RATE — The rate of movement of water under hydrostatic pressure through interstices of rock or soil. For stormwater analysis, it is typically measured as a distance per unit time (e.g., inches per hour).

PIPE — A culvert, closed conduit, or similar structure (including appurtenances) that conveys stormwater. PLANNING COMMISSION — The Planning Commission of Tredyffrin Township.

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 Pennsylvania Code § 92.1.

POSTCONSTRUCTION — Period after construction during which disturbed areas are stabilized, stormwater controls are in place and functioning, and all proposed improvements in the approved land development plan are completed.

PRECONSTRUCTION — Prior to commencing construction activities. PREDEVELOPMENT CONDITION — Undeveloped/natural condition.

PRETREATMENT — Techniques employed in stormwater BMPs to provide storage or filtering to trap coarse materials and other pollutants before they enter the system, but not necessarily designed to meet the water quality volume requirements of § 174-21.

PROJECT SITE — The specific area of land where any regulated activities in the Township are planned, conducted, or maintained.

QUALIFIED PROFESSIONAL — Any person licensed by the Pennsylvania Department of State or otherwise qualified by law to perform work required by this chapter.

RAINFALL INTENSITY — The depth of accumulated rainfall per unit time. RATE — Volume per unit of time.

RATIONAL FORMULA — A rainfall-runoff relation used to estimate peak flow.

RATIONAL METHOD — A method for computing quantities of stormwater runoff. The rational formula relates runoff to rainfall by the following equation:

Q = c \* i \* a

Q = Peak runoff in cubic feet per second.

c = Runoff coefficient which is actually the ratio of the peak runoff rate to the average rainfall rate for a period known as the time of concentration.

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

a = Drainage area in acres.

REACH — Any stream segment or other runoff conveyance used in the watershed-specific hydrologic models.

RECEIVING WATERS — Any water bodies, watercourse or wetlands into which surface waters flow.

RECHARGE — The replenishment of groundwater through the infiltration of rainfall, other surface waters, or land application of water or treated wastewater.

RECONSTRUCTION — Demolition and subsequent rebuilding of impervious surface.

RECORD DRAWINGS — Original documents revised to suit the as-built conditions and subsequently provided by the engineer to the applicant. The engineer reviews the contractor's as-built drawings against his/her own records for completeness, then either turns these over to the applicant or transfers the information to a set of reproducibles, in both cases for the applicant's permanent records.

REDEVELOPMENT — Any development that proposes or consists of demolition or removal of existing structures or impervious surfaces at a site and replacement with new impervious surfaces. Maintenance activities, such as top-layer grinding and repaving, interior remodeling projects and tenant improvements are not considered to be redevelopment.

REGULATED ACTIVITY — Action or proposed action that involves the alteration or development of the land in a manner that may affect stormwater runoff, have an impact on stormwater runoff quality or quantity and that are specified in § 174-7.

REGULATED EARTH DISTURBANCE ACTIVITY — Defined under NPDES Phase II regulations as earth disturbance activity of one acre or more with a point source discharge to surface waters 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.

RELEASE RATE — A volume of flow being discharged from a stormwater management facility or structure per specified unit of time (cubic feet per second, gallons per minute, etc.) or designated design storm (e.g., ten-year predevelopment flow storm). The specified release rates contained within this chapter are the maximum percentages of predevelopment peak rate of runoff from a site or subarea that can be released after development.

REPAVING — Replacement of the impervious surface that does not involve reconstruction of an existing paved (impervious) surface.

REPLACEMENT PAVING — Reconstruction of and full replacement of an existing paved (impervious) surface.

RESERVOIR — A basin, either natural or human-made, which contains or will contain the water or other fluid impounded by a dam.

RETENTION BASIN/POND — A structure in which stormwater is stored and not released during the storm event. A retention basin/pond is designed to retain a permanent pool of water during dry weather and potentially detain waters from a specific drainage area, or designed for infiltration purposes and does not have an outlet. The retention basin/pond designed for infiltration purposes must infiltrate stored water in three days or less.

RETURN PERIOD — The average interval, in years, within which a storm event of a given magnitude can be expected to recur. For example, the one-hundred-year-return-period rainfall would be expected to recur

on the average of once every 100 years. The probability of a one-hundred-year storm occurring in any one year is 0.01 (i.e., a one-percent chance).

RIPARIAN BUFFER — Land adjoining and immediately upgradient from rivers or streams that is vegetated with a combination of trees, shrubs, and herbaceous plants. A riparian buffer functions to maintain the integrity of stream channels to reduce the impact of upland sources of pollution by trapping, filtering and converting sediments, nutrients, and other chemicals, and supply food, cover and thermal protection to fish and other wildlife.

RISER — A vertical pipe extending from the bottom of a detention facility or pond that is used to control the discharge rate from the detention facility or pond for a specified design storm.

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.

ROOF DRAIN — A drainage conduit or pipe that collects water runoff from a roof and leads it away from the structure.

ROOFTOP DETENTION — The temporary ponding and gradual release of stormwater falling directly onto flat roof surfaces using controlled-flow roof drains in building designs.

ROOT MAT — The surface and subsurface network of roots which supports a tree. RUNOFF — Any part of precipitation that flows over the land surface.

SALDO — Tredyffrin Township Subdivision and Land Development Ordinance.**137** SCS — Soil Conservation Service, United States Department of Agriculture.

SEDIMENT — Solid material, both mineral and organic, that is in suspension, is being transported or has been moved from its site of origin by water or air.

SEDIMENTATION — The process by which mineral or organic matter is accumulated or deposited by the movement of water. The process occurs when sediment particles that have been suspended within flowing waters are deposited on the stream bottom or floodplain.

SEDIMENT BASIN — A barrier, dam, or detention basin located and designed in such a way as to retain rock, sand, gravel, silt, or other material transported by water during construction.

SEDIMENT POLLUTION — The placement, discharge, or any other introduction of sediment into the waters of the commonwealth.

SEEPAGE PIT/SEEPAGE TRENCH — An area of the earth excavated, having an uncompacted bottom, completely wrapped with geotextile material and filled with loose clean stone or similar coarse material into which surface water is directed for infiltration into the undergroundwater.

SEPARATE STORM SEWER SYSTEM — A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, human-made channels, or storm drains) primarily used for collecting and conveying stormwater runoff.

SHALLOW CONCENTRATED FLOW — Stormwater runoff flowing in shallow, defined ruts prior to entering a defined channel or waterway.

SHEET FLOW — A flow process associated with broad, shallow water movement on sloping ground surfaces that is not channelized or concentrated.

* 1. **Editor's Note: See Ch. 181, Subdivision and Land Development.**

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SOIL COVER COMPLEX METHOD — A method of runoff computation developed by NRCS that is based on relating soil type and land use/cover to a runoff parameter called "curve number (CN)."

SOURCE WATER PROTECTION AREA (SWPA) — The zone through which contaminants, if present, are likely to migrate and reach a drinking water well or surface water intake.

SPECIAL PROTECTION SUBWATERSHED — A watershed that has been designated by DEP as exceptional value (EV) or high quality (HQ) waters.

SPILLWAY — A conveyance that is used to pass and control the discharge of a design storm that is controlled by the stormwater facility. The emergency spillway is the conveyance that is used to pass the peak discharge of the maximum design storm that is controlled by the stormwater facility.

SPRING — A place where water flows naturally from a rock or soil upon the land or into a body of surface water.

STATE WATER QUALITY REQUIREMENTS — As defined under state regulations, protection of designated and existing uses (see 25 Pennsylvania Code Chapters 93 and 96), including:

* + 1. Each stream segment in Pennsylvania has a "designated use," such as "cold-water fishery" or "potable water supply," which is listed in Chapter 93. These uses must be protected and maintained under state regulations.
    2. "Existing uses" are those attained as of November 1975, regardless of 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.
    3. 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 the addition of pollutants such as sediment and changes in habitat through increased flow volumes and/or rates as a result of changes in land surface area from those activities. Therefore, permanent discharges to surface waters must be managed to protect the stream bank, streambed, and structural integrity of the waterway to prevent these impacts.

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.

STORM EVENT — The storm of a specific duration, intensity, and frequency.

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").

STORM SEWER — A system of pipes and/or open channels that conveys intercepted runoff and stormwater from other sources but excludes domestic sewage and industrial wastes.

STORMWATER MANAGEMENT — Procedures involved in the control of water that runs off the surface of the land from rain and melting snow.

STORMWATER MANAGEMENT DISTRICT — Those subareas of a watershed in which some type of detention is required to meet the plan requirements and the goals of Act 167.

STORMWATER MANAGEMENT FACILITY — Any structure, natural or human-made, that, due to its condition, design, or construction, conveys, stores, or otherwise affects stormwater runoff quality, rate, or quantity. Typical stormwater management facilities include, but are not limited to, infiltration seepage beds and trenches, bioretention areas (rain gardens), detention and retention basins, green roof systems, capture

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#### § 174-6 STORMWATER MANAGEMENT § 174-6

and reuse systems, open channels, storm sewers, pipes, and water quality devices.

STORMWATER MANAGEMENT PLAN — A watershed plan for managing those land use activities that will influence stormwater runoff quality and quantity and that would impact the watersheds of Tredyffrin Township. The stormwater management plan includes the approved detailed analysis, design, and drawings of the stormwater management system required for activities regulated by this chapter.

STORMWATER RUNOFF — The surface runoff generated by precipitation reaching the ground surface during and immediately after a rainfall event.

STREAM — A natural watercourse with perennial or intermittent flow.

STREAM BUFFER — The land area adjacent to each side of a stream essential to maintaining water quality (see "buffer").

STREAM ENCLOSURE — A bridge, culvert, or other structure in excess of 100 feet in length upstream to downstream which encloses a regulated water of the commonwealth.

SUBAREA (SUBWATERSHED) — The smallest drainage unit of a watershed for which stormwater management criteria have been established in the stormwater management plan.

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

SURFACE 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 waters, or parts thereof, whether natural or artificial, within or on the boundaries of the commonwealth.

SWALE — A low-lying stretch of land that gathers or carries surface water runoff.

SWMM — Stormwater management model developed by EPA for analyzing stormwater quantity and quality associated with runoff from urban areas. Both single event and continuous simulation can be performed on catchments having storm sewers, or combined sewers and natural drainage, for prediction of flows, stages and pollution concentrations.

TIMBER OPERATIONS — See "forestry."

TIME OF CONCENTRATION (Tc) — The time required 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.

TOP-OF-BANK — Highest point of elevation in a stream channel cross section at which a rising water level just begins to flow out of the channel and over the floodplain.

TOWNSHIP — Tredyffrin Township, Chester County, Pennsylvania.

TOWNSHIP ENGINEER — A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Engineer for the Township.

VERNAL POND — Seasonal depressional wetlands that are covered by shallow water for variable periods from winter to spring but may be completely dry for most of the summer and fall.

WATERCOURSE — A channel or conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

WATER RESOURCES OF THE TOWNSHIP — 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 undergroundwater, or parts thereof, whether natural or artificial, within or on the boundaries of Tredyffrin Township.

WATERSHED — Region or area drained by a river, watercourse, or other body of water, whether natural or artificial. The area upstream and tributary to a point along a stream, lake, drainage facility or any point of interest that contributes runoff to that point.

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 undergroundwater, or parts thereof, whether natural or artificial, within or on the boundaries of the commonwealth.

WATER TABLE — The uppermost level of saturation of pore space or fractures by subsurface water in an aquifer. Seasonal high water table refers to a water table that rises and falls with the seasons due either to natural or human-made causes.

WELLHEAD — A structure built over a well or the source of water for a well.

WELLHEAD PROTECTION AREA — The surface and subsurface area surrounding a water supply well, well field, or spring supplying a public water system through which contaminants are reasonably likely to move toward and reach the water source.

WET BASIN — Pond for urban runoff management that is designed to detain urban runoff and always contains water.

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 generally include swamps, marshes, bogs, fens, and similar areas. For the purposes of regulation under this chapter, wetlands shall be construed to be all areas meeting the definition of "wetlands," as then currently specified by the United States Army Corps of Engineers and/or the Pennsylvania Department of Environmental Protection. In any situation in which these sources do not coincide, the more inclusive area shall be considered to be wetlands under this chapter.

WOODLANDS — Areas characterized by dense and extensive tree cover growing closely together so that the driplines touch or overlap and in which there is more than one viable tree of a diameter of six inches or greater per 1,500 square feet of lot area; a cover condition for which SCS curve numbers have been assigned or to which equivalent Rational Method runoff coefficients have been assigned. This definition also includes groves of flowering or subcanopy trees, such as dogwood trees and young forests where the immature branches may not yet be interlocking. [To determine if an area has more than one viable tree of six inches or greater caliper per 1,500 square feet, the total area of the land in question (in square feet) shall be divided by 1,500. If the result is equal to or less than the number of viable trees of a diameter of six inches or greater and meets the other stated characteristics, the area in question is considered a woodland.]

WOODLANDS IN GOOD CONDITION — A natural ground cover with more than one viable tree of six inches or greater caliber per 1,500 square feet, protected from grazing, with leaf and organic litter and brush adequately covering the soil. A cover condition for which SCS curve numbers have been assigned or to which equivalent Rational Method coefficients have been assigned.

ZONING ORDINANCE — The Tredyffrin Township Zoning Ordinance of 1939, as amended.**138**

* 1. **Editor's Note: See Ch. 208, Zoning.**

ARTICLE III

### Applicability

**§ 174-7. Applicability; regulated activities.**

1. This chapter shall apply to all watersheds and areas in Tredyffrin Township. Additional standards for peak rate of runoff control shall apply if they are more stringent for areas within certain watersheds, subject to an adopted Act 167 Plan.
2. This chapter shall only apply to temporary erosion and sediment control measures and all permanent structural and nonstructural stormwater management BMPs constructed as part of any of the regulated activities listed in this section.
3. The following activities shall be regulated by this chapter unless exempted by § 174-8:
   1. Subdivisions.
   2. Land developments.
   3. Redevelopments.
   4. Construction of proposed, new or additional impervious surfaces (driveways, parking lots, roads, etc.).
   5. Construction of proposed buildings or additions to existing buildings.
   6. Alteration of the natural hydrologic regime.
   7. Diversion, piping or encroachments in any natural or human-made drainage channel.
   8. Installation of nonstructural and structural stormwater management BMPs or appurtenances thereto.
   9. Earth disturbance activities, whether or not they are associated with a development or redevelopment project, of greater than 5,000 square feet where slopes less than or equal to 15% are impacted by grading, disturbance or construction activities.
   10. Earth disturbance activities, whether or not they are associated with a development or redevelopment project, of greater than 1,000 square feet where slopes greater than 15% are impacted by proposed grading, disturbance or construction activities.
   11. Earth disturbances within 50 feet of other sensitive environmental features, such as streams, ponds, lakes and wetlands.
   12. Any of the above regulated activities which were approved more than five years prior to the effective date of this chapter (date of adoption) and resubmitted for municipal approval.
4. Table 7.1 summarizes the applicability requirements. "Proposed Impervious Surface" in Table 7.1 includes new, additional, or replacement impervious surface/cover. Repaving existing surfaces without reconstruction does not constitute "replacement."

**TABLE 7.1 APPLICABILITY**

**Proposed Impervious Surface Earth Disturbance**

**Type of Project**

**5,000 square**

**feet to 1 acre >1 acre**

|  |  |  |  |
| --- | --- | --- | --- |
| **0 - 499**  **square feet** | **500 - 1,000**  **square feet** | **>1,000**  **square feet** | **>1 acre** |
| Exempt | Modified | Yes | Yes |
| Exempt | Modified | Yes | Yes |
| Exempt | Yes | Yes | Yes |
| Exempt | Yes | Yes | Yes |
| Exempt | Yes | Yes | Yes |
| Exempt | Yes | Yes | Yes |
| Exempt | Exempt | Yes | Yes |
| Exempt | Exempt | Yes | Yes |
| Exempt | Exempt | Yes | Yes |
| Exempt | Exempt | Yes | Yes |
| Exempt | Exempt | Yes | Yes |
| Exempt | Exempt | Yes | Yes |
| See earth disturbance requirements | See earth disturbance requirements | See earth disturbance requirements | See earth disturbance requirements and NPDES permit requirements |

Article IV, Drainage Plan Requirements

§ 174-19,

Nonstructural project design

§ 174-20,

Groundwater recharge

§ 174-21, Water quality requirements

§ 174-22, Stream bank erosion requirements

§ 174-23,

Stormwater peak rate control and management standards

Erosion and sediment pollution control (E&SC) plan

Development Redevelopment

Development Redevelopment

Development Redevelopment

Development Redevelopment

Development Redevelopment

Development Redevelopment

Earth disturbance

0 - 5,000 square feet: No SWG permit required from Township, but E&SC BMPs required to be implemented on site

0 - 1,000 square feet: SWG permit required from Township, with E&SC plan and BMPs if impacts slopes >15%

5,000 square feet: 1 acre — SWG permit required from Township, with E&SC plan and BMPs

Greater than 1 acre: SWG permit required from Township, and NPDES permit required from CCCD and/or DEP

(Refer to municipal earth disturbance requirements)

Yes Yes

Yes Yes

Yes Yes

Yes Yes

Yes Yes

Yes Yes

n/a Yes

n/a Yes

n/a Yes

n/a Yes

Yes Yes

Yes Yes

Yes Yes

**LEGEND:**

**Yes** — Drainage plan with stormwater management controls necessary to meet the section provision.

**Exempt** — Exempt from required section provision. Drainage plan submission may still be required if other section provisions are applicable (yes in box).

**Modified Drainage Plan** — For sites with 500 square feet to 1,000 square feet of proposed impervious surfaces. This stormwater and grading permit (SWG) shall follow the groundwater recharge requirements found in § 174-20C(1)(b)[1].

**E&SC Plan** — Erosion and sediment control pollution plans are required for earth disturbances greater than 5,000 square feet. E&SC plans are also required for earth disturbances greater than 1,000 square feet if impacts to slopes >15%.

### § 174-8. Exemptions.

1. Exemptions for land use activities. The following land use activities are exempt from the drainage plan submission requirements of this chapter:
   1. Use of land for gardening for home consumption.
   2. Agricultural activity when operated in accordance with a conservation plan, nutrient management plan, or erosion and sedimentation control plan approved by the County Conservation District. Installation of new or expansion of existing farmsteads, animal housing, waste storage, and production areas having a net increase of impervious surfaces greater than 1,000 square feet shall be subject to the provisions of this chapter.
   3. Forestry operations which are following the Department of Environmental Protection's (DEP) management practices contained in its publication "Soil Erosion and Sedimentation Control Guidelines for Forestry," operating under an approved erosion and sedimentation plan and complying with the stream buffer requirements in § 174-21J.
   4. Roadway replacement, development, or redevelopment that has less than 2,000 square feet of new, additional, or replaced impervious surface/cover, or in the case of earth disturbance only, less than 5,000 square feet of disturbance.
   5. Proposed improvements not exceeding 499 square feet and where the total cumulative square footage of all impervious surfaces does not exceed the impervious surface standards of the applicable zoning district.
   6. Maintenance to any existing stormwater management system made in accordance with plans and specifications approved by the Township Engineer.
   7. Emergency maintenance work performed for the protection of public health, safety and welfare. A written description of the scope and extent of any emergency work performed shall be submitted to the Township Engineer within two calendar days of the commencement of the activity. If the Township Engineer finds that the work is not an emergency, then the work shall cease immediately and the requirements of this chapter shall be addressed as applicable.
   8. Replacement of residential impervious coverage listed below is exempt from the provisions of this chapter:
      1. Repair, maintenance, replacement, and/or resurfacing of existing asphalt, concrete, or impervious driveways. Relocation of existing driveways or reconstruction of driveways proposing additional impervious coverage exceeding 499 square feet are not exempt from

the provisions of this chapter.

* + 1. Repair, maintenance, or replacement of existing stone, concrete, or impervious patios, wooden or composite decks, and sidewalks. Relocation of existing decks, patios, or sidewalks, or reconstruction proposing additional impervious coverage exceeding 499 square feet, is not exempt from the provisions of this chapter.
    2. Repair or maintenance to existing building structures, including interior and exterior renovations. Proposed building replacement projects, including complete rebuilds or partial knock-down rebuilds exceeding 499 square feet are not exempt from the provisions of this chapter.
  1. Resurfacing and/or milling and resurfacing of existing roadway and highway impervious surfaces without reconstruction.

1. Exemptions for development activities.
   1. The following development and earthmoving activities are exempt from the drainage plan submission requirements of this chapter:
      1. Projects with up to a maximum of 499 square feet of new or additional proposed impervious surface.
      2. Projects with up to a maximum of 5,000 square feet of disturbed earth.
   2. These criteria shall apply to the total development even if the development is to take place in phases. The date of the chapter adoption shall be the starting point from which to consider tracts as "parent tracts" upon which future land development activities and respective earth disturbance computations shall be cumulatively considered.
2. Agricultural related activities. **[Added 10-7-2019 by Ord. No. HR-430139]**
   1. High tunnels (as defined in Article II) if:
      1. The high tunnel or its flooring does not result in an impervious area exceeding 25% of all structures located on the owner's total contiguous land area; and
      2. The high tunnel meets one of the following:
3. The high tunnel is located at least 100 feet from any perennial stream or watercourse, public road or neighboring property line;
4. The high tunnel is located at least 35 feet from any perennial stream or watercourse, public road or neighboring property line and located on land with a slope not greater than 7%; or
5. The high tunnel is supported with a buffer or diversion system that does not directly drain into a stream or other watercourse by managing stormwater runoff in a manner consistent with the requirements of this chapter.
6. Additional exemption criteria.
   1. Exemption responsibilities. An exemption shall not relieve the applicant from implementing
   2. **Editor's Note: This ordinance also redesignated former Subsection C as Subsection D.**

such measures as are necessary to protect public health, safety, and property.

* 1. HQ and EV streams. An exemption shall not relieve the applicant from meeting the special requirements for watersheds draining to identified high quality (HQ) or exceptional value (EV) waters and source water protection areas (SWPA) and requirements for nonstructural project design sequencing (see § 174-19).
  2. Drainage problems. If a drainage problem is documented or known to exist downstream of or is expected to result from the proposed activity, then the Township may require the applicant to comply with this chapter.
  3. Exemptions from provisions of this chapter still require compliance with all other applicable regulations.

### § 174-9. Compatibility with other ordinances or legal requirements.

1. Approvals issued pursuant to this chapter 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.
2. Nothing in this chapter shall be construed to affect any of the Township's requirements regarding stormwater matters that do not conflict with the provisions of this chapter, such as local stormwater management design criteria (e.g., inlet spacing, inlet type, collection system design and details, outlet structure design, etc.).

ARTICLE IV

### Drainage Plan Requirements

**§ 174-10. General requirements.**

Any of the activities regulated by this chapter, the preliminary or final approval of subdivision and/or land development plans, or the commencement of any regulated earth disturbance activity may not proceed until the applicant or his/her agent has received written approval of a drainage plan from the Township Engineer and an adequate erosion and sediment control plan review by Tredyffrin Township and the Chester County Conservation District (if required).

### § 174-11. Drainage plan contents.

The drainage plan shall consist of a general description of the project including sequencing items described in § 174-19, calculations, maps, and plans. A note on the maps shall refer to the associated computations and erosion and sediment control plan by title and date. The cover sheet of the computations, erosion and sediment control plan, and stormwater management plan shall refer to the associated maps by title and date. All drainage plan materials shall be submitted to the Township in a clear and well organized format. The following items shall be included in the drainage plan:

1. General.
   1. General description of the project including those areas described in §§ 174-19B and 174-11C(1).
   2. General narrative and description of proposed permanent stormwater management techniques, including construction specifications of the materials to be used for stormwater management facilities. A description of 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 is to be included with this submission.
   3. Complete hydrologic, hydraulic, and structural computations for all stormwater management facilities.
   4. An erosion and sediment control plan, including all reviews, letters of adequacy and approval from the Chester Conservation District and/or DEP.
   5. A general description of proposed nonpoint source pollution controls.
   6. The drainage plan application and associated fee.
2. Plans/maps. Plans/map(s) of the project area shall be submitted on twenty-four-inch-by-thirty-six- inch (maximum of thirty-inch-by-forty-two-inch if required for clarity) sheets and/or shall be prepared in a form that meets the requirements for recording at the offices of the Recorder of Deeds of Chester County. If the SALDO has more stringent criteria than this chapter, then the more stringent criteria shall apply. The contents of the map(s) shall include, but not be limited to:
   1. The location of the project relative to highways, municipal boundaries, or other identifiable landmarks.
   2. Existing contours at intervals of two feet.
   3. Existing streams, lakes, ponds, wetlands or other waters of the commonwealth within the project

area and which may be impacted by the project and are within 300 feet of the site.

* 1. Other physical features including flood hazard boundaries, stream buffers, existing drainagecourses, areas of natural vegetation to be preserved, and the total extent of the upstream area draining through the site.
  2. The locations of all existing and proposed utilities, sanitary and storm sewers, water, gas, and communication lines within 300 feet of property lines.
  3. An overlay showing soil names and boundaries.
  4. Limits of earth disturbance (L.O.D.), including the type and amount of impervious area that is proposed to be added to the site.
  5. Proposed structures, roads, paved areas, and buildings. The total amount of impervious surface to be added shall be shown on the plan.
  6. Proposed final contours at intervals of two feet.
  7. 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.
  8. The date of submission.
  9. A graphic and written scale of one inch equals no more than 50 feet; for tracts of 20 acres or more, the scale shall be one inch equals no more than 100 feet.
  10. A north arrow.
  11. The total tract boundary and size with distances marked to the nearest foot and bearings to the nearest degree.
  12. Existing and proposed land use(s).
  13. A key map showing all existing human-made features beyond the property boundary that would be affected by the project.
  14. Location of all open ditches, drainage channels, overland drainage patterns and swales.
  15. When infiltration measures such as seepage pits, beds, or trenches are used, the locations of existing and proposed septic tank infiltration areas and wells must be shown. All calculations, assumptions, and criteria used in the design of the stormwater management facilities must be shown.
  16. A twenty-foot-wide access easement around all stormwater management facilities that would provide ingress to and egress from a public right-of-way.
  17. The location of all erosion and sediment control facilities and all stormwater management facilities.
  18. In situations where approved stormwater management facilities are to be located off site, notes shall be provided on the plans that clearly identify the responsibility for operation and maintenance of all stormwater management facilities. All off-site facilities shall meet the performance standards and design criteria specified in this chapter.
  19. A statement, signed by the applicant, acknowledging that:
      1. Any revision to the approved drainage plan must be submitted to and approved by the Township; and
      2. A revised erosion and sediment control plan must be submitted to and approved by the Chester County Conservation District for a determination of adequacy.
  20. The following signature block for the design engineer: "I, (Design Engineer), on this date (date of signature), hereby certify that the within referenced drainage plan meets all design standards and criteria of the Tredyffrin Township Stormwater Management Ordinance."

1. Supplemental information.
   1. A written description of the following information shall be submitted by the applicant and shall include:
      1. The overall stormwater management concept for the project designed in accordance with

§§ 174-20, 174-21, 174-22, 174-23 and 174-24.

* + 1. Stormwater runoff computations as specified in this chapter.
    2. Stormwater management techniques to be applied both during and after development.
    3. Expected project time schedule.
    4. Development stages or project phases, if so proposed.
    5. An operations and maintenance plan in accordance with § 174-28 of this chapter.
  1. An erosion and sediment control plan.
  2. A description of the effect of the project (in terms of runoff volumes and peak flows) on adjacent properties and on any existing Township stormwater collection systems that may receive runoff from the project site.
  3. A declaration of adequacy and highway occupancy permit from the Pennsylvania Department of Transportation District Office when utilization of a PennDOT storm drainage system is proposed.

1. Stormwater management facilities.
   1. All stormwater management facilities must be located on a plan and described in detail.
   2. When infiltration measures such as seepage pits, beds, or trenches are used, the locations of existing and proposed septic tank infiltration areas, wells, foundation walls, steep slopes, streams, and any other information requested by the Township Engineer must be shown.
   3. When infiltration measures such as seepage pits, beds, or trenches are used, the maximum loading ratios, both impervious loading and total loading, to the infiltration area should be considered in the design. Separation from wells, septic system drains, and basement foundations should also be identified on the stormwater plans.
   4. All calculations, assumptions, and criteria used in design of the stormwater management facilities must be shown.

### § 174-12. Plan submission.

The Township requires receipt of a complete drainage plan, as specified in this chapter.

1. Proof of application or documentation of required permits or approvals for the programs listed below shall be part of the plan:
   1. NPDES Permit for Stormwater Discharges from Construction Activities.
   2. DEP Joint Permit Application.
   3. PennDOT Highway Occupancy Permit.
   4. Chapter 105 (Dam Safety and Waterway Management).
   5. Chapter 106 (Floodplain Management).
   6. Any other permit under applicable state or federal regulations.
2. The plan shall be coordinated with the state and federal permit process, where applicable.
3. For projects that require subdivision or land development approval, the drainage plan shall be submitted by the applicant as part of the preliminary plan submission where applicable for the regulated activity.
4. For regulated activities that do not require subdivision or land development approval, see § 174-10, General requirements.
5. Six copies of the drainage plan shall be submitted and distributed as follows:
   1. Three copies to the Township accompanied by the requisite review fee.
   2. Two copies to the Chester County Conservation District.
   3. One copy to the Chester County Planning Commission.
6. Any submissions to the agencies listed above that are found to be incomplete shall not be accepted for review and shall be returned to the applicant with a notification in writing of the specific manner in which the submission is incomplete.

### § 174-13. Drainage plan review.

1. The Township Engineer shall review the drainage plan for compliance with the provisions of this chapter.
2. The Township Engineer shall review the drainage plan for any subdivision or land development for compliance with the Township's SALDO provisions not otherwise superseded by this chapter.
3. The Chester County Conservation District, in accordance with established criteria and procedures, will review the drainage plan for consistency with stormwater management and erosion and sediment pollution control requirements and provide comments to the Township. Such comments shall be considered by the Township prior to final approval of the drainage plan.
4. For activities regulated by this chapter, the Township Engineer shall notify the applicant in writing, within 90 calendar days of submission of the drainage plan, whether the drainage plan is consistent

with the provisions of this chapter.

1. For regulated activities under this chapter that require a NPDES permit application, the applicant shall forward a copy of the Township Engineer's review letter with comments regarding the drainage plan to the Conservation District. DEP and the Conservation District may consider the Township Engineer's review comments in determining whether to issue a permit.
2. The Township will not grant preliminary or final approval to any subdivision or land development for regulated activities specified in § 174-7 if the drainage plan has been found by the Township Engineer to be noncompliant with this stormwater management ordinance. All required permits from DEP must be obtained prior to approval of any subdivision or land development.
3. No building permits for any regulated activity specified in § 174-7 shall be approved by the Township if the drainage plan has been found to be noncompliant with this stormwater management chapter, as determined by the Township Engineer and Chester County Conservation District, or without considering the comments of the Township Engineer and Chester County Conservation District. All required permits from DEP must be obtained by the applicant prior to issuance of a building permit.
4. The applicant shall be responsible for completing as-built drawings of all stormwater management facilities included in the approved drainage plan. The as-built drawings and an explanation of any discrepancies with the design plans shall be submitted to the Township Engineer for final approval within 60 days of completion. As-built plans must be submitted to the Township Engineer prior to issuance of a use and occupancy permit.
5. Tredyffrin Township will not approve the record drawing until it receives a copy of an approved declaration of adequacy and/or highway occupancy permit from the PennDOT District Office, NPDES permit, and any other applicable permits or approvals from DEP or the Conservation District. The above permits and approvals must be based on the record drawings.
6. The Township's approval of a drainage plan shall be valid for a period not to exceed five years commencing on the date of final approval of the project and the approved drainage plan. If stormwater management facilities included in the approved drainage plan have not been constructed, then the Township may consider the drainage plan noncompliant and may revoke any and all permits. Drainage plans that are determined to be noncompliant by the Township shall be resubmitted in accordance with § 174-15.

### § 174-14. Modification of plans.

1. A modification to a submitted drainage plan under review by the Township for a development site that involves the following shall require a resubmission to the Township of a modified drainage plan and applicable review and inspection fee consistent with § 174-12 and be subject to review as specified in § 174-13:
   1. Change in stormwater management facilities or techniques;
   2. Relocation or redesign of stormwater management facilities; or
   3. Determination by the Township Engineer that the soil or other conditions are not as stated on the drainage plan.
2. A modification to an already approved or noncompliant drainage plan shall be submitted to the Township, accompanied by the applicable review and inspection fee. A modification to a drainage plan for which a formal action has not been taken by the Township shall be submitted to the Township

accompanied by the applicable review and inspection fee.

### § 174-15. Resubmission of inconsistent or noncompliant drainage plans.

An inconsistent or noncompliant drainage plan may be resubmitted with the revisions addressing the Township's concerns documented in writing. One full copy of the plan package shall include all changes highlighted in yellow and/or tabbed when located within a report. It must be addressed to the Township Engineer in accordance with § 174-12, distributed accordingly, and be subject to review as specified in

§ 174-13. The applicable review and inspection fee must accompany a resubmission of an inconsistent or noncompliant plan.

ARTICLE V

### Stormwater Management Provisions

**§ 174-16. General requirements.**

1. Applicants proposing regulated activities in the Township which do not fall under the exemption criteria shown in § 174-8 shall submit a drainage plan consistent with this chapter to the Township for review. The stormwater management criteria of this chapter shall apply to the total proposed development even if development is to take place in stages.
2. The applicant is required to explore and submit 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.
3. The drainage plan must be designed consistent with the sequencing provisions of § 174-19 to ensure maintenance of the natural hydrologic regime, to promote groundwater recharge, and to protect groundwater and surface water quality and quantity. The drainage plan designer must proceed sequentially in accordance with Article V of this chapter.
4. Stormwater drainage systems shall be designed in order to permit unimpeded flow along natural watercourses.
5. Stormwater flows onto adjacent property shall not be created, increased, decreased, relocated, or otherwise altered without the permission of the adjacent property owner(s). Such stormwater flows shall be subject to the requirements of this chapter. Existing points of concentrated drainage that discharge onto adjacent property shall not be altered in any manner which could cause property damage without permission of the affected property owner(s) and shall be subject to any applicable discharge criteria specified in this chapter. Proof of permission from all affected property owners shall be submitted in writing to the Township prior to issuance of a permit.
6. Areas of existing diffused drainage discharge, whether proposed to be concentrated or maintained as diffused drainage areas, shall be subject to any applicable discharge criteria in the general direction of existing discharge, except as otherwise provided by this chapter. If diffused drainage discharge 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 accelerated erosion, sedimentation, flooding, or other impacts will result from the concentrated discharge. Proof of permission from all affected property owners shall be submitted to the Township prior to issuance of a stormwater and grading permit.
7. Where a development site is traversed by existing streams, drainage easements shall be provided conforming to the line of such streams. At a minimum, the drainage easement shall include the streambed, banks, and 10 feet extending from the top of each bank. It is recommended that the drainage easement also includes the limits of the one-hundred-year floodway.
8. Minimization of impervious surfaces and the use of green roofs, and infiltration of runoff through seepage beds, infiltration trenches, rain gardens, etc., is encouraged where soil conditions permit in order to reduce the size or eliminate the need for detention facilities or other structural BMPs.
9. All stormwater runoff shall be pretreated for water quality prior to discharge to surface or groundwater. Pretreatment devices may consist of a variety of BMPs, such as vegetative swales, water quality inlet devices, bioretention areas or rain gardens, etc., and are subject to review and approval by the Township Engineer. Pretreatment devices should be examined for pollutant removal

efficiency for specific types of pollutants generated by proposed land development activities.

1. All regulated activities within the Township shall be designed, implemented, operated, and maintained to meet the purposes of this chapter, through these two elements:
   1. Erosion and sediment control during earth disturbance activities (i.e., during construction); and
   2. Water quality protection measures after completion of earth disturbance activities (i.e., after construction), including operations and maintenance.
2. No regulated earth disturbance activities within the Township shall commence until the requirements of this chapter are met.
3. Postconstruction water quality protection shall be addressed as required by § 174-21.
4. Operations and maintenance of permanent stormwater BMPs shall be addressed as required by Article VIII.
5. All BMPs used to meet the requirements of this chapter shall conform to the state water quality requirements, the provisions in Appendix B of this chapter,**140** and any more stringent requirements as set forth by the Township.
6. In selecting the appropriate BMPs or combinations thereof, the applicant shall consider the following:
   1. Total contributing area.
   2. Permeability and infiltration rate of the site's soils.
   3. Slope and depth to bedrock.
   4. Seasonal high water table.
   5. Proximity to building foundations, wellheads, and on-site wastewater disposal systems.
   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.
7. The stormwater management criteria are to be met on site to the maximum extent possible to comply
   1. **Editor's Note: Appendix B is located at the end of this chapter.**

with the requirements of this chapter. In specific cases where the applicant has demonstrated, to the satisfaction of the Township Engineer, that the requirements of this chapter cannot be achieved on site with the use of nonstructural and structural stormwater BMPs, the applicant may, with Township approval, meet the stormwater management criteria through off-site stormwater management measures as long as the proposed measures are in the same subwatershed. It is strongly recommended that such off-site area be located upstream of the proposed developed site. It will be the applicant's responsibility to locate adequate off-site areas and obtain all easements, agreements and permits to construct such facilities on property other than that which is proposed to be developed and currently owned by the applicant. All easements, agreements and permits must be obtained and provided along with the stormwater plan submission to the Township for review and approval prior to the start of any construction activities. Furthermore, these agreements and plans will be recorded at the office of the Recorder of Deeds for Chester County and two copies of those dated/signed plans provided to the Township.

### § 174-17. Permit requirements by other governmental entities.

Where any of the following permit requirements apply, they must be met prior to commencement of regulated earth disturbance activities, as applicable:

1. All regulated earth disturbance activities subject to permit requirements by DEP under regulations at 25 Pennsylvania Code Chapter 102.
2. Work within natural drainageways subject to permit by DEP under 25 Pennsylvania Code Chapter 105.
3. Any stormwater management facility that would be located in or adjacent to surface waters of the commonwealth, including wetlands, subject to permit by DEP under 25 Pennsylvania Code Chapter 105.
4. Any stormwater management facility that would be located on a state highway right-of-way or require access from a state highway subject to approval by PennDOT.
5. Culverts, bridges, storm sewers, or any other facilities which must pass or convey flows from the tributary area and any facility which may constitute a dam subject to permit by DEP under 25 Pennsylvania Code Chapter 105.

### § 174-18. Erosion and sediment control during regulated earth disturbance activities.

1. No regulated earth disturbance activities within the Township shall commence until the applicant receives an approval from the Chester County Conservation District of an erosion and sediment control plan for construction activities. Township approval for earth disturbances is still required for all sites containing earth disturbances exceeding 1,000 square feet on steep slopes, and within 50 feet of other sensitive environmental features, such as streams, ponds, lakes and wetlands, as well as for all earth disturbances greater than 5,000 square feet.
2. DEP has regulations that require an erosion and sediment control plan for any earth disturbance activity of 5,000 square feet or more, under 25 Pennsylvania Code § 102.4(b).
3. In addition, under 25 Pennsylvania Code Chapter 92, a DEP NPDES construction activities permit is required for regulated earth disturbance activities. All earth disturbances exceeding one acre require NPDES permits submittal and approval by the Chester County Conservation District and/or Pennsylvania Department of Environmental Protection.
4. Evidence of any necessary permit(s) for regulated earth disturbance activities from the DEP Southeast Regional Office or Chester County Conservation District must be provided in writing to the Township.
5. A copy of the erosion and sediment control plan and any required permit, as required by DEP regulations, shall be available on the project site at all times.
6. All erosion and sediment control measures shall be inspected daily, as well as after each rainfall event during construction. Maintenance of all erosion and sediment control measures shall be performed at a minimum on a weekly basis, unless sediment or other pollutants are observed leaving the site onto roadways, adjacent properties and/or environmentally sensitive areas, such as streams, ponds, lakes, wetlands, etc., in which case maintenance shall be performed immediately. Failure to maintain sites in accordance with approved erosion and control plans will result in temporary shut down of all site construction and disturbance activities until repairs and maintenance is performed to the satisfaction of the Township Engineer. An inspection and maintenance log shall be maintained on site and available for inspection by Township staff during the full extent of site construction.
7. Additional erosion and sediment control design standards and criteria shall be applied where infiltration BMPs are proposed. They shall include but are not limited to the following:
   1. Proposed infiltration areas shall not be used as temporary sediment control BMPs during the construction phases of the project, unless such a proposal is approved by the Township Engineer. Sedimentation and compaction of soils can greatly reduce the permeability of underlying soils and negatively impact the ability of infiltration systems to function. In cases where proposed infiltration areas are proposed for dual use as temporary sedimentation basins or traps, the following conditions, at a minimum, shall apply:
      1. A minimum of 18 inches or greater of separation shall be maintained between the bottom of any proposed sedimentation BMP and the proposed infiltration bed bottom;
      2. Additional soil testing shall be performed by the applicant prior to final installation and conversion of the BMP to ensure previous designs and soil testing values still apply;
      3. A soil remediation plan shall be submitted to show a minimum of 18 inches of soil amendments, including incorporation of sand, organic matter, and tilling, to further improve site soils and permeability rates; and
      4. An approved erosion and sedimentation inspection and maintenance plan shall be followed to reduce the risk of soil clogging and negative effects to proposed infiltration BMPs.
   2. Areas proposed for infiltration BMPs shall be protected from sedimentation and compaction during the construction phase to maintain maximum infiltration capacity. Such protection measures should include measures, such as installation of orange construction fencing around proposed infiltration areas, protection from vehicular traffic and material laydown during construction, and erosion and sediment controls that minimize to the maximum extent practical sedimentation and uncontrolled runoff from unstabilized site areas to the proposed infiltration areas on site.
   3. If at all possible, infiltration BMPs shall not be constructed nor receive runoff until the entire drainage area contributory to the infiltration BMP has achieved final stabilization.
   4. Infiltration BMPs shall be constructed with equipment outside the limits of the proposed system or that will not compact the bottom of proposed beds or trenches. Equipment shall not be

allowed on excavated areas of infiltration BMPs at any time during construction.

* 1. Infiltration BMPs shall be protected during and after excavation so as to eliminate and reduce to the maximum extent practicable sediment backwash into the BMP while the bottom and sides of the bed or trench is open, and once stone and filter fabric is in place.
  2. Clean stone aggregate to be placed into infiltration BMPs shall be kept out of contact with site soils and disturbed areas, and shall be absent of fines. Stone aggregate for all proposed infiltration BMPs shall be delivered and placed directly into the BMP or stored in an appropriate manner to prevent sediment and soil contamination.
  3. All contributing drainage to infiltration BMPs shall be protected with appropriate erosion and sediment control measures, in conformance with the Pennsylvania DEP Chapter 102 regulations, as well as the PA Stormwater BMP Manual. At a minimum, inlet protection and other measures shall remain until the contributory drainage area has achieved full stabilization.
  4. Contributing drainage areas to infiltration BMPs shall be fully stabilized prior to allowance of stormwater runoff into the BMPs.

### § 174-19. Nonstructural project design (sequencing to minimize stormwater impacts).

1. The design of all regulated activities shall include the following to minimize stormwater impacts:
   1. The applicant shall explore and submit practicable alternatives to the surface discharge of stormwater (such as those listed in Appendix C, Table C-4),**141** the creation of impervious surfaces, and the degradation of waters of the commonwealth and must strive to maintain as much as possible the natural hydrologic regime of the site.
   2. An alternative is practicable if it is available and capable of implementation after taking into consideration 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.
2. The applicant shall design the proposed project according to the following sequence. The goal of the sequence is to minimize the increases in stormwater runoff and impacts to water quality resulting from the proposed regulated activity.
   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 (springs), stream buffers, hydrologic soil groups, and geology. Land development, any existing recharge areas, and other requirements outlined in the Township SALDO shall also be included.
   2. Establish a stream buffer according to § 174-21J.
   3. Prepare a sketch plan showing avoidance of sensitive areas identified in § 174-19B(1).
   4. Identify site-specific existing conditions' drainage areas, discharge points, recharge areas, and hydrologic soil groups A and B (areas conducive to infiltration).
   5. **Editor's Note: Appendix C is located at the end of this chapter.**
   6. Evaluate nonstructural stormwater management alternatives, including:
      1. Minimize earth disturbance.
      2. Minimize impervious surfaces.
      3. Break up large impervious surfaces.
      4. Minimize clearing operations (vegetation removal).
   7. Satisfy the groundwater recharge (infiltration) objective in accordance with § 174-20 and provide for stormwater pretreatment prior to infiltration.
   8. Provide for water quality protection in accordance with § 174-21 water quality requirements.
   9. Provide stream bank erosion protection in accordance with § 174-22 stream bank erosion requirements.
   10. Determine the peak rate control standard in accordance with § 174-23 and conduct an existing and proposed conditions runoff analysis.
   11. Prepare final project design to maintain existing conditions' drainage areas and discharge points, to minimize earth disturbance and impervious surfaces, and, to the maximum extent possible, to ensure that the remaining site development has no surface or point discharge.
   12. Conduct a proposed conditions runoff analysis based on the final design that meets the peak rate control standard.
   13. Manage any remaining runoff prior to discharge through infiltration, detention, bioretention, green roof, retention, capture and reuse, direct discharge, or other structural control.

### § 174-20. Groundwater recharge and volume control standards.

1. The applicant shall comply with the following groundwater recharge and volume control requirements of this chapter.
2. Maximizing the groundwater recharge capacity of the area being developed is required. Design of the infiltration facilities shall consider groundwater recharge to compensate for the reduction in the recharge that occurs when the ground surface is disturbed or impervious surface is created. These measures are required to be consistent with § 174-3 and to take advantage of utilizing any existing recharge areas.
3. Infiltration may not be feasible on every site due to site-specific limitations such as soil type. If it cannot be physically accomplished, then the design professional shall be responsible to show to the satisfaction of the Township Engineer that this cannot be physically accomplished (e.g., shallow depth to bedrock or limiting zone, etc.). In situations where it has been adequately demonstrated that the recharge requirement cannot be fully accomplished, the applicant shall examine other alternative BMPs, such as green roofs, capture and reuse systems, wet ponds, and low-impact design measures, employed to the maximum extent possible to achieve the maximum reduction in volume identified in this chapter. If it can be physically accomplished, then the volume of runoff to be infiltrated shall be determined from § 174-20C(1)(b) depending on demonstrated site conditions and shall be the greater of the volumes.
   1. Infiltration BMPs shall meet the following minimum requirements:
      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:
4. A minimum depth of 24 inches between the bottom of the BMP and the top of the limiting zone.
5. An infiltration rate sufficient to accept the additional stormwater load and dewater completely as determined by field tests conducted by the applicant's design professional.
6. The infiltration facility shall be capable of completely infiltrating the retention (infiltration) volume (Rev) within three days (72 hours).
7. Pretreatment shall be provided prior to infiltration.
8. The design professional is required to follow hotspot investigation, subsurface stability, and suitability of infiltration procedures as set forth in the PA Stormwater BMP Manual, dated December 2006, and as amended, to determine whether the proposed infiltration on the development site is appropriate.
9. If soil and/or geotechnical analysis and testing reports demonstrate that the soil is unsuitable for infiltration, the design professional shall be responsible for providing written documentation showing that the required volume cannot physically be infiltrated within the required time period. Alternative BMPs, such as green roofs, stormwater capture and reuse systems, bioretention areas, etc., shall be incorporated into the proposed design to maximize stormwater runoff volume reduction and achieve water quality protection in accordance with §§ 174-20 and 174-21 of this chapter.
   * 1. The size of the infiltration facility and Rev shall be based upon the following volume criteria:
10. Net two-year volume approach. The retention (infiltration) volume (Rev) to be captured and infiltrated shall be the net two-year twenty-four-hour volume. The net volume is the difference between the postdevelopment runoff volume and predevelopment runoff volume. The postdevelopment total runoff volume for all storms equal to or less than the two-year twenty-four-hour-duration precipitation shall not be increased. For modeling purposes existing (predevelopment) nonforested pervious areas must be considered meadow in good condition or its equivalent, and existing impervious areas must be considered as meadow in good condition.
    1. In all plans and designs for stormwater management systems and facilities submitted to the Township Engineer for approval, stormwater peak discharge and runoff volume shall be determined through the use of the NRCS Soil Cover Complex Method as set forth in Urban Hydrology for Small Watersheds, Technical Release No. 55 (USDA, 1986), 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 (USDA, 1985), both by the U.S. Department of Agriculture, Natural Resources Conservation Service.

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* 1. Note that when TR-55 is used for natural system-based approaches and practices encouraged herein, calculations must be performed on a detailed- small-subarea basis.
  2. Use of Technical Release No. 20 and other methods listed in Table 1**142** are also acceptable, provided the Township Engineer provides written approval to the methods prior to submission.
  3. The design professional's selection of a specific method shall be based on the suitability of the method for the given project site conditions with due consideration to the limitations of the method chosen. Table 1 herein summarizes the computational methods available.**143**
  4. Calculations shall be based on average antecedent moisture conditions (for the Soil Cover Complex Method only for example, TR-55, TR-20)
  5. Calculations shall be based on a Type II distribution storm (for Soil Cover Complex Method, TR-55, TR-20).
  6. Calculations shall be based on the entire disturbed area (including disturbed pervious area) and must be performed for detailed subdrainage areas for the project site.
  7. The averaging or weighting of a composite curve number (CN) or runoff coefficient is prohibited. Runoff shall be referenced from the Urban Hydrology for Small Watersheds Technical Release No. 55 (USDA, 1986). Coefficients for equivalent ground cover conditions shall be used if a runoff method other than the Soil Cover Complex Method is used.
  8. Predevelopment runoff calculations for wooded areas shall use a CN for ground cover of "woodland in good condition." Portions of a site having more than one viable tree of DBH of six inches or greater per 1,500 square feet shall be considered wooded were such trees existed within three years of application.
  9. Predevelopment runoff calculations for all other portions of a site shall use a CN for ground cover of "meadow in good condition," even if the area is impervious.
  10. The following design storms shall be analyzed for the peak discharge and volumes from the predevelopment and postdevelopment conditions. These values are applicable to the Soil-Cover Complex Method:
      1. A one-year, twenty-four-hour storm (rainfall per NOAA Atlas 14, Volume 2);
      2. A two-year, twenty-four-hour storm (rainfall per NOAA Atlas 14, Volume 2);
      3. A ten-year, twenty-four-hour storm (rainfall per NOAA Atlas 14, Volume 2);
  11. **Editor's Note: See § 174-24.**
  12. **Editor's Note: See § 174-24.**

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* + 1. A twenty-five-year, twenty-four-hour storm (rainfall per NOAA Atlas 14, Volume 2);
    2. A fifty-year, twenty-four-hour storm (rainfall per NOAA Atlas 14, Volume 2);
    3. A one-hundred-year, twenty-four-hour storm (rainfall per NOAA Atlas 14, Volume 2).
  1. The Township Engineer may permit the use of the Rational Method for calculation of runoff on land developments of five acres or less and for the design of storm sewers.

1. Site-specific limitations.
   1. Infiltrating the entire Rev volume in § 174-20C(1)(b)[1] (above) may not be feasible on every site due to site-specific limitations such as soil type or shallow depth to bedrock. If it cannot be physically accomplished, then the design professional shall be responsible for showing that this cannot be physically accomplished. If it cannot be physically accomplished, then the retention (infiltration) volume Rev required shall be as much as can be physically accomplished with a minimum of the first one inch of runoff from all proposed impervious and disturbed pervious areas. Control of the first one inch of runoff by alternative BMP designs, such as green roofs, capture and reuse systems, etc., may be allowed on sites where it has been demonstrated to the satisfaction of the Township Engineer that infiltration of the first one inch of runoff cannot be achieved.
   2. The minimum recharge volume (Rev) required would, therefore, be computed as:

Rev = I (inches) \* [impervious area (square feet) + disturbed pervious area (square feet)] / 12 (inches/ foot) = cubic feet (cf)

An asterisk (\*) in equations denotes multiplication.

Where: I = The maximum equivalent infiltration amount (inches) that the site can physically accept or 1.0 inch, whichever is greater.

* 1. The retention volume values derived from the methods in § 174-20C(1)(b)[1] and/or § 174-20C(1)(b)[2] is the minimum volume the applicant must control through an infiltration BMP facility. However, if a site has areas of soils where additional volume of retention can be achieved, the applicant is encouraged to infiltrate as much of the stormwater runoff from the site as possible.

1. The ground cover assumptions used for selection of runoff coefficient for calculation of the predevelopment runoff for both redevelopment and development shall be as follows:
   1. Woodland areas shall use a ground cover of woodland in good condition.

Portions of a site having more than one viable tree of a DBH of six inches or greater per 1,500 square feet shall be considered wooded where such trees existed within three years of application.

* 1. Agricultural sites shall use ground cover of pasture in good condition.
  2. All other portions of a site shall use ground cover of meadow in good condition even if the area is impervious.
  3. Weighted averaging of ground cover for calculation purposes is not permitted.
  4. Soils. A detailed soils evaluation of the project site shall be required to determine the suitability of infiltration facilities. The evaluation shall be performed by a qualified design professional and at a minimum address soil permeability, depth to bedrock, depth to groundwater and/or seasonal high water, and subgrade stability. The general process for designing the infiltration BMP shall be:
     1. Analyze hydrologic soil groups as well as natural and human-made features within the site to determine general areas of suitability for infiltration practices. In areas where development on fill material is under consideration, conduct geotechnical investigations of subgrade stability; infiltration may not be ruled out without conducting these tests.
     2. Conduct field tests such as double-ring infiltrometer or hydraulic conductivity tests (at the level of the proposed infiltration surface) to determine the appropriate hydraulic conductivity rate. Percolation tests are not recommended for design purposes.
     3. Design the infiltration structure for the required retention (Rev) volume based on field- determined capacity at the level of the proposed infiltration surface.
     4. If on-lot infiltration structures are proposed by the applicant's design professional, it must be demonstrated to the Township that the soils are conducive to infiltrate by actual field tests on the lots identified.
  5. Karst and/or carbonate geology areas. In areas underlain by karst and/or carbonate geology, the viability and specific design standards of infiltration BMPs at a given site must be determined on a site-specific basis to avoid groundwater contamination and formation and/or expansion of solution channels, sinkholes, and other potentially dangerous karst features. A site evaluation shall be conducted by a qualified professional geologist, geotechnical engineer, or other qualified professional, licensed by the Commonwealth of Pennsylvania, to ascertain the subsurface conditions of soil, rock and groundwater relevant to formation of karst features. Such an evaluation shall include, but not be limited to:
     1. Soil thickness, gradation, anisotropy, and permeability (from existing soil data, borings, and on-site testing) to determine the capacity and rate of infiltration of the soil, and relative depth of soil necessary to protect against sinkhole formation.
     2. Karst characteristics of geologic units underlying the site (from current publications, maps and information of U.S. Geological Survey, PA Geological Survey, PA Department of Transportation, etc.).
     3. Inventory of existing karst landforms, visual indications and/or surface manifestations of subsurface features or other karst features (from interviews with Township representatives familiar with known problem areas, review of aerial photography, and site

reconnaissance.).

* + 1. Geophysical survey of the site to identify locations and extent of existing subsurface karst features.
    2. Effectiveness of soil mantle to remove pollutants from infiltrating water to determine whether or not the need exists for removal of pollutants from stormwater runoff prior to infiltration (for example, soil thickness and soil cation exchange capacity, etc.).
    3. Depth to groundwater and vertical location of water table to carbonate geologic unit (from existing information and/or borings).
    4. Other appropriate site-specific parameters affecting infiltration.
  1. Stormwater hotspots.
     1. Untreated stormwater runoff from hotspots shall not be allowed to recharge into groundwater where it may contaminate water supplies. Therefore, the Rev requirement shall not be applied to development sites that fit into the hotspot category (the entire WQv must still be treated) without adequate prior pretreatment suitable to address the pollution or contaminant(s) in question.
     2. A greater level of stormwater treatment shall be considered at hotspot sites to prevent pollutant washoff after construction.
     3. Residential streets are not normally considered hotspots.
     4. While large highways (average daily traffic volume greater than 30,000) are not designated as stormwater hotspots, highway stormwater management plans shall include BMPs to adequately protect groundwater.
     5. The design of all facilities at hotspots over karst shall include an evaluation of measures to minimize adverse effects.
  2. Extreme caution shall be exercised where infiltration is proposed in SWPAs as defined by the Township or the Chester County Water Resources Authority.
  3. Infiltration facilities shall be used in conjunction with other innovative or traditional BMPs, stormwater control facilities, and nonstructural stormwater management alternatives.
  4. Extreme caution shall be exercised where salt or chloride would be a pollutant since soils do little to filter this pollutant, and it may contaminate the groundwater. A qualified design professional shall evaluate the possibility of groundwater contamination from the proposed infiltration facility and perform a hydrogeologic justification study if necessary.
  5. The infiltration requirement in high quality (HQ) or exceptional value (EV) waters shall be subject to DEP's Chapter 93 antidegradation regulations.
  6. A detailed hydrogeologic investigation shall be required by the Township. An impermeable liner may be required in detention basins where the possibility of groundwater contamination exists.
  7. The applicant shall provide safeguards against groundwater contamination for land uses that may cause groundwater contamination should there be a mishap or spill. A narrative shall be

provided describing the proposed material to be used and the possibility of contamination occurring.

### § 174-21. Water quality requirements.

The applicant shall comply with the following water quality requirements.

1. Developed and redeveloped areas shall provide adequate storage and treatment facilities necessary to capture and treat stormwater runoff. The retention volume computed under § 174-20 may be a component of the water quality volume if the applicant chooses to manage both components in a single facility. If the retention volume is less than the water quality volume, the remaining water quality volume may be captured and treated by methods other than infiltration BMPs. The required water quality volume (WQv) is the storage capacity needed to capture and treat a portion of stormwater runoff from the developed areas of the site.
2. The first one inch of runoff from all disturbed areas must be captured and treated prior to release.
3. WQv.
   1. Any volume captured and not released from the site as part of the volume control may be subtracted from the volume required to be managed under this standard. To achieve this goal, the following calculation formula is to be used to determine the water quality storage volume (WQv) in acre-feet of storage required by this chapter:

|  |  |  |
| --- | --- | --- |
|  | | WQv = [(P)(Rv)(A)] / 12 |
| Where: WQv | = | Water quality volume (acre-feet). |
| P | = | 1 inch. |
| A | = | Area of the project contributing to the water quality BMP (acres). |
| Rv | = | 0.05 + 0.0009 (I), where I is the percent of the area that is impervious surface [(impervious area/A)\*100]. |

* 1. This volume requirement can be accomplished by the permanent volume of a wet basin or the detained volume from other BMPs, such as bioretention. Where appropriate, wet basins shall be utilized for water quality control and shall follow the guidelines of the PA Stormwater BMP Manual.

1. 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 provide for protection from clogging and unwanted sedimentation.
2. No regulated earth disturbance activities within the Township shall commence until approval by the Township of a plan which demonstrates compliance with postconstruction state water quality requirements.
3. The BMPs shall be designed, implemented, and maintained to meet state water quality requirements and any other more stringent requirements as determined by the Township.
4. To control postconstruction stormwater impacts from regulated earth disturbance activities, state water quality requirements can be met by BMPs, including site design, which provide for replication

of preconstruction stormwater infiltration and runoff conditions so that postconstruction stormwater discharges do not degrade the physical, chemical, or biological characteristics of the receiving waters. As described in the DEP Comprehensive Stormwater Management Policy (No. 392-0300-002, September 28, 2002), this may be achieved by the following:

* 1. Infiltration: replication of preconstruction stormwater infiltration conditions;
  2. Treatment: use of water quality treatment BMPs to ensure filtering out of the chemical and physical pollutants from the stormwater runoff; and
  3. Stream bank and streambed protection: management of volume and rate of postconstruction stormwater discharges to prevent physical degradation of receiving waters (e.g., from scouring).

1. The temperature and quality of waters and streams shall be maintained through the use of temperature-sensitive BMPs and stormwater conveyance systems.
2. To accomplish the above, the applicant shall submit designs to the Township Engineer for review and approval. Such designs shall achieve the water quality objectives through a combination of different BMPs.
3. If a perennial or intermittent stream passes through the site, the applicant shall create a stream buffer extending a minimum of 10 feet to either side of the top-of-bank of the channel. The buffer shall be maintained with appropriate native vegetation [refer to Appendix H of the Handbook of Best Management Practices for Developing Areas and Section 6.7 of the PA Stormwater BMP Manual (December 2006)]. If an existing buffer is legally prescribed (i.e., deed, covenant, easement, etc.) and it exceeds the requirements of this chapter, the existing buffer shall be maintained.
4. Evidence of any necessary permit(s) for regulated earth disturbance activities from the appropriate DEP regional office must be provided to the Township prior to any site activity.

### § 174-22. Stream bank erosion requirements.

1. The applicant must design a BMP to detain the proposed conditions' two-year, twenty-four-hour design storm to the existing conditions' one-year flow using the SCS Type II distribution.
2. Provisions shall be made (such as adding a small orifice at the bottom of the outlet structure) so that the proposed conditions' one-year storm takes a minimum of 24 hours to drain from the facility from a point where the maximum volume of water from the one-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).
3. The minimum orifice size in the outlet structure to the BMP shall be three inches in diameter where possible, and a trash rack shall be installed to prevent clogging. On sites with small drainage areas contributing to this BMP that do not provide enough runoff volume to allow a twenty-four-hour attenuation with the three-inch orifice, the calculations shall be submitted showing this condition. Orifice sizes less than three inches can be utilized, provided that the design will prevent clogging of the intake.

### § 174-23. Stormwater peak rate control and management standards.

1. Watershed criteria. Developments must control proposed condition peak runoff rates to predeveloped condition peak runoff rates for the design storms in accordance with Table 23.1. The criteria for peak runoff control are designed to reduce postdevelopment peak flow to predeveloped conditions.

**Table 23.1**

**Peak Rate Control Standards for Tredyffrin Township Watersheds**

**Proposed Condition Design**

**Storm Reduce to**

**Predeveloped Condition Design Storm**

2-year 1-year

5-year 1-year

10-year 10-year

25-year 25-year

50-year 50-year

100-year 100-year

1. The ground cover assumptions used for selection of the runoff coefficient for calculation of the predevelopment runoff for both redevelopment and new development shall be as follows:
   1. Woodland areas shall use a ground cover of woodland in good condition. Portions of a site having more than one viable tree of a DBH of six inches or greater per 1,500 square feet shall be considered wooded where such trees existed within three years of application.
   2. Agricultural sites shall use ground cover of pasture in good condition.
   3. All other portions of a site shall use ground cover of meadow in good condition, even if the area is impervious.
   4. Weighted averaging of ground cover for calculation purposes is not permitted.
2. General. Proposed conditions' rates of runoff from any regulated activity shall not exceed the predeveloped peak rate of runoff as specified in § 174-23A and the criteria identified in Table 23.1.
3. Watershed boundaries. The exact location of the stormwater management watershed boundaries as they apply to a given site development shall be determined by mapping the boundaries using two-foot topographic contours (or most accurate data required) provided as part of the drainage plan.
4. 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.
5. Site areas. Where site area to be impacted by a proposed development activity differs significantly from the total site area, only the proposed impact area utilizing stormwater management measures shall be subject to the watershed criteria. In other words, unimpacted areas bypassing the stormwater management facilities would not be subject to the management criteria.
6. Alternate criteria for redevelopment sites. For redevelopment sites, one of the following minimum design parameters shall be accomplished, whichever is the most appropriate for the given site conditions as determined by the Township Engineer:
   1. Meet the full requirements specified by Table 23.1 and § 174-23A through G; or
   2. Reduce the total impervious surface coverage on the site by at least 20% based upon a comparison of existing impervious surface to proposed impervious surface.
7. A Modified Rational Method analysis may be used for drainage areas smaller than five acres when permitted by the Township Engineer. The term "Modified Rational Method" used herein refers to a procedure for manipulation of the basic Rational Method techniques to reflect the fact that storms with a duration greater than the normal time of concentration for a basin will result in a larger volume of runoff even though the peak discharge is reduced. The methodology and model chosen for use shall be well documented as being appropriate for use in this region, and all relevant assumptions, methodologies, calculations and data used shall be provided to the Township Engineer for review. Information on the Modified Rational Method is presented in the Recommended Hydrologic Procedures for Computing Urban Runoff from Small Watersheds in Pennsylvania (DEP, 1982).
8. Rainfall intensities used for the Modified Rational Method shall be based on the current PennDOT Storm Intensity-Duration-Frequency chart appropriate to the specific site.
9. The Rational Method (that is, Q=CIA) shall be used for calculations of the peak rate of runoff for the design storm sewers and drainage swales but not for the design of stormwater management facilities where a full hydrograph is needed. The equation representing the Rational Method is comprised of the following (in English units):

Q = Peak flow rate, cubic feet per second (CFS).

C = Runoff coefficient, dependent on land use/cover. I = Design rainfall intensity, inches per hour.

A = Drainage area, acres.

### § 174-24. Calculation methodology.

1. Stormwater runoff from all development sites with a drainage area of greater than 200 acres shall be calculated using a generally accepted calculation technique that is based on the NRCS Soil Cover Complex Method. Table 24.1 summarizes acceptable computation methods, and the method selected by the design professional shall be based on the individual limitations and suitability of each method for a particular site as approved by the Township Engineer. The Township Engineer may allow the use of the Rational Method to estimate peak discharges from drainage areas that contain less than five acres. The Soil Cover Complex Method shall be used for drainage areas greater than five acres.

### Table 24.1

**Acceptable Computation Methodologies for Stormwater Management Plans Method Developed By Applicability**

#### TR-20

(or commercial computer package based on TR-20)

#### TR-55

(or commercial computer package based on TR-55)

USDA NRCS Applicable where use of full hydrology computer model is desirable or necessary.

USDA NRCS Applicable for land development plans within the limitations described in

TR-55.

### Table 24.1

**Acceptable Computation Methodologies for Stormwater Management Plans Method Developed By Applicability**

HEC-1/HEC-HMS US Army Corps of Engineers Applicable where use of a

full hydrologic model computer is desirable or necessary.

PSRM Penn State University Applicable where use of a hydrologic model is desirable or necessary; simpler than TR-20 or HEC-1.

Modified Rational Method (or commercial computer package based on this method)

Emil Kuichling (1889) For sites less than five acres,

or as approved by the Township and/or Township Engineer.

Other methods Varies Other computation methodologies approved by the Township Engineer.

1. All calculations consistent with this chapter using the Soil Cover Complex Method shall use the appropriate design rainfall depths for the various return period storms according to NOAA Atlas 14. If a hydrologic computer model such as HEC-1/HEC-HMS is used for stormwater runoff calculations, then the duration of rainfall shall be 24 hours.
2. The following criteria shall be used for runoff calculations:
   1. For development sites not considered redevelopment, the ground cover used in determining the existing conditions' flow rates shall be as follows:
      1. Wooded sites shall use a ground cover of woodlands in good condition. Portions of a site having more than one viable tree of a DBH of six inches or greater per 1,500 square feet shall be considered wooded where such trees existed within three years of application.
      2. For all other development and redevelopment sites, the ground cover used in determining the existing conditions' flow rates for the developed portion of the site shall be considered as meadow in good condition, even if the area is impervious.
      3. Weighted averaging of ground cover for calculation purposes is not permitted.
3. All calculations using the Rational Method shall use rainfall intensities consistent with appropriate times of concentration for overland flow and return periods presented in the NOAA Atlas 14, or the PADOT Storm Duration Frequency Charts. 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.
4. Runoff curve numbers (CN) for both existing and proposed conditions to be used in the Soil Cover Complex Method shall be obtained from Table C-1 in Appendix C.**144**
5. Runoff coefficients (c) for both existing and proposed conditions for use in the Rational Method shall be obtained from Table C-2 in Appendix C.**145**
6. 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 C-3 in Appendix C.**146**
7. Outlet structures for stormwater management facilities shall be designed to meet the performance standards of this chapter using any generally accepted hydraulic analysis technique or method.
8. The design of any stormwater detention facilities intended to meet the performance standards of this chapter shall be verified by routing the design storm hydrograph through these facilities using an acceptable method. The design storm hydrograph shall be computed using a calculation method that produces a full hydrograph. The Township Engineer 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.

### § 174-25. Other requirements .

1. Any stormwater facility located on state highway rights-of-way shall be subject to approval by PennDOT.
2. All wetland treatment systems, wet ponds, and wet basin designs shall incorporate the following biologic controls to deter mosquitoes that can cause West Nile Virus:
   1. If a wetland is planned, proper hydrologic soil conditions and the establishment of hydrophytic vegetation should be included to promote the population of the wetland by amphibians and other mosquito predators. Species of emergent vegetation with little submerged growth are preferable. By limiting the vegetation growing below the water surface, larvae lose protective cover, and there is less chance of anaerobic conditions occurring in the water.
   2. Stormwater ponds should include aeration fountains and stocked fish to keep larval mosquito populations in check.
3. Any stormwater management facility (i.e., detention basin) required or regulated by this chapter designed to store runoff and requiring a berm or earthen embankment shall be designed to provide an emergency spillway to handle flow up to and including the one-hundred-year proposed conditions. The height of embankment must provide a minimum one foot of freeboard above the maximum pool elevation computed when the facility functions for the one-hundred-year proposed conditions' inflow. Should any stormwater management facility require a dam safety permit under DEP Chapter 105, the facility shall be designed in accordance with Chapter 105 and meet the regulations of Chapter 105 concerning dam safety. Chapter 105 may be required to pass storms larger than the one-hundred-year event.
4. Any facilities that constitute water obstructions (e.g., culverts, bridges, outfalls, or stream enclosures) and any work involving wetlands governed by DEP Chapter 105 regulations (as amended or replaced from time to time by DEP) shall be designed in accordance with Chapter 105 and will require a permit from DEP.
   1. **Editor's Note: Appendix C is located at the end of this chapter.**
   2. **Editor's Note: Appendix C is located at the end of this chapter.**
   3. **Editor's Note: Appendix C is located at the end of this chapter.**
5. 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 twenty-five-year design storm with a minimum one 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.
6. Any drainage conveyance facility and/or channel not governed by Chapter 105 regulations must be able to convey, without damage to the drainage structure or roadway, runoff from the twenty-five- year design storm. Conveyance facilities to or exiting from stormwater management facilities (e.g., 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 one- hundred-year design storm. Any facility located within a PennDOT right-of-way must meet PennDOT minimum design standards and permit submission requirements.
7. Storm sewers must be able to convey proposed conditions' runoff from a twenty-five-year design storm without surcharging inlets, where appropriate.
8. Adequate erosion protection shall be provided along all open channels and at all points of discharge.
9. The design of all stormwater management facilities shall incorporate sound engineering principles and practices. The Township reserves the right to disapprove any design that would result in construction in or continuation of a stormwater problem area.
10. Underground stormwater management systems must be designed to store the required recharge volume below the invert of any positive overflow pipe.
11. Roof drains shall discharge to infiltration areas or vegetative BMPs to the maximum extent practicable.
12. Roof drains shall not be connected to streets, sanitary sewer or storm sewers, roadside ditches, or into the legal ROW of streets.
13. When it is more advantageous to connect directly to streets or storm sewers, connections of roof drains to streets or roadside ditches may be permitted on a case-by-case basis as determined by the Township Engineer.
14. No person shall modify, remove, fill, landscape, or alter any existing stormwater control or BMP without written approval by the Township unless it is part of an approved maintenance program.
15. No person shall place any structure, fill, landscaping, or vegetation into a stormwater control or BMP or within a drainage easement which would limit or alter the functioning of the stormwater control or BMP without the written approval of the Township.

ARTICLE VI

### Inspections

**§ 174-26. Inspection requirements.**

1. The Township Engineer or his representative shall inspect all phases of the installation of the permanent BMPs and/or stormwater management facilities as deemed appropriate by the Township Engineer. Additional inspections will be required to ensure that erosion and sediment control measures have been installed and are functioning per the approved E&SC plan.
2. During any stage of the project, if the Township Engineer or his designee determines that the permanent BMPs and/or stormwater management facilities are not being installed in accordance with the approved erosion and sediment control and/or stormwater management plan, the Township may revoke any existing permits or other approvals and issue a cease and desist order, as specified in this chapter, until the deficiencies are corrected and approved by the Engineer.
3. A final inspection of all BMPs and/or stormwater management facilities shall be conducted by the Township Engineer or his representative to confirm compliance with the approved drainage plan prior to the issuance of any occupancy permit.
4. Prior to final inspection, as-built plans of all stormwater management facilities including, but not limited to, the site grading and other related physical improvements shall be submitted certifying that the facilities are built and conform to the approved design. As-built plans shall be submitted to the Township Engineer for review prior to the issuance of the use and occupancy permit.
5. For all permanent stormwater management facilities approved as part of a plan approved by the Township, the applicant and/or property owner shall be responsible for implementing routine and emergency inspections, as defined within the applicant's stormwater management operation and maintenance plan submitted along with the stormwater management plan.

ARTICLE VII

### Fees and Expenses

**§ 174-27. Township drainage plan review and inspection fee.**

Fees shall be established by the Township to defray plan review and construction inspection costs incurred by the Township. A review and inspection fee schedule shall be established by resolution of the Township Board of Supervisors.

ARTICLE VIII

### Maintenance Responsibilities

**§ 174-28. Responsibilities for operations and maintenance of stormwater controls and BMPs.**

1. No regulated earth disturbance activities within the Township shall commence until approval by the Township of a stormwater management operations and maintenance plan that describes how the permanent (e.g., postconstruction) stormwater controls and BMPs will be properly operated and maintained.
2. The following items shall be included in the stormwater control and BMP operations and maintenance plan:
   1. Map(s) of the project area, in a form that meets the requirements for recording at the offices of the Recorder of Deeds of Chester County, shall be submitted on twenty-four-inch by thirty-six- inch sheets. The contents of the maps(s) shall include, but not be limited to:
      1. Clear identification of the location and nature of permanent stormwater controls and BMPs;
      2. The location of the project site relative to highways, municipal boundaries, adjacent properties, and/or other identifiable landmarks;
      3. Existing and final contours at intervals of two feet, or others as appropriate;
      4. Existing streams, lakes, ponds, or other bodies of water within the project site area;
      5. Other physical features including flood hazard boundaries, sinkholes, streams, existing drainagecourses, and areas of natural vegetation and natural features to be preserved;
      6. The locations of all existing and proposed utilities, sanitary sewers, storm sewers, water and gas lines within 300 feet of property lines of the project site;
      7. Proposed final changes to the land surface and vegetative cover, including the type and amount of impervious area that would be added;
      8. Proposed final structures, utilities, roads, sidewalks, paved areas, and buildings; and
      9. A twenty-foot-wide access easement around all stormwater controls and BMPs that would provide ingress to and egress from a public right-of-way;
   2. A description of how each permanent stormwater control and BMP will be operated and maintained, and the identity and contact information associated with the person(s) responsible for operations and maintenance. At a minimum, the stormwater management operation and maintenance plan shall include the following items:
      1. Who is responsible for the long-term operation and maintenance (owner, as well as any affiliated management firm responsible for conducting the inspections and maintenance activities). Contact information, including telephone number, cell phone, email addresses, addresses, names and title, as well as emergency contacts should be included in the O&M plan;
      2. What are the permanent stormwater facilities and controls that will be operated and maintained per the approved plan, including but not limited to items such as inlets, pipes,

outfalls, headwalls, endwalls, basins, underground seepage and detention beds, swales, etc. Specific elements of the stormwater management plan should be identified for the inspection;

* + 1. When: A timeframe for routine and emergency inspections and maintenance of all permanent stormwater management facilities shall be provided on the plan. At a minimum all facilities will be inspected at least once per quarter of each year and after all rainstorms exceeding two inches per twenty-four-hour period;
    2. How: A description of how inspections will be conducted, as well as reports kept on file with the property owner, shall be included in the plan. At a minimum, inspection reports shall be signed by the owner and owner's engineer and submitted to the Township on a yearly basis to ensure that all permanent stormwater management facilities are operating according to the approved stormwater management plan. In addition, all maintenance activities shall be documented and provided with the yearly report;
    3. Where: The owner shall submit yearly reports to the Township Engineer setting forth the location of all stormwater facilities to be inspected and maintained;
  1. The name of the project site, the name and address of the owner of the property, and the name of the individual or firm preparing the plan; and
  2. A statement, signed by the landowner, acknowledging that the stormwater controls and BMPs are fixtures that cannot be altered or removed without first obtaining approval from the Township Engineer.

1. The stormwater control and BMP operations and maintenance plan for the project site shall establish responsibilities for the continuing operation and maintenance of all permanent stormwater controls and BMPs, as follows:
   1. If a plan includes structures or lots which are to be separately owned and in which streets, sewers, and other public improvements are to be dedicated to the Township, stormwater controls and BMPs may also be dedicated to and maintained by the Township;
   2. If a plan includes operations and maintenance by a single ownership or if sewers and other public improvements are to be privately owned and maintained, then the operation and maintenance of stormwater controls and BMPs shall be the responsibility of the owner or private management entity.
2. The Township shall make the final determination on the continuing operations and maintenance responsibilities. The Township reserves the right to accept or reject the operations and maintenance responsibility for any or all of the stormwater controls and BMPs.

### § 174-29. Municipal review of stormwater control and BMP operations and maintenance plan.

1. The Township Engineer or designee shall review the stormwater management operations and maintenance plan for consistency with the purposes and requirements of this chapter and any permits issued by DEP.
2. The Township Engineer or designee shall notify the applicant in writing whether or not the stormwater management operations and maintenance plan is approved.
3. The stormwater drainage plan and stormwater management operations and maintenance plan shall be

recorded at the office of the Recorder of Deeds of Chester County, and proof of the recording submitted to the Township Engineer.

### § 174-30. Adherence to approved stormwater control and BMP operations and maintenance plan.

It shall be a violation of this chapter for any person or entity to alter or remove any permanent stormwater control and BMP required by an approved stormwater management operations and maintenance plan or to allow the property to remain in a condition which does not conform to an approved stormwater management operations and maintenance plan.

### § 174-31. Operations and maintenance agreement for privately owned stormwater facilities.

1. Prior to final approval of the site's drainage plan, the applicant shall sign and record the operation and maintenance agreement covering all stormwater facilities that are to be privately owned and operated. The maintenance agreement shall be transferred with transfer of ownership.
2. Other items may be included in the agreement where determined necessary to guarantee the satisfactory operation and maintenance of all permanent stormwater controls and BMPs. The agreement shall be subject to the review and approval of the Township Engineer.

### § 174-32. Stormwater management easements.

1. Stormwater management easements are required for all areas used for off-site stormwater control, unless a waiver is granted by the Township Engineer.
2. Stormwater management easements shall be provided by the applicant or property owner if necessary for access for inspections and maintenance or the preservation of stormwater runoff conveyance, infiltration, and detention areas and other stormwater controls and BMPs by persons other than the property owner. The purpose of the easement shall be specified in any agreement under § 174-31.
3. At the discretion of the Township Engineer, applicants may be required to obtain off-site stormwater easements with adjacent downstream property owners in cases where flows are not controlled on site and not conveyed to defined drainage channels, streams, etc.

### § 174-33. Recording of documents.

1. The owner of any land upon which permanent stormwater controls and BMPs will be placed, constructed, or implemented, as described in the stormwater management operations and maintenance plan, shall record the following documents in the office of the Recorder of Deeds for Chester County within 15 days of approval of the stormwater management operations and maintenance plan by the Township:
   1. The Stormwater management plan and details approved by Tredyffrin Township;
   2. The operations and maintenance plan approved by Tredyffrin Township and signed by the property owner and design engineer, or a summary thereof;
   3. Operations and maintenance agreement(s) under § 174-31; and
   4. Easements under § 174-32.
2. The Township may suspend or revoke any approvals granted for the project site upon discovery of failure on the part of the owner to comply with this section.

ARTICLE IX

### Enforcement and Penalties

**§ 174-34. Right of entry.**

1. Upon presentation of proper credentials, duly authorized representatives of the Township may enter at reasonable times upon any property within the Township to inspect the implementation, condition, or operation and maintenance of the stormwater controls or BMPs, such as drain, conveyance, discharge or stormwater facility, in regard to any aspect governed by this chapter, consistent with federal and state laws.
2. Stormwater control and BMP owners and operators shall allow persons working for or on behalf of the Township ready access to all parts of the premises for the purposes of determining compliance with this chapter.
3. Persons working for or on behalf of the Township shall have the right to temporarily locate on any stormwater control or BMP in the Township such devices as are necessary to conduct monitoring and/or sampling of the discharges from such stormwater control or BMP.
4. Unreasonable delays in allowing the Township access to a stormwater control or BMP is a violation of this chapter.

### § 174-35. Notification; corrective action; penalties deemed cumulative.

1. Whenever the Township finds that a person or entity has violated a prohibition or failed to meet a requirement of this chapter, the Township may order compliance by written notice to the responsible person. Such notice may, without limitation, require the following remedies:
   1. Performance of monitoring, analyses, and reporting;
   2. Elimination of prohibited connections or discharges;
   3. Cessation of any violating discharges, practices, or operations;
   4. 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. Implementation of stormwater controls and BMPs; and
   7. Operation and maintenance of stormwater controls and BMPs.
2. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of such 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.
3. Failure to comply within the time specified shall also subject such person to the penalty provisions of this chapter. All such penalties shall be deemed cumulative and shall not prevent the Township from pursuing any and all other remedies available in law or equity.

### § 174-36. Suspension and revocation of permits and approvals.

1. Any building, land development, or other permit or approval issued by the Township may be suspended or revoked by the Township for:
   1. Noncompliance with or failure to implement any provision of the permit;
   2. A violation of any provision of this chapter; or
   3. The creation of any condition or the commission of any act during construction or development which constitutes or creates a hazard or nuisance, pollution, or which endangers the life, health, or property of others.
2. A suspended permit or approval shall be reinstated when:
   1. The Township Engineer or designee has inspected and approved in writing the corrections to the stormwater controls and BMPs or the elimination of the hazard or nuisance; and/or
   2. The Township Engineer is satisfied and states in writing that the violation of the ordinance, law, or rule and regulation has been corrected.
3. A permit or approval that has been revoked by the Township cannot be reinstated. The applicant may apply for a new permit under the procedures outlined in this chapter.

### § 174-37. Penalties.

1. Any person or entity violating the provisions of this chapter shall be subject to a fine of not more than

$1,000 for each violation, recoverable with costs. Each day that the violation continues shall constitute a separate offense and the applicable fines are cumulative. In default of payment of the above-referenced fines and costs, the violator may be sentenced to a term of imprisonment not to exceed 90 days. The determination of a violation shall be made by a magisterial district justice with jurisdiction and venue over the location of the violation and such an action will be subject to the procedures provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.

1. In addition, the 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 chapter. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.

### § 174-38. Notification.

In the event that a person or entity fails to comply with the requirements of this chapter or fails to conform to the requirements of any permit issued hereunder, the Township shall provide written notification of the violation. Such notification shall state the nature of the violation(s) and establish a time limit for correction of such violation(s). Failure to comply within the time specified shall subject such person to the penalty provisions of this chapter. All such penalties shall be deemed cumulative and shall not prevent the Township from pursuing any and all possible 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 chapter.

### § 174-39. Enforcement.

The Township Engineer or designee is hereby authorized and directed to enforce all of the provisions of this chapter.

1. A set of design plans approved by the Township Engineer or designee shall be on file at the site throughout the duration of the construction activity. Periodic inspections may be made by the Township Engineer or designee during construction.
2. It shall be unlawful for any person or entity to undertake any regulated activity under § 174-7 on any property except as provided for in the approved drainage plan and pursuant to the requirements of this chapter. It shall be unlawful to alter or remove any control structure required by the drainage plan pursuant to this chapter or to allow the property to remain in a condition which does not conform to the approved drainage plan.
3. At the completion of the project, the owner or his representatives shall provide in writing to the Township Engineer:
   1. A certification of completion from an engineer, architect, surveyor, or other qualified person verifying that all permanent facilities have been constructed according to the plans and specifications and approved revisions thereto; and
   2. A set of as-built (record) drawings.
4. After receipt of the certification, a final inspection shall be conducted by the Township Engineer or designated representative to certify compliance with this chapter.
5. An occupancy permit shall not be issued unless the certification of completion pursuant to § 174-39C has been secured. The occupancy permit shall be required for each lot owner and/or applicant for all subdivisions and land developments in the Township.

### § 174-40. Appeals.

Any person aggrieved by any action of Tredyffrin Township or its designee, with the exception of the finding of a violation(s) pursuant to §§ 174-34 through 41 of this chapter, may appeal to the Township Manager or designee within 30 days of that action.

### § 174-41. Violation deemed public nuisance; separate violations; future enforcement.

1. The violation of any provision of this chapter is hereby deemed a public nuisance.
2. Each day that a violation continues shall constitute a separate violation.
3. To the extent that the Township does not enforce any provision of this chapter, such action or inaction shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

## Chapter 177 STREETS AND SIDEWALKS

### [HISTORY: Adopted by the Board of Supervisors of the Township of Tredyffrin as indicated in article histories. Amendments noted where applicable.]

**GENERAL REFERENCES**

**Contractors, licensing of — See Ch. 96. Sewers and sewage disposal — See Ch. 163.**

**Subdivision and land development — See Ch. 181. Vehicles and traffic — See Ch. 195.**

ARTICLE I

**Street Excavations**

**[Adopted 10-6-1997 by Ord. No. HR-261 (Ch. III, Art. 3, of the 1979 General Laws of the Municipality of Tredyffrin)]**

**§ 177-1. Regulations.**

1. No person, firm, corporation, partnership or other entity (hereinafter referred to as "person") shall occupy or excavate or make any tunnel or opening of any kind in, under or adjacent to the surface of any street within the Township without first securing a permit from the Township for each separate undertaking. Nor shall any person install, erect or relocate any pole or other obstruction upon, in or immediately adjacent to any portion of any street within the Township except under such conditions, restrictions and regulations as prescribed in permits granted by the Township for such purpose. In no event shall any person seeking a permit deviate from the provisions of this article or from the terms of any subsequently issued permit. Nothing in this article shall be construed to require a permit in advance of emergency repairs necessary for the safety of the public or the restoration or continuance of a public utility or other public service. Application for a permit under such circumstances is still required, with fees and application due within five working days after commencement of the work.
2. In all cases in which emergency repairs are necessary, the Director of Public Works and/or Assistant Director and the highway foreman will be notified prior to excavation of any kind.

### § 177-2. Definitions.

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

ADJACENT AREA — The area surrounding the immediate area of the permitted work which can reasonable be assumed to have been affected by the permitted work.

BACKFILL — Material used to replace or the act of replacing material removed during construction.

EMERGENCY — An unforeseen occurrence or combination of circumstances which calls for immediate action or remedy.

EMERGENCY REPAIR — Repair to a utility facility undertaken to repair damage resulting from a vehicle accident or collision with the facility, a failed component or storm damage. The term does not include service connections or disconnections unrelated to vehicle accident, a failed component or storm damage.

INSPECTOR — The Township's authorized representative assigned to inspect permit operations. PERMIT — A highway occupancy permit issued by the Township.

PERSON — A natural person, firm, partnership, association, corporation, trust or any entity with legal responsibilities. Whenever used in any clause prescribing or imposing a fine or imprisonment or both, "person" shall mean, as applied to associations, the partners or members thereof and, as applied to corporations, the officers thereof.

PLANS — Drawings which show the location, character and dimensions of the proposed occupancy and related highway features, including layouts, profiles, cross sections and other details.

RIGHT-OF-WAY — An area or strip of land acquired by the Township and intended to be occupied by a street, crosswalk, stormwater or sanitary sewer pipes and other similar uses.

ROAD — See "street."

STREET — An open way, generally paved and usually publicly owned, serving as a means of vehicular

and/or pedestrian passage and furnishing access to abutting properties.

UTILITY — A person owning a utility facility, including any wholly owned or controlled subsidiary.

UTILITY FACILITY OR FACILITY — Privately, publicly or cooperatively owned lines, facilities and systems for producing, transmitting or distributing communication, power, electricity, light, heat, gas, oil, crude products, coal, water, steam, waste, stormwater not connected to Township drainage facilities and other similar commodities, including fire and police signal systems and streetlighting systems, which directly or indirectly serve the public or any part thereof.

VEHICLE — Every device which is or may be moved or drawn upon a highway.

### § 177-3. Application for a permit.

Application for a permit shall be on a form prescribed or approved by the Township and submitted to the Township in duplicate. The application shall be accompanied by the fee for highway occupancy permits and restoration charges listed on the schedule of fees most currently adopted by the Board of Supervisors. In addition, the applicant shall submit three copies of a sketch plan showing such dimensions as the location of the intended facility, width of the traveled roadway, right-of-way lines and a dimension to the nearest intersecting street and the nature of the surface in which the opening is to be made.

### § 177-4. Persons eligible for permit.

No street opening permit will be issued by the Director of Public Works, except to a municipal corporation, a public utility corporation or an owner of property assessed in the Township's assessment roll on an application, signed by the owner or on behalf of the owner by an authorized (sworn) agent.

### § 177-5. Conditions of permit.

1. Transferability. Every permit shall apply only to the person to whom it is issued and shall not be transferable. Permits issued to utilities shall show the identity of the utility.
2. Commencement of work. Work under a permit shall commence within 90 days from the date of issuance of the permit. If work is not commenced within that time, the permit shall automatically terminate unless extended, in writing, by the Director of Public Works.
3. Possession of permit. A copy of the permit must be kept in possession of the person actually performing the work and shall be exhibited on demand to any duly authorized employee of Tredyffrin Township.
4. Continuance of permit. A permit shall continue in effect during the time required for the settling of backfill and restoration of permanent pavement, but in no event shall the permit continue in effect later than nine months after the date of issuance unless the Township Manager shall further extend the time for good cause.
5. Revocation of permit.
   1. Any permit may be revoked by the Township Manager if any of the following occurs as a result of the work undertaken pursuant to the permit or the actions of the permittee, the permittee's agents or employees:
      1. Violation of any condition of the permit or of any provisions of this article.
      2. Violation of any provision of any other applicable ordinance or law relating to the work.
      3. Existence of any condition or the doing of any act creating a nuisance or endangering the health, safety and welfare.
   2. When any permit has been revoked and the work authorized by the permit has not been completed, the Township shall perform such work as may be necessary to restore the street or part thereof to its preexisting condition. Expenses thereby incurred by the Township shall be recovered from the permittee by any method permitted by law.

### § 177-6. Insurance.

No permit will be issued unless the applicant submits with his application a certificate of insurance issued by an insurance company authorized to do business in the State of Pennsylvania and in a form acceptable to the Township's attorney.

### § 177-7. Authority to issue permit.

The Director of Public Works is authorized to issue street opening permits for the excavating/digging or opening of a street or right-of-way.

### § 177-8. Regulations for construction.

1. Every permittee will place around the project such barriers, barricades, warning lights, warning flags and danger signs as shall be sufficient for the safety of the public. Barricading shall be in compliance with all regulations promulgated by the Commonwealth of Pennsylvania and the Pennsylvania Department of Transportation. No person shall willfully move, remove, injure, destroy or extinguish any barrier, warning light, sign or notice erected, placed or posted in accordance with the provisions of this article.
2. All work will be done in such manner as to cause a minimum of interference with travel on the street (right-of-way) affected. No street shall be closed to traffic unless the closing is approved by the Director of Public Works or his/her designee and the Police Department. Public Works shall be informed of all proposed street closings at least five working days in advance when practical.
3. Pipe drains, pipe culverts and any other structures or facilities encountered shall be protected by the permittee. If any structure or facility is damaged by the permittee, the damage will be repaired by the permittee to the satisfaction of the owner of the facility.
4. When work performed by the permittee interferes with the established drainage system of any street, provisions will be made by the permittee to provide proper drainage to the satisfaction of the Director of Public Works.
5. When any earth, gravel or other excavated material is caused to roll, flow, wash or otherwise lay upon the street, the permittee will remove the debris from the street at the end of the working day. If the debris is not removed by the permittee, the Township will remove the debris and all cost incurred by the Township will be reimbursed by the permittee.
6. Access to private driveways shall be provided except during working hours when construction operations prohibit provisions for such access. Free access must be provided at all times for fire hydrants.
7. Excavated materials shall be hauled away. In order to expedite the flow of traffic or to abate a dirt or dust nuisance, the Director of Public Works may require the permittee to provide toe boards or bins;

and if the excavated area is muddy or causes inconvenience to pedestrians, temporary wooden plank walks shall be installed by the permittee as directed. If the street is not wide enough to hold the excavated material without using part of an adjacent sidewalk, the permittee shall keep open a clean and unobstructed passageway on at least 1/2 of the affected sidewalk.

1. Work authorized by a permit will be performed between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, unless the permittee obtains written consent from the Township Manager to do the work at an earlier or later hour. Such permission will be granted only in case of an emergency or in the event that the work authorized by the permit is to be performed in traffic congested areas.
2. If blasting is required to be done in the course of any excavation, it shall be done in strict compliance with all applicable state laws and regulations.
3. All work will be done in accordance with the Tredyffrin Township standard details and specifications.

### § 177-9. Regulation for restoration.

1. All pavement cuts, openings and excavations shall be properly made, backfilled and restored by the permittee to their preconstruction condition and in accordance with the following specifications: **[Amended 10-1-2018 by Ord. No. HR-423]**
   1. All areas of road required to be restored per the terms of this section shall be milled to a depth of at least 1.5 inches and then repaved with 9.5 millimeters of hot asphalt or as otherwise required by the permit issued by the Township for such pavement cut, opening or excavation.
   2. Any project affecting at least 25 linear feet of roadway will require milling and paving of the entire surface area defined by the length of the area affected and the width measured from the exterior boundary of the road to its center line.
   3. Any project that affects area on both sides of the center line of a road will require milling and paving of the entire width of the roadway for the entire length of the area so affected.
   4. Any project that requires more than one cut, opening or excavation per 1,000 feet will require milling and paving of the entire area measured by:
      1. A minimum length equal to the distance between the cuts, openings or excavations; and
      2. A minimum width measuring from the exterior boundary of the road to its center line.
   5. Any project requiring an opening, cut or excavation within a cul-desac will require milling and repaving of at least the area consisting of the half of the cul-de-sac containing the area affected. If the areas opened, cut or excavated affect both halves of the cul-de-sac, the entire area comprising the cul-de-sac will be milled and paved.
   6. Any project requiring an opening, cut or excavation within an intersection of one or more roads will require milling and repaving of a minimum area consisting of:
      1. The entire area of the intersection of the roads; and
      2. An additional area on each boundary of the intersection calculated as: (x) 10 linear feet extending away from each intersection boundary and (y) the entire width of such roads.
   7. Any project that requires opening, cut or excavation that crosses the center line of a road in more than one location will require milling and paving of the entire width of the road for the length

of the area opened, cut or excavated.

* 1. Notwithstanding any other provision of this section, if any project requires opening, cut or excavation within a roadway that has been paved within three years of the proposed commencement of work, restoration will require milling and paving of the entire area of the roadway that was paved within such three-year period.
  2. All trenches dug in connection with pavement cuts, openings and excavations shall require:
     1. That the area to be saw-cut and restored for such trench be two feet wider than otherwise necessary for the project (i.e., one additional foot on each side); and
     2. All temporary trenches shall be refilled with stone or other substance acceptable to the Township Director of Public Works and topped with a minimum of two inches of a hot asphalt material that shall be level with the grade of the roadway, and shall be maintained in such condition until the final milling and paving overlay is completed.
  3. The Township Director of Public Works, in his or her sole discretion and following a review of the permittee's plan, shall have the authority to impose such additional specifications that are necessary to ensure the safety and proper functionality of Township roads, intersections and infrastructure located thereunder.
  4. In the event of a project undertaken on an emergency basis requiring opening, cut or excavation of Township roads, all required permits must be applied for and submitted to the Township within 72 hours of the commencement of work.

1. The Director of Public Works, at any time, may inspect the work authorized by a permit. The Director is authorized to provide a full-time inspector if necessary to ensure compliance with the provisions of this article.
2. If any settlement or other defect occurs in a restored area within a period of two years from the date of completion of the permit restoration, any expense incurred by the Township in correcting such settlement shall be paid by the permittee.
3. In no case shall any opening or excavation made by a permittee be considered in the charge or care of the Township or any of its agents, officers or employees, and no such agent, officer or employee is authorized in any way to take or assume any jurisdiction over any such opening or excavation, except in the exercise of the police power, when it is necessary to protect life and property; provided, however, that the Township shall assume charge if and when it makes the final restoration.

### § 177-10. Completion of work.

The permittee will notify the Township, in writing, upon completion of all work accomplished under the provisions of the permit. All restoration work shall proceed in a timely fashion. Work for which a permit is issued shall be fully completed within 60 days after the completion date slated in the application. In the event that such work is not so completed, the Director of Public Works may revoke such permit and effect the final completion of the work. Exceptions may be made to extend above time limits for a reasonable period due to season of year and/or weather conditions.

### § 177-11. Violations and penalties. [Amended 10-19-1998 by Ord. No. HR-278]

Any person who willfully violates or permits a violation of this article, upon being found liable therefor in a civil enforcement proceeding, shall pay a fine of not less than $300 nor more than $600, plus all court

costs, including reasonable attorney's fees, incurred by the Township in the enforcement of this article. No judgment shall be imposed until the date of the determination of the violation by the District Justice and/or court. 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 is permitted to exist after written notice shall have been served on the violator by the Township shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.

ARTICLE II

**Snow and Ice Removal**

**[Adopted as Ch. VI, Art. 3, § 301, of the 1979 General Laws of the Municipality of Tredyffrin]**

**§ 177-12. General regulations. [Amended 10-18-2010 by Ord. No. HR-386]**

1. Clearing of sidewalks. Not later than 30 hours after snow or sleet has ceased to fall, it shall be the duty of all tenants or occupants of occupied properties and the owners or agents in charge of unoccupied properties abutting on public streets in Tredyffrin Township to clear or cause to be cleared a pathway in the sidewalk in front of their respective properties in the event of snow, or to cover the sidewalk with salt, cinders, sawdust or similar ice-control materials in the event of ice or sleet. Such pathway shall be not less than 24 inches in width and shall be thoroughly cleared of snow and ice. To the extent that the private property includes a fire hydrant, the same persons shall be responsible for maintaining a cleared pathway to the hydrant.
2. Depositing of snow and ice in certain areas. Where snow and ice are removed from the pathway, they shall not be piled or placed in the gutter, in any stormwater sewer inlet, or obstructing any fire hydrant.
3. Depositing of snow and ice in public street prohibited. Snow and ice removed from sidewalks, driveways and other private property shall not be deposited, shoveled, pushed, thrown or plowed from any sidewalk, driveway, parking lot or any other area onto any public street.

### § 177-13. Violations and penalties. [Amended 10-19-1998 by Ord. No. HR-278; 10-18-2010 by Ord. No. HR-386]

1. Any person, firm, or corporation who or which violates or permits a violation of § 177-12A and/or B, upon being found liable therefor in a civil enforcement proceeding, shall pay a fine of not more than

$300, plus all court costs, including reasonable attorney’s fees, incurred by the Township in the enforcement of § 177-12A. No judgment shall be imposed until the date of the determination of the violation by the District Magistrate and/or court. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.

1. Any person, firm, or corporation who or which violates or permits a violation of § 177-12C, shall be guilty of a summary offense, punishable by a maximum fine of $1,000 plus costs of prosecution for each offense and/or imprisonment not exceeding 30 days. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.
2. The continuation of a violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of a violation may be punished as provided above for each separate offense.

### § 177-14. Separate offense.

Each day or part of a day in which any such snow or ice remains after it should be removed shall constitute a separate offense.

**Chapter 181**

# SUBDIVISION AND LAND DEVELOPMENT

### [HISTORY: Adopted by the Board of Supervisors of the Township of Tredyffrin 11-2-1987 by Ord. No. HR-114 (Ch. XIII of the 1979 General Laws of the Municipality of Tredyffrin). Amendments noted where applicable.]

**GENERAL REFERENCES**

**Environmental Advisory Council — See Ch. 16. Planning Commission — See Ch. 43.**

**Building construction — See Ch. 80. Numbering of buildings — See Ch. 83.**

**Quarries — See Ch. 156.**

**Sewers and sewage disposal — See Ch. 163. Stormwater management — See Ch. 174. Zoning — See Ch. 208.**

ARTICLE I

### General Provisions

**§ 181-1. Title. [Amended 10-19-1998 by Ord. No. HR-278]**

This chapter shall be known and may be cited as the "Tredyffrin Township Subdivision and Land Development Ordinance."

### § 181-2. Purposes.

This chapter has been prepared in accordance with the Pennsylvania Municipalities Planning Code (53 P.S.

§ 10101 et seq., Act 247 of 1968, as amended) and the Tredyffrin Township Comprehensive Plan for the following purposes:

1. To assure sites suitable for building purposes and human habitation.
2. To assist orderly, efficient, integrated and harmonious development of the Township.
3. To coordinate proposed streets with existing streets or other proposed streets, parks or other features of the Township.
4. To provide adequate open spaces for traffic, recreation, light and air and for the proper distribution of population.
5. To ensure coordination of subdivision and land development plans with Township, intermunicipal, county and commonwealth improvement plans.
6. To prevent or eliminate damage to the environment and biosphere and to encourage productive and enjoyable harmony between man and his environment, consistent with the mandates of the National Environmental Policy Act of 1969 and Article I, Section 27 (The Environmental Amendment) of the Pennsylvania Constitution.
7. To secure equitable handling of all subdivision and land development plans by providing uniform procedures and standards.
8. To protect the social and economic stability of the Township and conserve the value of land and buildings in the Township.
9. Provide for proper control of runoff and drainage, water supply, sewage disposal and other utility services.
10. To create conditions favorable to the health, safety and general welfare of the citizens of Tredyffrin Township.

### § 181-3. Interpretation.

The provisions of this chapter shall be held to be minimum requirements to meet the above-stated purposes. Where the provisions of this chapter impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this chapter shall prevail. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than those of this chapter, the more restrictive provision of such statute, ordinance or regulation shall prevail. Whenever references are made to other statutes, ordinances or publications, the reference shall include the latest reenactment, revision or republication.

### § 181-4. Authority.

From and after the effective date hereof, the Board of Supervisors of Tredyffrin Township shall have the authority to regulate subdivision and land development within the Township.

### § 181-5. Jurisdiction.

1. The Board of Supervisors shall have jurisdiction over the subdivision and development of land within the Township limits.
2. Final authority for the approval or denial of approval for all preliminary and final subdivision plans shall be vested in the Board of Supervisors in accordance with Article IV, Subdivision Procedures, hereof. Final authority for approval or denial for all preliminary and final land development plans shall be vested in the Planning Commission of Tredyffrin Township, in accordance with Article V hereof, entitled "Land Development Procedures."
3. In order to aid the Board of Supervisors in its consideration of subdivisions and land developments, the Board of Supervisors hereby decrees that the Planning Commission of Tredyffrin Township shall have the responsibility and the authority to perform the following functions:
   1. All subdivision and land development plans upon submission to the Zoning Officer of the Township shall be referred to the Planning Commission for review.
   2. The Planning Commission, after review of subdivision plans, shall make recommendations to the Board of Supervisors concerning approval, disapproval, modification and/or conditions for approval of such plans.
   3. The Planning Commission, after review of land development plans, shall approve or deny approval of such plans in accordance with Article V, Land Development Procedures, hereof.
   4. The Planning Commission shall make recommendations to the Board of Supervisors concerning the interpretation of or the granting of modifications to provisions and standards of this chapter.

ARTICLE II

### Terminology

**§ 181-6. Definitions; word usage.**

1. As used in this chapter, words in the singular include the plural and those in the plural include the singular. Words in the present tense include the future tense, words used in the masculine gender include the feminine and neuter. The word "person" includes corporation, unincorporated association and partnership, as well as an individual. The word "structure" includes the meaning of "building," and each shall be construed as if followed by the phrase "or part thereof."
2. The following words, as used in this chapter, shall have the meanings indicated below:

ACCELERATED EROSION — The removal of the surface of the land through the combined action of man's activities and natural processes at a rate greater than would occur from natural processes alone.

ACT 247 — The Pennsylvania Municipalities Planning Code of July 31, 1968, 53 P.S. § 10101 et seq., as amended from time to time.

ALLEY — A strip of land over which there is a right-of-way, municipally or privately owned, on which no dwellings or stores front, serving as the secondary means of access to two or more properties; also see "service street."

APPLICANT — A landowner, subdivider or developer, including his heirs, successors and assigns, who has filed an application for subdivision or land development.

APPLICATION FOR 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 applications for building permits, for subdivision and for land development.

BLOCK — A tract of land bounded entirely by streets; by streets and a watercourse; by streets and a railroad; by streets and the corporate boundaries of the Township; by streets and public land or other park or recreation area; or any combination of the above.

BOARD — The Board of Supervisors of Tredyffrin Township.

BUFFER AREA — Land adjacent to the boundary of a property or district and on which is placed year-round shrubbery, hedges, evergreen trees or other suitable plantings of sufficient height and density to constitute a visual shield and give protection from noise, lights or other nuisances to an abutting property or district.**[Added 5-1-2006 by Ord. No. HR-351]**

BUFFER STRIP OR SCREEN — A strip of required yard space adjacent to a use or facility within a property or to the boundary of a property or district, on which is located a visual barrier of sufficient height and density to appropriately buffer or screen the property or use. Such barrier shall be comprised of vegetative material unless specific authorization is given by the Board for alternatives (e.g., berming, fences, walls, etc.).

BUILDING or STRUCTURE — Any combination of materials for which a building permit is required by Chapter 80 of the Tredyffrin Township Code, Building Construction; any combination of materials forming any structure, whether or not affixed to the land, designed, intended or arranged for the housing, sheltering, enclosure or structural support of any persons, animals, process, equipment, goods, materials or property of any kind; mechanical equipment; and decks, walls and/or fences if more than four feet in height.**[Added 5-1-2006 by Ord. No. HR-351]**

BUILDING SETBACK LINE — That line that establishes the required minimum distance between

a principal structure or building and any lot line.**[Added 5-1-2006 by Ord. No. HR-351]**

CARBONATE GEOLOGIC AREAS — Areas underlain by the limestones and dolomites (calcium carbonate and magnesium carbonate).**[Added 12-3-1991 by Ord. No. HR-186]**

CARTWAY — The portion of a street right-of-way, paved or unpaved, customarily used by vehicles in the regular course of travel over the street.

CERTIFIED ARBORIST — An individual with a degree in arboriculture, horticulture, forestry, landscape architecture, silviculture or plant physiology and having been trained in and having experience in the care and preservation of trees; said individual shall be certified by the International Society of Agriculture and be a member of that organization and/or of the National Arborists Association.**[Added 12-3-1991 by Ord. No. HR-486]**

CLEAR SIGHT TRIANGLE — An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street center lines. (See diagram Corner Visibility Requirements for Intersections in Article IX, Design Standards.)**147**

COMMON AREAS OR FACILITIES — Any portion of a development, including open space, roads, parking facilities, structures, public utilities or other improvements, which are not individually owned or dedicated for public use and which are designed and intended for the exclusive and common use and enjoyment of the occupants of the development.

COMMON OPEN SPACE — An area of land or water within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use and enjoyment of the occupants of the development, which may include structures and improvements, but not including off-street parking areas, areas for public utilities and private yards.

CONDOMINIUM — A form of ownership of real property, as defined in the Pennsylvania Uniform Condominium Act of 1980,**148** which includes an undivided interest in a portion of a parcel, together with a separate interest in a space within a structure.

CUL-DE-SAC — A street, including but not limited to streets that end in a circular turnaround or a loop, which has only one point of intersection with an existing road.**[Added 12-7-2015 by Ord. No. HR-412]**

DEPRESSION — A low place of any size surrounded by higher ground and having no natural outlet for surface drainage.**[Added 12-3-1991 by Ord. No. HR-186]**

DETENTION BASIN — An impoundment designed to collect and retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate. Detention basins are designed to drain completely shortly after any given rainfall event and are dry until the next rainfall event.**[Amended 4-6-2009 by Ord. No. HR-375]**

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, including improvements.

DEVELOPMENT OR SUBDIVISION AGREEMENT — A written contract between a subdivider or developer and the landowner on one hand and the Township on the other, specifying the conditions of final approval by the Township.

DISTURBANCE OF VEGETATIVE COVER — Removal, destruction or damaging of plants,

1. **Editor's Note: See § 181-46E for current provisions.**
2. **Editor's Note: See 68 Pa.C.S.A. § 3101 et seq.**

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including trees, shrubs and herbaceous growth, by methods including but not limited to cutting, bulldozing, plowing, regrading, digging or intensive use of herbicides (in which selective species are intended to be eradicated or in which the intent is to totally defoliate). This definition excludes routine trimming or pruning for health maintenance of the plants (for example, removal of diseased material, cutting back of dead limbs, etc.).**[Added 12-3-1991 by Ord. No. HR-186]**

DRIVEWAY (LANE) — A private means of vehicle access from a public or private street to a single lot or two or more contiguous lots.

DWELLING — A building or entirely self-contained portion thereof, including a modular or mobile home, containing complete living quarters, including cooking in one kitchen, sleeping and sanitary facilities, and designed for and occupied exclusively for human habitation.**[Amended 5-1-2006 by Ord. No. HR-351]**

DWELLING UNIT — A building, or a portion of a building, that has independent living facilities with provisions for sleeping, cooking and sanitation and that is designed for occupancy by one family. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly accessory, such as an outdoor grill.**[Amended 5-1-2006 by Ord. No. HR-351]**

EARTHMOVING ACTIVITY — Activity resulting in the movement of earth or stripping of vegetative cover from the earth.

EASEMENT — A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation or another person or entity.**[Amended 5-1-2006 by Ord. No. HR-351]**

EASEMENT, CONSERVATION — A legal agreement between a landowner and a conservation or governmental entity, through which the property owner establishes certain use restrictions over all or portion(s) of the property for conservation purposes.

ENGINEER — A licensed professional engineer registered by the Commonwealth of Pennsylvania.

ENGINEER, TOWNSHIP — An engineer duly designated by the Township to perform the duties as herein specified.

ENVIRONMENTAL ADVISORY COUNCIL — The Environmental Advisory Council of Tredyffrin Township.**[Added 12-3-1991 by Ord. No. HR-186]**

ENVIRONMENTALLY SENSITIVE AREA — Any area of land and/or water upon which one or more natural features are present. Natural features shall be construed to include those features to be mapped on the Natural Features Conservation Plan required by § 181-36D of this chapter and to be protected in accordance with the requirements of § 181-119C this chapter.**[Added 12-3-1991 by Ord. No. HR-186; amended 5-1-2006 by Ord. No. HR-351]**

EROSION — The process by which the surface of the land, including water/stream channels, is worn away by water, wind, or chemical action.**[Amended 4-6-2009 by Ord. No. HR-375]**

FAMILY — One or more persons related to each other by blood, legal adoption, or guardianship, marriage or otherwise by law, or who are living in a group home, who are occupying the same dwelling unit and are living and cooking together as a single noncommercial housekeeping unit, exclusive of household employees. Apart from the foregoing, not more than three persons not so related to any other person occupying the same dwelling or part thereof, each having equal ownership or lessee status, living and cooking together as a single noncommercial housekeeping unit, shall be deemed to constitute a family. A "family," as herein defined, specifically excludes boarders, roomers, lodgers, hotel or motel guests, club members or any similar group, cooperative or commercial living arrangements.**[Amended 5-1-2006 by Ord. No. HR-351]**

FAULT — A surface or zone of bedrock fracture along which there has been movement.**[Added 12-3-1991 by Ord. No. HR-186]**

FLOODPLAIN — Any land area susceptible to inundation by water from any natural source or as delineated by the applicable Department of Housing and Urban Development Federal Insurance Administration Flood Hazard Boundary Map as being a special flood hazard area.**[Amended 5-1-2006by Ord. No. HR-186]**

GHOST LAKES — Transient surface bodies of water formed in depressions after heavy precipitation.**[Added 12-3-1991 by Ord. No. HR-186]**

GUARANTY, MAINTENANCE — Any security as prescribed in Article VII hereof which may be required of a developer by the Township after final acceptance by the Township of improvements installed by the developer.

GUARANTY, PERFORMANCE — A security as prescribed in Article VII hereof required of a developer by the Township in lieu of a requirement that certain improvements be made before the Township approves the developer's subdivision plan or land development plan.

IMPERVIOUS SURFACE — A horizontal surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water, including but not limited to buildings, structures and paved areas such as driveways, sidewalks, parking lots, patios, decks, swimming pools, tennis courts, etc. For the purposes of determining compliance with this chapter, stone surfaces routinely used for vehicle parking and movement shall be considered impervious.**[Amended 12-3-1991 by Ord. No. HR-186; 5-1-2006 by Ord. No. HR-351]**

IMPROVEMENTS — Physical additions and changes to land, such as grading, paving, curbing, fire hydrants, water mains, sanitary sewers, capped sewers, storm sewers, storm drains, catch basins, culverts, sidewalks, monuments, crosswalks, bridges, earthworks, streetlights, wells, on-site sewage disposal systems, street trees and other plantings and other structures, that may be necessary to produce usable and desirable land development.**[Amended 5-1-2006 by Ord. No. HR-351]**

INFLUENCE AREA — That portion of soil, earth, fill or rock beneath or adjacent to a structure which, if modified or removed, would reduce or eliminate bearing characteristics necessary for the support of that structure and its foundations. "Modified," as used herein, includes the following types of change: destabilized; moisture content increased or decreased; fracturing of rock or any other change introduced which would alter the capacity of the material to carry loads or permit groundwater flow. "Bearing characteristics," as used herein, includes capacities to support active soil pressure and provide passive soil resistance, both horizontal and vertical. "Support," as used herein, includes horizontal and vertical forces due to both dead loads and live loads.**[Added 12-3-1991 by Ord. No. HR-186]**

LAND DEVELOPMENT — **[Amended 5-1-2006 by HR-351]**

1. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
   1. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots, regardless of the number of occupants or tenure; or
   2. The division 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.

LAND DISTURBANCE — Any activity which causes land to be exposed to the danger of erosion, including clearing, grading, filling, plowing or any other earthmoving, as defined.

LANDOWNER — The legal or beneficial owner or owners of land, including for the purposes of this chapter the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner or other person having a proprietary interest in land.

LANDSCAPE ARCHITECT — A person registered as a landscape architect by the Commonwealth of Pennsylvania.**[Added 12-3-1991 by Ord. No. HR-186]**

LANE, ACCELERATION OR DECELERATION — A lane of a cartway intended for use by vehicles entering, leaving or crossing a lane of forward travel without interrupting the flow of traffic.

LINEAMENT — Any line on an aerial photograph that indicates mineral bandings, veins, faults, joints or rock boundaries.**[Added 12-3-1991 by Ord. No. HR-186]**

LOT — A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.**[Amended 5-1-2006 by Ord. No. HR-351]**

LOT AREA — That portion of a lot or parcel of land within all bounding property lines on which a building or buildings and any accessory building or buildings are or may be located. "Lot area," as defined herein, shall include required yard or setback areas but shall not include any of the following existing features:**[Amended 5-1-2006 by Ord. No. HR-351; 12-7-2015 by Ord. No. HR-412]**

1. Steep and very steep slopes.
2. Flood Hazard District area.
3. Wetlands.
4. Portions of the lot which are less than 50 feet wide.
5. Alleys, lanes, streets, railroad and other permanent areas or rights-of-way.

LOT, CORNER — A lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than 135°.**[Amended 5-1-2006 by Ord. No. HR-351]**

LOT DEPTH — The horizontal distance between the front lot line and rear lot line measured along the median dimension of the side lot lines.

LOT, INTERIOR (FLAG) — A lot, the principal portion of which does not adjoin a street but is connected thereto by an access strip of required minimum width. Minimum lot area and lot depth and other dimensional requirements of the applicable zoning district shall be met on that portion of the lot exclusive of the access strip.**[Amended 5-1-2006 by Ord. No. HR-351]**

LOT LINE, FRONT — The line separating the lot from the street right-of-way. For interior lots, it is the line generally parallel to the street right-of-way at the nearest point to the right-of-way where the lot attains substantially the minimum lot width.

LOT LINE, REAR — The lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.**[Added 5-1-2006 by Ord. No. HR-351]**

LOT LINE, SIDE — Any lot line other than a front or rear lot line.**[Added 5-1-2006 by Ord. No.**

### HR-351]

LOT, REVERSE FRONTAGE — A lot extending between and having frontage on an arterial or collector street and a local street, with vehicular access solely from the latter.

LOT WIDTH — The horizontal distance between side lot lines measured along the street line or building setback line as specified. When the street line is curved, the measurement shall be made on the arc, on or parallel to the curve of the street line.

MOBILE HOME or MANUFACTURED HOME — A transportable, single-family dwelling, constructed off site, intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one 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 with or without a permanent foundation, including any addition or accessory structure, such as porches, sheds, decks, garages or additional rooms.**[Amended 5-1-2006 by Ord. No. HR-351]**

MOBILE HOME or MANUFACTURED HOME LOT — A lot in a mobile home or manufactured home park, improved with the necessary utility connections and other appurtenances necessary for the placing thereon of a single mobile home. A mobile home or manufactured home lot may be leased by the park owner to the occupants of the mobile home erected on the lot or owned under condominium ownership or owned as a fee-simple lot.**[Amended 5-1-2006 by Ord. No. HR-351]**

MOBILE HOME or MANUFACTURED HOME PARK — A parcel of land or contiguous parcels of land which has been so designated and improved that it contains two or more mobile homes or manufactured home lots for the placement thereon of mobile homes or manufactured homes.**[Amended 5-1-2006 by Ord. No. HR-351]**

MONUMENT — A stone or concrete monument with a flat top at least four inches in diameter or square, containing a copper or brass dowel (plug), and at least 24 inches in length. The monument shall be tapered so that the dimensions at the bottom are at least two inches greater than those of the top, to minimize movement caused by frost.

OPEN SPACE — An unimproved area of land or water set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants and their guests of land adjoining or neighboring such open space.**[Added 5-1-2006 by Ord. No. HR-351]**

1. COMMON — 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.

PARCEL — A piece or area of land formally described and recorded with block and lot numbers, by metes and bounds, by ownership, or in such a manner as to specifically identify the dimensions and/ or boundaries.**[Added 5-1-2006 by Ord. No. HR-351]**

### PARKING [Added 5-1-2006 by Ord. No. HR-351] —

1. AREA — Any public or private land area designed and used for parking motor vehicles, and excluding any area wherein motor vehicles for sale or repair are kept.
2. LOT — An off-street, ground level area for the temporary parking of vehicles, forming the principal use of the lot, and not including any area wherein vehicles for sale or repair are kept.
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7. ​

#### PLAN —

(1)

(2)

1. ​
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4. ​

PRIVATE — A parking area for the exclusive use of the owners or occupants of the lot on which the parking area is located.

PUBLIC — A parking area available to the public, whether free, for compensation or as an accommodation to employees, clients, customers or residents.

SPACE — A space for the parking of a motor vehicle within a public or private parking area, exclusive of aisles, driveways or other accessways.

STRUCTURE — A covered structure or portion of a covered structure that provides parking areas for motor vehicles, including parking areas within the footprint of a permitted building.

SURFACE — A parking area for motor vehicles where there is no building above or below the parking area.

AS-BUILT — A corrected final plan, showing dimensions and locations of all streets and other improvements as actually constructed.

FINAL — An exact and complete subdivision or land development plan by an engineer or architect, to be recorded upon approval, which includes all required data to define property rights and proposed streets and other improvements, including modifications represented by easements.

IMPROVEMENT CONSTRUCTION — A plan, prepared by an engineer, showing the construction specifications and details, including a horizontal plan, profiles and cross sections, of streets, drains, sewers, water supply systems, bridges, culverts and other improvements required to be constructed in conjunction with a subdivision or land development plan.

NATURAL FEATURES CONSERVATION — A plan accompanying and forming a part of the preliminary and final plans detailing the developer's measures to be taken for protection of stream channels, major trees and other important natural, historical or environmentally sensitive lands or features and for erosion, surface water runoff and sediment control which includes all information required under § 181-39 of this chapter.

PRELIMINARY — The plans, maps, drawings and all supplementary data required by this chapter, indicating the proposed layout of lots, streets and other improvements and the proposed manner of development of a subdivision or land development.

SKETCH — A tentative or sketch map, plan or drawing of a proposed subdivision or land development of sufficient detail and accuracy to be used for the purpose of informal discussion prior to the submission of preliminary plans.

PLANNING COMMISSION — The Planning Commission of the Township of Tredyffrin.

QUALIFIED PROFESSIONAL FORESTER — A person who has a B.S. degree from a four-year school of forestry accredited by the Society of American Foresters and a member in good standing of the American Forestry Association.**[Added 12-3-1991 by Ord. No. HR-186]**

RESUBDIVISION — A change in map of an approved or recorded subdivision plan, if such change affects any street layout on such map or area reserved thereon for public use or any lot line without affecting the number of lots; or if it affects any map or plan legally recorded prior to the adoption of

any regulations controlling subdivisions.

RETENTION BASIN/POND — A structure in which stormwater is stored and not released during the storm event. Retention basins/ponds are designed to retain a permanent pool of water during dry weather and potentially detain waters from a specific drainage area, or designed for infiltration purposes and do not have an outlet. The retention basin designed for infiltration purposes must infiltrate stored water in three days or less.**[Amended 4-6-2009 by Ord. No. HR-375]**

RIGHT-OF-WAY — An area of land, whether or not paved or otherwise improved in any way, acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a street, crosswalk, railroad, electric transmission lines, oil or gas pipeline, waterline, sanitary storm sewer or other similar public or private uses.**[Amended 5-1-2006 by Ord. No. HR-351]**

RIGHT-OF-WAY LINE — The legal lines that form the boundaries of a right-of-way.**[Added 5-1-2006 by Ord. No. HR-351]**

RIGHT-OF-WAY, ULTIMATE — The minimum widths for a street or other corridor as required by state or federal highway departments or as described in the Township’s Subdivision and Land Development Ordinance, which is expected to be needed in the future to adequately and properly accommodate the anticipated vehicular and pedestrian traffic and related appurtenances, based on the function of the road in the circulation system and is the line from which required setbacks are measured.**[Added 5-1-2006 by Ord. No. HR-351]**

SEDIMENT — Solid material, both mineral and organic, that is in suspension, is being transported or has been moved from its site of origin by water or air.**[Added 5-1-2006 by Ord. No. HR-351; amended 4-6-2009 by Ord. No. HR-375]**

#### SEWAGE FACILITIES —

1. INDIVIDUAL SYSTEM — A system for the disposal of sewage by use of cesspools, septic tanks or other safe and healthful means, approved by the Chester County Health Department and within the confines of the lot on which the use is located.
2. COMMUNITY SYSTEM — A system for the treatment and disposal of sewage in which sewage is conveyed by a system of pipes to an on-site, privately owned and operated treatment facility and disposed of through means approved by the Pennsylvania Department of Environmental Protection.
3. PUBLIC SYSTEM — A system for the treatment of sewage in which sewage is conveyed by a system of pipes to an off-site, publicly operated treatment facility and disposed of through means approved by the Pennsylvania Department of Environmental Protection.

SHADE TREE — A tree in a public place, street, special easement or right-of-way adjoining a street, as provided in this chapter.

SHADOW ANALYSIS — A graphic representation of shadows cast by mature landscaping, screening and structures, plotted with regard to topography, slope and direction at 9:00 a.m., 12:00 noon and 3:00 p.m. on the date of winter solstice.

SIDEWALK — An improved all-weather paved area parallel to and separate from the street which is used as a pedestrian walking area.**[Added 9-19-2011 by Ord. No. HR-390]**

SIGHT DISTANCE — The required length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is obstructed by traffic.

1. OBJECT SIGHT DISTANCE — Shall be measured from a point 4.5 feet above the center

line of the road surface to a point 0.5 feet above the center line of the road surface.

1. VEHICLE SIGHT DISTANCE — Shall be from one point 4.5 feet above the center line of a road surface to another point 4.5 feet above the center line of a road surface.

SINKHOLE — A funnel-shaped depression in the land surface generally in a limestone region associated with a subterranean passage developed by solution.**[Added 12-3-1991 by Ord. No. HR-186]**

SITE DISTURBANCE — Any activity which involves removal of vegetation or which causes land to be exposed to danger of erosion, including clearing, grading, filling, plowing or earthmoving.**[Added 12-3-1991 by Ord. No. HR-186]**

SLOPES, STEEP — Those areas as regulated in § 208-118 having slopes from 15% to 25%, delineated and measured over a cumulative six-foot change in vertical elevation, which occurs over a minimum ten-foot horizontal area, as measured parallel to any contour line. (The percent of slope is determined by dividing the total amount of vertical rise or fall by the horizontal distance over which the rise or fall occurs.)**[Added 5-1-2006 by Ord. No. HR-351]**

SLOPES, VERY STEEP — Those areas as regulated in § 208-118 having slopes greater than 25%, delineated and measured over a cumulative six-foot change in vertical elevation, which occurs over a minimum ten-foot horizontal area, as measured parallel to any contour line. (The percent of slope is determined by dividing the total amount of vertical rise or fall by the horizontal distance.)**[Added 5-1-2006 by Ord. No. HR-351]**

SOLAR ENERGY — Radiant energy (direct, diffused or reflected) received from the sun at wavelengths suitable for conversion into thermal, chemical or electrical energy.

SOLAR SKYSCAPE — The space between a given location and the sun which must remain unobstructed between 9:00 a.m. and 3:00 p.m. mean solar time (winter solstice) in order to permit sufficient solar energy to impinge on that location to allow efficient solar utilization.

SPECIMEN TREE — A tree with a diameter of 24 inches or greater or a unique, rare or otherwise specifically selected tree which most typically represents a whole class or group, specifically in shape, form or historical importance, including but not limited to a tree whose growth pattern has been significantly altered by a natural and/or man-made action, one which has been historically documented (showing up in written histories), one on which there are historic plaques, markers, carvings or unusual markings in the bark or one which identifies a particular location and which shall be designated as such by the Township during plan review.**[Amended 12-3-1991 by Ord. No. HR-186]**

SPRING — A place where water flows naturally from a rock or soil upon the land or into a body of surface water.**[Added 12-3-1991 by Ord. No. HR-186]149**

STORMWATER — Water which surfaces, flows or collects during and subsequent to rain or snowfall.

STREET — A public or privately owned right-of-way, serving as means of vehicular and pedestrian travel.**[Amended 5-1-2006 by Ord. No. HR-351]**

STREET CLASSIFICATION — **[Added 12-7-2015 by Ord. No. HR-412]**

1. EXPRESSWAY — Any roadway classified as an "expressway" in the Comprehensive
2. **Editor's Note: The former definition of “steep slopes,” as amended 12-3-1991 by Ord. No. HR-186, which immediately followed this definition, was repealed 5-1-2006 by Ord. No. HR-351. See now the definition of “slopes, steep.”**

Plan in Chapter Two: Existing Conditions.

1. MAJOR ARTERIAL — Any roadway classified as a "major arterial" in the Comprehensive Plan in Chapter Two: Existing Conditions.
2. MINOR ARTERIAL — Any roadway classified as a "minor arterial" in the Comprehensive Plan in Chapter Two: Existing Conditions.
3. MAJOR COLLECTOR — Any roadway classified as a "major collector" in the Comprehensive Plan in Chapter Two: Existing Conditions.
4. MINOR COLLECTOR — Any roadway classified as a "minor collector" in the Comprehensive Plan in Chapter Two: Existing Conditions.
5. LOCAL ROAD — Any roadway classified as a "local road" in the Comprehensive Plan in Chapter Two: Existing Conditions.

STREET LINE or STREET RIGHT-OF-WAY LINE — The line dividing a lot from a street. STRUCTURE — See “building or structure.”**[Amended 5-1-2006 by Ord. No. HR-351]**

SUBDIVISION — The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.**[Amended 5-1-2006 by Ord. No. HR-351]**

SUBDIVISION AGREEMENT — See "development agreement." SURVEYOR — A registered surveyor licensed in Pennsylvania.

TOPSOIL — A fertile soil or soil material rich in organic matter; surface soil; the original dark- colored upper soil ranging from a fraction of an inch to many feet in depth.**[Added 12-3-1991 by Ord. No. HR-186]**

TOWNSHIP — The Township of Tredyffrin.

TREE — Any woody perennial plant usually having one main stem or trunk and a crown and growing to a height of 10 feet or more at maturity, excluding trees with a diameter of less than one inch.**[Added 12-3-1991 by Ord. No. HR-186]**

TREE DAMAGE — The infliction of damage to a tree which is of such severity as to show evidence within a period of two growing seasons of irreparable harm leading to the ultimate death of the tree. Examples of said serious damage include but are not limited to damage inflicted to the root system by machinery, storage of materials and soil compaction; changing the natural grade above or below the root system or around the trunk; damage inflicted on the tree permitting fungus infection or pest infestation; excessive pruning; excessive thinning; paving with concrete, asphalt or other impervious material within such proximity as to be harmful to the tree.**[Added 12-3-1991 by Ord. No. HR-186]**

TREE DIAMETER — The circumference 4 1/2 feet above the ground divided by 2 2/7.**[Added 12-3-1991 by Ord. No. HR-186]**

TREE DRIPLINE — The marking where the outer edge of a tree's branches overhang the ground.**[Added 12-3-1991 by Ord. No. HR-186]**

TREE REMOVAL — The cutting down of a tree or the transplanting of a tree to a site other than that under development.**[Added 12-3-1991 by Ord. No. HR-186]**

TREE ROOT AREA — The area under a tree extending from the trunk to the dripline.**[Added 12-3-1991 by Ord. No. HR-186]**

VERGE — A planting or landscape area or brick paving area between the curbline of a street or cartway and the sidewalk running along a street which may contain streetlights or signage.**[Added 9-10-2007 by Ord. No. HR-361]**

WATERCOURSE — A channel or conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.**[Amended 4-6-2009 by Ord. No. HR-375]**

#### WATER SUPPLY —

1. INDIVIDUAL SYSTEM — A system for supplying water to a single user from a private source located on the land of the user.
2. CENTRAL WATER SUPPLY SYSTEM — A system for supplying water from a common source or sources to multiple users. A central system may be further described as either of the following:
   1. PUBLIC WATER SUPPLY SYSTEM — A system which is owned by a municipality, a public company or a private company which serves more than a single community and may be interconnected with other water supply systems.
   2. COMMUNITY WATER SUPPLY SYSTEM — A system which is owned by a municipality, a public company or a private company and which serves a single community or subdivision and is not interconnected with any other water supply system.

WETLANDS — Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support and which under normal conditions do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. For purposes of regulation under this chapter, wetlands shall be construed to be all areas meeting the definition of wetlands as then currently specified by the United States Army Corps of Engineers and/or the Pennsylvania Department of Environmental Protection. In any situation in which these sources do not coincide, the more inclusive area shall be considered to be wetlands under this chapter.**[Amended 12-3-1991 by Ord. No. HR-186]**

WOODLANDS — Areas characterized by dense and extensive tree cover growing closely together so that the driplines touch or overlap and in which there is more than one viable tree of a diameter of six inches or greater per 1,500 square feet of lot area. This definition also includes groves of flowering or subcanopy trees, such as dogwood trees and young forests where the immature branches may not yet be interlocking. (To determine if an area has more than one viable tree of six inches or greater caliper per 1,500 square feet, the total area of the land in question, in square feet, shall be divided by 1,500. If the result is equal to or less than the number of viable trees of a diameter of six inches or greater and meets the other stated characteristics, the area in question is considered a woodland.)**[Amended 12-3-1991 by Ord. No. HR-186]150**

1. **Editor’s Note: The former definition of “yard(s),” which immediately followed this definition, was repealed 5-1-2006 by Ord. No. HR-351. See now the definitions of “yard, required,” “yard, required front,” “yard, required rear” and “yard, required side.”**

YARD LINE — A line drawn parallel to the corresponding lot lines at a distance specified in the applicable zoning district for the required depth of a yard.**[Added 5-1-2006 by Ord. No. HR-351]**

YARD, REQUIRED — An open area on a lot that lies between the principal or accessory building or buildings and the nearest yard line and the adjoining lot lines within which no structure shall be located except as provided in the Zoning Ordinance.**151[Added 5-1-2006 by Ord. No. HR-351]**

YARD, REQUIRED FRONT — A yard extending the full width of the lot being the minimum horizontal distance between the street line or ultimate right-of-way line and the building setback line required in the applicable zoning district. Such front yard is unoccupied and unobstructed from the ground upward except as may be specifically provided in this chapter. Each yard with frontage on a street shall be considered a front yard.**[Added 5-1-2006 by Ord. No. HR-351]**

YARD, REQUIRED REAR — A yard extending the full width of the lot between the rear yard line and the rear lot line, and measured perpendicular from the rear yard line to the closest point of the rear lot line. Such rear yard is unoccupied and unobstructed from the ground upward except as may be specifically provided in this chapter.**[Added 5-1-2006 by Ord. No. HR-351]**

YARD, REQUIRED SIDE — A yard extending from the front yard to the rear yard along the side lot line, and being the minimum horizontal distance between the side lot line and the side yard line as specified in the applicable zoning district. Such side yard is unoccupied and unobstructed from the ground upward except as may be specifically provided in this chapter.**[Added 5-1-2006 by Ord. No. HR-351]**

ZONING OFFICER — An official of the Township appointed by the Board of Supervisors whose duties shall include the administration of this chapter and Chapter 208, Zoning.

1. **Editor's Note: See Ch. 208, Zoning.**

ARTICLE III

### Subdivision and Land Development Control

**§ 181-7. Subdivision and land development control.**

1. No subdivision or land development of any lot shall be effected and no street, alley, sanitary sewer, storm drain, water main or other improvement in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this chapter.
2. No lot in a subdivision may be sold, no permit to erect, alter or repair any building on land in a subdivision may be issued and no building or other improvement may be erected or constructed or installed in a subdivision until:
   1. A subdivision plan has received final approval and, where required, has been recorded; and
   2. The required improvements in connection therewith, including but not limited to roads, stormwater detention basins and other related drainage facilities, water mains and sewer lines, recreational areas, buffer areas and common open space areas, have either been constructed in accordance with the final plan specifications or the Township has been assured, by means of a proper completion guaranty in accordance with Article VII of this chapter, of their subsequent construction, completion and installation.
3. No unit in a condominium development shall be sold unless and until a plan declaration, filed pursuant to the provisions of the Pennsylvania Uniform Condominium Act (Act of July 2, 1980, P.L. 268, as amended, 68 Pa.C.S.A. § 3101 et seq.) has been both approved and recorded by the Township.
4. The scope of this chapter shall include all matters over which, by law, the Township is authorized to exercise control by enactment and enforcement of this chapter, including but not limited to:
   1. All improvements within any tract undergoing subdivision or land development.
   2. The improvement of public facilities, adjacent to any tract undergoing subdivision or land development, including streets and drainage facilities which border upon any such tract.
   3. The installation or enhancement of off-site improvements needed to adequately serve the subdivision or land development.

ARTICLE IV

### Subdivision Procedures

**§ 181-8. Township review.**

Final authority for approval or denial of approval for all preliminary and final subdivision plans shall be vested in the Board of Supervisors. Prior to action by the Board of Supervisors, all such plans shall be referred to the Township Planning Commission for review and recommendation; provided, however, that the failure to make such referral and/or the failure of the Planning Commission to review and/to make a recommendation with respect to any such plan shall not affect the validity of any action taken by the Board of Supervisors with respect to any such plan.

### § 181-9. Major and minor subdivision applications.

1. For purposes of procedure, all applications shall be classified as either major or minor:
   1. Major: any subdivision other than a minor subdivision.
   2. Minor: any subdivision in which all of the following criteria are met:
      1. No street is to be constructed or widened.
      2. No other public improvement is to be constructed which is intended to be dedicated to the Township, the state or to common use in a common development.
      3. No land disturbance activities will take place except those incidental to construction of a single-family dwelling on each lot.
      4. No more than five lots are created.
2. Major applications shall be subject to all review procedures specified in this article.
3. Where an application qualifies as a minor subdivision under the terms of this section, the applicant may, at the discretion of the Planning Commission, seek approval according to the following procedures:
   1. A sketch plan may be submitted and reviewed in accordance with §§ 181-10 and 181-11 of this chapter; the requirements and procedures of §§ 181-12 and 181-13 regarding preliminary plans shall be waived, except that written comments on the sketch plan shall be presented by the Planning Commission to the applicant within the time period specified in § 181-13B(3) of this chapter.
   2. A final plan shall be submitted and reviewed in accordance with the applicable provisions of

§§ 181-14 and 181-15. As part of the final plan review process, copies shall be sent to the relevant county agencies applicable to preliminary plans in § 181-12D of this chapter.

### § 181-10. Submission of sketch plan.

1. Any applicant for subdivision may submit a sketch plan to the Township Planning Commission for review prior to submission of a formal application. Submission of a sketch plan does not constitute a formal subdivision application.
2. Sufficient copies of the sketch plan shall be submitted to the Zoning Officer for distribution to the Planning Commission and Township Engineer prior to the Planning Commission meeting at which

the sketch plan is to be discussed.

1. The applicant shall consult the provisions of this chapter and other Township ordinances related to environmental conservation or erosion, sedimentation and stormwater control, prior to submission of the sketch plan, in order to ensure that the proposed subdivision will be compatible with these requirements.

### § 181-11. Review of sketch plan.

1. If a sketch plan has been submitted, the Planning Commission shall, at a meeting with the applicant, consider the suitability of the sketch plan for the subdivision of the land and its relationship to the harmonious extension of streets and utilities, arrangement and density of development and compatibility of the plan with the Comprehensive Plan for the Township. Based on this meeting, the Planning Commission may submit its written comments to the applicant and to the Board of Supervisors; provided, however, that the failure of the Planning Commission to submit comments in writing shall not be deemed to be an approval of any application or to vest any rights in the applicant.
2. The applicant may, but need not, request further review of the sketch plan by the Board of Supervisors. If further review is requested, the Board may consider the sketch plan, may consider the comments of the Planning Commission, may meet the applicant and may advise the applicant as to the Board's comments with respect to the sketch plan; provided, however, that the Board is not required to review the sketch plan nor to submit comments to the applicant if the Board does review the sketch plan.
3. Nothing herein contained, nor the failure of the Planning Commission or the Board, or both, to proceed or act in accordance with this section shall be deemed to be a decision with respect to any subdivision or subsequent land development plan or to vest any rights in the applicant.

### § 181-12. Submission of preliminary subdivision plan.

1. All preliminary plans submitted pursuant to this chapter shall conform to the requirements of this chapter and shall, in addition, conform to such administrative regulations of the Board as may have been adopted by the Board and as shall be in effect and applicable to the submission at the time such submission is initiated. All applications shall be on the form promulgated by the Township for the submission of subdivision plans.
2. Supporting plans. Applications for preliminary subdivision approval shall be accompanied by a preliminary subdivision plat and the following supplemental plans:
   1. Improvement Construction Plan.
   2. Natural Features Conservation Plan.
   3. Erosion, Sedimentation and Stormwater Control Plan.
   4. Professional Traffic Survey and Plan, when required by § 181-36C(1) of this chapter.
3. Official submission of a preliminary plan to the Zoning Officer shall consist of:
   1. One copy of the application for review of preliminary subdivision plan on the forms promulgated by the Township and the Chester County Planning Commission for this purpose.
   2. A sufficient member of copies (as specified on the application form) of the preliminary plan and

all supporting plans as listed herein and information to enable proper distribution and review, as required by the Board.

* 1. Evidence of the submittal to, review by and, if appropriate, approval by all individuals or agencies whose review and/or of such plans is required.
  2. Payment of application fees and deposit of escrow for plan review cost.

1. Submission shall be made to the Zoning Officer. The Zoning Officer shall note the date of receipt of the submission. The submission shall not be deemed to be complete until all application forms, all preliminary subdivision plans and all required supporting plans and all required individual or agency reviews and/or approvals have been submitted to the Zoning Officer and application fees have been paid. The Zoning Officer shall make a preliminary review of the submission. If the Zoning Officer determines that the submission is defective or incomplete on its face, he shall notify the applicant, who may request the return of all submissions for the purpose of correction and resubmission. A request for the return of all submissions shall be in writing and shall be deemed to be a withdrawal of the application.
2. Upon receipt of a complete submission the Zoning Officer shall transmit the requisite number of copies of the plans and other required materials to the Planning Commission, the Township Engineer and to the following (any costs for review shall be paid by the applicant):
   1. Chester County Planning Commission.
   2. Chester County Health Department for review of matters relating to adequacy of the site to sustain on-site water and/or sewage disposal system.
   3. Chester County Soil and Water Conservation District, if required by law for review of matters relating to drainage and abatement of soil erosion.
   4. Governing body of any adjacent municipality, if the proposed subdivision includes land in that municipality or directly abuts its boundaries or if the proposed subdivision could, in the judgment of the Zoning Officer, unusually affect such adjacent municipality.
   5. Township or regional environmental advisory group(s).
   6. Such additional persons or agencies as may be required by Township regulations.
3. The Zoning Officer shall schedule a date for presentation of the preliminary plan by the applicant at the next public meeting of the Planning Commission and notify the applicant of date thereof.

### § 181-13. Review of preliminary subdivision plan.

1. Township Planning Commission.
   1. After presentation of preliminary plans by the applicant at a public meeting, the Planning Commission shall review such plans and shall consider any recommendations made by any county agency, the Township Engineer and any other person, organization or agency who shall have submitted comments with respect to any such application.
   2. After such review, action shall be taken at a public meeting. The Zoning Officer shall send written notice of the action of the Planning Commission and the reasons therefor, citing specific sections of statutes or ordinances relied upon, to the following:
      1. Board of Supervisors.
      2. Applicant.
      3. Governing body of any adjacent municipality, if a preliminary plan has been sent to such municipality under § 181-12E(4).
2. Board of Supervisors.
   1. When a written report on a preliminary plan has been officially submitted to the Board of Supervisors by the Planning Commission, such plan shall be placed on the agenda of the Board of Supervisors for review and action at a public meeting.
   2. In acting on the preliminary subdivision plan, the Board shall review the plan and the written comments of the Planning Commission, Township Engineer, County Planning Commission and all other reviewing agencies and comments from public hearings, if any, to determine conformity of the application to the standards of this chapter and any other applicable ordinance. The Board may specify conditions, changes, modifications or additions to the application which the Board deems necessary and may make a decision to grant preliminary approval subject to such conditions, changes, modifications or additions, citing appropriate ordinance provisions as prescribed in § 181-13B(5).
   3. For the purposes of Section 508 of Act 247,**152** the Township Planning Commission is the body which first reviews any application. All applications for preliminary approval of a plan shall be acted upon by the Board of Supervisors and communicated to the application within 90 days following the date of the regular meeting of the Planning Commission next following the date the application is filed, provided that should the next regular meeting of the Planning Commission occur more than 30 days following the filing of the application, said ninety-day period shall be measured from the 30th day following the day the application is filed.
   4. The decision of the Board shall be in writing and shall be communicated to the applicant personally or mailed to the applicant not later than 15 days following the decision or by the end of said ninety-day period, whichever shall first occur. The form and content of the decision shall comply with applicable requirements of Act 247, Section 508.**153**
   5. Whenever the approval of a preliminary plan is subject to conditions, the written action of the Board as prescribed herein shall specify each condition of approval, citing relevant ordinance provisions in each case, and require the applicant's written agreement to the conditions. Where the applicant's written concurrence is not received within the time prescribed, the application shall be deemed to have been denied by the Board.

### § 181-14. Submission of final subdivision plan.

1. The final plan shall conform to the terms of approval of the preliminary plan and to the administrative regulations adopted by the Board effective at the date of submission.
2. The Board may permit submission of the final plan in sections, pursuant to the terms of Section 508(4)(v) of Act 247.**154155**
3. **Editor's Note: See 53 P.S. § 10101 et seq.**
4. **Editor's Note: See 53 P.S. § 10101 et seq.**
5. **Editor's Note: See 53 P.S. § 10101 et seq.**

#### § 181-14 TREDYFFRIN CODE § 181-15

1. Supporting plans. Applications for final subdivision approval shall be accompanied by a final subdivision plat and the following supplemental plans:
   1. Improvement Construction Plan.
   2. Natural Features Conservation Plan.
   3. Erosion, Sedimentation and Stormwater Control Plan.
   4. Professional Traffic Survey and Plan, when required by § 181-36C of this chapter.
2. Official submission of a final plan shall be made to the Zoning Officer and shall consist of:
   1. One copy of the application for review of final subdivision plan on the forms promulgated by the Township and the Chester County Planning Commission for this purpose.
   2. A sufficient number of copies (as specified on the application form) of the final plan and all supporting plans and information to enable proper distribution and review, as required by the Board.
   3. Evidence of the submittal to, review by and, if appropriate, approval by all individuals or agencies whose review and/or approval of such plans is required.
   4. Payment of required fees and required deposit of escrow for plan review cost.
3. Submission shall be made to the Zoning Officer. The Zoning Officer shall note the date of receipt of the submission. The submission shall not be deemed to be complete until all application forms, all preliminary subdivision plans and all required supporting plans and all required individual or agency reviews and/or approvals have been submitted to the Zoning Officer and all application fees have been paid. The Zoning Officer shall make a preliminary review of the submission. If the Zoning Officer determines that the submission is defective or incomplete on its face, he shall notify the applicant, who may request the return of all submissions for the purpose of correction and resubmission. A request for the return of all submissions shall be in writing and shall be deemed to be a withdrawal of the application.
4. Upon receipt of a complete submission, the Zoning Officer shall transmit the requisite number of copies of the plans and other required materials to the Planning Commission, the Township Engineer and to such additional persons or agencies as the Board of Supervisors shall determine.
5. The Zoning Officer shall schedule a date for presentation of the final plans by the applicant at the next open public meeting of the Planning Commission and notify the applicant of the date thereof.
6. Where the final plan is for a minor subdivision, the requisite number of copies shall be submitted to the County Planning Commission and other applicable agencies for their review as would be required of a preliminary plan pursuant to § 181-12E above.

### § 181-15. Review of final subdivision plan.

1. Township Planning Commission.
   1. After presentation of a final plan by the applicant at a public meeting, the Planning Commission shall review such final plan submitted and shall consider any recommendations of the Township
2. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

#### § 181-15 SUBDIVISION AND LAND DEVELOPMENT § 181-15

Engineer and any other reviewing agency submitting comments.

* 1. After such review, action on such plan shall be taken at a public meeting. The Zoning Officer shall send written notice of the action of the Planning Commission and the reasons therefor, citing specific sections of statutes or ordinances relied upon, to the following:
     1. Board of Supervisors.
     2. Applicant.
     3. Governing body of any adjacent municipality, if the proposed project includes land in that municipality or directly abuts its boundaries.

1. Board of Supervisors.
   1. When a written report on a final plan has been officially submitted to the Board of Supervisor by the Planning Commission, such plan shall be placed on the agenda of the Board of Supervisors for review.
   2. Upon receipt of the Planning Commission's recommendation and other supporting information, the Board shall, at one or more regular or special public meetings, review the final plan and shall, within the time limitations set forth hereinbelow, either approve or disapprove the plan. Notwithstanding the foregoing procedure, the Board shall render a decision on all final plans and communicate it to the applicant not later than 90 days following the date of the regular meeting of the Planning Commission next following the date the application is filed, provided that should the next regular meeting occur more than 30 days following the filing of the application, said ninety-day period shall be measured from the 30th day following the day the application has been filed.
   3. The decision of the Board shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than 15 days following the decision or by the end of the ninety-day period, whichever shall first occur. The form and content of the decision shall comply with applicable requirements of Act 247, Section 508.**156**
   4. Copies of the final plan as finally approved, with the appropriate endorsement of the Board of Supervisors and the Township Engineer, shall be distributed as follows:
      1. One copy to the applicant.
      2. One copy to the Zoning Officer.
      3. One copy to the County Planning Commission.
      4. One copy to the County Health Department.
      5. Three copies to the County Recorder of Deeds for recording.
      6. Two copies (one of which shall be on drafting film) to be retained in the Township files, together with one copy of all supporting materials.
2. Every final plan approval shall be subject to these further conditions:
   1. The applicant shall execute a subdivision and land development agreement in accordance with
3. **Editor's Note: See 53 P.S. § 10101 et seq.**

#### § 181-15 TREDYFFRIN CODE § 181-19

Article VII hereof.

* 1. The applicant shall provide a performance guaranty in accordance with Article VII hereof.
  2. The applicant shall, if requested, tender a deed of dedication to the Township for such streets, any and all easements for sanitary sewers, waterlines or storm sewers and improvements thereto, including street paving, sidewalks, shade trees, water mains, fire hydrants, sanitary and storm sewers, manholes, inlets, pumping stations and other appurtenances as shall be constructed as public improvements, after all streets, sidewalks, sewers and the like are completed and such completion is certified as satisfactory by the Township Engineer. Such deed shall be in form and substance satisfactory to the Board and Township Solicitor. The Board may require that the applicant supply a title insurance certificate from a reputable company before any property is accepted for the Township.
  3. Whenever the applicant is providing open space as part of the development, an easement in perpetuity restricting such open space against further subdivision development shall be executed between the applicant and the Township or an organization acceptable to the Township and shall accrue to the benefit of the Township, lot purchasers in the subdivision and such other persons or organizations as the Board may deem appropriate.
  4. The applicant shall have applied for and received all required permits from agencies having jurisdiction over ancillary matters necessary to effect the subdivision such as Pennsylvania Departments of Transportation and Environmental Protection, Public Utility Commission and Chester County Health Department.

### § 181-16. Recording of final plan.

Within 90 days of the applicant's execution of the subdivision and land development agreement and performance guaranty, as provided in §§ 181-31 and 181-32, the final plan shall be recorded by the Township in the office of the Recorder of Deeds of Chester County.

### § 181-17. Commencement of development.

No construction or land disturbance activities (not including soil testing, percolation testing, well drilling or similar testing, engineering or surveying activities) shall be commenced until the final plan has been recorded with the Recorder of Deeds of Chester County and until the requisite subdivision and land development agreements and performance guaranties have been accepted by the Board of Supervisors.

### § 181-18. Time limitations of plans.

The continuing validity of any approval of plans in accordance with this article shall be subject to those limitations established by Section 508(4) of Act 247, the Pennsylvania Municipalities Planning Code.**157**

### § 181-19. Plan modifications.

Material modifications of the approved plan, as determined by the Zoning Officer, shall be resubmitted and reprocessed in the same manner as the original plan. All site disturbance and construction activities shall cease pending approval of modified plans.

1. **Editor's Note: See 53 P.S. § 10101 et seq.**

ARTICLE V

### Land Development Procedures

**§ 181-20. Land development review authority.**

Authority for approval or denial of approval for all preliminary and final land development plans shall be vested in the Planning Commission.

### § 181-21. Scope.

Any land development, as defined in § 181-6 hereof, which does not involve a subdivision shall be subject to all procedures specified in this article.

### § 181-22. Sketch plan submission and review.

Applicants for land development may, but are not required to, submit a sketch plan for review and comment by the Planning Commission in accordance with the provisions of §§ 181-10 and 181-11 hereof (except substituting "land development" for "subdivision" wherever appearing).

### § 181-23. Submission of preliminary land development plan.

1. All preliminary plans submitted pursuant to this chapter shall conform to the requirements of this chapter and shall, in addition, conform to such administrative regulations of the Board as may have been adopted by the Board and as shall be in effect and applicable to the submission at the time such submission is initiated. All applications shall be on the form promulgated by the Township for the submission of land development plans.
2. Supporting plans. Applications for preliminary land development approval shall be accompanied by a preliminary land development or site plan and the following supplemental plans:
   1. Improvement Construction Plan.
   2. Natural Features Conservation Plan.
   3. Erosion, Sedimentation and Stormwater Control Plan.
   4. Professional Traffic Survey and Plan, when required by § 181-36C(1) of this chapter.
   5. Landscaping Plan, either separately or included on the site plan.
   6. Lighting Plan, either separately or included on the site plan.
   7. Architectural Building Plans and renderings of all elevations.
3. Official submission of a preliminary plan to the Zoning Officer shall consist of:
   1. One copy of the application for review of preliminary land development plan on the form promulgated by the Township for this purpose.
   2. A sufficient number of copies (as specified on the application form) of the preliminary plan and all supporting plans and information to enable proper distribution and review, as required by the Board.
   3. Evidence of the submittal to, review by and, if appropriate, approval by all individuals or

agencies whose review and/or approval of such plans is required.

* 1. Payment of application fees and deposit or escrow for plan review cost.

1. Submission shall be made to the Zoning Officer. The Zoning Officer shall note the date of receipt of the submission. The application shall not be deemed to be complete until all application forms and all required supporting plans and all required individual or agency reviews and/or approvals have been submitted to the Zoning Officer and all application fees have been paid. The Zoning Officer shall make a preliminary review of the submission. If the Zoning Officer determines that the submission is defective or incomplete on its face, he shall notify the applicant, who may request the return of all submissions for the purpose of correction and resubmission. A request for the return of all submissions shall be in writing and shall be deemed to be a withdrawal of the application.
2. Copies and presentation.
   1. Upon receipt of a complete submission, the Zoning Officer shall transmit the requisite number of copies of the plans and other required materials to the Planning Commission, the Township Engineer and the following (any costs for such review shall be paid by the applicant):
      1. Chester County Planning Commission.
      2. Chester County Health Department for review of matters relating to adequacy of the site to sustain on-site water and/or sewage disposal system.
      3. Chester County Soil and Water Conservation District, if required for review of matters relating to drainage and abatement of soil erosion.
      4. Governing body of any adjacent municipality, if the proposed land development includes land in that municipality or directly abuts its boundaries or if the proposed land development could, in the judgment of the Zoning Officer, unusually affect such adjacent municipality.
      5. Township or regional environmental advisory group(s).
      6. Such additional persons or agencies as may be required by Township regulations.
   2. The Zoning Officer also shall schedule a date for presentation of properly completed preliminary plans by the applicant at the next public meeting of the Planning Commission and notify the applicant of the date thereof.

### § 181-24. Review and action on preliminary land development.

1. After presentation of the preliminary plan by the applicant at a public meeting, the Planning Commission shall review such plans to determine conformity of the application and plans to the standards of this chapter and other applicable ordinances and shall consider any recommendations made by any county agency, the Township Engineer, any other person or entity who shall have submitted comments with respect to any such application and comments from public hearings.
2. In its decision on the preliminary plan, the Planning Commission may specify conditions, changes, modifications or additions to the application which the Commission deems necessary and may make a decision to grant preliminary approval subject to such conditions, changes, modifications or additions, citing appropriate ordinance provisions.
3. All applications for preliminary plan approval shall be acted upon at a public meeting by the Planning

Commission and communicated to the applicant within 90 days following the date of the regular meeting of the Planning Commission next following the date the application is filed, provided that should the next regular meeting of the Planning Commission occur more than 30 days following the filing of the application, said ninety-day period shall be measured from the 30th day following the day the application is filed.

1. The decision of the Planning Commission shall be in writing and shall be communicated to the applicant personally or mailed to the applicant not later than 15 days following the decision or by the end of said ninety-day period, whichever shall first occur. The form and content of the decision shall comply with the applicable requirements of Act 247, Section 508.**158** Copies of the decision shall be sent also to the Board of Supervisors, the Chester County Planning Commission and the governing body of any adjacent municipality if the proposed plan includes land in that municipality or directly abuts its boundary.
2. Whenever the approval of a preliminary plan is subject to conditions, the written action of the Planning Commission as prescribed herein shall specify each condition of approval, citing relevant ordinance provisions in each case, and require the applicant's written agreement to the conditions. Where the applicant's written concurrence is not received within the time prescribed, the Planning Commission shall be deemed to have denied approval.

### § 181-25. Submission of final land development plan.

1. The final plan shall conform to the terms of approval of the preliminary plan and to the most recent administrative regulations adopted by the Board and effective at the date of submission.
2. The Planning Commission may permit submission of the final plan in sections, pursuant to the terms of Section 508(4) of Act 247.**159**
3. Supporting plans. Applications for final land development approval shall be accompanied by a final land development or site plan and the following supplemental plans:
   1. Improvement Construction Plan.
   2. Natural Features Conservation Plan.
   3. Erosion, Sedimentation and Stormwater Control Plan.
   4. Professional Traffic Survey and Plan, when required by § 181-36C(1) of this chapter.
   5. Landscaping Plan, either separately or included on the site plan.
   6. Lighting Plan, either separately or included on the site plan.
   7. Architectural Building Plans and renderings of all elevations.
4. Official submission of a final plan shall be made to the Zoning Officer and shall consist of:
   1. One copy of the application for review of final land development plan on the form promulgated by the Township for this purpose.
   2. A sufficient number of copies (as specified on the application form) of the final plan and all
5. **Editor's Note: See 53 P.S. § 10101 et seq.**
6. **Editor's Note: See 53 P.S. § 10101 et seq.**

supporting plans and information to enable proper distribution and review, as required by the Board.

* 1. Evidence of the submittal to, review by and, if appropriate, approval by all individuals or agencies whose review and/or approval of such plans is required.
  2. Payment of required fees and required deposit of escrow for plan review cost.

1. Submission shall be made to the Zoning Officer. The Zoning Officer shall note the date of receipt of the submission. The application shall not be deemed to be complete until all application forms, plans and all required supporting plans and all required individual or agency reviews and/or approvals have been submitted to the Zoning Officer and all application fees have been paid. The Zoning Officer shall make a preliminary review of the submission. If the Zoning Officer determines that the submission is defective or incomplete on its face, he shall notify the applicant, who may request the return of all submissions for the purpose of correction and resubmission. A request for the return of all submissions shall be in writing and shall be deemed to be a withdrawal of the application.
2. Upon receipt of a complete application, the Zoning Officer shall transmit the requisite number of copies of the plans and other required materials to the Planning Commission, the Township Engineer and such additional persons or agencies as the Board of Supervisors determine.
3. The Zoning Officer also shall schedule a date for presentation of final plans by the applicant at the next public meeting of the Planning Commission and notify the applicant of the date thereof.
4. The requisite number of copies shall be submitted to the County Planning Commission and other applicable agencies for their review as required of a preliminary plan pursuant to § 181-23E above.

### § 181-26. Review and action on final land development plan.

1. After presentation of the preliminary plan by the applicant at a public meeting, the Planning Commission shall review such plans to determine conformity of the application and plans to the standards of this chapter and any other applicable ordinance and shall consider any recommendations made by any county agencies, the Township Engineer, any other persons, agency or entity who shall have submitted comments with respect to any such application and comments from public hearings.
2. The Planning Commission shall, at one or more regular or special public meetings, review the final plan and shall, within the time limitations set forth hereinbelow, either approve or disapprove the plan. Not withstanding the foregoing procedure, the Planning Commission shall render a decision on all final plans and communicate it to the applicant not later than 90 days following the date of the regular meeting of the Planning Commission next following the date the application is filed, provided that should the next regular meeting occur more than 30 days following the filing of the application, said ninety-day period shall be measured from the 30th day following the day the application has been filed.
3. The decision of the Planning Commission shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than 15 days following the decision or by the end of the ninety-day period, whichever shall first occur. The form and content of the decision shall comply with applicable requirements of Act 247, Section 508.**160**
4. Copies of the final plan as finally approved, with the appropriate endorsement of the Planning
5. **Editor's Note: See 53 P.S. § 10101 et seq.**

Commission and the Township Engineer, shall be distributed as follows:

* 1. One copy to the Zoning Officer.
  2. One copy to the County Planning Commission.
  3. One copy to the County Health Department.
  4. Three copies to the County Recorder of Deeds if recommendation is required by the Planning Commission.
  5. Two copies (one of which shall be on drafting film) to be retained in the Township files, together with one copy of all supporting materials.
  6. One copy returned to the applicant.

1. Every final plan approval shall be subject to these further conditions:
   1. The applicant shall execute a subdivision and land development agreement in accordance with Article VII hereof.
   2. The applicant shall provide a performance guaranty in accordance with Article VII.
   3. Pursuant to Article X of this chapter, the applicant shall, if requested, tender a deed of dedication to the Township for such streets, any and all easements for sanitary sewers, waterlines or storm sewers and improvements thereto, including street paving, sidewalks, shade trees, water mains, fire hydrants, sanitary and storm sewers, manholes, inlets, pumping stations and other appurtenances as shall be constructed as public improvements after all streets, sidewalks, sewers and the like are completed and such completion is certified as satisfactory by the Township Engineer. Such deed shall be in form and substance satisfactory to the Board and Township Solicitor. The Board may require that the applicant supply a title insurance certificate from a reputable company before any property is accepted by the Township.
   4. Whenever the applicant is providing open space as part of the development, the open space shall be restricted against further subdivision or development and shall be either deeded to the Township or an organization acceptable to the Township or an easement in perpetuity restricting such further subdivision or development shall be executed between the applicant and the Township or an organization acceptable to the Township (although, in certain cases, both a deed and an easement may be required with respect to a particular open space). The rights and privileges accorded by such deed or easements shall accrue to the benefit of the Township and the general public, owners and lessees in the land, an organization acceptable to the Township or any or all of the above.
   5. The applicant shall have applied for and received all required permits from agencies having jurisdiction over ancillary matters necessary to effect the land development, such as Pennsylvania Departments of Transportation and Environmental Protection, Public Utility Commission and Chester County Health Department.

### § 181-27. Recording of final land development plan.

1. The Planning Commission, at its discretion, may require that the final land development plan be recorded in the office of the Recorder of Deeds of Chester County.
2. If so required, such plan shall be recorded by the Township within 90 days of the applicant's execution

of the subdivision and land development agreement and performance guaranty, as provided in Article VII.

### § 181-28. Commencement of development.

1. No construction or land disturbance activities (not including soil testing, percolation testing, well drilling or similar engineering or surveying activities) shall be commenced until the final plan, if required, has been recorded with the Recorder of Deeds of Chester County and until the requisite subdivision and land development agreements and performance guaranties have been accepted by the Board of Supervisors.
2. No application for a building permit under the Township Zoning Ordinance shall be submitted and no building permit under the Township Zoning Ordinance shall be issued for any building in any subdivision or land development and no work shall be done on any building in any subdivision or land development until the final plans for the subdivision or land development have been approved and recorded as provided for and until the terms of this section have been satisfied and until the requisite subdivision and land development agreements and performance guaranties have been accepted by the Board of Supervisors. Further, where final subdivision or land development approval has been conditioned upon the submission and approval of individual lot grading plans for some or all of the lots, no building permit shall be issued for construction on any such lot until this condition has been complied with.
3. No water system or sewer system, including extensions to existing or proposed Township systems or new systems employing sewage treatment plants, shall be constructed prior to the issuance of appropriate permits from the Pennsylvania Department of Environmental Protection or from federal or local agencies, as required.

### § 181-29. Time limitation of plans.

The continuing validity of any approval of plans in accordance with this article shall be subject to those limitations established by Section 508(4) of Act 247.**161**

### § 181-30. Plan modifications.

Material modifications of the approved plan, as determined by the Zoning Officer, shall be resubmitted and reprocessed in the same manner as the original plan. All site disturbance and construction activities shall cease pending approval of modified plans.

1. **Editor's Note: See 53 P.S. § 10101 et seq.**

ARTICLE VI

### Improvement Construction Plans

**§ 181-31. Plan review required.**

1. When a subdivision or land development plan includes the construction or installation of streets, utilities, drainage facilities, recreation areas, public buildings or any other improvements as defined in § 181-6 hereof, the applicant shall submit to the Zoning Officer an Improvement Construction Plan, as defined in § 181-6 hereof. Such plan shall be prepared by an engineer, indicating the improvements to be accomplished by the applicant in accordance with the approved preliminary plan and shall be prepared in accordance with the design standards and specifications required in Article IX hereof.
2. After administrative review, the Zoning Officer shall refer copies of such plans to the Township Engineer and other agencies such as the Pennsylvania Department of Transportation and Department of Environmental Protection, the Tredyffrin Municipal Authority and utility companies, which have jurisdiction over the installation of the facility or utility included in the improvement plan, for review to determine compliance with applicable technical requirements.
3. The Improvement Construction Plan and specifications shall be subject to approval by the Township Engineer and other required review agencies as a prerequisite to approval of a final subdivision or land development plan.
4. Construction agreements and performance guaranties as required by Article VII hereof shall be submitted with the Improvement Construction Plan for administrative review by the Zoning Officer and legal review by the Township Solicitor.
5. After approval of the Improvement Construction Plan by the Township Engineer and other agencies from whom approval is required, the Zoning Officer shall advise the Board of Supervisors of such approvals in the case of subdivision plans and the Planning Commission in the case of land development plans.
6. No construction or land disturbance activities (not including soil testing, percolation testing, well drilling or similar testing, engineering or surveying activities) shall be commenced until the Improvement Construction Plan has been approved by all applicable individuals or agencies and until the requisite subdivision and land development agreement and performance guaranties have been accepted by the Board of Supervisors and until an improvement construction permit has been issued.

### § 181-32. Plan requirements.

Improvement Construction Plans shall include the information required in and shall be prepared in accordance with § 181-38 hereof.

ARTICLE VII

### Agreements and Performance Guaranties

**§ 181-33. Required agreements.**

The applicant shall execute an agreement, in form and substance acceptable to the Board of Supervisors and Township Solicitor, before a final plan for either a subdivision or land development is released by the Board of Supervisors and filed with the County Recorder of Deeds. Said agreement shall include the following, as applicable:

1. The applicant agrees that he will lay out and construct all streets and other improvements in accordance with the final plan as approved.
2. The applicant agrees to guarantee completion and maintenance of all improvements by means of a type of financial security acceptable to the Township, as specified in § 181-34B of this chapter.
3. The applicant agrees to tender a deed or deeds of dedication to the Township for such streets and for such easements for sanitary and storm sewers, sidewalks, manholes, inlets, pumping stations and other appurtenances as shall be constructed as public improvements, provided that the Township shall not be required to accept dedication of such improvements until their completion is certified as satisfactory by the Township Engineer.
4. Whenever the plan includes a street which is not offered for dedication to public use, the Board of Supervisors shall require the applicant to submit and also to record with the plan a copy of an agreement made with the Board on behalf of himself and his heirs and assigns and signed by him and which shall establish the conditions under which the street may later be offered for dedication and shall stipulate, among other things:
   1. That an offer to dedicate the street shall be made only for the street as a whole.
   2. That the Township shall not be responsible for repairing or maintaining any undedicated streets.
   3. That the method of assessing repair and maintenance costs of undedicated streets be stipulated and be set forth in recorded deed restrictions so as to be binding on all successors or assigns.
   4. That, if dedication is sought, the street shall conform to Township specifications or that the owners of the abutting lots shall, at their own expense, restore the street to conformance with Township specifications.

### § 181-34. Performance guaranties.

1. The applicant shall deposit with the Township financial security in an amount sufficient to cover the cost of all improvements (including both public and private improvements) and common amenities.
2. Financial security required herein shall be in the form of a federal or commonwealth chartered lending institution irrevocable letter of credit, a restrictive or escrow account in such institution or with a financially responsible bonding company or such other type of financial security which the Township may, in its reasonable discretion, approve. The bonding company may be chosen by the party posting the financial security, provided that said bonding company or lending institution is authorized to conduct business within the commonwealth and stipulates that it will submit to Pennsylvania jurisdiction and Chester County venue in the event of legal action.
3. Said financial security shall provide for and secure to the public the completion of all improvements

for which such security is being posted within one year of the date fixed in the agreement for completion of such improvements.

1. The amount of financial security shall be equal to 110% of the cost of the required improvements for which financial security is to be posted. The cost of the improvements shall be established by submission to the Board of executed contracts of the contractor or contractors to complete the improvements or, in the absence of such contracts, the costs shall be established by estimate prepared by the Township Engineer. If the party posting the financial security required more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security shall be increased by an additional 10% for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above procedure for establishing costs.
2. In the case where development is projected over a period of years, the Board of Supervisors may authorize submission of final plans by section or stage of development, subject to such requirements or guaranties as to improvements in the future sections or stages of development as it finds essential for the protection of any finally approved section of the development and consistent with the terms of Section 508(4) of Act 247.**162**
3. If any utility systems are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Township, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section.
4. As the work of installing the required improvements proceeds, the party posting the financial security may request the Board of Supervisors to release or authorize to be released, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Board of Supervisors, and the Board shall have 45 days from receipt of such request within which to allow the Township Engineer to certify, in writing, that such portion of the work upon the improvements has been completed in accordance with the approved plans. Upon such certification, the Board shall authorize release by the bonding company or lending institution of an amount as estimated by the Township Engineer fairly representing the value of the improvements completed. The Township Engineer, in certifying the completion of work for a partial release, shall not be bound to the amount requested by the applicant, but shall certify to the Board his independent evaluation of the proper amount of partial releases. The Board may, prior to final release at the time of completion and certification by the Township Engineer, require retention of 10% of the estimated cost of the aforesaid improvements as per

§ 181-34D of this chapter.

1. **Editor's Note: See 53 P.S. § 10101 et seq.**

ARTICLE VIII

### Plan Content Requirements

**§ 181-35. Sketch plan contents.**

The applicant may submit whatever information he deems useful. To facilitate the fullest possible consideration and response from the Planning Commission, the applicant is encouraged to submit the following items:

1. Name and address of the owner/applicant.
2. Name and address of the applicant's engineer, surveyor, planner, architect or landscape architect who participated in the sketch plan preparation.
3. Scale of sketch and graphic scale; the plan need not be exact scale, nor are precise dimensions required, but it should be clearly titled "Sketch Plan."
4. Approximate tract boundaries.
5. North point (arrow).
6. Location map.
7. Streets on and adjacent to the tract.
8. Topographical and physical features, including contours at a minimum of five-foot intervals or as necessary for satisfactory study and planning.
9. Proposed general lot, building and street layout.
10. In the case of land development plans, proposed uses and general layout, including building locations, parking lots and open spaces.

### § 181-36. Preliminary subdivision or land development plan contents.

A preliminary plan shall consist of and be prepared in accordance with the following:

1. Drafting standards.
   1. Except as otherwise noted, plans shall be drawn to a scale no larger than one inch equals one foot and no smaller than one inch equals 100 feet. Plans shall be submitted on sheets not larger than 34 inches by 44 inches and not smaller than 17 inches by 22 inches.
   2. Dimensions shall be set in feet and decimal parts thereof, bearing in degrees, minutes and seconds (errors of closure shall not be more than one part per 10,000).
   3. Each sheet shall be numbered and shall show its relationship to the total number of sheets.
   4. The plan shall bear an adequate legend to indicate clearly which features are existing and which are proposed.
   5. Original date of preparation, revision dates, North arrow and numerical and graphic scales shall be clearly indicated on the plan.
2. Required plan content. A subdivision or land development plan shall consist of a map or drawing or

a series of maps or drawings, prepared according to Subsection A, with accompanying narrative as needed, showing the following:

* 1. A key map for the purpose of locating the site to be subdivided or developed, at a scale of not less than 800 feet to the inch, showing the relation of the tract to adjoining property and to all streets and municipal boundaries existing within 1,000 feet of any part of the property proposed to be subdivided or developed.
  2. Proposed subdivision or land development name or identifying title.
  3. Name and address of the landowner of the tract or of his authorized agent, if any.
  4. Name and address of the registered engineer or surveyor responsible for the plan and any architect or landscape architect who collaborated in the preparation of the plan.
  5. Zoning information, including applicable district, lot size, yard and parking requirements, proof of any variance or special exception which may have been granted and any zoning boundaries that traverse or are within 200 feet of the tract and any nonconformity with applicable zoning requirements.
  6. Tract boundaries showing bearings and distances.
  7. Total area of the tract in acres and square feet.
  8. The names of all owners of all adjacent lands, the names of all proposed and existing subdivisions adjacent and the locations and dimensions of any streets and/or right-of-way easements shown thereon.
  9. The location and dimensions of all existing streets, railroads, sewers and sewage systems, aqueducts, water mains and feeder lines, fire hydrants, gas, electric and oil transmission lines, watercourses, buildings, sources of water supply, easements and other significant features within the property or within 300 feet of any part of the property proposed to be developed or subdivided.
  10. The locations and widths of any street or other public ways or places as shown upon an adopted local or county plan, if such plan exists for the area to be subdivided or developed.
  11. The locations of all places, sites or structures on the tract or on any abutting property which have been recognized and established as being historically significant by Tredyffrin Township or by the federal or state government.
  12. An inventory of natural features as specified in § 181-54 of this chapter. **[Amended 12-3-1991 by Ord. No. HR-186; 5-1-2006 by Ord. No. HR-351]**
  13. Locations of walkways and paths (pedestrian, equestrian, bicycle, etc.) and other common areas, as defined herein, which are proposed or which have been in public use, with proposals for their continued protection through easement or otherwise.
  14. Where the subdivision or land development plan submitted covers only a part of the applicant's entire holding, a sketch of the prospective future street system of the unsubmitted part; the street system of the submitted part will be considered in light of adjustments and connections with future streets in the part not submitted.
  15. A shadow analysis shall be required unless the applicant demonstrates that the shadows cast by

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proposed structures and mature landscaping at 9:00 a.m., 12:00 noon and 3:00 p.m. on the date of the winter solstice do not extend beyond the lot boundary lines. When analysis is required, shadows shall be plotted with regard to topography, slopes and direction.

* 1. In addition to all other requirements, plans for average density cluster or multifamily developments also must include the following information:
     1. Recreational areas and areas that are proposed to remain open or wooded, identifying ownership and provisions for maintenance thereof.
     2. Areas to be used for agriculture.
     3. Total dwelling units, proposed density and bedroom ratio.
  2. An Erosion, Sedimentation and Stormwater Control Plan as required by Township ordinance.
  3. A Natural Features Conservation Plan as required in § 181-54 of this chapter, with adequate indication that the standards of that section are met. All submission requirements set forth in Subsection D of this section shall be submitted as part of preliminary plan applications for required conservation plans. The Planning Commission may request the submission of a conservation plan for any other applications when it believes that further study of the natural features is warranted. **[Amended 12-3-1991 by Ord. No. HR-186; 5-1-2006 by Ord. No. HR-351]**
  4. A landscape plan in compliance with the provisions of §§ 181-41 and 181-52 of this chapter and of Chapter 208, Zoning.
  5. A description of the buffer or screening devices and areas to be maintained and a plan for each required buffer area in compliance with the requirements of § 208-102B of Chapter 208, Zoning.
  6. A Lighting Plan showing the location of all exterior lighting fixtures and lighting standards, including drawing(s) of the fixtures and lighting standards indicating the design, dimensions and light intensity thereof.
  7. Where subdivision of land is proposed as a part of land development because of the creation of mortgages encumbering less than the entire tract, the plan shall show the proposed division of property, including easements for access to all parcels not fronting on public roads and to all common parking areas. Such easements shall be a minimum of 25 feet wide.
  8. In the case of a subdivision, the plan shall show a full plan of the development, including proposed lot layout with lots numbered in consecutive order and individual lot dimensions sufficiently detailed to demonstrate to the Township how the proposed layout compares to zoning requirements and that it is mathematically attainable within the parcel being subdivided and location of areas to be subject to easements of any kind.
  9. A land development plan, in addition to the pertinent requirements above, shall include or be accompanied by supporting plans or documents which include the following:
     1. The location, use, dimensions and arrangement of all buildings and structures, streets, sidewalks and open spaces, the location and capacity of all areas to be used for off-street parking, loading and unloading; the location and dimensions of all accessways, entrances, exits and other provisions for accommodating traffic; the location of all areas devoted to

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planting, landscaping or similar purposes; and the location of all dedicated for public use.

* + 1. Architectural building plans, including floor plans indicating the total gross floor area of all buildings; exterior drawings of all sides of all buildings indicating the dimensions of said buildings, the materials and colors thereof to be used in the construction of the buildings and the dimension design and location of all rooftop equipment and projections and the materials and colors thereof of all devices intended to screen such rooftop equipment and projections.
    2. The provisions made for and the location of all sewage and industrial waste disposal, water supply, stormwater drainage and similar facilities.

1. Required supporting documents. In addition to the plans required by Subsection B, submissions for subdivision or land development shall include the following:
   1. Traffic survey. The applicant shall submit information sufficient to demonstrate that satisfactory arrangements have or will be made to accommodate probable increases in traffic and to facilitate traffic movement on all streets and at all intersections in the vicinity of the proposed subdivision or land development. In the following cases, a professional traffic study providing the required information shall be submitted:
      1. A residential subdivision or development involving 50 or more dwelling units.
      2. Any single nonresidential use or group of uses included in a land development plan with a gross floor area in excess of 25,000 square feet or in excess of 20,000 square feet if such use has access to or from a state highway.
      3. Any other subdivision or land development where the Planning Commission determines that there is a need for such a traffic study based on known traffic problems adjoining or near the proposed site.
   2. A Planning Module for Land Development provided by the Pennsylvania Department of Environmental Protection, including information with regard to the means of sewage disposal and provision of water supply and, if on-site sewage facilities are contemplated, test pit and percolation test information sufficient to determine if the proposed subdivision or land development adequately meets the sewage disposal requirements of the Township.
   3. A statement or certificate by the applicant indicating that the plans are or are not in conformity with engineering, zoning, subdivision, building, sanitation and other applicable Township ordinances and regulations and, if they are not so conforming, the reasons for requesting an exception. Proposed zoning district changes shall note the proposed locations of buildings in relation thereto.
2. Natural Features Conservation Plan requirements. In all applications in which a Natural Features Conservation Plan is required pursuant to § 208-120A of Chapter 208, Zoning, and Subsection B(18) of this section, the submission requirements contained herein shall be met. All applications shall be accompanied by the following inventory of existing natural features: **[Added 12-3-1991 by Ord. No. HR-186]**
   1. Steep slopes. Contour lines at two-foot intervals shall be mapped. Slopes shall be measured and shown pursuant to the manner in which steep slopes are defined in Article II of this chapter.
      1. Exhibits identifying the following slopes: areas of slopes greater than 25%; areas of slopes

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between 15% and 25%; and areas of slopes of less than 15%.

* + 1. Calculations in square footage and acres of the amount of area in the slope categories listed above.
  1. Vegetative cover.
     1. Exhibits identifying the vegetative ground cover, including trees, shrubs and herbaceous growth, woodlands, specimen trees, freestanding trees over six inches caliper (diameter), old fields, cultivated land, hedgerow and wetland vegetation. When a lot contains woodlands, as defined herein, the outer bounds of tree masses may be shown without delineating each tree separately, except in the situation where any tree(s) over six-inch caliper is to be disturbed, in which case said individual tree(s) shall be indicated. Further, if any tree(s) is to be counted toward the landscape requirements per § 181-52 of this chapter, said tree(s) shall be shown on the conservation plan, regardless of diameter.**163**
     2. Calculations, in square footage and acres, of the area in woodlands.
  2. Geological formations. For areas underlain by carbonate bedrock, as shown in the Township Comprehensive Plan, the following features shall be mapped and identified as part of the application for development:
     1. Depressions.
     2. Fissures, lineaments, faults or air photo fracture traces.
     3. Ghost lakes occurring after rainfall.
     4. Outcrops of bedrock.
     5. Seasonal high-water table (may be interpolated from information contained in the Soil Survey for Chester and Delaware Counties).
     6. Sinkholes.
     7. Springs.
     8. Surface drainage entering the ground (disappearing streams).
  3. Ponds, lakes, streams and drainage swales and/or channels (perennial and intermittent).
  4. Wetlands.
     1. All areas meeting the criteria for wetlands, as then currently specified by the United States Army Corps of Engineers and/or the Pennsylvania Department of Environmental Protection, shall be mapped. Areas of hydric soils with a slope of 1% or less shall be field- checked by a certified soil scientist or a trained biologist to determine if wetlands are present. Hydric soils in Chester County include but are not limited to the following types:

1. Bowmansville silt loam (Bo).
2. Calvert silt loam (CaA, CaB, CaB2).
3. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**
4. Croton silt loam (CrA, CrB).
5. Guthrie silt loam (Gu).
6. Melvin silt loam (Mn).
7. Othello silt loam (OtA).
8. Watchung silt loam (WaA, WaB2, WcB).
9. Watchung very stony silt loam (We).
10. Wehadkee silt loam (WoA, WoB, WoB2).
11. Worsham silt loam (WoC2).
12. Worsham very stony silt loam (WsB).
    * 1. Areas which appear on the National Wetland Inventory maps prepared by the United States Fish and Wildlife Service shall be field-checked by a certified soil scientist or a trained biologist to determine the existence, location and extent of wetlands.
    1. Pedestrian or equestrian trails; established pedestrian and equestrian trails. Where a portion of the Horseshoe Trail System or legally established trail, access or easement is present, the point of entry and exit of said trail on the property shall be clearly indicated.
    2. Soils. Soils series and types as mapped by the Soil Conservation Service for Chester County, including name, depth to seasonal high-water table and hydrologic group.
    3. Floodplains. Areas within the floodplain or the Flood Hazard District, as defined in Article V of Chapter 208, Zoning.
13. Proposed improvement plans. The applicant shall submit the following exhibits as part of the conservation plan to indicate compliance with the standards for protection of sensitive lands and natural features. A plan of the property at the same scale as existing features plan shall be submitted with the following information (multiple sheets shall be submitted when a single sheet would render any or all of the information difficult to read): **[Added 12-3-1991 by Ord. No. HR-186]**
    1. Exhibits indicating the proposed location of all proposed principal and accessory structures (land development plans only), driveways, streets, sidewalks, detention basins, on-site wells, on-site septic systems and other improvements. For residential subdivisions, a possible development area for each lot, in compliance with all applicable area, bulk and conservation regulations, shall be designated. The plan shall note the applicant's assumptions regarding the size of possible improvements for each lot. All conservation plans shall contain a calculation of the amount of impervious surface proposed for the site.
    2. A grading plan indicating the amount and location of land proposed to be disturbed and/or regraded during the development process and a staging and access plan.
    3. Identification of woodland areas and specimen trees to be protected with adequate indication that the protection standards herein are being met. Calculations of the amount of woodland area to be preserved shall be provided. If permission to remove any specimen trees in accordance with this chapter is being sought, the request should accompany the conservation plan. In addition, an exhibit shall include the identification of any trees to be protected in accordance

with § 208-120C(2)(e) of Chapter 208, Zoning.

* 1. Calculations of the amount of area proposed to be disturbed or regraded within the slope category 15% to 25% shall be provided, along with adequate indication that the protection standards herein are being met.
  2. Proposals for buildings or other structures to be located on slopes of greater than 15% or within the influence area of the geological features listed herein shall be accompanied by:
     1. Architectural plans for all permitted structures or construction, accompanied by a drainage plan and an erosion and sediment control plan approved by the Township Engineer.
     2. An analysis prepared and sealed by a licensed professional stating an explanation of the engineering to be used in overcoming any structural problems created by such slope or geological features.
     3. Plan, profile and typical cross sections of the entrance drive and the proposed public street providing access to such drive.
     4. Plan for on-site sewage disposal facilities, if connection to a public sanitary sewer system is not contemplated.

### § 181-37. Final subdivision and land development plan contents.

Final plans shall conform in all important details to approved preliminary plans, including any conditions specified by the Board of Planning Commission. A final plan shall consist of and be prepared in accordance with § 181-36 and the following:

1. Drafting standards.
   1. Subdivision or land development plans submitted for review for final approval shall be clear and legible black or blue on white prints of the drawings. Upon completion of review and for signature by the Board or Planing Commission, clear reproducible prints of all plans shall be submitted. Space shall be provided for signatures by the Board or Planning Commission on the face of the plans.
   2. Plans shall be submitted on sheets not larger than 34 inches by 44 inches and not smaller than 17 inches by 22 inches. Where necessary to avoid large sheets, final plans may be drawn in two or more sections, accompanied by a key diagram showing relative location of the sections. The scale shall not be less than 100 feet to the inch or more than one foot to the inch. All dimension shall be shown in feet and decimal parts thereof.
2. Plan content and supporting documents.
   1. All maps, drawings, plans and documents required by § 181-36B.
   2. Sufficient data to determine readily the location, bearing and length of every lot and boundary line and to produce such lines upon the ground, including all dimensions, angles or bearings of the lines and areas of each lot and of each area proposed to be dedicated to public use. The gross and net area of the tract shall be included.
   3. For residential subdivisions, the proposed house locations and names of all streets. The Township shall assign house numbers throughout the Township.

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* 1. Location of permanent reference monuments.
  2. A certificate of title showing the ownership of the land to be vested in the subdivider or other applicant for plan approval.
  3. A statement duly acknowledged before an officer authorized to take acknowledgments of deeds and signed by the owner or owners of the property, to the effect that the subdivision or land development shown on the final plan is made with his or their free consent and in accordance with his or their desires.
  4. All offers of dedication and covenants governing the reservation and maintenance of undedicated open space, which shall bear the certificate of approval of the Township Solicitor as to their legal sufficiency.
  5. A copy of such private deed restrictions, including building setback lines, as may be imposed upon the property as condition to sale, together with a statement of any restrictions previously imposed which may affect the title to the land being subdivided. Such restrictions shall be satisfactory to the Board.
  6. Such certificates of approval (or of preliminary approval) by proper authorities of the state as may have been required by the Board or by this chapter.
  7. Certification of the engineer, land surveyor, landscape architect or land planner who prepared the plan that the plans are in conformity with zoning, building, sanitation, subdivision and other applicable Township ordinances and regulations. In any instance where such plans do not conform, evidence shall be presented that an exception or waiver has been authorized.
  8. Those permanent elements of an overall stormwater management system designed to retain stormwater and sediment shall be marked or identified specifically on any approved final subdivision or land development plan that is to be recorded with the Chester County Recorder of Deeds. These elements may include but not be limited to: **[Added 6-21-1993 by Ord. No. HR-208]**
     1. Maintenance of existing surface drainage systems, swales, etc.
     2. Utilization of groundwater recharge areas, seepage pits, basins, etc.
     3. Limitation on grading of the lot so as to retain the absorption capacity of the soil.
     4. Establishment of drainage easements, granted to the Township (as specified in Addendum A, Section 100-A5) for the protection of existing drainage patterns.

### § 181-38. Improvements construction plan contents.

An improvements construction plan, whether preliminary or final, shall conform to the following standards and shall contain the following information:

1. Drafting standards.
   1. Improvement Construction Plans submitted for review for final approval shall be clear and legible black or blue on white prints of the drawings. Upon completion of review and for signature by the Board or Planning Commission, clear reproducible prints of all plans shall be submitted. Space shall be provided for signatures by the Board or Planning Commission on the face of the plans.
   2. The Improvement Construction Plan shall be at one of the following scales:

### Horizontal Vertical

100 feet = 1 inch 10 feet = 1 inch

50 feet = 1 inch 5 feet = 1 inch

1. Plan contents.
   1. A statement describing proposed improvements, such as but not limited to the following: streets, curbs, gutters, sidewalks, streetlights, a typical cross-section diagram of proposed street construction; and the means of water supply, sewage disposal and drainage to be provided.
   2. A plan or plans showing location, width and names of all proposed streets and street rights-of- way and including all street extensions or spurs as are reasonably necessary to provide adequate street connections and facilities to adjoining developed or undeveloped areas; preliminary profiles for proposed streets; proposed minimum setback line for each street; location and dimensions of playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use.
   3. Where off-site or community sewer service is anticipated, the plan shall show the design of sewage systems, including but not limited to the location and grade of sewers, pumping stations, sewer mains and, where applicable, sewage treatment plants, showing the type and degree of treatment facilities; also, the location of a proposed right-of-way not less than 30 feet in total width along natural watercourses and where otherwise necessary in order to permit the construction and maintenance of sanitary and storm sewers as and when required.
   4. Where off-site or central water service is anticipated, the plan shall show the design of water distribution facilities, including the size and location of water mains, fire hydrants, storage tanks and, where appropriate, wells or other water sources. The final plan shall also contain a statement that the placement of fire hydrants and the components of the system have been reviewed by the Fire Marshal and that both are compatible with the fire-fighting methods and equipment utilized by local fire companies.
   5. If land to be subdivided lies partly in another municipality, the applicant shall submit information concerning the location and design of streets, layout and size of lots and provision of public utilities on land subject to his control within the adjoining municipalities. The design of public improvements shall provide for a smooth, practical transition where specifications vary between municipalities. Evidence of approval of this information by appropriate officials of the adjoining municipalities also shall be submitted.
   6. Where the applicant proposes to install the improvements in sections, he shall submit with the preliminary plan, pursuant to Section 508(4) of Act 247,**164** a delineation of the proposed sections and a schedule of deadlines within which applications for final approval of each section are intended to be filed.
   7. Where streets are proposed for dedication, a plan is required of street profiles and cross sections incorporating the following information:
      1. The profile plan shall show the vertical section of the existing grade and proposed grade
2. **Editor's Note: See 53 P.S. § 10101 et seq.**

along with the center line of the proposed street. Where storm drainage and/or sanitary sewer lines are to be installed, they also shall be indicated on the profile plan.

* + 1. A typical cross-section of street construction shall be shown on the profile plan and shall indicate the following:

1. Right-of-way width and the location and width of paving within a right-of-way.
2. Type, thickness and crown of paving.
3. The location, width, type and thickness of sidewalks to be installed, if any.
4. Typical location, size and depth of any underground utilities that are to be installed in the right-of-way, where such information is available.
   1. If required, a plan for location and type of streetlights to be installed, together with the necessary contract for streetlight installation for approval by the Township.

### § 181-39. Natural Features Conservation Plan contents. [Amended 12-3-1991 by Ord. No. HR-186]

A Natural Features Conservation Plan as required in § 208-120 of Chapter 208, Zoning, and

§ 181-36B(18), with adequate indication that the standards therein are met. All exhibits and documentation required in § 181-36D herein shall be submitted as part of final plan applications.

### § 181-40. Erosion, Sedimentation and Stormwater Control Plan.

An Erosion, Sedimentation and Stormwater Control Plan shall be prepared as required by Township ordinance and submitted concurrently with the preliminary plan application.

### § 181-41. Landscape Plan. [Amended 12-2-2013 by Ord. No. HR-399]

1. A landscape plan must be submitted as part of a preliminary and final subdivision or land development plan. The landscape plan must be prepared by a landscape architect registered in the Commonwealth of Pennsylvania.
   1. Drafting standards.
      1. The landscape plan must be drawn to a scale that is appropriate to depict the plant material. In no case shall the scale be smaller than the subdivision or land development plan of which it is a part.
      2. Each sheet must be numbered and show its relationship to the total number of sheets.
   2. Required plan content and supporting documents.
      1. The landscape plan must show all existing trees six inches and greater in caliper measured at 4.5 feet from the ground, individual specimen trees, tree masses, shrubs, groundwater features and other natural elements of the site to be preserved or removed, and all trees, shrubs, covers, lawn area, landscape elements and fences to be installed in conjunction with the development of the land.
      2. A compliance chart must be provided on the plan which shows a comparison of the landscape requirements of this chapter and the number of planting materials to be provided to satisfy each requirement.
      3. A legend must be provided on the plan which contains the following information:
2. The botanical and common name of each species of tree and shrub to be installed.
3. The quantity and size of each species of tree and shrub to be provided.

ARTICLE IX

### Design Standards

**§ 181-42. Applicability.**

1. The standards and requirements specified in this chapter shall be considered minimum standards and requirements for the protection and promotion of public health, safety and general welfare, and the Township reserves the right to increase the same when and if conditions warrant.
2. Where the Township approving authority has determined that literal compliance with the standards and requirements set forth in this chapter is clearly impractical, that authority may modify or adjust the standards to permit reasonable utilization of property while securing substantial compliance with the intent and objectives of this chapter. In granting modifications, such conditions may be imposed as will secure substantial compliance with said intent and objectives.

### § 181-43. General requirements.

1. In addition to the standards and requirements contained herein, all land shall be subdivided and developed in compliance with the following:
   1. The Official Map, the Comprehensive Plan, the Zoning Ordinance,**165** the Master Sewage Facilities Plan, the Township Building and Plumbing Codes and all other applicable Township codes, ordinances or administrative regulations.
   2. The special rules, regulations and standards of any municipal, county, state or regional planning agency having jurisdiction.
   3. The special rules, regulations and standards of any municipal, county, state or regional administrative or regulatory agency, such as but not limited to the County Health Department, the State and Federal Departments of Highways, the State Department of Environmental Protection and Federal Environmental Protection Agency.
   4. Any extraordinary or non-statutory limitations, qualifications or standards imposed on the land by deed or by the owner or other restrictive covenants agreed to by the owner. Any such restrictions, agreements or covenants shall be indicated on the plan of subdivision of land development and shall be recorded in a manner, form and substance acceptable to the Township Solicitor.
2. All portions of a tract being subdivided or developed shall be included in lots, streets, public lands or other appropriate permitted uses so that nonconforming lots, land remnants or areas without street frontage shall not be created. It must be demonstrated that any portion of a tract which is intended for or has the potential for future subdivision or development can be subdivided or developed in compliance with existing zoning regulations and this chapter.
3. Land shall be suited to the purposes for which it is to be subdivided or developed. Land which is determined to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, geological formations, adverse topography, special historical significance, utility easements or which is subject to hazards to life, health or property such as may arise from fire, flood, sinkhole collapse, landslide or mudslide, toxic or hazardous waste, disease or other natural or man-made cause, shall not be subdivided or developed unless and until adequate mitigating measures are formulated
4. **Editor's Note: See Ch. 208, Zoning.**

by the applicant and accepted by the Township and other appropriate regulatory agencies. Acceptance by the Township of mitigating measures proposed by an applicant shall in no way be deemed to relieve the applicant of obligation or liability if such measures fail, nor shall it be deemed an acceptance of such obligation or liability on the part of the Township.

1. Proposed subdivisions and land developments shall be coordinated with existing nearby neighborhoods and shall be consistent and harmonious with the pattern and character of existing and approved development in such neighborhoods.
2. No subdivision or land development shall be approved unless it can be demonstrated by the applicant that essential community facilities such as streets, stormwater collection, retention and conveyance systems, sanitary sewer and sewage treatment systems and water supply systems are adequate and that the proposed subdivision or land development will not burden any such essential community facility beyond its design capacity.
3. Every subdivision or land development plan shall be designed to preserve and protect the natural features of the land, including existing grades and contours, bodies of water and watercourses, wetlands, large trees standing alone or in groves, street shade trees and specimen trees, scenic and historic points, pedestrian walks, bicycle paths and bridle trails that have been in public use and other community assets. The burden shall be on the applicant to justify any material changes in the natural features of the land, including those features set forth above, by satisfactory proofs that subdivision or land development would not be feasible without such changes and that there are no practical alternatives to the material change. The fact that subdivision or land development would involve greater expense or less density because of the maintenance of desirable natural features will not in and of itself be considered a justification for changes in such features.
4. Lot lines shall follow Township boundary lines rather than cross them. Whenever access to the tract is required across land in another municipality, assurance must be provided in written form that access is legally established and that the design and construction of such access complies with the standards and requirements of both municipal jurisdictions.

### § 181-44. Lots.

1. Lot dimensions, areas and configurations shall comply with all applicable provisions of Chapter 208, Zoning, and shall be suitable and appropriate for the type of development and use contemplated. Where lots are capable of further subdivision or development, the Township may require that such lots and the development thereon be arranged so as to accommodate such future subdivision or development and opening of future streets where they would be necessary.
2. Every lot hereafter created shall have frontage along the right-of-way line of a street that can provide direct access to such lot. The frontage along the right-of-way line of a street shall not be less than 20 feet. **[Amended 12-7-2015 by Ord. No. HR-412]**
3. No portion of any lot which is not of the required lot width (as set forth in the applicable zoning district regulations) shall be included in computing the required lot area.
4. For any lot proposed to front on the curved portion of a street or cul-de-sac, the minimum lot width required within the applicable zoning district must be achievable at the building line.
5. Where two or more lots are so located that the principal portion of the lots cannot extend to the street right-of-way line, a street or cul-de-sac shall be provided to give adequate frontage. The creation of such interior lots shall be minimized and limited only to those circumstances dictated by the

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configuration of the site. Not more than two lots in depth shall be permitted along any new or existing street.

1. Excessively irregular lots shall not be permitted. The ratio of the depth of a lot to its width shall be not less than 1 to 1 nor greater than 3 to 1.
2. Side lot lines shall generally be at right angles to street lines (or radial to curving street lines) unless greater lot layout flexibility is required so that buildings can be sited for maximum solar access and views.
3. At T street intersections, the side lot lines of properties opposite the intersecting street shall be centered on the center line of the intersecting street and the buildings on those properties sited so as to avoid the glare of vehicle lights.
4. The dimensions of corner lots shall be large enough to allow for the erection of buildings maintaining the required minimum front yard setback from both streets.
5. Double frontage and reverse frontage lots are not permitted except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography or orientation. All residential reverse or double frontage lots shall have a minimum building setback from the major traffic street of at least double the normal front yard setback requirement of the applicable zoning district and no direct access to the major street is permitted.
6. On any lot abutting a railroad, no dwelling shall be placed within 75 feet of the nearest track, nor within 50 feet of the railroad right-of-way line.
7. Lots shall be designed and graded to provide positive drainage from buildings and to the street or to a drainage facility such as a swale or basin designed and provided for that purpose, rather than to an adjoining property.

### § 181-45. Blocks.

1. The length, width and shape of blocks shall be determined with due consideration of the following:
   1. Zoning requirements and the provision of adequate sites for buildings of the type proposed.
   2. Requirements for safe and convenient vehicular and pedestrian circulation.
   3. The limitations and opportunities of the environment.
   4. Thoughtful, innovative and efficient design to reinforce and achieve the best design of the proposed type of development, to create attractive residential and nonresidential communities and to provide opportunities for the utilization of solar energy.
2. Blocks shall have a minimum length of 600 feet and a maximum length of 1,000 feet, except that blocks along major and collector streets shall be not less than 1,000 feet long. Special consideration shall be given to the requirements of satisfactory fire protection and pedestrian access. Pedestrian crosswalks shall be provided within blocks of over 1,000 feet in length. Where determined by the Township to be necessary, the reservation, by easement or otherwise, of lands through the block to accommodate utilities, drainage facilities or pedestrian or emergency vehicle traffic shall be provided.

### § 181-46. Streets.

1. Street systems.

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* 1. Proposed streets shall be properly related to such street plans or parts thereof as have been officially prepared and adopted by the Township, including recorded subdivision plans and the Official Map of the Township, and shall be classified according to their function. Proposed streets shall further conform to such Township and state road and highway plans and construction codes as have been prepared, adopted and filed as prescribed by law.
  2. All streets shall be of sufficient width and proper grade and shall be located so as to accommodate the probable volume of traffic as established by satisfactory proof proffered by the applicant, to afford adequate light and air, facilitate fire protection, provide access of fire- fighting equipment to buildings and to provide a coordinated system of streets conforming to the Township's Official Plan of streets.
  3. Thoughtful and imaginative design of streets and their relationship to the arrangement and shape of lots is required. Streets shall be logically related to the topography so as to produce usable lots, curvilinear design, reasonable grades, proper alignment and drainage, to provide for adequate vision and to enhance opportunities for the utilization of solar energy.
  4. Residential streets shall be laid out so as to discourage through traffic; however, the arrangement of streets shall provide for the continuation of existing or platted streets and shall provide proper access to adjoining undeveloped tracts suitable for future development.
  5. Where a subdivision or land development contains or abuts or otherwise utilizes a street of insufficient width or improper design, construction and/or alignment, the applicant shall dedicate such additional rights-of-way as necessary to meet the minimum requirements specified herein and/or to make such improvements as are necessary to correct the design, construction and/or alignment deficiencies.
  6. If lots resulting from original subdivision are large enough to permit resubdivision or if a portion of the tract is not subdivided, adequate street rights-of-way to permit further subdivision shall be provided as necessary, to be no less than the right-of-way then required for minor collector or local streets.
  7. New streets shall be provided through to the boundary lines of the development with temporary easements for turnarounds when the subdivision or land development adjoins unsubdivided acreage. This provision may be waived when it is shown to the satisfaction of the Township to be poor or unnecessary design or that such a requirement would not further the objectives of this chapter.
  8. New half or partial streets shall not be permitted except where essential to reasonable development of a tract in conformance with the other requirements and standards of this chapter and where, in addition, dedication of the remaining part of the street bas been secured. Wherever a tract to be developed borders an existing half or partial street, the other part of the street shall be plotted within such tract. Where new half or partial streets are proposed, the acceptance of final plans shall be conditioned upon the provision of guaranties assuming the construction or completion of such streets to Township standards.
  9. Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts or when designed as cul-de-sac streets.
  10. New streets shall be laid out to continue existing streets at equal or greater width, as regards both cartway and right-of-way as dictated by traffic studies or new densities. Minimum widths shall be as established herein.
  11. Where streets continue into adjoining municipalities, evidence of compatibility of design, particularly with regard to street widths, shall be submitted. The applicant shall coordinate such designs with both municipalities to avoid abrupt changes in cartway width or in improvements provided.
  12. All street names shall be assigned or approved by the Board of Supervisors. Continuations of existing streets shall be known by the same name, but names for other streets shall not duplicate or closely resemble names for existing streets in the region.

1. Cul-de-sac streets.
   1. A cul-de-sac, permanently terminated, is not permitted when a through street is feasible and more desirable. The applicant shall have the burden of showing the infeasibility of a through street in order to justify a cul-de-sac. The fact that a cul-de-sac will permit a greater density of development shall not be, by itself, a sufficient justification.
   2. Each permanent cul-de-sac street shall serve not more than 24 single-family residential dwellings, not more than 50 two-family or multiple-family dwellings and not more than 6 nonresidential lots. A cul-de-sac of greater length may be approved by the Township only where the topography, shape or environmentally sensitive areas preclude the possibility of providing a second street. **[Amended 12-3-1991 by Ord. No. HR-188]**
   3. Permanent cul-de-sac streets shall have a circular turnaround with minimum rights-of-way and paving radii as prescribed below. The maximum slope across the diameter of a cul-de-sac shall not exceed 5%.

|  |  |  |  |
| --- | --- | --- | --- |
| **Type of Cul-de-Sac** | **Right-of-Way Radius (feet)** | **Outer Paving Radius (feet)** | **Inner Paving Radius (feet)** |
| Residential | 50 | 40 | -- |
| Residential with center island | 70 | 60 | 20 |
| Commercial/ industrial | 80 | 70 | -- |
| Commercial/ industrial with center island | 80 | 70 | 30 |

* 1. Any street temporarily dead-ended for either access to an adjoining property or for authorized stage development, which is greater than one lot depth, shall be provided with a temporary all- weather turnaround within the subdivision or land development. The use of such shall be guaranteed to the public until such time as the street is extended. The temporary turnaround shall be circular, with a minimum cartway radius of 25 feet, and shall remain completely within the right-of-way. The turnaround right-of-way shall be placed adjacent to the property line and a right-of-way of the same width as the street shall be carried to the property line in such a way as to permit future extension of the street into the adjoining tract.

1. Private streets.
   1. Private streets shall be designed and constructed in compliance with the standards for public

streets contained in this chapter.

* 1. Private streets shall be designated as such on the preliminary and record plans and shall be subject to the construction and maintenance guaranties contained in this chapter.

1. Street alignment.
   1. Sight distance. A sight distance, measured at a height of 31/2 feet, shall be provided as follows:
      1. Local street: 200 feet.
      2. Collector street: 300 feet.
      3. Arterial street: 400 feet.
   2. Horizontal curves. Horizontal curves shall be used at all changes in alignment in excess of 2º. Long radius curves shall be used rather than a series of curves connected by short tangents. Minimum radius curves at the end of long tangents will not be approved.
      1. Minimum radii of center line on horizontal curves shall be 200 feet on intercommunity service or secondary streets and 100 feet on local residential streets.
      2. Reverse curves shall be separated by tangents of 50 feet or more, in accordance with standards of the Pennsylvania of Transportation.
      3. Super-elevation and additional width shall be used for curves of less than 600 feet radii on inter-community service or secondary streets and of less than 300 feet radii on local residential streets.
   3. Vertical curves. Vertical curves shall be used at changes in grade of more than 1%. The length of the curve shall approximate 50 feet on intercommunity or secondary streets and 25 feet for local residential streets for each 1% of change in grade. Over summits or in sumps, vertical curves shall not produce excessive flatness in grade and there shall be no dips, cross gutter bumps or humps in the paving.
2. Street intersections.
   1. Not more than two streets shall intersect at the same point. Streets entering at opposite sides of another street shall be aligned directly opposite one another or with a minimum offset of 150 feet between center lines.
   2. The center lines of streets intersecting with major streets shall be not less than 1,000 feet apart.
   3. A street shall intersect another at right angles and rights-of-way lines at intersections shall be rounded by a tangential arc having a minimum radius of 20 feet.
   4. Curblines.
      1. Intersection curblines shall be rounded by a tangential arc with the following minimum radii:
3. Local residential: 25 feet.
4. Intercommunity/collector: 35 feet.
5. Arterial/expressway: state and federal highway standards.
   * 1. The grade lines of curbs at intersections shall intersect if the tangents are extended.
   1. Intersections shall be designed with a flat grade wherever possible. Where a flat grade is not possible, a leveling area shall be provided at the approach to an intersection having a grade (measured along the curb or flow lines of the street) not exceeding 3% at a distance of 50 feet from the intersection rights-of-way lines. The cross-slopes at the intersection shall not exceed 3%.
   2. Clear sight lines shall be provided and maintained at all intersections. The clear sight triangle shall be measured at a point 15 feet back from the intersecting curb or pavement edge at a height of two feet above the curbline and shall extend in both directions a distance of 100 feet from the center line of all local residential roads and a distance of 200 feet from the center line of all other roads except arterials and expressways which shall be provided according to state and federal highway department standards. No vegetation, fence, bridge structure, sign or other obstruction shall be permitted in this area. Any obstruction to sight shall be removed at the time the street is graded or at the time a building or structure is erected or altered in accordance with an approved subdivision or land development on the adjacent lot, whichever shall first occur. It shall be the responsibility of the owner(s) of properties within the required minimum clear sight triangles to maintain the clear sight triangle.
   3. All intersections shall be controlled by STOP signs or traffic signals, except that one through street may be designated for each intersection. The designation of the through street and the design, placement and timing of traffic signals shall be according to applicable state and federal highway department standards.
6. Street width.
   1. The minimum cartway widths established herein are not intended or designed to accommodate on-street parking. Greater right-of-way and cartway widths may be required for the following purposes:
      1. To promote public safety and convenience.
      2. To provide parking space in commercial districts and in areas of high-density residential development.
      3. To accommodate special topographic circumstances which may result in cut/fill slopes beyond the standard right-of-way width. These should be included within the right-of-way in all circumstances to assure accessibility for maintenance operations.
   2. Rights-of-way of lesser width than prescribed in this section shall not be permitted.
   3. Subdivisions abutting existing streets shall provide, for dedication, the minimum right-of-way widths for those streets in accordance with the provisions of this section.
   4. The minimum rights-of-way and cartway widths for all streets shall be as follows, except where greater widths are required by state or federal highway departments:

### Street Type

Arterial/expressway:

### Right-of-Way (feet)

**PavedCartway (feet)**

Principal State or federal standards

|  |  |  |
| --- | --- | --- |
| Minor | 60 to 80 | 52 to 66 |
| Collector/connector: |  |  |
| Major/intercommunity | 60 | 40 |
| Minor/residential feeder | 60 | 28 to 34 |
| Local residential/service | 50 | 28 |
| Commercial/industrial | 60 | 38 to 40 |
| Cul-de-sac: |  |  |
| Under 400 feet long | 50 | 24 |
| Over 400 feet long | 50 | 28 |
| Temporary or extendable | 50 | 28 |

1. Street grades.
   1. Center-line grades shall be not less than 1% nor more than 7%, except that a maximum grade of 10% on local residential streets may be permitted for short distances where natural contours provide conditions for minimal grading at the steeper grade and where the applicant proffers satisfactory proofs that safety will not be sacrificed.
   2. Under no conditions will maximum grades be permitted with curve radii.
2. Street construction standards.
   1. All new streets and all existing streets of insufficient width or substandard construction along the lot or lots to be sold or built upon shall be constructed or improved to the standards and specifications contained herein or to applicable state and federal highway department specifications (e.g., Pennsylvania Department of Transportation Specifications, Form 408, latest revision), whichever is greater.
   2. Subgrade.
      1. The area within the limits of the proposed road surface shall be shaped to conform to the line, grade and cross section of the proposed road.
      2. All unsuitable subgrade materials shall be removed or stabilized.
      3. Encroachment into wet or swampy areas shall be minimized; where unavoidable and permitted, such areas shall be permanently drained and stabilized.
      4. Fill material shall be suitable and thoroughly compacted for its full width in uniform layers of not more than eight-inch thickness.
      5. The subgrade beneath cartways, shoulders and sidewalks shall be thoroughly compacted to not less than 100% of the determined dry weight density by rolling with a minimum

ten-ton roller and/or a sheepsfoot roller over six inches.

* + 1. Backfill of trenches within the cartway and curb area shall be thoroughly compacted prior to application of the base course.
    2. The subgrade shall be checked and approved by the Township Engineer for lines, grade, crown and contour before any succeeding courses are applied.
  1. Base course.
     1. Base course shall consist of eight inches of PA No. 4A crushed stone placed on a two-inch initial layer of screening and rolled uniformly and thoroughly with the ten-ton roller. Rolling shall continue until the material does not creep or wave ahead of the roller wheels.
     2. After compaction of the base stone, dry screenings shall be applied in sufficient quantity to fill all of the voids in the rolled stone base. A vibratory roller, of PennDOT approved design, must be used in this step of construction, and rolling shall continue until all voids are filled. Small areas around inlets and manholes that cannot be reached by the vibratory roller shall be compacted with mechanical tamper or whacker.
     3. When the stone surface is tight and will accept no more screenings, all loose screenings shall be broomed from the surface to the top 1/2 inch of the aggregate over at least 75% of the road.
     4. No base material shall be placed on a wet or frozen subgrade.
     5. As an alternate, an aggregate-lime-pozzolan base course may be used when approved by the Township. This "pozopac" base course must be applied with an approved paver to a thickness to be determined by the Township Engineer.
     6. Application of a "pozopac" base course shall be followed immediately by application of the binder course.
  2. Bituminous surface.
     1. Bituminous material shall be ID-2 or FB-1 hot mix, with two inches of binder course and two inches of surface course after compaction.
     2. The completed road surface shall have a uniform slope of 1/4 inch per foot from edge to center line, except that on super-elevated curves, this slope shall not be less than 1/4 inch per foot and shall extend up from the inside edge to the outside edge of the paving.
     3. As an alternate, the road may be constructed of four inches of crushed stone, six inches of compacted aggregate bituminous base and two inches wearing course. The type and installation of road material shall be equal or superior to that required in the PennDOT Specifications, Form 408.
     4. All wearing surface courses shall be sealed to the concrete curb and at its joint with existing streets and driveways with a one-foot-wide Class BM-1 asphalt gutter seal.
  3. Grading and shoulders. Roadways shall be graded for not less than eight feet beyond the edge of the proposed paving on each side. This grading width shall be increased as necessary where sidewalks and/or planting strips are to be provided. Shoulders shall be graded with a slope of one inch per foot. Beyond the limits of this grading, banks shall be sloped to prevent erosion,

but this slope shall not exceed two horizontal to one vertical, with tops of slope in cuts rounded.

1. Service streets or alleys.
   1. Service streets or alleys shall be provided in C-1 and C-2 Commercial Districts, SC Shopping Center Districts, LI Limited Industrial Districts and PIP Planned Industrial Park Districts to provide access to off-street parking, loading and unloading facilities. Alleys in residence districts will not be approved in the absence of special conditions.
   2. The width of the right-of-way of any service street or alley shall not be less than 20 feet and the width of the paving not less than 16 feet. Greater widths will be required if necessitated by the proposed use.
   3. A service street or an alley terminating in a permanent barrier will not be approved unless adequate turning area at the end is provided.
   4. Intersections of right-of-way lines shall be rounded by a tangential arc the minimum radius of which shall be 20 feet, and the edge of the paving at the intersections shall be rounded by a tangential arc the minimum radius of which shall be 20 feet.
   5. No fences, hedges, shrubbery, walls, planting or other obstructions shall be located within the right-of-way. Reasonable sight distance shall be provided at intersections with streets.
   6. No part of any building, garage or other structure may be located within 25 feet of the center line of an alley used for public use and convenience, whether in residential or nonresidential districts.
2. Driveways.
   1. No more than three dwelling units may share a common driveway.
   2. Crossover easements for common private driveways are required and must be noted on the final plan and included in all affected deeds.
   3. Private driveways on corner lots shall be located at least 40 feet from the point of intersection of the right-of-way of the nearest street and shall provide access only to the street of lowest classification when a corner or double frontage lot is bounded by streets of different classification.
   4. Each private driveway shall be located, designed and constructed, landscaped and maintained so as to provide a sight distance designed according to the American Association of State Highway Officials Standards at intersections with streets.
   5. At intersections with streets there shall be at least a fifteen-foot stopping space on the driveway, behind the right-of-way line, with a grade not in excess of 5%.
   6. All driveways shall contain a straight length of at least 25 feet in the case of residential driveways and 40 feet in the case of nonresidential driveways, measured from the paved cartway edge of the intersecting street and extending inside the lot.
   7. Driveways to single-family residences shall intersect streets at angles of between 60º and 90º and all other driveways shall intersect streets at angles of between 75º and 90º degrees. The angle of intersection is the acute angle made by the intersection of the center line of the driveway with the center line of the road.
   8. Common driveways and driveways in excess of 200 feet long shall be of sufficient width and contain a sufficient number of pullover areas to provide safe and easy passage of vehicles.
   9. The entrance to each private residential driveway shall be at a minium radius of five feet or shall have a flare constructed that is equivalent to this radius at the point of intersection with the street cartway edge.
   10. Driveway entrances into all nonresidential, single-use properties shall be no less than 20 feet in width, shall not exceed 36 feet in width at the street line unless provided with a median divider and shall be clearly defined by use of curbing. The curbs of these driveway entrances shall be rounded with a minimum radius of 10 feet where they intersect a street.
   11. The gutter line, wherever possible, shall be maintained as a paved swale. It shall have a maximum depth of four inches and a minimum width of 24 inches. A pipe may only be placed under the driveway entrances when approved by the Township Engineer. The acceptability of such a pipe will be governed by the gutter depth on each side of the driveway. The minimum pipe size under a driveway will be determined by the Township Engineer.
   12. Driveways shall be graded so that surface drainage will be discharged to the owner's property; otherwise, adequately sized pipes, inlets and/or headwalls shall be installed and gutter improvements shall be made to direct surface drainage into the road drainage system and not onto the paving of the intersecting road.
   13. Driveway grades in excess of 14% that may create a hazard at either street or interior terminus shall not be permitted.
   14. Where difficult problems of driveway curvature and grades in excess of 10% are likely to be present, the applicant shall submit for approval details of driveway location and grade before lot lines and house location and grade are finally determined.
3. Acceleration, deceleration and turning lanes. (Reserved.)**166**
4. Curbs.
   1. Concrete curbs shall be installed along each side of all streets and along the median island of divided streets. The requirement to provide curbs may be moved only where the introduction of curbs along existing uncurbed streets may cause a hazard to the driving public or despoil the established rural or historical character of the adjoining community or adversely affect storm drainage.
   2. Except where state or federal highway department manuals require a greater standard, concrete curbs shall be 22 inches deep, seven inches wide at the top and eight inches wide at the base on secondary, commercial and primary streets. The distance from the top of curb to flow line of the gutter shall be eight inches on residential, secondary, commercial and primary streets. The nominal distance from the top of curb to flow line of the gutter shall be eight inches on residential, secondary, commercial and primary streets. Curbing shall be built in ten-foot lengths and an approved expansion joint of 1/4 inch minimum thickness shall be used at each joint. A combination curb and gutter may be used at the option of the developer when approved by the Township Engineer. Where combination curb and gutter is used, it must be placed on a minimum of four inches of crushed stone or gravel to provide adequate drainage beneath the
5. **Editor's Note: The Township has reserved this subsection for future legislation on this topic.**

curb.

* 1. All concrete used in the construction of improvements shall be certified to develop a compressive strength of at least 3,000 pounds per square inch at 28 days with certification of the mix furnished to the Township Engineer. Concrete shall be placed in forms that are straight and securely braced. Care shall be taken to control the water content to prevent separation of the aggregates. All the concrete shall be thoroughly tamped into the forms. After the concrete has set sufficiently, the form shall be removed and the exposed surface shall be rubbed to provide an even finish. All edges shall be finished with an approved edging tool.
  2. After completion of the bituminous paving, Class BM-1 asphalt shall be applied to the joint between the curb and the bituminous paving for a distance of one foot from the curb towards the center of the road to effectively seal the joint between the curb and the bituminous paving.
  3. To provide for driveways, depressions in the curbing may be constructed and finished during the time of pouring.

1. Pedestrian amenities, sidewalks, crosswalks, paths and trails. **[Amended 8-17-1998 by Ord. No. HR-275]**
   1. Sidewalks and/or paths shall be required in every subdivision or land development plan application meeting any of the following conditions: **[Amended 9-19-2011 by Ord. No. HR-390]**
      1. For all development of properties with frontage on the Green Routes Pedestrian Network, as approved via resolution by the Board of Supervisors;
      2. For all development of properties that meet the same general characteristics of Subsection M(1)(a) above where such provision would meet the goals and objectives of the Transportation Plan in the Tredyffrin Township Comprehensive Plan of 2009, as amended.
   2. The approving Township authority for a subdivision or land development application shall determine whether a sidewalk or path or a combination of both is constructed with concrete, asphalt or another suitable material based on existing features of the land, potential usage of the sidewalk or path, and the general character of the area. The provisions of this subsection shall only apply prospectively, for subdivision or land development plan applications that have not received final approval as of the effective date of this subsection, October 20, 2011. The provisions of this subsection shall not apply retroactively. **[Amended 9-19-2011 by Ord. No. HR-390]**
   3. Sidewalks shall be provided on both sides of streets, except that sidewalks will be required on only one side of a street if only one side of the street is developed.
   4. In all commercial and special development zoning districts, pedestrian sidewalks shall be set back at least six feet from the edge of the roadway or curb. The sidewalk shall measure at least six feet in width. The sidewalk paving shall be concrete with a nonslip furnish to facilitate comfortable walking and wheelchair use and shall be completely free of any poles or other physical objects. The area between the sidewalk and the edge of the road or curbface shall be designed to accommodate all traffic and streetlight standards, traffic signs, mailboxes, fire hydrants and similar utility installations. This area shall be paved with concrete pavers or brick pavers in colors and patterns approved by the Planning Commission. Where overhead utility lines are not present, this area may also contain street trees and/or other landscaping as approved

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by the Township Planning Commission. The area between the buildings and parallel to the sidewalk shall contain a combination of shade trees, ground cover, planting beds and grass and pedestrian amenities such as bus shelters. This planting area shall have a minimum width of six feet except where immediately adjacent to a building or group of buildings fronting directly onto the sidewalk with doors and/or display windows facing the sidewalk. In these situations an additional band of paving may be placed immediately adjacent to the building fronts to facilitate pedestrian access to the building(s).

* 1. In all noncommercial zoning districts, pedestrian sidewalks shall be set back at least five feet from the edge of the roadway or curb. The sidewalk shall measure at least four feet in width. The sidewalk paving shall be concrete with a nonslip surface to facilitate comfortable walking and wheelchair use and shall be completely free of any poles or other physical objects. When specifically approved by the Planning Commission a macadam paving may be used in lieu of concrete. The area between the sidewalk and the edge of the road or curbface shall be designed to accommodate all traffic and streetlight standards, traffic signs, mailboxes, fire hydrants and similar utility installations. When approved by the Township Planning Commission, this area may be planted with grass and low shrubs or paved with concrete pavers or brick pavers. Where overhead utility lines are not present, this area may also contain street trees. The area between the buildings and parallel to the sidewalk shall contain a combination of shade trees, ground cover, planting beds and grass and pedestrian amenities such as public transportation shelters.
  2. The grade and paving of the sidewalk shall be continuous across driveways, except in certain cases where heavy traffic volume dictates special treatment. The grade and alignment of all sidewalks shall be approved by the Township Engineer on Township roads and the Pennsylvania Department of Transportation on state-maintained roads.
  3. Sidewalks shall be designed and constructed to meet all design criteria required by the Americans with Disabilities Act.
  4. Sidewalks shall be sloped toward the street, with a gradient not less than 1/4 inch per foot. The finished grade between the outside of the sidewalk to the curbline (edge of the cartway) shall never exceed a total vertical elevation change of one foot. All concrete sidewalks shall be constructed on a four-inch crushed stone or gravel base to ensure proper drainage. The concrete shall be placed so that there is a tooled separate joint every five feet. One-half inch premolded joint fillers shall be placed where the concrete sidewalk abuts a concrete curb. All concrete sidewalks shall have a minimum thickness of four inches except at driveways where they shall have a minimum thickness of six inches for residential uses or eight inches for commercial or industrial uses. The concrete apron in the driveway area shall be reinforced with welded wire mesh six inches by six inches, No. 9 wire (minimum). Two layers of this mesh shall be utilized with a minimum of two-inch spacing between layers. The wire shall be installed so that it is not closer than one inch from the top or bottom surfaces of the driveways.
  5. Crosswalks not less than 10 feet wide and with paving not less than four feet wide shall be required where necessary to provide access to schools, churches, parks and commercial areas. Crosswalks shall be maintained by the abutting property owners or homeowners' association in the same manner as sidewalks on public or private streets.
  6. At the discretion of the Planning Commission, in conjunction with an application for land development, a system of bicycle, equestrian and/or pedestrian paths for public use generally unrelated to and separate from streets may be required and secured by dedication or easement. Such paths shall be consistent with any existing plans specified by the Township so as to

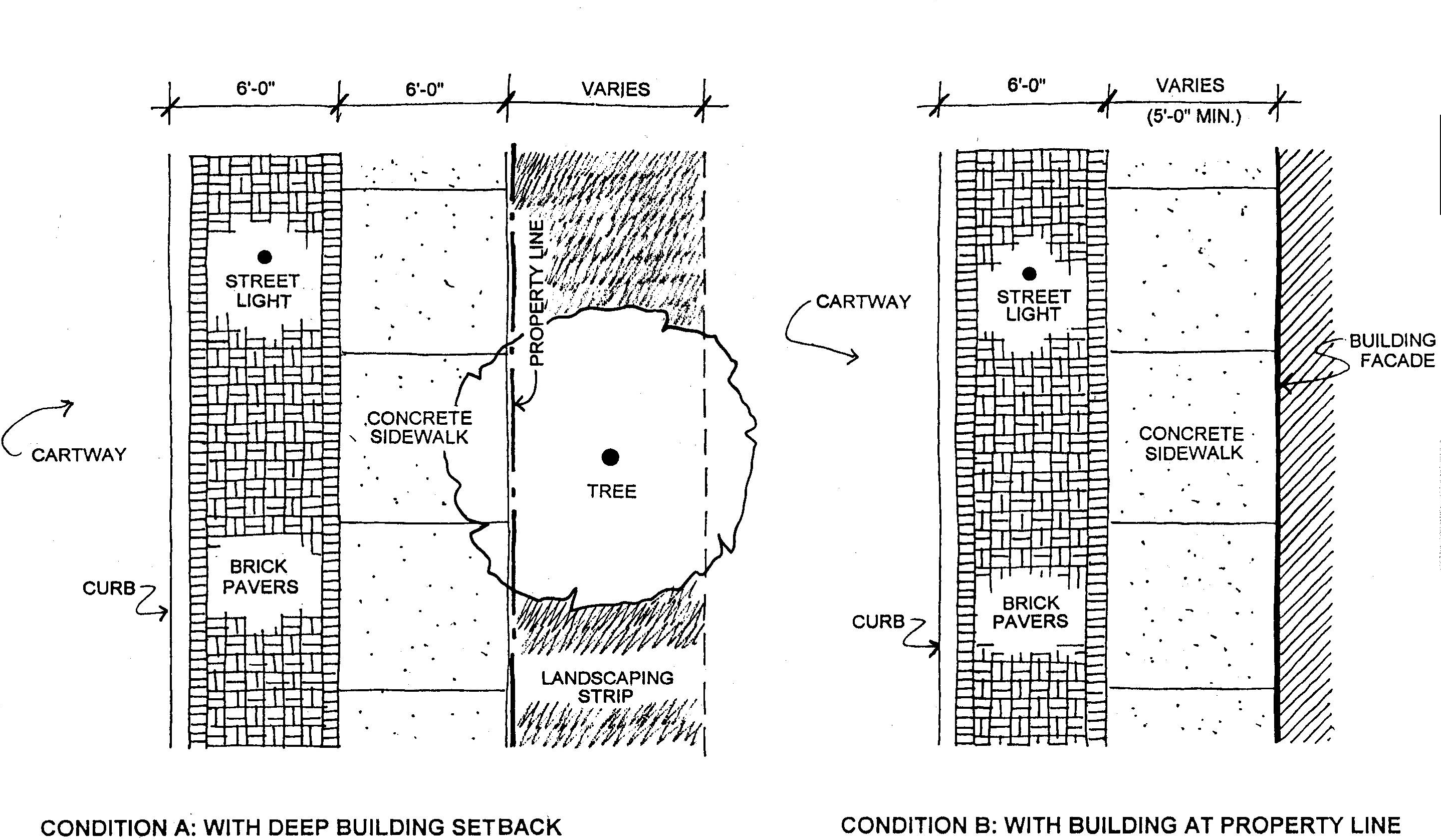
Township of Tredyffrin, PA

#### § 181-46 TREDYFFRIN CODE § 181-46

encourage the formation of an interconnecting trail network both within and beyond the Township. Such paths normally shall not exceed 10 feet in width and, at the option of the applicant, shall be located adjacent to existing or proposed lot lines or in such manner as to minimize any obstruction to the development. Existing paths may be relocated if a connection with a path on the property or on an adjoining property is established.

* 1. The following streetscape amenities are required for all subdivisions and land developments for properties with frontage on Lancaster Avenue or connecting cross streets. In instances where existing conditions dictate alternative specifications, the essence of the overall streetscape design shall be maintained. Alternative specifications shall be approved by the Planning Commission. **[Added 9-10-2007 by Ord. No. HR-361]**
     1. Sidewalk specifications. Sidewalks shall be constructed to include three bands. (See Exhibit 1.)

### Exhibit 1

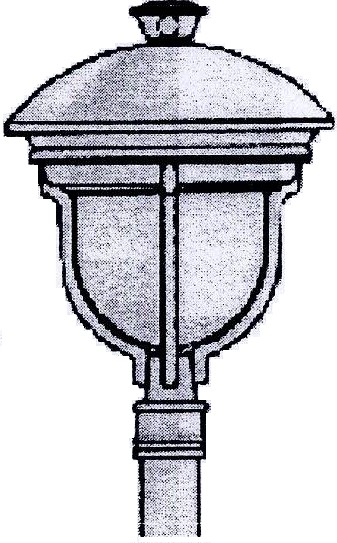
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1. Verge: six-foot brick paver at curb to provide space for lighting poles, fire hydrants, signage and other obstructions.
2. Sidewalk: six-foot unobstructed concrete walking area.
3. Green area: six-foot-wide grass planting strip to include street trees planted generally 25 to 30 feet apart in the center depending on the species and reach of canopy. The intent is to provide a continuous canopy. Deciduous shrub plantings shall also be provided between shade trees to provide a visual screen from vehicular lights within parking areas located to the front of structures. (See Exhibit 2.) The green area shall be installed continuously along the entire width of the lot next to the sidewalk except

in instances where a principal structure directly abuts the sidewalk. In instances where a six-foot green area is not feasible due to limited site width or other unique existing conditions, planters and other forms of decorative plantings may be substituted.

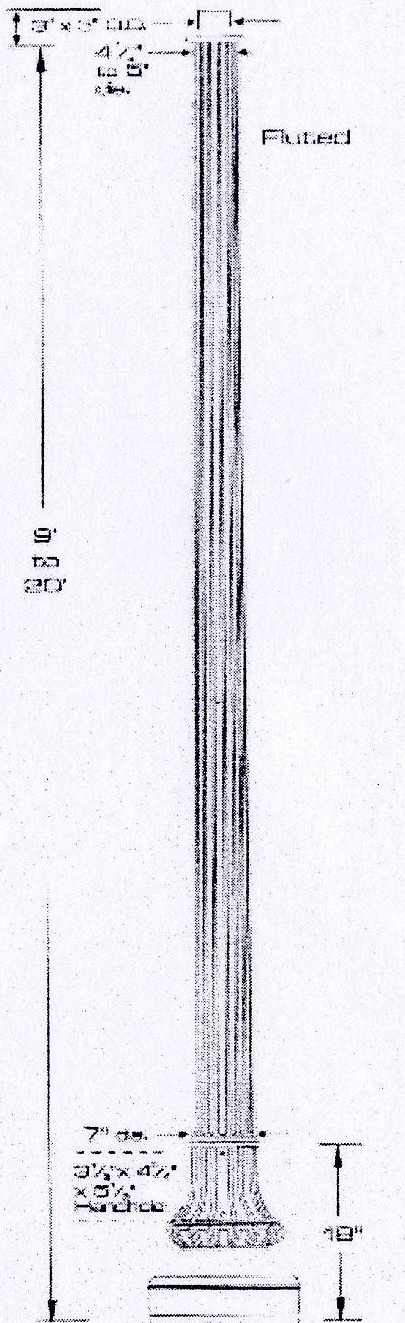
1. Brick specifications.
   1. Color: red.
   2. Style: EP Henry Coventry Brickstone or approved equivalent.
      1. Lighting specifications. To reestablish traditional pedestrian-scale lighting, lower, more closely spaced lamps with softer light shall be installed, except at intersections if the Township Engineer determines that taller more intensive lights are necessary there for safety. Lighting shall be provided according to the following specifications or an approved equivalent.
2. Streetlights.
   1. Light fixtures. (See Exhibit 2.)

### Exhibit 2

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* + 1. Style: Lumec - Optima Series - Luminaire - Model No.: OT10-PH (DF10) or approved equivalent. Includes photoelectric cell with decorative finial.
    2. Color: black.
    3. Lamp: 250-watt metal halide lamp.
  1. Poles. (See Exhibit 3.)

### Exhibit 3

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* + 1. Style: Shakespeare - Historical Series - Washington Style - Model No.: AP17 12FS11 - fluted or approved equivalent.
    2. Color: semigloss black.
    3. Base: anchor base, seventeen-inch diameter with three-inch tenon.
    4. Height: 12 feet.
    5. Spacing: generally 80 to 100 feet, unless specifications dictate otherwise.
    6. Setback from curb: located within the center of the curbside paver at three feet, where practical.

1. Internal off-street parking lot lights.
   1. Light fixtures. (See Exhibit 4.)

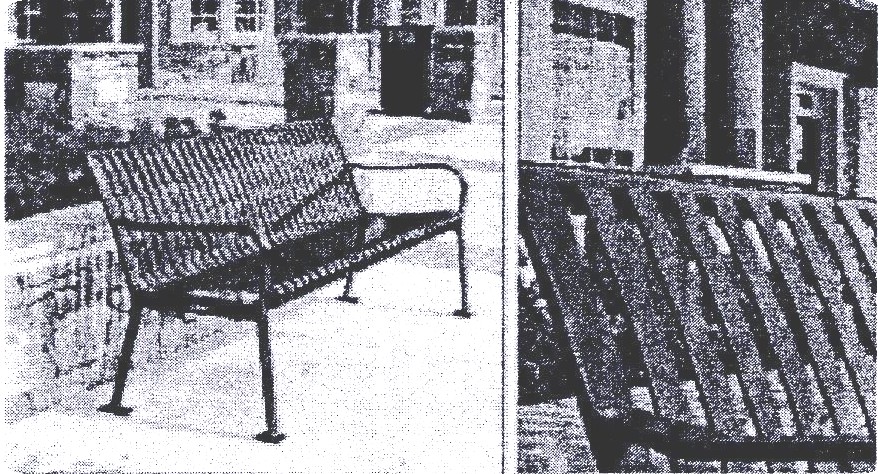
### Exhibit 4

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* + 1. Color: black.
    2. Lamp: 400-watt metal halide.
    3. Style: Emco 25-inch Ecoround - Model: ERA-25-2-3H-400MH-277MT- BLP-PTF or approved equivalent.
  1. Poles.
     1. Style: Shakespeare - AQ series - four-inch by four-inch anchor base - Model: AQ1602S1BB01 with OPSH-AQ1 shroud and 23/8" tenon or approved equivalent.
     2. Color: black fiberglass.
     3. Height: maximum 16 feet.
     4. Street furniture specifications. Street furniture shall be provided according to the following specifications or an approved equivalent.

1. Benches. (See Exhibit 5.)

### Exhibit 5

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* 1. Style: Steelsites RB Series - RB-28 six-foot or approved equivalent.
  2. Color: black.

1. Trash receptacle and ash urn. (See Exhibit 6.)

### Exhibit 6

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1. Streetlights.
2. Color: black.
3. Size: 36 gallon.
4. Style: Ironsites Series - S 42 Black (Ash Urn - Ironsites Series - S 20) or approved equivalent.
   1. Streetlights shall be required along all collector, arterial or commercial roads and all local roads within a subdivision where the average lot size is less than 50,000 square feet.
   2. Lighting shall be provided on metal poles serviced by underground cable. Wooden poles may be used only by specific approval of the Board of Supervisors.
   3. Required streetlights shall be installed at the expense of the applicant, according to a plan approved by the Township and applicable utility company.
   4. Streetlights shall be energized after 50% or more of the buildings in a given subdivision or land development or section of a subdivision or land development have been occupied. The developer shall be responsible for all costs involved in lighting the streets until the streets are accepted as public streets by the Township.
5. Street signage.
   1. Street name signs shall be placed at all intersections within or abutting a subdivision.
   2. The location and design of all street signs shall be approved by the Township Director of Public Works.
   3. All street signs shall be installed by the Township at the expense of the subdivider or developer.
   4. Street signs shall be installed before the issuance of occupancy permits for any building on the street(s).

### § 181-47. Sanitary sewers and on-lot sewage disposal systems.

1. Sanitary sewers.
   1. Wherever outfall sewers are available, sanitary sewers shall be installed and connected to the Township sanitary sewer system. If outfall sewers are not available but are planned for the area in question, a system of sewers, together with all necessary laterals extending from the sewer to the street right-of-way line, shall be installed and capped.
   2. When consistent with the Township's Sewage Facilities Plan, sanitary and lateral corrections to each building in a subdivision or land development shall be installed at the expense of the applicant. When not consistent with the Sewage Facilities Plan, a revision to the plan must be requested in accordance with Act 537, the Pennsylvania Sewage Facilities Act.**167**
   3. All public or private sanitary sewer systems and wastewater treatment facilities shall be designed, constructed and maintained in compliance with all applicable rules, regulations and specifications of the Board of Supervisors and Municipal Authority of Tredyffrin Township, including but not limited to the Township Official Sewage Facilities Plan; Chapter 163, Sewers, of the General Laws of the Township of Tredyffrin and the Tredyffrin Township Municipal Authority Standard Material and Construction Specifications for Sanitary Sewer Extensions; Chester County Planning Commission and Health Department; and the Pennsylvania Department of Environmental Protection. No such system or facility shall be constructed or installed and no connection to such existing system or facility shall be made unless and until the design, installation, construction and/or connection has been reviewed and approved by the above-named regulatory agencies and the proper permits have been issued.
   4. If sanitary sewers are not required to be installed initially, easements shall be provided on the preliminary and final plans and on individual deeds showing the dedication of appropriate easements across private property for later construction and maintenance of sewers. Any deed given for the transfer of a lot where an easement for sanitary sewerage purposes is shown on the recorded plan must contain a legal description of the easement and a provision that the owner is liable for the cost of the sewer when constructed.
   5. Lateral connections to each lot shown on the approved final plan shall be installed to the right- of-way line of the street prior to road paving. All laterals and manholes shall be capped and sealed to prevent the infiltration of any liquid. No underground water from springs or basements shall be permitted to enter any sanitary sewer line. Capped sewers shall be so installed as to avoid placing connections under any paved areas or driveways. Each building shall have a separate connection to the Township sewer on the lot or in the abutting street, except that garages accessory to dwellings may be connected to the dwelling line.
2. On-site sewage disposal systems.
   1. On-site or on-lot sewage disposal systems may be utilized if such systems are permitted by the Township Official Sewage Facilities Plan or if sanitary sewers are not available or if the requirement to connect to sanitary sewers is specifically waived pursuant to Chapter 163, Sewers, of the General Laws of the Township of Tredyffrin.
   2. On-lot sewage disposal systems shall be installed in accordance with Act 537, the Pennsylvania Sewage Facilities Act**168** and the rules, regulations and permit requirements of the Chester County Health Department.
   3. If the use of on-lot sewage disposal systems is proposed for a subdivision or land development,
3. **Editor's Note: See 35 P.S. § 750.1 et seq.**
4. **Editor's Note: See 35 P.S. § 750.1 et seq.**

the area of each lot upon which such system is to be located must be delineated on the preliminary plan.

* 1. No on-lot disposal system shall be located uphill from a well where there exists a danger that the lot disposal system will contaminate the well water supply, and no system shall be located closer than 10 feet to any building or to any property line.

### § 181-48. Utilities, water supply, fire hydrants and monuments.

1. Utilities.
   1. All gas and water 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 Township governing body that underground installations herein required are not feasible because of physical conditions of the land involved. All main underground cables which are within the right-of-way of a street shall be located as specified by the governing body.
   2. In order to promote and facilitate the placement of utility distribution lines underground, a letter or endorsement shall be required from the utility service suppliers (not limited to electrical, telephone or cable television) of the developer's choice wherein the applicant acknowledges that utilities are feasible and shall be constructed as part of the improvement plan. A statement relative to the intent of the developer to provide underground utility service shall be placed on the final plan as a prerequisite to final approval of such plan.
   3. The provisions in this chapter shall not be construed 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. Public utilities. All water and gas mains and other underground facilities shall be installed, connected, inspected and approved prior to street paving in locations approved by the Township.
2. Water supply.
   1. Every dwelling and nonresidential building in all subdivisions and land developments shall have an adequate supply of potable water for domestic use and access to an adequate supply of water for fire protection.
   2. All water service shall be supplied by the franchised local public water system except where the public water company shall certify that such service to a lot is impossible or financially unreasonable.
   3. Where service by a public water supply system is impossible or unreasonable, individual on-site water supply systems may be utilized. Individual water supply systems shall be designed and installed in accordance with the provisions of this chapter and with all applicable standards of the Pennsylvania Department of Environmental Protection and the Chester County Health Department. On-site water supply systems intended to provide fire suppressing systems shall, in addition, be subject to the approval of the Township Fire Marshal.
3. Fire hydrants.
   1. Fire hydrants supplied by an eight-inch or larger main shall be provided in all new subdivisions

when public water is available, in all new townhouses, apartment and other residential uses, educational institutions, commercial and industrial development and other areas, at the direction of the Fire Marshal, who shall consult with the entity supplying the water and an approved rating bureau before directing such installations. When new streets are accepted by the Township, all fire hydrants on such streets shall become public, and thereafter, rental charges for the same shall be borne by the Township.

* 1. Fire hydrant specifications.
     1. Five-inch hydrants with two-and-one-half-inch National Standard male couplings with caps and chains, pitch diameter 2.9820 inches, major diameter 3.6086 inches, minor diameter 2.8954 inches, and 7 1/2 threads to the inch. One four-and-one-half-inch pumper nozzle with cap and chain, pitch diameter 5.5985 inches, major diameter 5.7609 inches, minor diameter 5.4361 inches, and four threads to the inch. (Mueller Hydrant, Model No. 107 or approved equivalent).
     2. Valve opening sizes: five inches for three-way hydrants, six inches for four-way hydrants; the bell connection to water main to be not less than six inches. The net area of hydrant barrel shall not be less than 120% of valve opening. The hydrant shall have a smooth discharge orifice with a coefficient of 0.90. Friction loss will not exceed four pounds per square inch for 1,000 gallons per minute flow. Drain valve shall be made of noncorrosive material; operating nut to be uniform size pentagonal shape measuring 1 1/2 inches from point to flat. Operating nut on caps will be uniform size pentagonal shape measuring 1 1/2 inches front point to flat. Hydrant operating nut shall open in a counterclockwise direction.
  2. One hydrant shall be located on each street intersection with intermediate hydrants between intersections so located that spacing does not exceed 600 feet, measured along the roadway.
  3. Hydrants shall be located adjacent to paved roadways suitable for fire apparatus and, where possible, at least 50 feet from any building. Hydrants shall be not more than 10 feet from the curbline. Fire hydrants shall not be installed within a fifteen-foot radius of any obstructions that may impair Fire Department operations.
  4. The barrel of the fire hydrant shall be set perpendicular to the ground with the lowest discharge outlet at 15 inches from the finished grade. Large hydrant outlets shall face the street or road toward the pumper.

1. (Reserved)**169**
2. (Reserved)**170**
3. Survey monuments.
   1. Monuments shall be of stone or concrete and located on the right-of-way lines at corners, angle points, beginnings and ends of curves and as otherwise required. Monuments shall be indicated on all final plans and shall be placed after a new street has completed. The center line of all new streets shall be marked with spikes and referenced to permanent monuments or structures. A certified copy of such referenced information shall be given to the Township Engineer. Permanent reference monuments of case concrete or durable stone 20 inches by four inches by
4. **Editor's Note: The Township has noted that Subsections D and E are held in reserve.**
5. **Editor's Note: The Township has noted that Subsections D and E are held in reserve.**

four inches, with forty-five-degree beveled edges shall be provided and set by the subdivider or developer at all corners and angle points of the boundaries of the original tract to be subdivided and at all street intersections and intermediate points as may be required.

* 1. Bench marks. The Township elevations are based on Township sanitary sewer system datum. Location and elevation is available to all engineers and surveyors upon request to the Engineer's office. All contours and elevations shown on plans must be based on this system.
  2. Staking requirements. All lots shall be staked by the registered engineer or surveyor for the subdivider, when final grading has been completed. This stake out shall be visible and completed before an owner or occupant moves into the property. All lot corner markers shall be permanently located and shall be at least a five-eighths-inch metal pin with a minimum length of 24 inches, located in the ground to existing grade.

### § 181-49. (Reserved)171

**§ 181-50. Group development design standards.**

The following design standards shall apply to all residential and nonresidential group developments (except single-family detached dwellings on individual lots of more than 10,000 square feet of lot area).

1. General standards. The design standards contained in this subsection shall apply to both residential and nonresidential group developments.
   1. All proposed buildings shall be designed, sited and constructed in a manner which will complement and be harmonious with the character of the community in which they are to be located; will reflect the architectural character established by existing buildings within the community; and which respects and enhances the historical and architectural tradition of Tredyffrin Township.
   2. Individual buildings and smaller clusters or groups of buildings which are part of a larger complex of buildings shall be designed, sited and constructed in a manner which establishes a relationship to each other and provides a unifying community character and identity.
   3. To achieve a unified community identity and character, individual buildings and clusters of buildings shall be developed with:
      1. A compatible and cohesive architectural style.
      2. A consistent and harmonious theme of construction materials.
      3. A continuity of building proportions, masses, voids and shapes and of architectural elements and detailing.
      4. A consistent and cohesive landscape theme.
      5. An easily accessible, interlinking system of complementary common open spaces and recreation areas, walkways, trails and pathways.
   4. While maintaining a unified community appearance, visual interest shall be provided by:
      1. Variations in the height, length and setback of individual buildings and groups of
2. **Editor's Note: Former § 181-49, Parking and loading areas, as amended, was repealed 12-2-2013 by Ord. No. HR-399.**

buildings.

* + 1. Variations in the rooflines, setbacks and lengths of individual building units attached to each other.
    2. Variations in the distance between buildings.
  1. All sides of a building shall be of a uniform architectural style and quality.
  2. All buildings shall be designed and sited so as to maximize solar access.

1. Design standards for residential buildings.
   1. No dwelling shall front on circulation or collector roads and no building shall be located closer than 25 feet to such roads.
   2. All dwellings shall front on interior loop streets, courts, culs-de-sac or modified culs-de-sac.
   3. No dwelling shall be located closer than 20 feet to any interior loop street, court, cul-de-sac, modified cul-de-sac or common parking area.
   4. Parking.
      1. At least two off-street parking spaces shall be provided for the exclusive use of each dwelling, at least 50% of which must be located within private garages or multi-bay garage structures.
      2. In addition to the foregoing private spaces, common or public parking spaces shall be provided at the rate of 1/2 space per dwelling unit and shall be completely segregated from those parking spaces, areas or garages designated for the exclusive use of the individual dwellings.
      3. Common or public parking areas shall be clearly identified as such and directional signs shall be provided to facilitate access thereto.
   5. Not more than three adjoining units of a row of attached dwellings shall have the same front, rear or roofline alignment. The following minimum structural offsets shall be provided:
      1. Front and rear: four feet.
      2. Roofline: three feet.
2. Design standards for C-1 and C-2 Districts. The following design standards apply to new construction and rehabilitation of the exterior facade of an existing structure. However, in the case of exterior rehabilitation of a facade, standards only apply when they relate to a specific rehabilitation action that requires a building permit. These standards do not apply to interior remodeling. Figure 50.1 illustrates select standards. **[Amended 12-2-2013 by Ord. No. HR-399]**
   1. Facade design.
      1. All structures over two stories must be designed with a discernible base and top, through the use of architectural features such as cornice treatments and window designs.
      2. When visible from the public right-of-way, excluding alleys and railroad rights-of-way, or for any facade abutting a residential district, facades must include architectural features to

avoid the appearance of blank walls. These include, but are not limited to, changes in the depth of wall plane of at least two feet, changes in wall texture or masonry patterns, windows, colonnades, columns, or pilasters.

* + 1. No building or group of attached buildings in the C-1 District may exceed 160 feet in length or depth. This does not apply in the C-2 District.
    2. Building facades in excess of 80 feet must include a repeating pattern with no less than two of the following elements: color change, texture change, material change, or a wall articulation change of no less than two feet, such as an offset, reveal, pilaster or projecting rib. All elements must repeat at intervals of no more than 40 feet.
    3. The ground floor of all structures must be a minimum of 14 feet in height as measured from the floor to wall plate above.
    4. Where a processing activity is permitted in conjunction with an allowed use, all such activity, if located on the ground floor, must be set back a minimum of 20 feet from the front of the building and effectively screened from the front portion of the building used by customers by a wall or partition.
  1. Fenestration design.
     1. Windows must be set in or projected out to create depth and shadow on the building facade. Windows should include visually prominent sills or other appropriate forms of framing.
     2. The ground floor must maintain a transparency of 50% along any facade facing a right-of- way. Windows must be constructed of clear or lightly tinted glass. Tinting above 20% or reflective glass is prohibited. Transparency is measured in the area defined at two feet above grade to 10 feet above grade.
     3. Parapet walls must feature three-dimensional cornice treatments or other shadow-creating detail elements along their tops.
  2. Site design.
     1. All buildings must have a public entrance from the sidewalk along the primary street frontage. Public entrances should be articulated from the building mass.
     2. Facades that abut parking areas and contain a public entrance must make provision for pedestrian walkways and landscape areas.
     3. Outdoor vending machines and similar uses are prohibited in any required yard abutting a street or on a public sidewalk.
     4. No electrical, mechanical and/or other equipment may be installed or located in a required front yard. Equipment that is installed between a building and a street line or on the roof of a structure must be completely screened from view by a fence, landscape, or an architectural feature.
     5. All refuse containers and service areas must be sited and enclosed so as to be completely screened from view from the public right-of-way, excluding alleys and railroad rights-of- way, or from any abutting residential district.
     6. Multi-tenant retail centers must meet the following additional standards:

1. The site must be designed so that there is safe pedestrian access to the center from the public right-of-way and safe pedestrian circulation within the development.
2. A cohesive shopping center character is required through the use of coordinated hardscape treatment (special paving materials, lighting, street furniture) and landscape.
3. If outlot buildings are part of a large retail development, outlot buildings must define the street frontage by placement near the street with showcase windows and entrances oriented toward the street, as well as to the interior parking lot.

### Figure 50.1: Design Standards for C-1 and C-2 Districts

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1. Design Standards for O, LI, and PIP Districts. The following design standards apply to new construction and rehabilitation of the exterior facade of an existing structure. However, in the case of exterior rehabilitation of a facade, standards only apply when they relate to a specific rehabilitation action that requires a building permit. These standards do not apply to interior remodeling. Figure

50.2 illustrates select standards. **[Added 12-2-2013 by Ord. No. HR-399]**

1. Facade design. The following standards for facade articulation and reduction of mass and scale apply to all facades that face a public right-of-way, excluding alleys and railroad rights-of-way, or abut a residential district, as well as all facades where building entrances are located.
   1. All facades must include one of the following architectural features to avoid the appearance of blank walls: change in plane of at least two feet in depth, reveals, windows, and changes in color, texture and/or material to add interest to the building elevation.
   2. Buildings facades over 100 feet in length must incorporate projections or recesses, or changes in the wall plane a minimum of two feet in depth a maximum of every 75 feet.
   3. Large expanses of highly reflective or mirror glass wall surface material are prohibited.
   4. Where commercial uses are located along the ground floor of a structure, a minimum transparency of 50% is required along any facade facing a right-of-way. Windows must be constructed of clear or lightly tinted glass. Tinting above 20% or reflective glass is prohibited. Transparency is measured in the area defined at two feet above grade to 10 feet

above grade.

1. Site design.
   1. Public entrances and primary building elevations must face public streets. Main entrances to the buildings must be well defined.
   2. Manufacturing and warehouse structures must be set back towards the center of the site to minimize impact on adjacent parcels, with office and guest facilities oriented to public streets.
   3. In multi-building complexes, a distinct visual link must be established among various buildings by using architectural or site design elements such as courtyards, plazas, landscape, and walkways to unify the project. A comprehensive architectural concept is encouraged. This includes the use of similar design features, construction, material and colors.
   4. The design of accessory buildings, such as security kiosks, maintenance buildings, and outdoor equipment enclosures, must be compatible in design concept with the overall project and the main buildings on the site.
   5. Service doors must be recessed and integrated into the overall design of the building. If a parcel is to be served by rail facilities, such rail siding must extend into and within the walls of the principal building for loading and unloading purposes.
   6. No electrical, mechanical and/or other equipment may be installed or located in a required front yard. Equipment that is installed between a building and a street line or on the roof of a structure must be completely screened from view by a fence, landscape, or an architectural feature.
   7. All refuse containers and service areas must be sited and enclosed so as to be completely screened from view from the public right-of-way, excluding alleys and railroad rights-of- way, or from any abutting residential district.

### Figure 50.2: Design Standards for O, LI, and PIP Districts

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**§ 181-51. Recreational facilities and open space land. [Amended 12-3-1991 by Ord. No. HR-188; 3-16-2015 by Ord. No. HR-407]**

1. As Tredyffrin Township provides over 1,200 square feet of municipal park land per household as of the date of adoption of this section, and as Tredyffrin Township strives to maintain that same level of park services to future Township residents, the applicant or developer of any residential subdivision or land development comprising three or more dwelling units or building lots or the applicant or developer of any nonresidential land development on five acres or more shall provide the following:
   1. Park and recreational land dedication requirements.
      1. For residential uses:
2. Single-family detached: 1,655 square feet per unit.
3. Single-family attached: 1,367 square feet per unit.
4. Apartment: 1,002 square feet per unit.
   * 1. For nonresidential uses:

[1] 650 square feet per 1,000 square feet of new building area.

* 1. The land to be used for park and recreational facilities shall be in accordance with the principles and standards contained in the Township's Comprehensive Plan and Recreation and Open Space Plan and shall meet the following criteria.
     1. The land shall be well-drained.
     2. The slope of the land shall be less than 10%.
     3. The land shall not require the filling of a wetland for use.
     4. The land shall not be traversed by utility easements unless said utilities are placed underground. Recreational areas shall not contain or be traversed by any underground gas pipelines.
     5. If an existing park or trail is contiguous, the land shall connect to the existing park or trail.
     6. The land shall have appropriate and adequate access for maintenance purposes and for use by pedestrians.
     7. The land shall be within one location with a minimum 25 feet of street frontage.
     8. The land shall not contain stormwater management facilities.
  2. In lieu of such dedication, and upon agreement with the Township, the applicant or developer may pay to the Township a fee as set forth below:
     1. Fees in lieu of park land shall be used to buy land identified as potential recreation and open space sites in the most recent edition of Tredyffrin Township's Park and Recreation Master Plan. In addition to land purchases, such fees may be used for engineering, legal, transaction and planning costs and all other costs.
     2. The fee in lieu shall consist of the following:

1. For residential uses (refer to the Fee Schedule):
   1. Single-family detached is: $2,449 per unit ($1.48 X 1,655).
   2. Single-family attached is: $2,023 per unit ($1.48 X 1,367).
   3. Apartment is: $1,483 per unit ($1.48 x 1,002).
2. For nonresidential uses:
   1. The fee for nonresidential is $1.48 per square foot of land required, as calculated in Subsection A(1)(b).
      1. Upon request of any person who paid any fee under this subsection, the Township shall refund such fee, plus interest accumulated thereon from the date of payment, if the Township has failed to utilize the fee paid for the purposes set forth in this section within three years from the date such fee was paid.
      2. Fees due hereunder are payable at the time of application for building permits.
   2. Except for those areas specifically approved for passive recreational uses, recreational areas should be developed with appropriate recreation facilities, as approved by the Planning Commission. Examples include, but are not limited to, play lots for school aged children, playgrounds for older children, sports fields, and multipurpose or walking trails.
   3. Ownership. Lands designated for recreation shall be offered for dedication to the Township or, at the option of the Township, be retained in private ownership by an association of landowners, by a land conservation organization, or by a state or county government. Lands not dedicated to the Township shall be made subject to such agreement with the Township and such deed restrictions duly recorded in the office of the Recorder of Deeds of Chester County as may be required by the Board of Supervisors for the purpose of preserving and maintaining the land for recreation or open space use.

### § 181-52. Required site landscape. [Amended 12-3-1991 by Ord. No. HR-186; 12-3-1991 by Ord. No. HR-188; 5-1-2006 by Ord. No. HR-351; 12-2-2013 by Ord. No. HR-399]

1. Applicability.
   1. The requirements and standards of this section are considered the minimum requirements and standards for new planting materials and apply to all residential and nonresidential subdivisions and land developments. **[Amended 8-28-2023 by Ord. No. HR-471]**
   2. Existing tree masses, wildlife habitats and individual specimen plantings must be preserved and protected pursuant to the performance standards for the protection of sensitive lands and natural features as specified in § 208-2. However, they may be counted toward the minimum requirements of this section, unless the landscape requirements provide for the specific location and number of trees and/or plantings within a development, such as trees within a parking lot. Such existing retained trees and/or plantings may only be counted toward the minimum required for such purpose if they are located on the lot in conformity with the landscape design standards and all other dimensional standards of this section.
   3. When individual trees are counted toward the requirements of this section, said tree(s) shall be included on the applicable Natural Features Conservation Plan, as required in § 181-36D.
2. General landscape standards.
   1. Landscaping must be provided in the varieties, quantities and site locations necessary to:
      1. Provide color variety.
      2. Reduce glare and reflection and to buffer noise and objectionable views.
      3. Moderate groundwater, surface, building and stream water temperatures.
      4. Provide moisture retention, soil stabilization, windbreaks and air purification.
      5. Complement existing landscaping on adjoining properties.
   2. Planting varieties must be selected with due consideration of their function, local growing habits, rooting, branching and leafing properties, and climate, moisture, soil and nutrient requirements.
   3. Plantings must not be installed where they will:
      1. Block, impede or interfere with the construction, maintenance or operation of roadways, drainage facilities, sanitary sewers or other above or below utilities.
      2. Diminish sight distance along roadways.
      3. In the case of evergreen plantings, cast dense winter shadow on roadways or public sidewalks.
   4. Trees and shrubs must be of nursery-grown stock, and must be insect, pest and disease resistant.
   5. Plant species native or naturalized to eastern Pennsylvania should be specified whenever possible. At minimum, 50% of specified trees must be native.
   6. Trees and other plantings related to surface stormwater basin areas must be installed to soften the appearance of the basin, address best management practices and create a naturalized area, but must not be installed in a manner that blocks or impedes the flow of water from the basin.
   7. The following minimum planting sizes are required:
      1. Deciduous shade trees: three-inch caliper.
      2. Deciduous flowering or understory trees: two-inch caliper for single stem or eight-to-ten- foot height for multi-stem trees.
      3. Evergreen trees: eight feet in height.
      4. Shrubs: two feet in height.
3. Minimum planting requirements.
   1. For all districts, all portions of a property not utilized by structures or paved surfaces must be landscaped utilizing combinations of trees, shrubbery, lawns, fencing, live ground cover, and preservation of existing vegetation.
   2. Table 52.1: Landscape Requirements describes the required landscape for development. All calculations are done on a percentage basis. For example, if the linear frontage is 25 feet, rather than 50 feet, which is the basis of calculation, then only 50% of the plantings are required. When the calculation of plant unit option requirements results in a fraction, the fraction is rounded up.
   3. Existing parking lots that do not comply with the required parking lot landscape must install

landscape in accordance with this chapter when the entirety of an existing parking lot is reconstructed and such reconstruction activities require a building permit. Reconstruction does not include maintenance activities such as repair of existing curbing, sealing, re-striping, or placement of surface course pavement over previously paved areas.

* 1. Any tree removals that are proposed shall be consistent with the Township Woodland Conservation Ordinance (Chapter 203). **[Amended 8-28-2023 by Ord. No. HR-471]**

**Table 52.1: Landscape Requirements**

**Required Landscape Planting Detail**

**Shade Trees**

**Flowering Trees**

**Evergreen**

**Trees Shrubs**

**Permitted Substitution**

Nonresidential, mixed-use, institutional and multifamily uses site landscape requirement per 1,000 square feet of gross building footprint area

-- 1 -- 1 10 2 flowering trees

for each 1 shade tree

Parking lot perimeter landscape calculated per every 50 linear feet

§ 181-52D(1) 1 -- -- 16 2 flowering trees

for each 1 shade tree or 16 shrubs for each 1 shade tree

Parking lot island landscape - parking lots of 10 or more spaces

(planting requirements found in planting detail)

§ 181-52D(2) Planting requirements found in planting detail

Required landscape per 100 linear feet of road frontage

Must be planted in public right- of-way or front yard area

2.5 -- -- 6 None

Buffer yard requirement for any nonresidential district abutting residential district, and for any nonresidential use within a residential district (planting requirements found in planting detail)

§ 181-52E Planting requirements found in planting detail

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| All development where a | Must be planted | -- | 2 | 3 | 6 | None |
| buffer yard is not required, | in required |  |  |  |  |  |
| required landscape per 100 | yards located |  |  |  |  |  |
| linear feet of lot line | along abutting |  |  |  |  |  |
|  | lot lines |  |  |  |  |  |

**Table 52.1: Landscape Requirements**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  |  | **Shade** | **Flowering** | **Evergreen** |  | **Permitted** |
| **Required Landscape** | **Planting Detail** | **Trees** | **Trees** | **Trees** | **Shrubs** | **Substitution** |

Stormwater retention/ detention basin (planting requirements found in planting detail)

§ 181-52F Planting requirements found in planting detail

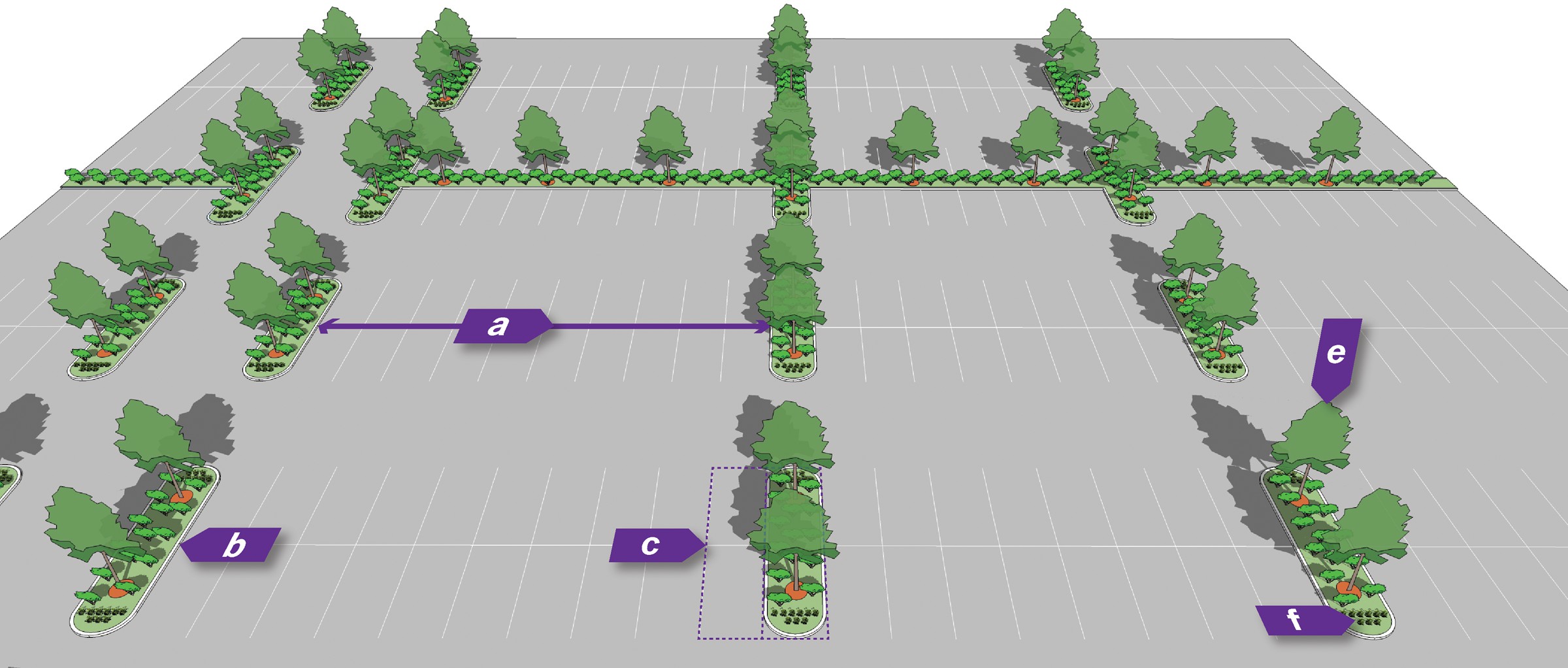
1. Parking lot landscape.
   1. Perimeter planting. (See Figure 52.1: Perimeter Landscape Yard.)
      1. Parking lot perimeter landscaping is required for all parking lots, and must run the full length of the parking lot located along the street frontage at the lot line. The parking lot landscape area must be at least 10 feet in width, except in the C-1 District, where it may be reduced to five feet in width.
      2. As an alternative to the required shrubs, a low pedestrian wall a minimum of three feet to a maximum four feet in height may be used in lieu of the shrubs required for parking lot perimeters. When such pedestrian wall is not constructed at the property line, shrubs and/ or other plant materials must be installed between the sidewalk and the wall to provide a softening effect.
      3. Any trees located along the parking lot street frontage at the lot line may be credited toward the parking lot perimeter shade tree planting requirement.

|  |  |  |
| --- | --- | --- |
| **Key:** |  | **Figure 52.1: Perimeter Landscape Yard** |
| a | = | Required width of perimeter landscape yard |
| b | = | Required shrubs |
| d | = | Alternate pedestrian wall |
| d | = | Required trees |
| e | = | Shrubs used to soften pedestrian wall |



* 1. Parking Lot Island Landscape. (See Figure 52.2: Parking Lot Island Landscape.) For parking lots consisting of 10 or more spaces, parking lot island landscape is required.
     1. One parking lot island is required between every 10 parking spaces. As part of subdivision or land development plan approval, parking lot island locations may be varied based on specific site requirements or design scheme, but the total number of islands must be no less than the amount required of one island for every 10 spaces.
     2. All rows of parking spaces must terminate in a parking lot island.
     3. Parking lot islands must be the same dimension as the parking stall. Double rows of parking must provide parking lot islands that are the same dimension as the double row. A minimum of one shade tree is required for every parking lot island or landscaped area. If the island extends the width of a double row, then two shade trees are required.
     4. Parking lot islands or landscaped areas must be at least six inches above the surface of the parking lot and protected with concrete curbing, except where designed specifically for the absorption of stormwater. Parking lot islands and landscaped areas must be properly drained and irrigated as appropriate to the site conditions to ensure survivability.
     5. In addition to the shade trees, every parking lot island must be planted in shrubs, live ground cover, perennials or ornamental grasses for 75% of its area.

|  |  |  |
| --- | --- | --- |
| **Key:** |  | **Figure 52-2: Parking Lot Island Landscape** |
| a | = | Required for every 10 spaces |
| b | = | Required at termination of parking row |
| c | = | Required to be the width of parking row |
| e | = | Required trees |
| f | = | Required 75% live plantings |

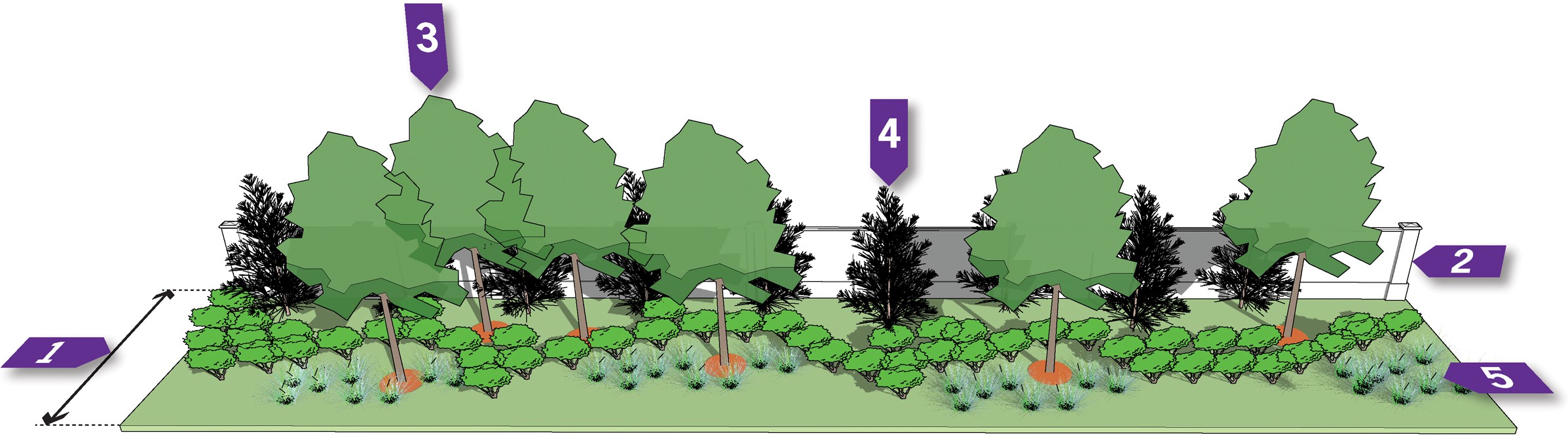


1. Buffer yard planting requirements. (See Figure 52.3: Buffer Yard Planting Requirements.)
   1. In addition to the minimum planting requirements, a buffer yard is required within any yard that abuts residential for any nonresidential district abutting a residential district, and for any nonresidential use within a residential district.
   2. The buffer yard must be a minimum of 20 feet in depth or the depth of the required yard, whichever is less. The buffer yard must extend the full width of the lot line that abuts a residential district.
   3. Buffer yards must be planted as follows:
      1. Fence or wall required for all buffer yards. A solid fence or wall a minimum of six feet and a maximum of seven feet in height is required.
      2. Plantings for buffer yards less than 35 feet in width.
2. One shade tree for every 100 linear feet is required. Two flowering trees may be substituted for each required shade tree.
3. Ten evergreen trees for every 100 linear feet are required.
4. Six shrubs for every 100 linear feet are required.
   * 1. Plantings for buffer yards 35 feet or more in width.
5. Two shade trees for every 100 linear feet are required. Two flowering trees may be substituted for each required shade tree.
6. Ten evergreen trees for every 100 linear feet are required.
7. Six shrubs for every 100 linear feet are required.
   * 1. Additional plantings for all buffer yards. In addition to the required plantings above, the remainder of the buffer yard area must be planted in shrubs, live ground cover, perennials or ornamental grasses.
8. Stormwater retention/detention basin planting requirements.
   1. One shade tree is required per 50 linear feet of stormwater retention/detention basin perimeter. Two evergreen trees may be substituted for each required shade tree.
   2. Two shrubs are required per 50 linear feet of stormwater retention/detention basin perimeter.

|  |  |  |
| --- | --- | --- |
| **Key:** |  | **Figure 52.3: Buffer Yard Planting Requirements** |
| 1 | = | Required width of buffer yard |
| 2 | = | Required fence or wall |
| 3 | = | Required shade trees |
| 4 | = | Required evergreen trees |
| 5 | = | Required shrubs |

**Figure 52.3: Buffer Yard Planting Requirements**

**Key:**

****

**§ 181-53. Drainage and stormwater management. [Amended 10-19-1998 by Ord. No. HR-278; 4-6-2009 by Ord. No. HR-375]**

The design and construction of all on-site and off-site surface and subsurface drainage and stormwater management facilities shall be accomplished in accordance with the standards and criteria of Chapter 174, Stormwater Management, and any other applicable Township, county, state or federal regulations.

### § 181-54. Protection standards. [Added 5-1-2006 by Ord. No. HR-351172]

To meet the purposes and goals of this chapter, the following restrictions shall apply. Where two or more natural features overlap, the restriction on the feature with the higher protection standard shall be used. The standards contained herein shall be minimum standards to be met and maintained. Standards established by other township ordinances or by state and federal rules and regulations shall apply where those standards are more restrictive than the standards set forth herein. All area, dimensional and impervious surface requirements as set forth for districts in this chapter shall also be met.

1. Lands involving steep slopes must be handled in accordance with § 208-118 of the Township Zoning Ordinance.
2. Specimen trees, woodlands, wooded lots and individual trees with a minimum diameter of six inches shall be preserved as follows.
   1. Specimen trees. No person, directly or indirectly, shall without first obtaining permission, as herein provided, remove or relocate to another site any specimen tree, regardless of location, provided that the specimen tree has been so designated on the plans submitted and approved. In any instance in which such a tree is proposed to be removed, the following procedure shall be followed:
      1. The Planning Commission shall review plans submitted to it to determine if there are any feasible alternatives to the removal of the tree(s) in question. The Planning Commission shall approve the removal of specimen trees when no such feasible alternative is found and/or if one or more of the following conditions is present:
3. Necessity to remove trees that pose a safety hazard to pedestrian or vehicular traffic
4. **Editor's Note: This ordinance also repealed former § 181-54, Natural features conservation, as amended 12-3-1991 by Ord. No. HR-186.**

or threaten to cause disruption of public services.

1. Necessity to remove trees which pose a safety hazard to buildings.
2. Necessity to remove diseased trees, trees infested with destructive insects liable to infect the healthy trees on the same or adjacent property or trees weakened by age, storm, fire or other injury.
3. Necessity to observe good forestry practices, i.e., the number of healthy trees that a given parcel of land will support when documented by a report prepared on behalf of the developer by a qualified professional forester, arborist or a registered landscape architect.
4. Other conditions substantially similar to those listed above which warrant the removal of the tree.
   * 1. In any instance when, during and after construction, a property owner finds it necessary to remove a tree noted on the approved plans as a specimen tree, an application shall be made to the Township for approval. The Zoning Officer may refer the matter to the Planning Commission or issue the permit without any Planning Commission recommendation, including but not limited to such cases where immediate removal of a tree is necessary due to an emergency health or safety threat.
   1. Woodlands and trees on slopes of 15% or greater. Woodlands and trees located on slopes of 15% or greater shall be protected in accordance with the regulations governing steep slopes and shall be disturbed only to the extent permitted by those provisions.
   2. **173**Individual trees with a minimum diameter of six inches.
      1. Such tree(s) outside of any construction zone standing alone, separate from an area considered as woodlands, shall also be preserved and incorporated into the landscape plan required for a proposed development. The Planning Commission shall credit the preservation of such trees toward the planting requirements contained in the Township Subdivision and Land Development Ordinance.
      2. Credit shall only be considered for trees that are a minimum of 15 feet from a proposed building footprint and a minimum of eight feet from proposed limits of earthwork.
      3. Any trees that qualify under this subsection shall be shown on the submitted subdivision and/or land development plan. Should field conditions not allow for retention of any individual tree(s) previously identified to be saved, the applicant shall apply to the township to request permission to remove the same; suitable documentation testifying to the need for removal from a qualified arborist, professional forester or landscape architect shall accompany any such request. Any tree to be retained shall be protected in accordance with the requirements of § 181-56A, Protection of trees, of the Township Subdivision and Land Development Ordinance.
5. Geological formations. Lands within an area underlain by carbonate geology shall meet the following standards:
6. **Editor's Note: Former Subsection B(3) and (4), regarding woodlands on slopes and floodplains, were repealed 8-28-2023 by Ord. No. HR-471. This ordinance also renumbered former Subsection B(5) as Subsection B(3).**
   1. No stormwater management basin shall be placed in or over the following features: sinkholes, fracture traces, springs or disappearing streams (places where surface drainage enters the ground).
   2. Principal buildings proposed to be constructed within the influence of a sinkhole, closed depression, lineament, fracture trace, spring, ghost lake or disappearing stream shall be designed so as to provide adequate dispersal of water in order to reduce the hazard of building damage due to collapse or subsidence. All measures proposed to be used by the applicant to control adverse impacts shall be described to the satisfaction of the Township Engineer and/or a qualified consultant(s).
   3. Liquid fuels, other hazardous liquids and hazardous solids which are water soluble shall not be stored underground or in open surface impoundments in areas underlain by carbonate geological formations. Liquid fuels or other hazardous liquids in aboveground facilities stored in all areas shall have impermeable surfaces such as concrete or other impervious material under the storage and handling areas to confine and prevent groundwater contamination. Additionally, aboveground storage tanks shall comply with requirements of and any regulations promulgated for the Pennsylvania Storage Tank and Spill Prevention Act, Act No. 32 of 1989, or subsequent Acts amending the same. Underground storage tanks shall comply with all applicable federal and state laws.
   4. Facilities such as, but not limited to, landfills, private dumps, auto salvage yards, refuse facilities and junkyards shall not be permitted within areas having carbonate geologic formations or within the influence of the same.
7. Ponds, lakes, streams and drainage swales and/or channels. Such areas shall not be altered, regraded, developed, filled, piped, diverted or built upon, except that driveways, roads and utilities may cross these areas where design approval is obtained from the Township Engineer and the Pennsylvania Department of Environmental Protection, as applicable, and where no other practical alternative is available. Drainage swales and channels, if not classified as floodplains, may be relocated if their existing location renders development impractical, provided that the existing entry and exit point on to and off of the development site shall be maintained. Further, such relocation shall be approved by the Township Engineer and must meet the following additional criteria:
   1. The hydraulic cross section of the swale/channel is less than five square feet;
   2. Flow and retention characteristics are unaltered, including release in the same form and location;
   3. Proper construction to permit slope stabilization is utilized; and
   4. In the event that the channel is an extension of an existing culvert under a roadway, railroad, retention pond berm or is a man-made ditch that carries water only during precipitation.
8. Wetlands and PNDI sites. Wetlands and PNDI sites shall not be altered, regraded, developed, filled, piped, diverted or built upon, except that driveways, roads and utilities may cross wetlands where design approval is obtained from the Township Engineer, the Pennsylvania Department of Environmental Protection and the United States Army Corps of Engineers and where no other practical alternative is available.
9. Established pedestrian and equestrian trails. Established hiking, pedestrian and equestrian trails, including but not limited to portions of the Horseshoe Trail System and any other trail system depicted on any map officially adopted by the township, shall be preserved. The applicant shall

provide easements to allow for the continued use of such trails. In the case of a development site, the alignment of any current trail may be relocated to another portion of the site. However, the applicant shall maintain the trail's existing entry and exit points on to and off of the site. In addition, the applicant shall not relocate the trail to an area where it is more difficult to traverse (due to steeper slopes or other impediments not present on the existing trail) or where it would be infeasible to use for its current purpose.

1. Floodplain. Floodplain areas shall not be altered, regraded, developed, filled, piped, diverted or built upon except in accordance with the Flood Hazard Districts regulations of Chapter 208.

### § 181-55. Easements.

1. No easement or right-of-way for any purpose whatsoever shall be recited or described in any deed unless the same has been shown on a subdivision or land development plan approved by the Township.
2. When easements are required for utilities, they shall be a minimum of 20 feet wide and shall, to the fullest extent possible, be centered on or be adjacent to rear or side lot lines. Local utility companies shall be consulted by the developer when locating easements.
3. Where a subdivision or land development is traversed by a watercourse, drainageway, channel or stream, there shall be provided drainage easements conforming substantially to the line of such watercourse, drainageway, channel or stream, so limited and of such width as will be adequate to preserve the unimpeded flow of natural drainage or for the purpose of widening, deepening, relocating, improving or protecting such drainage facilities or for the purpose of installing a stormwater sewer.
4. The minimum distance from a natural gas line to a dwelling unit shall be as required by the applicable transmission or distributing company or as may be required by the applicable regulations promulgated by the Pennsylvania Public Utilities Commission and the United States Department of Transportation under the Natural Gas Pipe Line Safety Act of 1968, as amended, or 25 feet, whichever is greater.
5. When any petroleum products transmission line traverses a subdivision or land development, the developer shall confer with the applicable transmission or distribution company to determine the minimum distance which shall be required between each proposed dwelling unit and the petroleum or petroleum products transmission lines.
6. All water, gas, electric and other pipes and conduits and all service connections or laterals shall be laid to the full width of the right-of-way, where the need therefor can be reasonably anticipated before streets or alleys are paved.
7. Easement areas shall be kept free of any and all natural or man-made obstructions which would impede or otherwise diminish the prescribed use thereof. Any such obstruction within an easement area exists at the risk of the landowner and may be removed without compensation to the landowner.

### § 181-56. Conservation procedures during site preparation. [Added 12-3-1991 by Ord. No. HR-186]

The following procedures shall be observed in order to protect natural features during construction.

1. Protection of trees.
   1. Protection from mechanical injury.
      1. Prior to any grubbing or clearing, all trees to be retained which are adjacent to areas to be cleared shall be protected from equipment damage by enclosing the dripline within sections of safety fence. All exposed roots, trunks and low hanging branches shall be equally protected. Groups of trees may be protected by fencing the entire area wherein they are located. Heavy equipment operators shall be careful not to damage existing tree trunks or compact or damage tree roots. Feeder roots shall not be cut closer than the distance of the dripline from tree trunks and shall be cut with pruning shears or other tool which will make a clean cut.
      2. Tree trunks and exposed roots damaged during construction shall be protected from further damage. Damaged branches shall be sawed off at the branch collar. No shellac or pruning paint shall be used.
      3. Deciduous trees shall be given an application of a fertilizer to aid in their recovery from possible damage caused by construction operations. Such application shall be made at a distance of one foot from the trunk to the dripline and should be made in early Fall (September through October) or mid-Spring (April through May). Fertilizer grade shall have approximately three parts nitrogen to one part phosphorus and potassium (3 to 1 to 1 ratio). Fertilizer shall be applied at a rate equivalent to one pound of nitrogen per 1,000 square feet of area.
      4. Trees may be used for roping but shall not be used for cables, signs or fencing. Nails and spikes shall not be driven into trees.
      5. The area around the base of existing trees shall be left open to provide access for water and nutrients. Therefore, no permanent impervious cover, nor storage of equipment, materials, debris or fill, shall be allowed within the dripline of any existing specimen tree or individual tree, standing alone, with a minimum diameter of six inches. For tree masses or woodlands, when no viable alternative exists, a percentage of the area within the dripline may be covered during construction; the extent of said covered area shall be dependent upon the species of the affected trees and shall be as recommended by a qualified professional forester, certified arborist or registered landscape architect. Also when there is no viable alternative, permanent coverage within the dripline of tree masses or woodlands may be permitted, as recommended by a qualified professional forester, certified arborist or registered landscape architect. The final determination as to extent of coverage within the dripline shall be made by the Township Engineer.
   2. Protection from grade change.
      1. Raising the grade. If an increase in the grade of the land is proposed, the developer shall install either:
2. A system of gravel and drain tiles at the old soil level opening into a dry well built around the trunk at the dripline and designed for each tree, individually fitting the contour of the land so that it drains water away from the tree trunk; or
3. A retaining wall between the existing grade and the higher grade outside the dripline of each tree.
   * 1. Lowering the grade. If a lowering of the grade is proposed, the developer shall initiate one of the following methods to protect the trees:
4. Terracing the grade at the dripline and out from the tree.
5. A retaining wall outside the dripline, between the existing grade and the lower. A detailed plan for each proposed retaining wall shall be provided with the plans.
6. A dry stone tree wall, requiring no footings, at the dripline.
   * 1. If in the opinion of the Environmental Advisory Council the proposed grade change is too excessive to allow retention of existing trees and no other alternative solution is practicable, the developer shall be required to replace the trees to be removed on a 1 to 4 basis (one inch of new tree diameter for every four inches of tree diameter removed). Replacement trees shall be selected based upon the criteria stated in Subsection D herein. The Planning Commission shall determine if replacement trees may be used to meet the requirements of § 181-52 of this chapter after review by the Environmental Advisory Council.
     2. If a particular tree(s), because of its species, can tolerate a proposed grade change, precautions prescribed herein may be waived by the Planning Commission, after review by the Environmental Advisory Council. The applicant shall submit information supplied by a qualified professional forester, certified arborist or registered landscape architect.
   1. Protection from excavations. When digging trenches for utility lines, irrigation systems and other similar uses, the developer shall adhere to the following, listed in the order of preference:
      1. Where possible, trenches should bypass the root area.
      2. Where trenches must be dug past the side of a tree, the following precautions shall be observed:
7. Trenches shall be no closer to the trunk than a distance equal to the dripline.
8. Cut as few roots as possible.
9. If roots have to be cut, cut them as cleanly as possible.
10. Backfill the trench as soon as possible.
    * 1. When trenching is not feasible at or beyond the dripline and if tunneling is also not feasible, upon demonstration of this, the Township Engineer may permit trenching within the dripline.
11. Protection of topsoil.
    1. All topsoil in areas of grade change or other soil disturbance shall be removed and stockpiled on site until completion of grading operations, except as noted in Subsection B(3) of this section. Stockpiled topsoil shall be temporarily seeded within 15 days of stockpiling and erosion from the stockpile(s) shall be minimized by proper application of silt fences and other erosion control methods.
    2. All areas of grade change or other soil disturbance not occupied by structures, roadways, parking, walkways, paths or other permanent man-made surfaces shall be completed with a final layer of stockpiled topsoil not less than eight inches in depth or the depth obtainable with even distribution of all topsoil removed from the grade change and ground disturbances areas, whichever is less. Only after these requirements have been satisfied, by either application of the

required topsoil layer or surveyed verification of the stockpiled quantity has completed and submitted to the Township Engineer, may excess topsoil be removed from the site.

* 1. The following exceptions to Subsection B(1) and (2) of this section may be permitted, provided that the plans submitted clearly note the intent to do so.
     1. In linear trench excavations for utilities and drainage facilities, where the width of ground disturbance is less than 15 feet with no adjacent grade change anticipated, it will not be necessary to separately remove and save topsoil, provided that sufficient topsoil is available from elsewhere on site or foreign borrow to provide a final eight-inch layer of topsoil covering of the backfilled trench.
     2. Topsoil replacement is not required in areas to be riprapped.
     3. Topsoil replacement is not required in rock face cut areas where the excavated slope surface is stable without vegetation.
     4. Other exceptions to the stipulated topsoil removal, storage and restoration provisions may be granted on account of site specific conditions, provided that the applicant submits such a request, with justification for the relaxation of the applicable provisions, to the Township Engineer and the Township Engineer advises the Planning Commission of his evaluation and concurrence.
  2. The above requirements for topsoil conservation shall also apply to sites where no plans have been submitted for development but where ground disturbance is limited to harvesting of topsoil or removal of earth. Harvesting of topsoil is defined as the removal of topsoil from a site of 5,000 square feet or more, for sale or use elsewhere off site. Harvesting of topsoil is a commercial activity and may be prohibited by this or other sections of this chapter and/or by Chapter 208, Zoning. Where such harvesting of topsoil or removal of earth from the site occurs, all disturbed surfaces shall be left with a minimum of eight inches of topsoil in place, seeded and with satisfactory maintenance of erosion controls.

1. Protection during cleanup.
   1. All construction debris shall be hauled away instead of burned or buried; burying of any construction debris is expressly prohibited in other sections of the Township Code.
   2. Fences and barriers around trees shall not be removed from a given area until final landscaping begins in that area.
2. Planting of new trees.
   1. Trees which were designated on the Conservation Plan to be saved but which are damaged or destroyed as the result of the development process shall be replaced by the developer. For each two inches of caliper of tree lost, one inch of caliper of replacement tree shall be planted. The Township and the Environmental Advisory Council shall be consulted before any replacement trees are planted. New trees shall be of a species compatible with others in the area and shall have a minimum diameter of three inches. Replanting shall be done according to the standards specified by the American Nurserymen's Association.
   2. When a developer is required to replace trees that he has removed or caused to be removed, the developer shall be guided by the following criteria in selecting replacement trees. These considerations also shall be followed when it is necessary for a developer to choose certain trees

for retention.

* + 1. Species longevity.
    2. Native to the area.
    3. Maintaining the diversity of species in the area.
    4. Hardiness (wind firmness, climate requirements, characteristics of soil to hold tree).
    5. Existence of disease, rot or other damage to tree.
    6. Susceptibility of insect and disease attack and to pollution.
    7. Aesthetic values (autumn coloration, type of flowers or fruit, form characteristics).
    8. Maintenance and care (pruning, etc.).
    9. Wildlife values.
    10. Comfort to surroundings (summer shade).
    11. Protection of buildings, vehicles and pedestrians.
    12. Size at maturity.
    13. Effect of soil retention and erosion control.
    14. Value as a noise buffer.
    15. Undesirable characteristics.

ARTICLE X

### Construction, Inspection, Dedication and Acceptance of Improvements

**§ 181-57. General.**

1. The applicant shall construct all streets, together with all other improvements, including grading, paving, curbs, gutters, sidewalks, streetlights, fire hydrants, water mains, street signs, landscaping, storm drainage facilities, sanitary sewers, traffic control devices, open space and recreation areas and erosion and sediment control measures, in conformance with the approved final plan and all other applicable Township, county, state and federal regulations.
2. All streets, open spaces and other improvements shown on the final plan shall be deemed to be private until such time as the same has been accepted by ordinance or resolution by the Board of Supervisors.

### § 181-58. Inspections.

1. The construction or installation of all improvements shall at all times be subject to inspection by the Township. If such inspection reveals that work is not in accordance with approved plans and specifications, that construction is not being done in a workmanlike manner or that erosion or sediment controls are failing to prevent accelerated erosion or waterborne sediment from leaving the site of construction, the Township Inspector is empowered to require corrections to be made and/or the suspension of subdivision approval and to issue a cease and desist order which may include any or all of the following sanctions:
   1. That no lot in the subdivision shall be conveyed or placed under agreement of sale.
   2. That all construction on any lots for which a building permit has been issued shall cease.
   3. That no further building permits for any lots shall be issued.
2. The cease and desist order shall be terminated upon determination by the Township that the defects or deviations from plan requirements have been corrected.
3. No underground pipes, structures, subgrades or base course shall be covered until inspected and approved by the Township. A minimum of seven inspections by the designated representative shall be required. These inspections shall be effected in accordance with Subsection A above and shall occur at the following intervals:
   1. Upon completion of rough grading, but prior to placing topsoil, installing permanent drainage or other site improvements or establishing covers.
   2. Upon excavation and completion of subgrade.
   3. Upon excavation, installation and completion of drainage structures, community sewage systems or water supply systems.
   4. Before placing stone base course or before initial layer of screenings.
   5. Before binder course.
   6. Before wearing course.
   7. Final inspection.
4. The developer shall notify the Township Inspector at least 24 hours in advance of completion of any construction operations requiring an inspection.

### § 181-59. Release from performance guaranty.

Refer to § 181-34 of this chapter.

### § 181-60. As-built plans.

Within 60 days after completion and Township approval of subdivision or land development improvements as shown on final plans and before Township acceptance of such improvements, the developer shall submit to the Board one Mylar reproducible and five prints of said plans showing actual dimensions and conditions of streets and all other improvements, certified by a professional engineer to be in accordance with actual construction.

### § 181-61. Conditions of acceptance of streets or other improvements.

The Township shall have no obligation to take over and make public any street or other improvement in or abutting a subdivision unless:

1. The required improvements shown on the approved plan or plans have been constructed to all requirements, as certified by the Township Engineer.
2. At least 51% of the frontage of all the lots along a street have been occupied by completed dwellings or other structures.
3. A petition, signed by the owners of at least 51% of the frontage of the street in question, requesting that the street and other improvements be taken over and made public, is filed with the Township.
4. An executed dead of dedication in a form and substance acceptable to the Township Solicitor is filed with the Township.
5. It is established to the satisfaction of the Board of Supervisors that there is a need for the improvements to be taken over and made public.

### § 181-62. Dedication of streets or other improvements.

1. Upon completion of construction of a street or other improvements in accordance with approved plans, as certified by the Township Engineer, a deed of dedication for the street prepared by the applicant(s) and approved by the Township Solicitor shall be submitted to the Board of Supervisors together with a certificate from the contractor, evidencing payment of all labor and material costs.
2. After the deed of dedication and certifications have been completed and all inspection and engineering fees for the roads and improvements have been paid and all accrued snow removal costs and other costs chargeable to the subdivider or land developer have been paid and the maintenance bond on the road and other improvements, excluding sewers, has been posted, then the road and other improvements shall be accepted by the adoption of a resolution by the Township Supervisors, accepting the deed and directing that it be recorded with the Recorder of Deeds of Chester County. Evidence of such recording with dates and volume and page numbers shall be returned by the developer to the Township office.
3. Upon completion of construction of a sanitary sewer in accordance with approved plans and sanitary drainage specifications, as certified by the Township Engineer, a deed of dedication for the sewer

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prepared by the Solicitor of the Township shall be submitted to the Board of Supervisors together with a certificate from the contractor evidencing payment of all labor and material costs and a receipt for inspection charges. After the submission of the deed of dedication and accompanying certifications, the sewers may be accepted by the adoption of a resolution by the Township Supervisors accepting the deed and directing that it be recorded. Evidence of such recording with dates and volume and page numbers shall be returned by the developer to the Township office.

1. The Township shall have no responsibility with respect to any street or other improvements, notwithstanding the use of the same by the public, unless the street or other improvements are accepted by ordinance or resolution of the Board of Supervisors.
2. The Board may require that certain subdivision and/or land development improvements remain undedicated, with maintenance the responsibility of individual lot owners, a homeowners' association or similar entity or an organization capable of carrying out maintenance responsibilities.

### § 181-63. Maintenance guaranty.

1. Where the Board of Supervisors accepts dedication of all or some of the required improvements following completion (whether such dedication is of the fee or of an easement), the Board shall require the posting of financial security to secure the structural integrity of the improvements and the functioning of the improvements in accordance with the design and specifications as depicted on the final plan. The security shall be in the form as is authorized for the deposit of the performance guaranty, as described in § 181-34 hereof, shall be for a term of 18 months from the date of the acceptance of dedication and shall be in an amount equal to 15% of the actual costs of installation of the improvements so dedicated.
2. Where maintenance of stormwater retention facilities or private streets 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 shall require that maintenance responsibilities be set forth in perpetual covenants or deed restrictions binding on the landowner's successors in interest and may further require that an initial maintenance fund be established in a reasonable amount.

### § 181-64. Conveyance and maintenance of open space.

All lands which have been designated as open space on any final plan shall remain as open space in perpetuity and shall be conveyed to the Township or other legal entity as prescribed below.

1. Conveyance to Tredyffrin Township.
   1. The Township, at its sole discretion, may accept lands or portion of lands intended for open space pursuant to the provisions of § 181-62 above.
   2. In accepting any such open space lands, the Board of Supervisors may require, as a precondition of acceptance, the improvement of all or a portion thereof and/or may require the payment of certain fees for the improvement and continued maintenance of the open space land.
2. Conveyance to other agencies or legal entities.
   1. Any open space land which is not conveyed to the Township must be conveyed to a governmental agency (of Chester County, Pennsylvania or the United States), a corporation, association, conservation group, community trust, homeowners' or condominium association or other legal private, nonprofit entity.
   2. The governmental agency or other private nonprofit entity must be legally constituted to receive, hold and maintain such open space lands. Where such entity is a corporation or association of homeowners or condominium owners, the corporation or association must:
      1. Be set up before any homes, lots or dwellings units are sold or leased or otherwise conveyed.
      2. Require mandatory membership for each buyer and/or lessee and any successive buyer and/or lessee.
      3. Be responsible for liability insurance, taxes, recovery for loss sustained by casualty condemnation or otherwise and the maintenance of recreational and other facilities.
      4. Be empowered to prorate all costs and expenses of development and maintenance of open space and assess such pro rata costs against members and, in the event of failure of payment of such pro rata share, to file liens against the real estate owned by delinquent members.
      5. Be able to adjust the assessment to meet changing circumstances.
      6. Not be dissolved nor shall it dispose of the open space except to an organization conceived and established to own and maintain the open space. The corporation or association must first offer to dedicate the open space to the Township before any such sale or disposition of the open space.
   3. The instrument of conveyance of any lands to any governmental agency or other private nonprofit entity must be approved by the Township Solicitor and shall include provisions for guaranteeing the following:
      1. The continued use of such land for the intended purpose.
      2. Continuity of proper maintenance for those portions of the open space requiring maintenance.
      3. Adequate insurance protection.
      4. Provisions for payment of applicable taxes.
      5. Recovery for loss sustained by casualty, condemnation or otherwise.
      6. Provision for the Township to assume management of open space in the event that after a public hearing the Township shall determine that a corporation, association or other legal entity shall have failed to properly maintain the open space.
      7. Such other covenants and/or easements that the Township shall deem desirable to fulfill the purposes and intent of this chapter.

ARTICLE XI

### Administration

**§ 181-65. Relief from unnecessary hardship.**

1. In any case in which an applicant demonstrates to the satisfaction of the Township approving authority that strict application of any provisions of this chapter would be unreasonable and would cause unnecessary hardship as applied to the proposed subdivision or land development, the Board may grant a modification of such provision so as to grant relief from the unnecessary hardship. Any such modification granted shall be the least modification necessary to grant relief from the unnecessary hardship and shall be applied so that substantial justice may be done and the public interest secured; provided, however, that such modification shall not be granted if it would have the effect of nullifying the intent and purpose of this chapter.
2. In granting modifications, the Board may impose such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements so modified.

### § 181-66. Records.

1. The Township shall assign a subdivision application number to all subdivision and land development applications, and all matters referring to an application should be filed in accordance with the subdivision case number. The Township shall keep a record of its findings, decisions and recommendations relative to all plans filed with it for review.
2. All such records shall be public records.

### § 181-67. Establishment or adjustment of review fees and other fees. [Amended 12-2-2013 by Ord. No. HR-399; 1-27-2014 by Ord. No. HR-402]

1. The Board of Supervisors shall, by resolution, establish or adjust such fees and costs as it deems necessary for the following:
   1. Tentative sketch plans.
   2. Preliminary plans.
   3. Recording of final plans.
   4. Condominium or homeowners' association declaration plans.
   5. Improvement construction plans.
   6. Erosion, sedimentation and stormwater control plans.
   7. Preparation, review and recording of subdivision and/or land development agreements.
   8. Review and administration of performance and maintenance guaranty instruments.
   9. Preparation, review and/or recording of deeds of dedication.
   10. Permits.
   11. Inspections and testing.
2. Every applicant shall, at the time of filing application for approval of a plan, pay to the Township a nonrefundable filing fee as adopted by the Board and an escrow deposit, as set forth herein, to cover the costs of plan review and processing. Amounts of the filing fee and escrow deposit shall be fixed by the Board by resolution. The escrowed funds shall be used to reimburse the Township for actual expenditures incident to these processes, including but not limited to the review fees which are otherwise recoverable under 53 P.S. § 10503. Professional consultants include, but are not limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects and planners, including professionals employed by the Township such as the Township Engineer and the Director of Planning and Zoning. Any costs incurred by the Township in excess of the amount held in escrow shall be fully reimbursed by the applicant from time to time in accordance with schedules fixed by the Board by resolution and in any case prior to issuance of any permits. Any costs not paid within the time specified by the Township shall be assessed an interest penalty as established by the Board and may result in the suspension of reviews of the applicant's plans. All delinquent accounts may be deemed a municipal claim and collected pursuant to the Municipal Claims and Tax Liens Act, 53 P.S. § 7101 et seq.
3. For plans involving both subdivision and land development, both fees will apply to the areas affected.
4. Where sketch plan review, traffic studies or other special analyses are required by the Board or the Planning Commission, the applicant shall agree to reimburse the Township for costs incurred.
5. The applicant shall reimburse the Township for expenses incurred for the inspection of improvements based upon a schedule established by resolution of the Board from time to time. Following final plan approval and prior to recording, a second escrow deposit shall be established to cover the cost of inspections of improvements, construction, materials, or site testing or maintenance costs prior to the acceptance of improvements by the Township. Any costs incurred by the Township in excess of the amount held in escrow shall be fully reimbursed by the applicant from time to time in accordance with schedules fixed by the Board by resolution and in any case prior to the acceptance of any public improvements. Any costs not paid within the time specified by the Township shall be assessed an interest penalty as established by the Board and may result in the denial or withdrawal of any permits. All delinquent accounts may be deemed a municipal claim and collected pursuant to the Municipal Claims and Tax Liens Act, 53 P.S. § 7101 et seq.

ARTICLE XII

### Amendments and Appeals

**§ 181-68. Amendments.**

1. The Board of Supervisors may, from time to time, amend, supplement, change, modify or repeal this chapter. In so doing, the Board shall follow the procedures prescribed in Act 247, the Pennsylvania Municipalities Planning Act,**174** and shall, by resolution of the Board, fix the time and place of a public hearing on the proposed amendment and shall give public notice thereof.
2. All proposed amendments shall, prior to adoption, be referred to the Township Planning Commission (except those amendments prepared by the Planning Commission) and the Chester County Planning Commission at least 30 days prior to the public hearing, for review, recommendation and report (which shall not be binding).

### § 181-69. Appeals.

Appeals from the actions of the Board of Supervisors or the Planning Commission with respect to any application for subdivision or land development approval shall be governed by the applicable provisions of Act 247, the Pennsylvania Municipalities Planning Act, as they may be amended, or any successor legislation thereto.**175**

1. **Editor's Note: See 53 P.S. § 10101 et seq.**
2. **Editor's Note: See 53 P.S. § 10101 et seq.**

ARTICLE XIII

### Penalties

**§ 181-70. Violations and penalties. [Amended 10-19-1998 by Ord. No. HR-278]**

1. Any person, partnership or corporation who or which has violated the provisions of this chapter, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, shall pay a judgment of not more than $500, plus all court costs, including reasonable attorney fees incurred by the municipality 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 municipality 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 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.
2. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
3. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the municipality the right to commence any action for enforcement pursuant to this section.

## Chapter 186 TAXATION

### [HISTORY: Adopted by the Board of Supervisors of the Township of Tredyffrin as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

**Local Services Tax**

**[Adopted 3-18-1991 by Ord. No. HR-164 (Ch. II, Art. 6, of the 1979 General Laws of the Municipality of Tredyffrin); amended 10-19-1998 by Ord. No. HR-278; 1-3-2005 by Ord. No. HR-334; 1-24-2005 by Ord. No. HR-335; 3-20-2006Ord. No. HR-347; 10-15-2007 by Ord. No.**

**HR-363176]**

**§ 186-1. Title.**

This article shall be known and may be cited as the "Tredyffrin Township Local Services Tax."

### § 186-2. Imposition of tax.

1. Every individual who engages in an occupation within the Township of Tredyffrin shall pay a local services tax to the Township in the amount of $52 per person per calendar year.
2. In the event that a person is engaged in more than one occupation or in an occupation which requires his working in more than one political subdivision during the calendar year, then the provisions of the Local Tax Enabling Act, Act of December 31, 1965, P.L. 1257, Section 2, as amended, 53 P.S.

§ 6902, shall determine the priority of the Township of Tredyffrin's claim to collect such local services tax.

1. All taxes imposed by this article, together with all interests and costs, shall be recoverable by the Solicitor of the Township of Tredyffrin as debts of like amount recoverable by law.
2. The tax imposed under this article shall be used for police, fire or emergency services, road maintenance or real estate tax reduction purposes, as provided for under the provisions of the Local Tax Enabling Act, Act of December 31, 1965, P.L. 1257, Section 22.6, as amended, 53 P.S. § 6922.6.
3. Statutory authority. This article is enacted under the authority of the Local Tax Enabling Act, as amended (53 P.S. § 6901 et seq.).

### § 186-3. Definitions; word usage.

1. As used in this article, the following terms shall have the meanings indicated except where the context or language clearly indicates or requires a different meaning:

EARNED INCOME — Shall have the same meaning as provided for in the Local Tax Enabling Act, Act of December 31, 1965, P.L. 1257, Section 13, Division I, as amended, 53 P.S. § 6913.

EMPLOYEE — An individual whose compensation is subject to the withholding of federal income tax and who performs services for an employer.

EMPLOYER — An individual, partnership, association, corporation, governmental body, agency or other entity employing one or more persons on a salary, commission or other compensation basis, including a self-employed person.

INDIVIDUAL — Any person, male or female, engaged in any occupation, trade or profession of any nature within the corporate limits of Tredyffrin Township, whether in the employ of another or self- employed.

1. **Editor's Note: This ordinance has an effective date “31 days from enactment and shall apply to tax years commencing on or after January 1, 2008.”**

LOCAL SERVICES TAX COLLECTOR — The Township Manager of Tredyffrin Township, his designated representative or a person or corporation engaged for this purpose by contract with Tredyffrin Township.

NET PROFITS — Shall have the same meaning as provided for in the Local Tax Enabling Act, Act of December 31, 1965, P.L. 1257, Section 13, Division I, as amended, 53 P.S. § 6913.

OCCUPATION — Any trade, profession, business or undertaking of any type, kind or character, including services, domestic or other, carried on or performed within the corporate limits of Tredyffrin Township for which compensation is charged or received, whether by means of salary, wages, commission, fees or otherwise, for services rendered.

RESERVE COMPONENT OF THE ARMED SERVICES — The United States Army Reserve, United States Navy Reserve, United States Marine Corps Reserve, United States Coast Guard Reserve, United States Air Force Reserve, the Pennsylvania Army National Guard or the Pennsylvania Air National Guard.

TAX — The local services tax in the amount of $52 levied by this article on each individual engaged in any occupation, as herein before defined, within the corporate limits of Tredyffrin Township.

YEAR — The calendar year.

1. "He," "his" or "him" shall mean and indicate the singular and plural number as well as male, female and neuter genders.

### § 186-4. Collection and payment of tax.

1. Duty of employer to collect and make payment. Each employer within Tredyffrin Township, as well as those employers situated outside of Tredyffrin Township but who engage in business within Tredyffrin Township, is hereby charged with the duty of collecting from each employee engaged by the employer and performing for the employer within Tredyffrin Township the tax of $52 per annum and making a return and payment thereof to the Local Services Tax Collector. Subject to the withholding requirements of this section, each employer is hereby authorized to deduct the tax from the compensation of each employee in its employ, whether said employee is paid by salary, wages or commissions and whether or not part or all of such services are performed within Tredyffrin Township. Each employer shall pay the tax to the Local Services Tax Collector as provided herein, whether or not the tax was deducted from the compensation of each employee in its employ.
   1. An employer required hereunder to collect the tax shall withhold a pro rata share of the total tax per annum for each payroll period in which the person is engaged in an occupation. The pro rata share of the tax assessed on the person for a payroll period shall be determined by dividing the combined rate of the local services tax levied for the calendar year by the number of payroll periods established by the employer for the calendar year. For purposes of determining the pro rata share, an employer shall round down the amount of the tax collected each payroll period to the nearest one-hundredth of a dollar. Collection of the local services tax levied under this section shall be made on a payroll period basis for each payroll period in which the person is engaging in an occupation, except as provided for in § 186-4A(3).
   2. Upon notification to an employer by the person or by Tredyffrin Township that a person has received earned income and net profits from all sources within Tredyffrin Township equal to or in excess of $12,000 in that calendar year or that the person is otherwise ineligible for the tax exemption for that calendar year, or upon an employer’s payment to the person of earned income within Tredyffrin Township in an amount equal to or in excess of $12,000 in that

calendar year, an employer shall withhold the local services tax from the person for the remainder of that calendar year. The employer shall withhold from the person, for the first payroll period after receipt of the notification hereunder, a lump sum equal to the amount of tax that was not withheld from the person due to the exemption claimed by the person under this section, plus the per payroll amount due for that first payroll period. The amount of tax withheld per payroll period for the remaining payroll periods in that calendar year shall be the same amount withheld for other employees. In the event that the employment of a person subject to withholding of the tax under this clause is subsequently severed in that calendar year, the person shall be liable for any outstanding balance of tax due, and Tredyffrin Township may pursue collection of the tax.

* 1. In the case of an employee who has concurrent employment, an employer shall refrain from withholding the local services tax if the employee provides a recent pay stub from a principal employer that includes the name of the employer, the length of the payroll period and the amount of the local services tax withheld, and a statement from the employee that the pay statement is from the employer’s principal employer, and the employee will notify other employers of a change in principal place of employment within two weeks of its occurrence.

1. Returns; responsibility for payment. Each employer shall prepare and file a return showing a computation of the tax on forms to be supplied to him by the Local Services Tax Collector. It is further provided that if the employer fails to file said return and pay said tax, whether or not he makes collection thereof from the salary, wages or commissions paid by him to said employee, the employer shall be responsible for the payment of the tax in full as though the tax had originally been levied against the employer.
2. Dates for determining liability and payment. Each employer shall use his employment record as of each payroll period in the calendar year to determine from whom the tax shall be deducted. An employer shall be required to remit quarterly payments of the tax to the Local Services Tax Collector on or before the 30th day after the end of each quarter of a calendar year on forms prescribed by the Local Services Tax Collector.
3. Self-employed individuals. Every taxpayer who is self-employed and has not filed an exemption certificate with the Tax Collector, or whose tax for any other reason is not collected under this section, shall file a return on a form prescribed by the Local Services Tax Collector and shall pay a pro-rata share of the tax directly to the Local Services Tax Collector within 30 days after the end of each calendar quarter. The pro-rata share of the tax assessed on a taxpayer for a calendar quarter shall be determined by dividing the rate of the tax levied under this article for the year by four.
4. Persons residing outside the Township. All self-employed individuals and employers residing or having their place of business outside the corporate limits of Tredyffrin Township and engaging in an occupation within the Township do by virtue thereof agree to be bound by and subject themselves to the provisions of this article and the regulations promulgated hereunder with the same force and effect as though they had their place of business in or were residents of Tredyffrin Township. Further, any individual engaged in an occupation within Tredyffrin Township and as an employee of a nonresident employer may, for the purpose of this article, be considered a self-employed person, but in the event that the tax is not paid, the Local Services Tax Collector shall have the option of proceeding against either the employer or employee for the collection of the tax as hereinafter provided.
5. Individuals engaged in more than one occupation.
   1. Each employee who shall have more than one occupation within Tredyffrin Township shall be subject to the payment of this tax on his principal occupation, and his principal employer shall

deduct this tax. The principal employer shall deliver to such employee evidence of deduction. This evidence of deduction showing that payment having been made and, when presented to any other employer, shall be authority for such employer to not deduct this tax from the employee's wages but to include such employee on his return by setting forth his name, social security number and the name of the employer who deducted this tax.

* 1. In the event that an individual is engaged in more than one occupation or an occupation which requires his working in more than one political subdivision during the calendar year, the priority of claim to collect such local services tax shall be in the following order: first, the political subdivision in which an individual maintains his principal office or is principally employed; second, the political subdivision in which the individual resides and works, if such a tax is levied by that political subdivision; third, the political subdivision in which an individual is employed and which imposes the tax nearest in miles to the individual's home. The place of employment shall be determined as of the day the taxpayer first becomes subject to the tax during the calendar year.
  2. It is the intent of this provision that no individual shall pay more than $52 in any calendar year as a local services tax, irrespective of the number of political subdivisions within which such individual may be employed within any given calendar year. In case of dispute, a proof of payment that that tax has been paid for that calendar year shall constitute prima facie certification of payment to all other political subdivisions.

1. Each employer shall ensure that exemption certificate forms are readily available to employees at all times and shall furnish each new employee with an exemption certificate form at the time of hiring and prior to the first payroll period of each year.

### § 186-5. Administration and enforcement.

1. Powers and duties of Tax Collector.
   1. It shall be the duty of the Local Services Tax Collector to accept and receive payments of the tax and to keep a record thereof showing the amount received by him from each employer or self-employed individual, together with the date the tax was received.
   2. The Local Services Tax Collector is hereby charged with the administration and enforcement of this article and is hereby charged and empowered to prescribe, adopt and promulgate rules and regulations relating to any matter pertaining to the administration and enforcement of this article, including provisions for the examination of the books, accounts and payroll records of any employer subject to this article, the examination and correction of any return made in compliance with this article and any payment alleged or found to be incorrect or as to which overpayment is claimed and found to have occurred.
   3. The Local Services Tax Collector is hereby authorized to examine those books, accounts and payroll records of any employer necessary to verify the accuracy of any return made by an employer or, if no return was made, to ascertain the tax due. Each employer is hereby directed and required to give the Local Services Tax Collector the means, facilities and opportunity for such examination.
2. Late payment; recovery. If for any reason the tax is not paid when due, a penalty of 10% shall be added to the tax, and interest at the rate of 1% per month or fraction thereof shall also be added. Where legal action is brought for the recovery of the tax, the individual or employer thereafter shall, in addition, be responsible and liable for collection costs, including attorney fees.

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1. Violations and penalties. Whoever makes any false or untrue statement on any return or record required by this article, or whoever refuses inspection of those books, records or accounts required in

§ 186-5A(3) in his custody and control, or whoever fails or refuses to file any return required by this article or fails to pay the tax due shall, upon being found liable therefor in a civil enforcement proceeding, pay a fine of not more than $600, plus all court costs, including reasonable attorney's fees, incurred by the Township in the enforcement of this article. It is further provided that the action to enforce the fine and penalty herein provided may be instituted against any person in charge of the business of any employer who has failed or refused to file a return required by this article. No judgment shall be imposed until the date of the determination of the violation by the District Justice and/or Court. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith. **[Amended 10-19-1998 by Ord. No. HR-278]**

1. Statutory authority. This article is enacted under the authority of the Local Tax Enabling Act (53 P.S.

§ 6901 et seq.).

### § 186-5.1. Exemptions.

1. Any person whose total earned income and net profits from all sources within Tredyffrin Township is less than $12,000 per calendar year in which the tax is levied shall be exempt from this tax upon the filing of an exemption certificate with the Local Services Tax Collector.
2. Any person who has served in any war or armed conflict in which the United States was engaged and is honorably discharged or released under honorable circumstances from active services if, as a result of military service, the person is blind, paraplegic or a double or quadruple amputee or has a service- connected disability declared by the United States Veterans’ Administration or its successor to be a total one-hundred-percent disability shall be exempt from this tax upon the filing of an exemption certificate with the Local Services Tax Collector.
3. Any person who serves as a member of a reserve component of the armed forces and is called to active duty at any time during the taxable year shall be exempt from this tax upon the filing of an exemption certificate with the Local Services Tax Collector.
4. The Local Services Tax Collector is hereby charged and empowered to adopt regulations for the processing of claims for exemptions under this § 186-5.1.
5. A person seeking exemption from the tax under §186-5.1 must annually file an exemption certificate with the employer and the Local Services Tax Collector. If a person claims an exemption from the tax under § 186-5.1A, the exemption certificate shall have attached to it a copy of all of the employee’s last pay stubs or W-2 forms from employment within Tredyffrin Township for the calendar year prior to the calendar year for which the employee is requesting to be exempt from the tax. The exemption certificate for any exemption under §186-5.1 must be in a form substantially similar to the uniform exemption certificate prescribed by the Pennsylvania Department of Community and Economic Development.

### § 186-5.2. Refund.

1. A person who overpaid the local services tax for a calendar year shall be entitled to a refund of the tax by filing a refund request with the Local Services Tax Collector. A person shall only be entitled to a refund of tax for amounts overpaid in a calendar year that exceed $1.
2. The Local Services Tax Collector is hereby charged and empowered to adopt regulations for the processing of refund claims for overpaid local services tax consistent with 53 Pa.C.S.A. § 8425, as amended (relating to refunds of overpayments) and 53 Pa.C.S.A. § 8426, as amended (relating to interest on overpayments).
3. A person shall not be entitled to interest on the amount of refunded tax if the Township pays the refund within 75 days of the refund request or 75 days after the last day the employer is required to remit the local services tax for the last quarter of the calendar year under § 186-4C, whichever is later.

ARTICLE II

### Mechanical Amusement Device Tax [Adopted 8-16-1982 by Ord. No. HR-66]

**§ 186-6. Definitions. [Amended 10-19-1998 by Ord. No. HR-278]**

1. Unless otherwise herein expressly stated, the following terms shall have for the purpose of this article the meanings hereby respectfully indicated:

DEVICE — Any jukebox, mechanical shuffleboard game, pinball machine or mechanical amusement device used, possessed, owned or operated for profit.

JUKEBOX — Any music vending machine, contrivance or device which, upon the insertion of a coin, slug, token, plate, disc or key into any slot, crevice or other opening, operates or may be operated for the emission of song, music or similar entertainment or amusement.

MECHANICAL AMUSEMENT DEVICE — Any electronic or mechanical device, machine or apparatus which, upon the insertion of a coin, slug, token, plate or disc, operates or may be operated as a game or contest of skill, amusement or entertainment, of any kind or description, whether or not registering a score and whether or not a prize is offered, and which may or may not contain an automatic payoff for the return of money or token or slugs or which may or may not make any provision whatever for the return of money to the player or which may or may not provide an award of additional games or additional playing time. Further, a mechanical amusement device includes any electronic or mechanical device, machine or apparatus which is used or may be used as a game of skill and amusement wherein a player initiates, employs or directs any force generated by the machine or light illustrated on a screen, board or machine. The term "amusement device" includes electronic television entertainment operated by coin, slug, token, plate or disc, some of which are known as "video games"; provided, however, that this does not include coin-operated radios or television sets carrying regular radio and telephone frequencies. It is provided further that such term shall not include any gambling device or other mechanism that has been determined to be a gambling device, the operation which is contrary to law.

PERSON — Any natural person, association, copartnership, firm or corporation.

1. The singular shall include the plural, and the masculine shall include the feminine and neuter.

### § 186-7. Imposition of tax.

There is hereby imposed a tax, for general revenue purposes, under the authority of the Act of December 31, 1965, Act No. 511, the Local Tax Enabling Act, 53 P.S. § 6901 et seq., upon the privilege of using for profit, within the Township of Tredyffrin, Chester County, Pennsylvania, any device or mechanical amusement device, as defined herein. On or after July 1, 1982, such tax shall be payable at the following rate: On each device or mechanical amusement device, $200 for the fiscal year or any portion thereof; provided, however, that no tax will be imposed upon any nonprofit owner or operator of the establishment in which such devices are installed for use.

### § 186-8. Tax payable.

The tax imposed under this article shall be payable to Tredyffrin Township on or before the first day of February of the current year for the taxable year of January 1 through December 31 of the current year. No deduction or refund of any tax payable under this article shall be granted in the case of any tax payable for less than a full year or in the case of any device destroyed, stolen, sold or otherwise disposed of or

transferred after the payment of such tax; provided, however, that in the case of the substitution of any device by another device in the same class, the use of which is taxable under this article, no additional tax shall be paid, provided that the total number of devices of the same class in use upon the premises remains no greater than that upon which such tax was paid.

### § 186-9. Certificate.

1. The Manager of the Board of Supervisors of Tredyffrin Township shall procure, at the expense of the township, a sufficient number of certificates, upon each of which the following information shall be printed or inserted in ink or by typewriter:
   1. The name of the township.
   2. The number of the certificate.
   3. The name and address of the person paying the tax.
   4. The year for which the tax shall have been paid.
   5. The date on which such tax shall have been paid.
   6. The type of device for which the tax shall have been paid.
   7. The amount of the tax paid.
2. Whenever any tax shall have been paid under this article, the Manager shall prepare in duplicate a certificate, as herein prescribed. The original of such certificate, to which the Township Seal shall be affixed, shall be given to the person paying such tax, and the duplicate shall be kept on file by the Manager. The Manager shall also procure and give to each person paying such tax a seal to be affixed to each device for the use of which such tax shall have been paid. Such seal shall indicate the year for which such tax shall have been paid, the type of device and the certificate number.
3. In case of the loss, defacement or destruction of any original certificate or seal, the person to whom such certificate or seal was issued shall apply to the Manager who may issue a new certificate or seal in replacement thereof, upon payment of a fee as set from time to time by resolution of the Board of Supervisors and who shall amend the duplicate of the certificate first issued in case that a new certificate has been issued.
4. In case of the removal of any establishment, in which any device for the use of which a tax shall have been paid under this article, to another location in the township or in case of a change in the identity of the person operating or owning such establishment, the person operating such establishment shall report such fact within five days of such change in location or personnel, and the Manager shall immediately amend the certificate and duplicate certificate.
5. Before the removal of any device from any establishment, the person operating such establishment shall remove the seal issued under this article from such device. Such seal may be affixed to any other device of the same class used in such establishment during the current year.

### § 186-10. Penalty for nonpayment.

If any tax levied pursuant to this article shall not be paid when due, a penalty of 10% of the amount of the tax due and unpaid shall be added thereto, in addition to all other penalties provided by law.

### § 186-11. Violations and penalties.177

Any person who violates this article or fails to carry out any of the provisions or requirements of this article or who neglects or fails or refuses to furnish complete, accurate and correct returns to Tredyffrin Township or neglects, fails or refuses to pay over any tax levied by this article at the time required or who knowingly makes any incomplete, false or fraudulent return or who does or attempts to do anything whatsoever to avoid payment of the whole or any part of the tax imposed hereunder, upon being found liable therefor in a civil enforcement proceeding, shall pay a fine of not more than $600, plus all court costs, including reasonable attorney's fees, incurred by the township in the enforcement of this article. Any such fine or penalty shall be in addition to any other penalty imposed by any other section of this article. No judgment shall be imposed until the date of the determination of the violation by the District Justice and/or Court. If the defendant neither pays nor timely appeals the judgment, the township may enforce the judgment pursuant to the applicable rules of civil procedure. Further, the appropriate officers or agents of the township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.

1. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

ARTICLE III

**Real Estate Transfer Tax**

**[Adopted 5-18-1987 by Ord. No. HR-109 (Ch. II, Art. 2, of the 1979 General Laws of the Municipality of Tredyffrin)]**

**§ 186-12. Tax levied; title.**

1. A realty transfer tax for general revenue purposes is hereby imposed upon the transfer of real estate or any interest in real estate situated within Tredyffrin Township, 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.
2. This article shall be known and may be cited as the "Tredyffrin Township Realty Transfer Tax Ordinance."

### § 186-13. Definitions.

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

ACQUIRED COMPANY — A real estate 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, 90% or more of the total ownership interest in the company within a period of three years.

ASSOCIATION — A partnership, limited partnership or any other form of unincorporated enterprise owned or conducted by two 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 instrument 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 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

§ 186-17 of this article.

FAMILY FARM CORPORATION — A corporation of which at least 75% of its assets are devoted to the business of agriculture and at least 75% of each class of stock of the corporation is continuously owned by members of the same family. The business or 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; or
  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. 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. Any lands, tenements or hereditaments within this township, including without limitation buildings, 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 of 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, 90% or more of the ownership interest in which is held by 35 or fewer persons and which:

1. Derives 60% or more of its annual gross receipts from the ownership or disposition of real estate; or
2. Holds real estate, the value of which comprises 90% 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. 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; or
2. Any interest in real estate enduring for a fixed period of years but which, either by reason of the length of the term or 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 30 years or more or a leasehold interest or possessory interest or possessory interest in real estate in which the lessee has equity.

TRANSACTION — The making, execution, 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 therefor 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 of the contract of sale;

1. In the case of 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 real estate determined by adjusting the assessed value of the real estate for local real estate tax purposes for the common level ratio factor developed by the Pennsylvania Department of Revenue for Pennsylvania realty transfer tax base calculations;
2. In the case of an easement or other interest in real estate the value of which is not determinable under Subsection A or B, the actual monetary worth of such interest; or
3. The actual consideration of or actual monetary worth of any executory 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 principle of the grantor of a related corporation, association or partnership and the grantee existing before or effective with the transfer.

### § 186-14. 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 for the benefit of the township at the rate of 1% of the value of the real estate represented by such document, which tax shall be payable at the earlier of the time the document is presented for recording or within 30 days of acceptance of such document or within 30 days of becoming an acquired company. **[Amended 6-1-1987 by Ord. No. HR-110]**
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 of Chester County, 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 article that the entire burden of the tax imposed herein on a person or transfer shall not exceed the limitations set forth in Sections 5 and 17 of the Local Tax Enabling Act, Act of December 31, 1965, P.L. 1257, 53 P.S. §§ 6905 and 6917, as the same are incorporated by reference by means of Section 17 of the Act of July 2, 1986, P.L. 318, 72 P.S. § 8101-D. If any other political subdivision shall have imposed or hereafter shall impose a tax on the same person or transfer, then the tax levied by said political subdivision shall be in addition to the tax of the township hereunder and the tax imposed hereby for the benefit of the township shall be 1% of the value of the real estate as provided hereinabove, provided that in the event that a court of competent jurisdiction shall determine that the rate of tax prescribed hereunder, either considered in isolation or in combination with the taxes imposed by other political subdivisions, exceeds the maximum permitted by law, then it is the intent of this article that the total of all taxes imposed with respect to the transactions taxable hereunder not exceed the maximum rate permitted by Act No. 77 of July 2, 1986, and that during such time as a duplication of taxes exists then the tax levied by the township shall be at the maximum rate permitted by law. **[Amended 6-1-1987 by Ord. No. HR-110]**

Township of Tredyffrin, PA

#### § 186-14 TREDYFFRIN CODE § 186-16

1. 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.

### § 186-15. Exempt parties.

The United States, the commonwealth or any of their instrumentalities, agencies or political subdivisions shall be exempt from payment of the tax imposed by this article. The exemption of such governmental bodies shall not, however, relieve any other party to a transaction from liability for the tax.

### § 186-16. Excluded transactions.

1. The tax imposed by § 186-14 shall not be imposed upon:
   1. 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 reconveyance by the condemning body of the property condemned to the owner of record at the time of condemnation which reconveyance may include property line adjustments, provided that said reconveyance is made within one year from the date of condemnation.
   2. A document which the township is prohibited from taxing under the constitution or statutes of the United States.
   3. 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.
   4. A transfer for no or nominal actual consideration which corrects or confirms a transfer previously recorded, but which does not extend or limit existing record legal title or interest.
   5. A transfer of division in kind for no or nominal actual consideration of property passed by testate or intestate succession and held by covenants; however, if any of the parties take shares greater in value than their undivided interest, tax is due on the excess.
   6. A transfer between husband and wife, between persons who were previously husband and wife who have since been divorced, provided that 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 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 year shall be subject to tax as if the grantor were making such transfer.**178**
   7. 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.
   8. 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 named. No such exemption shall be granted unless the Recorder of Deeds is
2. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

presented with a copy of the trust instrument that clearly identifies the grantor and all possible beneficiaries.

* 1. A transfer for no or nominal actual consideration from a trustee to a beneficiary of an ordinary trust.
  2. A transfer for no or nominal actual consideration from trustee to successor trustee.
  3. A transfer for no or nominal actual consideration between principal and agent or straw party; or 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 article. 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 clause.
  4. 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 article.
  5. 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 years.
  6. 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 of the grantee or a transfer to a nonprofit industrial development agency or authority.
  7. A transfer from a nonprofit industrial development agency or authority to a grantee purchasing directly from it, but only if the grantee shall directly use such real estate for the primary purpose of manufacturing, fabricating, compounding, processing, publishing, research and development, transportation, energy conservation, energy production, pollution control, warehousing or agriculture and the agency or authority has the full ownership interest in the real estate transferred.
  8. 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.
  9. Any transfer between religious organizations or other bodies or persons holding title for a religious organization if such real estate is not being or has not been used by such transferor for commercial purposes.
  10. A transfer to a conservancy which possesses a tax exempt status pursuant to Section 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 or a transfer from such a conservancy to the United States, the commonwealth or to any of their instrumentalities, agencies or political subdivisions.**179**
  11. 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 75% of each class of the stock thereof.

* 1. A transfer between members of the same family of an ownership interest in a real estate company or family farm corporation.
  2. A transaction wherein the tax due is $1 or less.
  3. Leases for the production or extraction of coal, oil, natural gas or minerals and assignments thereof.

1. 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 article.

### § 186-17. Documents relating to associations, corporations and acquired companies.

1. Except as otherwise provided in § 186-16 hereof, documents which make, confirm or evidence any transfer or demise of title to real estate between associations or corporations and their members, partners, shareholders or stockholders thereof are fully taxable. For the purposes of this article, corporations and associations are entities separate from their members, partners, stockholders or shareholders.
2. Within 30 days after becoming an acquired company, the company shall present for recording a declaration of acquisition with the Recorder of Deeds of Chester County for the purpose of noting thereon or the affixation thereto of such documentary stamps or evidence of the payment of this tax as required by law. Such declaration shall set forth the value of real estate holdings of the acquired company in Chester County.

### § 186-18. Credits against tax.

1. 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.
2. 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.
3. Where there is a transfer of real estate which is demised by the grantor, a credit for the amount of tax paid at the time of the demise shall be given the grantor toward the tax due upon the transfer. 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.
4. Where there 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
5. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

toward the tax due upon the deed.

1. 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 carry-over credit shall be allowed.

### § 186-19. Proceeds of judicial sale.

The tax herein imposed shall be fully paid and have priority out of the proceeds of any judicial sale of real estate before any other obligation, claim, lien, judgment, estate of costs of the sale and of the writ upon which the sale is made, 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.

### § 186-20. Real estate or interest therein partially located in the township.

Where real estate or interest in real estate lying partially within the boundaries of Tredyffrin Township and partly without said boundaries is transferred, the tax herein imposed shall be calculated upon such portion of the value as shall be represented by the portion of real estate or interest therein lying within the boundaries of the township as determined by the Realty Transfer Tax Statement of Value filed with the Recorder of Deeds or, if no such filing is required, by affidavit of the transferor, or as separately stated in the document of transfer; provided, however, that such value shall in no event be less than the highest assessed valuation for local tax purposes placed upon the real estate or the interest in the real estate in the assessment of the property within the township.

### § 186-21. Statement of value.

Every document lodged with or presented to the Recorder of Deeds of Chester County for recording shall set forth therein and as part of such document the true, full and complete value thereof. When the full, complete and actual consideration which is subject to the tax is not set forth in the document, the person liable for the tax shall, contemporaneously with the filing of the document, file with the Recorder of Deeds a Realty Transfer Tax Statement of Value identical to that promulgated by the Department of Revenue of the Commonwealth of Pennsylvania or, in the instance of an acquired company, a Realty Transfer Tax Declaration of Acquisition identical to that promulgated by the Department of Revenue of the Commonwealth of Pennsylvania. The provisions of the section shall not apply to any excludable real estate transfers which are exempt from taxation based on family relationship.

### § 186-22. Recorder of Deeds as agent for the township.

The tax imposed hereby, including any amount payable to the township based on a redetermination of the amount of tax due by the Commonwealth of Pennsylvania pursuant to § 186-24 hereof, shall be collected by the Recorder of Deeds of Chester County who shall act as agent for the township in the collection of the transfer tax as provided in 16 P.S. § 11011-6, as amended. The tax thus collected shall be payable by the Recorder to the Treasurer of Tredyffrin Township at least monthly or at such other intervals as the township and the Recorder of Deeds shall mutually determine.

### § 186-23. Documentary stamps or other evidence of payment.

The payment of the tax imposed by this article when received by the Recorder of Deeds shall be evidenced by the affixing of a documentary stamp or stamps or other evidence of payment as approved by the Pennsylvania Department of Revenue.

### § 186-24. Determination of additional tax due or redetermination.

1. In the event that a determination or redetermination of transfer tax due is made by the Pennsylvania Department of Revenue pursuant to Section 1111-C of Act 1986-77, 72 P.S. § 8111-C, such determination or redetermination shall be deemed to have been also made by the Manager of Tredyffrin Township, and there shall be due and owing to the township, as additional transfer tax, the amount determined or redetermined by the Department to be due the Commonwealth of Pennsylvania.
2. Upon redetermination of the amount of realty transfer tax due by the Commonwealth of Pennsylvania, the Recorder shall re-record the document only when the transfer tax imposed by this article has been paid.

### § 186-25. Township Manager as enforcement officer.

The Manager of Tredyffrin Township is hereby charged with the enforcement of the provisions of this article and is hereby authorized and empowered to prescribe, adopt and enforce rules and regulations relating to the registration and notation of transactions, the collection of transfer taxes, interest and penalties due hereunder, the prosecution of violations hereunder and any other matter pertaining to the administration and enforcement of the provisions of this article; provided, however, that the regulations which have been promulgated by the Pennsylvania Department of Revenue under 72 P.S. § 1101-C et seq., as the same are from time to time amended, are incorporated into and made a part of this article and shall be deemed to have been adopted by the Township Manager.

### § 186-26. Collection of delinquent transfer taxes; imposition of interest and penalties.

1. If for any reason a transfer tax is not paid when due, interest at the rate of 6% per annum of the amount on the amount of said tax and additional penalty of 1/2 of 1% of unpaid tax for each month or fraction thereof during which the tax remains unpaid shall be added and collected. Where suit is brought for the recovery of any such tax, the person liable therefor shall, in addition, be liable for the cost of collection and the interest and penalties herein imposed.
2. The transfer tax when due and unpaid, together with all interest and penalties thereon, shall be a lien in favor of the township on real estate or interest in the real estate which is described in the document on which the tax is imposed and upon any other property, both real and personal, of the person failing to pay the tax due after said lien has been entered and adopted of record by the Prothonotary of Chester County in accordance with the Municipal Claims and Tax Liens Law.
3. If any part of any underpayment of tax imposed by this article is due to fraud, there shall be added to the tax an amount equal to 50% of the underpayment.
4. The tax imposed by this article shall be collected and enforced in accordance with the Local Tax Enabling Act. The Township Solicitor is authorized to pursue any and all remedies available by law for collection of the tax, and all such remedies shall be cumulative and not exclusive.

### § 186-27. Violations and penalties.

1. It shall be unlawful for any person to:
   1. Accept or present for recording or cause to be accepted or presented for recording any document, without the full amount of the tax thereon being duly paid; or
   2. Fail, neglect or refuse to comply with or violate the provisions of this article or the rules or regulations prescribed, adopted and promulgated by the Manager under the provisions of this article.
2. Any person who violates or permits a violation of any of the provisions of this section, upon being found liable therefor in a civil enforcement proceeding, shall pay a fine of not more than $600, plus all court costs, including reasonable attorney's fees, incurred by the township in the enforcement of this article. No judgment shall be imposed until the date of the determination of the violation by the District Justice and/or Court. If the defendant neither pays nor timely appeals the judgment, the township may enforce the judgment pursuant to the applicable rules of civil procedure. Further, the appropriate officers or agents of the township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.**180**
3. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

ARTICLE IV

**Discounts and Interest**

**[Adopted 12-15-1980 by Ord. No. HR-53 (Ch. II, Art. 4, § 401, of the General Laws of the Municipality of Tredyffrin)]**

**§ 186-28. General provisions.181**

It is hereby enacted and ordained, pursuant to the provisions of the Act of May 25, 1945, P.L. 1050, as amended by Act 126 of 1976,**182** that from and after January 1, 1977, all taxpayers subject to payment of taxes levied and assessed by the Supervisors of Tredyffrin Township shall be entitled to a discount of 2% from the amount of any such tax or taxes, upon the payment of the whole amount thereof, within two months of the date of such tax notice, and all taxpayers who shall fail to make payment of any such taxes charged against them for four months after the date of such tax notice shall be charged a penalty of 10%, which penalty shall be added by the Township Manager and collected by him.

1. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**
2. **Editor's Note: See 72 P.S. § 5511.1 et seq.**

ARTICLE V

**Property Tax**

**[Adopted 2-20-2024 by Ord. No. HR-480]**

**§ 186-29. General provisions.**

1. Definitions. The following words and phrases shall have the meanings given to them within this Resolution unless the context clearly indicates otherwise:

ADDITIONAL CHARGE — Any interest, fee, penalty, or charge accruing to and in excess of the face amount of the real estate tax as provided in the real estate tax notice.

#### QUALIFYING EVENT —

* 1. For the purposes of real property, the date of transfer of ownership.
  2. For manufactured or mobile homes, the date of transfer of ownership or the date a lease agreement commences for the original location or relocation of a manufactured or mobile home on a parcel of land not owned by the owner of the manufactured or mobile home. The term does not include the renewal of a lease for the same location.

TAX COLLECTOR — The elected tax collector for Tredyffrin Township, Chester County, any authorized or designated delinquent tax collector, the Chester County Tax Claim Bureau, or any alternative collector of taxes as provided for in the Act of July 7, 1947 (P.L. 1368, No. 542), known as the "Real Estate Tax Sale Law," an employee, agent or assignee authorized to collect the tax, a purchaser of claim for the tax or any other person authorized by law or contract to secure collection of, or take any action at law or equity against the person or property of the taxpayer for the real estate tax or amounts, liens or claims derived from the real estate tax.

1. Waiver. The Tax Collector shall, for tax years beginning on or after January 1, 2023, grant a request to waive additional charges for real estate taxes if the taxpayer does all of the following:
   1. Provides a waiver request of additional charges, on a form provided by the Pennsylvania Department of Community and Economic Development, to the Tax Collector in possession of the claim within 12 months of a qualifying event;
   2. Attests that a tax notice was not received; and
   3. Provides the Tax Collector in possession of the claim with one of the following:
      1. A copy of the deed showing the date of real property transfer; or
      2. A copy of the title following the acquisition of a mobile or manufactured home subject to taxation as real estate showing the date of issuance or a copy of an executed lease agreement between the owner of a mobile or manufactured home and the owner of a parcel of land on which the mobile or manufactured home will be situated showing the date the lease commences; and
   4. Pays the face value of the amount of the tax notice for the real estate tax with the waiver request.

## Chapter 195 VEHICLES AND TRAFFIC

### [HISTORY: Adopted by the Board of Supervisors of the Township of Tredyffrin 3-6-1995 by Ord. No. HR-240 (Ch. X of the 1979 General Laws of the Municipality of Tredyffrin). Amendments noted where applicable.]

**GENERAL REFERENCES**

**Streets and sidewalks — See Ch. 177. Recreational vehicles — See Ch. 197.**

ARTICLE I

### General Provisions

**§ 195-1. Definitions and interpretation.**

1. Words and phrases, when used in this chapter, except for sections or articles to which different or additional definitions apply, shall have the meanings ascribed to them in the Vehicle Code, 75 Pa.C.S.A. § 101 et seq. (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.
2. 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.
3. In this chapter, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

### § 195-2. Manner of adopting permanent traffic and parking regulations.

All traffic and parking regulations of a permanent nature shall be enacted as ordinances or as parts of ordinances or as amendments to ordinances of the Township of Tredyffrin.

### § 195-3. Temporary and emergency regulations. [Amended 10-18-2010 by Ord. No. HR-386]

1. The Tredyffrin Township Police Department 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.
   2. In the case of emergency public works or public events of limited scope or duration, to restrict or prohibit traffic and/or parking in limited areas for periods of not more than 72 hours.
2. These temporary and emergency regulations shall be enforced by the Police Department in the same manner as permanent regulations. Any person who drives or parks a vehicle in violation of any such regulation 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 liable to the penalty set forth in the law or elsewhere in this chapter for a violation of such nature.

### § 195-4. Experimental regulations.

1. The Board of Supervisors may, from time to time, designate places upon and along the streets in the Township where, for a period of not more than 90 days, specific traffic and/or parking regulations, prohibitions and restrictions shall be in force and effect and shall designate those locations by proper signs and markings. Such regulations, prohibitions and restrictions shall be effective just as if they had been specified in this chapter. No person shall drive or park a vehicle 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 violates any provision of this section shall, upon conviction, be liable to the penalty set out in the law or elsewhere in this chapter for a violation of such nature.
2. The purpose of this section is to allow for test and experimental determination of the feasibility and

desirability of permanent changes in the ordinances of the Township relative to traffic and parking.

### § 195-5. Streets closed or restricted for construction, maintenance or special events.

1. 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.
2. 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 device, not to proceed.

### § 195-6. Authority of police officers.

The police shall have authority to direct traffic on the streets in the Township, at intersections in public and in other places where the Vehicle Code or this chapter applies.

ARTICLE II

### Traffic Regulations

**§ 195-7. Speed limits.**

The speed limit for both directions of traffic along the streets or parts thereof described in Schedule I (§ 195-50), attached to and made a part of this chapter, is hereby established at the rate of speed indicated in said schedule. It shall be unlawful for any person to drive a vehicle at a higher speed than the maximum prescribed for that street or part of a street.

### § 195-8. Traffic control signals.

Traffic control signals shall be installed and operated at the intersection of those streets described in Schedule II (§ 195-51), attached to and made a part of this chapter.

### § 195-9. Prohibited right turns on red signal.

No person shall make a right turn (or a left turn from a one-way street into another one-way street) when facing a steady red signal at any of the locations described in Schedule III (§ 195-52), attached to and made a part of this chapter.

### § 195-10. Prohibited turns at intersections.

It shall be unlawful for the driver of any vehicle to make a turn of the kind designated (left, right, all) at any of the intersections described in Schedule IV (§ 195-53), attached to and made a part of this chapter.

### § 195-11. U-turns.

It shall be unlawful for the driver of any vehicle to make a U-turn on any of the streets or parts of streets described in Schedule V (§ 195-54), attached to and made a part of this chapter.

### § 195-12. One-way streets.

The streets or parts of streets described in Schedule VI (§ 195-55), attached to and made a part of this chapter, are hereby designated as one-way streets in the direction indicated, and it shall be unlawful for any person to drive a vehicle on any one-way street other than in the direction established for traffic on that street.

### § 195-13. No-passing zones.

No-passing zones are hereby established along those streets or parts of streets described in Schedule VII (§ 195-56), attached to and made a part of this chapter, and it shall be unlawful for the driver of any vehicle to overtake or pass another vehicle or to drive on the left side of the roadway in any no-passing zone described in said schedule.

### § 195-14. Through streets. [Amended 6-5-2000 by Ord. No. HR-287]

The streets or parts of streets attached to and made a part of this chapter are hereby established as through streets, except those described in Schedule VIII (§ 195-57), and the driver of any vehicle, upon approaching any such street at any intersection thereof (except for such intersections where there are now or shall hereafter be located official traffic signals), shall come to a full stop or yield the right-of-way, as

the case may be, before entering any such through street.

### § 195-15. Stop intersections.

The intersections described in Schedule IX (§ 195-58), attached to and made a part of this chapter (in addition to intersections with the through streets established by this chapter), are hereby established as stop intersections, and official stop signs shall be erected in such a position upon the first-named street as to face traffic approaching the second-named street in the direction or directions indicated in said schedule. Every driver of a vehicle approaching any such intersection upon the first-named street, in the direction or directions indicated in each case, shall come to a full stop before entering any such intersection.

### § 195-16. Yield intersections.

The intersections described in Schedule X (§ 195-59), attached to and made a part of this chapter (in addition to intersections with the through streets established by this chapter), are hereby established as yield intersections, and official yield signs shall be erected in such a position upon the first-named street as to face traffic approaching the second-named street in the direction or directions indicated. Every driver of a vehicle approaching any such intersection upon the first-named street, in the direction or directions indicated in each case, shall slow down or stop the vehicle and then yield the right-of-way to any vehicle in the intersection or approaching on the second-named street so closely as to constitute a hazard during the time that the driver is moving across or within such intersection.

### § 195-17. Closing of certain streets to certain vehicles.

It shall be unlawful for any person to drive any vehicle, except a passenger vehicle (but not including any passenger vehicle drawing any trailer or towing any other vehicle), upon any of the streets or parts of streets described in Schedule XI (§ 195-60), attached to and made a part of this chapter.

### § 195-18. Vehicle weight limits.

It shall be unlawful for any person to drive any commercial vehicle or other tractor, trailer or tractor-trailer combination, having a gross weight in excess of that respectively prescribed, upon any of the streets or bridges, or portions thereof, described in Schedule XII (§ 195-61), attached to and made a part of this chapter, except for the purpose of making local deliveries on said streets.

ARTICLE III

### Parking Regulations

**§ 195-19. Vehicles to be parked within marked spaces.**

Wherever a space is marked off on any street for the parking of an individual vehicle, every vehicle parked there shall be parked wholly within the lines bounding that space, and it shall be a violation of this article for any person to park a vehicle or allow it to remain parked otherwise.

### § 195-20. Angle parking.

No person shall park a vehicle upon any of the streets or parts thereof described in Schedule XIII (§ 195-62), attached to and made a part of this chapter, except at the angle designated and only within the painted stall lines. On all streets or portions thereof where angle parking is now or shall hereafter be authorized, all vehicles parked thereon shall be parked with the front thereof nearest the curb.

### § 195-21. Parking prohibited at all times.

No person shall park a vehicle at any time upon any of the streets or parts thereof described in Schedule XIV (§ 195-63), attached to and made a part of this chapter.

### § 195-21.1. Standing or stopped vehicles prohibited on certain streets. [Added 2-25-1998 by Ord. No. HR-282]

It shall be unlawful for any person to cause a vehicle to stop or stand upon any of the streets or parts of streets described in Schedule XXII (§ 195-71), attached to and made a part of this chapter.

### § 195-22. Parking prohibited certain hours.

No person shall park a vehicle upon any of the streets or parts of streets described in Schedule XV (§ 195-64), attached to and made a part of this chapter, during the hours specified in said schedule, on any day except Saturdays, Sundays and holidays.

### § 195-23. Time limit parking.

No person shall park a vehicle or allow the same to remain parked upon any of the streets or parts of streets described in Schedule XVI (§ 195-65), attached to and made a part of this chapter, between the hours specified, for longer than the time indicated in said schedule.

### § 195-24. Parking permit zones.

It shall be unlawful for any person to park any vehicle or to allow the same to remain parked in any parking permit zone established in Schedule XVII (§ 195-66), attached to and made a part of this chapter, except as specifically provided for such zone.

### § 195-25. Penalties for parking violations. [Amended 6-1-1998 by HR-271]

Any person who violates any provision of this article, except handicapped parking regulations, shall, upon conviction, be sentenced to pay a fine of not more than $15 and costs. Any person who violates a posted handicapped parking restriction shall, upon conviction, be sentenced to pay a fine of not more than $25 and costs. It shall be the duty of the police officers and of parking enforcement personnel of the Township

to report to the District Justice all violations of any provision of this article, indicating, in each case, the section violated, the license number of the vehicle involved in the violation, the location where the violation took place and any other facts that might be necessary in order to secure a clear understanding of the circumstances attending the violation. The police officer or other person making the report shall attach to or place upon every such vehicle a notice stating that the vehicle was parked in violation of this article. The notice shall contain instructions to the owner or driver of the vehicle that if he will report to the office of the Superintendent of Police and pay the penalty associated with the violation within 120 hours after the time of the notice, or if he will mail the sum indicated, enclosed within the envelope provided, that act will save the violator from prosecution and from payment of the costs associated with such prosecution.

ARTICLE IV

### Parking Meter Zones

**§ 195-26. Title.**

This article shall be known and may be cited as the "Parking Meter Ordinance of 1953."

### § 195-27. Definitions.

The terms used herein shall have the following meanings:

LEGAL PARKING TIME — The time which a vehicle may legally park in a parking meter zone, as established by ordinance or resolution, and indicated on the parking meter.

PARKING METER — A device intended to assist the Township authorities in enforcing the provisions of this article and limiting the time during which vehicles may be parked within a parking meter zone.

PARKING METER ZONES — Highways, or portions of highways, but shall not include locations where fire plugs have been installed, nor such spaces as have been designated as bus spaces, entrances to churches, hotels, theaters or other places where parking has been prohibited.

PERSON — Includes every natural person, firm, partnership, association or corporation. VEHICLE — A conveyance of any character for the transportation of persons or property.

### § 195-28. Purchase and installation of meters.

The proper officers of the Township are hereby authorized to enter into contracts from time to time for the purchase and installation of parking meters, such contracts to be made in the manner provided by existing law. Payment for meters as well as all costs of installation and maintenance shall be made solely from revenue obtained from the operation of the meters, without in any manner obligating the Township to pay for the same from other sources.

### § 195-29. Parking meter zones established.

1. Zones. It shall be unlawful for any persons to park a vehicle between the hours and on the days specified in Schedule XVIII (§ 195-67), attached to and made a part of this chapter, for more than the legal parking time upon the streets or parts of streets described in said schedule, which are hereby established as parking meter zones.
2. Additional zones. Additional parking meter zones may be established from time to time by ordinance or resolution of the Board of Supervisors and existing zones or additional zones hereafter established may be changed by ordinance or resolution.

### § 195-30. Manner of parking; operation of meters.

1. Description of parking space. In all parking meter zones, one parking meter shall be installed for each parking space. All spaces shall be plainly designated by lines or markings on the paving and may be either parallel or diagonal to the curb. Parking meters shall be placed upon the sidewalk or curb, if any, immediately adjacent to each designated parking space, and in such manner as to show by a signal that the parking space controlled by the meter is or is not legally occupied. Each meter shall indicate the legal parking time and when in operation shall also indicate, by its dial, the duration of the period of legal parking.
2. Parking within lines. Every vehicle parked in any parking meter zone shall be entirely within the lines of the designated parking space with the front end adjacent to the meter controlling such space.
3. Operation of meters. When any vehicle shall be parked in any space adjacent to which a parking meter is located, the operator shall upon entering the space immediately deposit in such meter one or more twenty-five-cent coins but not exceeding 10 twenty-five-cent coins, or combination of coins of the United States, as indicated on the meter, and shall operate the meter in accordance with the instructions thereon, and failure to do so shall constitute a violation of this article.
4. Legal parking time. The legal parking time for two-hour parking meter zones is hereby established as 12 minutes, or multiples thereof, as indicated on the parking meter, but such time shall not exceed 120 minutes.
5. Overtime violation. If any vehicle shall remain parked in any parking space for such length of time that the meter shall indicate by a proper signal that the legal parking time has expired, such vehicle shall be considered as parking overtime, and the parking of a vehicle overtime shall constitute a violation of this article.
6. Extension of parking time. It shall be unlawful for any person to deposit in a parking meter any coin for the purpose of increasing or extending the parking time of any vehicle beyond the legal parking time.
7. Tampering with meters. It shall be unlawful for any person to deface, injure, tamper with or willfully break, destroy or impair the usefulness of any parking meter or to deposit in any meter any slug, device or metallic substitute for a coin or coins of the United States.

### § 195-31. Violations and penalties.

1. Notice of violation. It shall be the duty of police officers of the Township to report the number of each parking meter which indicates that the vehicle occupying the space adjacent to such meter has been parked in violation of any of the provisions of this article, the state license number of such vehicle and any other facts, a knowledge of which is necessary to a thorough understanding of the circumstances attending such violation.
2. Each such officer shall also place on such vehicle a notice to the owner thereof that such vehicle has been parked in violation of the provisions of this article and instructing such owner to report at police head quarters in regard to such violation. Each such owner may within 48 hours of the time when such notice was attached to such vehicle pay at police headquarters as a penalty for and in full satisfaction of such violation the sum of $1. The failure of such owner to make such payment within said period of 48 hours shall render such owner subject to the penalties hereinafter provided for violation of the provisions of this article.
3. Temporary suspension. The provisions of this article may be temporarily suspended by the Superintendent of Police, and he or she may prescribe temporarily such other rules and regulations as traffic conditions may require.
4. Fine. Any person violating any of the provisions of this article shall be guilty of a violation of this article and, upon conviction, shall be punishable as provided in § 195-25 of this chapter.

### § 195-32. Exemptions.

Providing free parking spaces. Nothing herein shall be construed as preventing the Township from

providing for free parking space for loading and unloading purposes, bus stops, taxicab stands and other matters of a similar nature. Commercial vehicles actively engaged in loading and unloading in a parking meter zone shall be exempt from the provisions of this article.

### § 195-33. Fees.

The coins required to be deposited in parking meters as provided herein are hereby levied and assessed as fees to provide for the proper regulation and control of traffic upon the highways, the cost of supervising and regulating the parking of vehicles in the parking meter zones created hereby, and the cost of the purchase, installation, supervision, protection, inspection, operation, maintenance, control, and use of the parking meters. The coins deposited in parking meters shall be collected and accounted for under the direction of the Supervisors and deposited in the general Township account.

ARTICLE V

### Removal and Impounding of Certain Vehicles

**§ 195-34. Applicability, scope, and authority to remove and impound. [Amended 12-4-2023 by Ord. No. HR-475]**

1. This article is enacted under the authority of the Pennsylvania Vehicle Code, 75 Pa.C.S.A.

§ 6109(a)(22) which authorizes the Township to remove and impound vehicles that are parked overtime on any street in the Township, or in metered and unmetered parking lots in the Township in violation of any provision of this chapter.

1. This article is also enacted to regulate towing rates and towing services as permitted by the Pennsylvania Vehicle Code, 75 Pa.C.S.A. § 3353(c); to provide for proper licensing of towing services and notice to the Tredyffrin Township Police Department where vehicles are towed from public or private property without the consent of the owner or operator of the vehicle by a towing service operating on behalf of a private property owner, or a towing service operating on behalf of the lienholder or lessee of the vehicle; and to avoid erroneous reports of stolen vehicles being submitted to the Tredyffrin Township Police Department.
2. This article is also enacted pursuant to, and all towing companies shall operate in accordance with, the Towing and Towing Storage Facility Standards Act of July 5, 2012.**183**
3. The Township shall also have authority to remove and impound or to order removal and impounding of any vehicle parked overtime or otherwise illegally, provided that the circumstances of its parking were within the conditions stated in this article, and provided that no such vehicle shall be removed or impounded except in strict adherence to the provisions of this article.

### § 195-35. Definitions. [Amended 12-4-2023 by Ord. No. HR-475]

As used in this article, the following terms shall have the meanings indicated: ABANDONED VEHICLE —

* 1. A vehicle (other than a pedalcycle) shall be presumed to be abandoned under any of the following circumstances, but the presumption is rebuttable by a preponderance of the evidence:
     1. The vehicle is physically inoperable and is left unattended on a highway or other public property for more than 48 hours.
     2. The vehicle has remained illegally on a highway or other public property for a period of more than 48 hours.
     3. The vehicle is left unattended on or along a highway or other public property for more than 48 hours and does not bear all of the following:
        1. A valid registration plate.
        2. A current certificate of inspection.
        3. An ascertainable vehicle identification number.
     4. The vehicle has remained on private property without the consent of the owner or person

1. **Editor's Note: See 73 P.S. § 1971.1 et seq.**

in control of the property for more than 24 hours.

* + 1. The vehicle has remained on the private property of a salvor for 20 days.
  1. Vehicles and equipment used or to be used in construction or in the operation or maintenance of highways or public utility facilities, which are left in a manner which does not interfere with the normal movement of traffic, shall not be considered to be abandoned.

DISABLED VEHICLE — Any motor vehicle which is inoperable due to mechanical failure or malfunction but is not an abandoned vehicle.

IMPOUNDING AUTHORITY — The authority of the Tredyffrin Township Chief of Police, any Tredyffrin Township peace officer or official having such authority by law to impound any motor vehicle for any lawful reason(s).

MOTOR VEHICLE — A vehicle which is self-propelled except an electric personal assistive mobility device or a vehicle which is propelled solely by human power.

OWNER — A person, other than a lienholder, having the property right in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

TOWING BUSINESS — The business of towing or removing disabled or damaged vehicles on the public street or right-of-way.

TOWING COMPANY — Any person engaged in a towing business.

TOWING COMPANY PERMIT OWNER — Any person engaged in a towing business holding a valid permit from the Township for the operation of a towing business.

TOWING STORAGE FACILITY — The location where a motor vehicle has been towed and is securely stored.

TOWING VEHICLE — Any motor vehicle used for the purpose of towing or removing disabled or damaged vehicles.

VEHICLE — Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon rails or tracks. The term does not include a self- propelled wheelchair or an electrical mobility device operated by and designed for the exclusive use of a person with a mobility-related disability.

WRECKED VEHICLE — Any motor vehicle which is disabled due to collision with another vehicle or object.

### § 195-36. Designation of approved storage garages; bonding; towing and storage. [Amended 12-4-2023 by Ord. No. HR-475]

1. Removal and impounding of vehicles under this article shall be done only by an approved towing company that shall be designated from time to time by resolution of the Board of Supervisors. Every such towing company shall submit evidence to the Superintendent of Police, or his/her designee, that it is bonded or has acquired liability insurance in an amount satisfactory to the Township. The amount shall be 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 Superintendent of Police, or his/her designee, shall investigate and compile a list of approved towing companies to present to the Board of Supervisors for approval.
2. Approved towing companies must have the ability to provide the following:
   1. Towing storage facility located within 10 miles of the Tredyffrin Township Municipal Complex.
   2. Towing storage facility that is maintained in a manner that promotes the safety and protection of towed or impounded vehicles as well as the owners thereof who visit the towing storage facility.
   3. Thirty-minute-or-less response time to any Township Police Department requested or related tow.
   4. The towing company must have personnel available between the hours of 8:00 a.m. and 5:00 p.m., from Monday to Friday, unless otherwise directed by the Township Police Department, at least once every hour, to return the towed or impounded vehicle to its owner or to allow the owner an opportunity to remove personal belongings such as medicine, cell phones, laptop computers, purses, perishable goods, etc., from the towed or impounded vehicle. On Saturdays and Sundays, the towing company shall have at least one person available to respond to assist vehicle owners with the same when that towing company is on call.
3. Unless otherwise directed by a member of the Police Department, at no time shall a towing company refuse to return, or allow an individual to retrieve, personal items from a towed/impounded vehicle that was towed at the request or direction of the Township Police Department.
4. Towing companies shall utilize equipment that is in compliance with Pennsylvania Department of Transportation (PennDOT) regulations as well as the guidelines provided by the Federal Motor Carrier Safety Administration, Department of Transportation.
5. Towing companies shall provide drivers who meet the licensing requirements set forth by the Commonwealth of Pennsylvania as well as the Federal Motor Carrier Safety Administration.
6. Towing, hooking, and storage fees for vehicles weighing less than 10,000 pounds:
   1. Prior to each calendar year, the Township Superintendent of Police, or his/her designee, shall obtain fee schedules from each towing company and present those fees, along with recommendations, to the Board of Supervisors for approval by resolution. The fees shall include rates for hooking, towing, wheel lift, flatbed, or any other style of tow. Rates shall also include standard and excessive cleanup, administrative, gate, storage, or any other fees. Fees shall be reasonable and customary for the service provided in the emergency towing service's geographic area. Fees must be posted for public inspection in the place of business of the emergency towing service.
7. No different schedule of charges shall be permitted without approval of the Board of Supervisors by resolution, and no different charges shall be demanded of or collected from any person whose vehicle is removed or impounded under this article by any approved storage garage. The Board of Supervisors may remove from its list of approved storage garages towing companies any towing companies that make any unapproved charge in connection with any vehicle removed or impounded under this article. After removal from the list, a towing company may reapply after a two-year period, or at the discretion of the Superintendent of Police and/or his/her designee.
8. There will be no storage costs if a towed vehicle is retrieved on the same business day between the hours of 8:00 a.m. and 6:00 p.m.
9. If a police officer requests a vehicle be towed to the Police Department for investigation purposes, the same towing company shall be contacted to transport the vehicle to the towing company's towing storage facility. At no time shall the tow company charge for two transports related to this scenario.
10. If a vehicle is hooked and/or loaded, and the vehicle owner arrives, the vehicle shall be released upon request of an on-duty Tredyffrin Township police officer. Under this circumstance, a towing company may issue the owner of the vehicle a one-time charge of $50.
11. If a towing company fails to respond to a Township Police Department request within 30 minutes, that towing company request will be cancelled and the next towing company on the list will be contacted. In extreme weather events, such as a snowstorm, if a towing company is occupied with another incident when requested, the towing company shall be willing to inform the Police Department to request the next towing company on the list to provide for a more advantageous response time.
12. Any towing company who fails to respond, fails to respond within 30 minutes upon request, operates in an unsafe manner, or fails to conduct themselves professionally, shall be considered for suspension and removal from the approved towing company list by the Board of Supervisors, at the request of the Superintendent of Police and/or his/her designee. The length of the suspension shall be for a period of two years, or at the discretion of the Superintendent of Police and/or his/her designee, after which time the towing business may reapply. After three incidents within a six-month period of time, the towing company shall be considered for permanent removal from the towing company list by the Board of Supervisors, at the request of the Superintendent of Police and/or his/her designee.
13. Towing, hooking, and storage fees for vehicles weighing in excess of 10,000 pounds.
    1. All towing, hooking, and storage fees for vehicles weighing in excess of 10,000 pounds shall revert to each particular towing company's standard rates. With the exception of towing, hooking, and storage fees, all other requirements of this article shall apply to vehicles weighing in excess of 10,000 pounds.

### § 195-37. Notification of removal and impounding.

Within 12 hours from the time of removal of any vehicle under authority granted by this article, notice of the fact that the vehicle was removed shall be sent by the Township to the owner of record of the vehicle. The notice shall designate the place from which the vehicle was removed, the reason for its removal and impounding and the garage in which it was impounded.

### § 195-38. Effect of payment of towing and storage charges.

The payment of any towing and storage charges authorized by this article shall, unless payment is made under protest, be final and conclusive and shall constitute a waiver of any right to recover the money so paid. If payment of any towing or storage charges is made under protest, the offender shall be entitled to a hearing before a District Justice. 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 chapter for which the vehicle was removed or impounded.

### § 195-39. Records of vehicles removed and impounded.

The Township shall cause a record to be kept of all vehicles impounded under this article 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.

### § 195-40. Restrictions upon removal of vehicles.

No vehicle shall be removed under the authority of this article 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.

ARTICLE VI

### Snow and Ice Emergencies [Amended 10-18-2010 by Ord. No. HR-386]

**§ 195-41. Declaration of snow and ice emergency.**

In order to facilitate the movement of traffic and to combat the hazards of snow and ice on streets of the Township, the Township Manager or an individual authorized by the Board of Supervisors, in his or her discretion, may declare a snow or ice emergency (hereinafter referred to as a "snow emergency"). Information on the existence of a snow emergency may be given by the Township through available Township and public media, such as public access TV, Tredyffrin Township website/Facebook/Twitter, RSAN, radio, newspaper, or other available media, and information on the termination of the emergency shall be given by the use of the same media.

### § 195-42. Parking and driving restrictions on snow emergency routes.

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

1. To park a motor vehicle or to allow that vehicle to remain parked anywhere on any snow emergency route designated pursuant to this article;
2. To drive any vehicle on any such snow emergency route unless that vehicle is equipped with snow tires, chains, or other suitable traction devices; or
3. To drive any vehicle which then becomes stuck on any snow emergency route during a snow emergency because of or related to the failure of that vehicle to be equipped with snow tires, chains, or other suitable traction devices.

### § 195-43. Snow emergency routes.

The streets or parts of streets described in Schedule XIX (§ 195-68) are hereby designated as snow emergency routes.

### § 195-44. Penalties for violations.

1. Township and state police are hereby authorized to have any vehicle parked in violation of this article towed away without further notice at the expense of the owner of said vehicle.
2. Any person, firm, or corporation that violates § 195-42A or B, upon conviction, shall be punishable as provided in § 177-13A of Chapter 177, plus the costs for towing and storing the vehicle(s).
3. Any person, firm, or corporation that violates § 195-42C, upon conviction, shall be punishable as provided in § 177-13B of Chapter 177, plus the costs for towing and storing the vehicle(s).
4. Continuation of such violation for each successive day shall constitute a separate offense, and the person, firm or corporation allowing or permitting the continuation of a violation may be punished as provided above for each separate offense.

ARTICLE VII

**Snow Events**

**[Amended 10-18-2010 by Ord. No. HR-386]**

**§ 195-45. Parking during snow event.**

There shall be no parking of any motor vehicle on cul-de-sacs or other public areas that obstruct traffic and or impede plow operations within Tredyffrin Township at any time during the course of any snow storm with accumulation of snow or sleet greater than two inches has fallen or in which there has been any accumulation of ice (hereinafter referred to as a "snow event"). Such restriction will remain in effect until the conclusion of the snow event and until such time as plowing, salting, and/or cindering are completed.

### § 195-46. Roads exempt from parking restrictions.

Notwithstanding the foregoing, residents without off-street parking and occupying properties located on the roads listed in Schedule XX (§ 195-69) of this Chapter are exempt from the regulation stated in

§ 195-45 above. Vehicles may be parked only on the side of the street indicated in Schedule XX (§ 195-69).

### § 195-47. Exceptions from parking restrictions.

In addition to the roads exempted in § 195-46, the Tredyffrin Township Director of Public Works may annually issue on-street snow and/or ice parking permits to residents of properties with steeply sloped driveways. Where such exceptions are permitted, they will only be for vehicles and parking shall be restricted to one side of the roadway at the direction of the Director of Public Works. No on-street snow and/or ice parking permit shall issue for parking on snow emergency routes described in Schedule XIX (§ 195-68).

### § 195-48. Violations and penalties.

1. Township and state police are hereby authorized to have any vehicle parked in violation of this article towed away without further notice at the expense of the owner of said vehicle.
2. Any person, firm, or corporation that violates any provision of this article, upon conviction, shall be punishable as provided in § 177-13A of Chapter 177, plus the costs for towing and storing the vehicle(s).
3. The continuation of such violation for each successive day shall constitute a separate offense, and the person, firm or corporation allowing or permitting the continuation of a violation may be punished as provided above for each separate offense.

ARTICLE VIII

### Miscellaneous Provisions

**§ 195-49. Violations and penalties.**

Unless another penalty is expressly provided by the Vehicle Code (75 Pa.C.S.A. § 101 et seq.) or except as herein specified, every person convicted of a violation of a provision of this chapter, or any supplement thereto, shall be liable to a penalty of $25 and costs of prosecution.

ARTICLE IX

### Schedules184

**§ 195-50. Schedule I: Speed Limits.**

In accordance with the provisions of § 195-7, speed limits are hereby established upon the following described streets or parts thereof:

**Name of Street**

**Speed Limit**

**(mph) Location**

Abrams Court\* — West from Bartlett Road, east of Shelbourne Court

Academy Road 25 West from North Wayne Avenue, south of Upper Gulph Road

Adams Drive 25 West of Valley Forge Road to Chesterbrook Boulevard

Adler Lane 25 North of Summerhill Drive, west of Mill Road

Admiral Nelson Boulevard\*

— East and west of Vanguard Boulevard, south of Matthews Road

Agnew Road\* — Northwest from Maple Avenue, opposite intersection with Russell Road

Airdrie Court 25 Southeast from Hawthorne Place, west of North Valley

Algonquin Court\* — West from Sullivan's Bridge Road, north of Jefferson Lane

Allen Lane 25 East from Valley Forge Road, south of Timber Lane

Amity Drive\* — South from Treaty Drive, east of Jefferson Lane

Andover Court — South from Chesterbrook Boulevard, south of Cabot Drive

Annwood Lane 25 West from Briar Road between Crestline and Deepdale

Anthony Wayne Drive 25 East from Valley Forge Road to Walker Road Anthony Wayne Drive (N) 25 North from Walker Road to Stirling Drive

Anthony Wayne Drive (W)

25 West from Valley Forge Road to dead end

Applehouse Pond\* — North from Springhouse Pond, north of Jefferson

Lane

Arbor Lane 25 Northwest from Trephanny Lane, north of Weadley Road

1. **Editor's Note: An asterisk is used to indicated that a road is private or a traffic sign located on a private road intersects an ordained roadway.**

**Name of Street**

**Speed Limit**

**(mph) Location**

Arlington Road 25 North from East Central Avenue to Jolind Road

Arlyn Circle 25 Northwest from Barton Lane, south of Weadley Road

Armstong Court 25 North of Burgoyne Court, northwest of Bradford Road

Avon Road 25 North from Sugartown Road to apartment complex circle

Avon Road 25 South from Berkley Road to apartment complex and to Sugartown Road

Avonwood Drive 25 East from West Valley Road to Avonwood Lane

Avonwood Lane 25 Between Avonwood Drive and Monteith Drive

Azurnine Lane 25 West from Berwyn-Baptist, south of Heritage Place

Bair Road 25 North from Conestoga Road to Keller Road

Baptist Road 25 North from Valley Forge Road to Upper Merion Township line

Barberry Lane\* — North from Upper Gulph Road, west of West Valley Road

Baron DeKalb Road 25 South from Colonel Dewees Road to Colonel

Dewees Road, north of General Scott Road

Bartlett Road\* — East from Heyward Road, north of Dickinson Road

Barton Lane 25 South from Weadley Road, west of Old Eagle School Road

Beacon Square\* — South from Signal Hill Drive, north of Bradford Road

Bear Hill Road (Rt. 252W) 55 North from Lancaster Avenue to Howellville Road Beaumont Lane\* — West from Valley Forge Road, south of Allen Lane

Beechtree Lane 25 Southeast from Crestline Road to Radnor Township line

Beechwood Road 25 North from Greene Road to Bodine Road

Berkley Court 25 South from Berkley Road

Berkley Road 25 West from Lancaster Avenue to Valley Forge Road (Easttown)

Berkshire Drive 25 North from Pugh Road, west of Old Eagle School Road

Berkshire Road 25 West from Berkshire Drive, north of Pugh Terrace

Bernard Court\* — East from Danor Court, north of Dickinson Road

### Name of Street

Berwyn-Baptist State Road

### Speed Limit

**(mph) Location**

25 North from Conestoga Road to Devon Road

Berwyn-Paoli Avenue 25 Southwest from Lancaster (Rt. 30) to Easttown

Township line

Biddle Road 25 North from East Central Avenue to Park Avenue

Birch Lane 25 West from Bodine Road, north of Russell Road

Black Rock Lane 25 South from Glenwold Drive, west of North Valley Road

Bodine Road (S) 25 North from Russell Road, east of Birch Lane

Bodine Road (N) 25 West from Howellville Road to Cypress Lane

Box Hill Lane 25 South from Upper Gulph, opposite Copperbeach Bracken Avenue\* North 25 West from North Valley Road, north of Paoli

Railroad line

Bradford Lane 25 Northwest from Red Coat Lane, east of Brookmead Road

Bradford Road 25 Northwest from Chesterbrook Boulevard, west of shopping center

Branch Avenue\* 25 East from Station Avenue to Price Avenue

Brandywine Lane 25 North and south of Adams Drive, west of Valley Forge Road

Brentford Lane\* — North From West Swedesford, east of Caltalpa Road

Briar Road 25 South from Deepdale Road to Crestline Road Brigade Court\* North from Brigade Road, north of Paddock Court Brighton Circle\* — West of Berwyn Baptist, north of Gregory Lane

Brinton Road 25 West from Croton Road First Street south of Upper Gulph Road

Brookmead Road 25 East from Valley Forge Road to the east side of Anthony Wayne Drive

Brookside Drive\* — West of West Swedesford to Daylesford Boulevard

Bull Run Road\* — West from Church Road to East Whiteland Township line

Bunker Hill Court\* — North of Signal Hill Drive and Bradford Road Burgoyne Court 25 Between Armstrong Court and Tilghman Court,

west of Bradford Road

Cabot Court\* — Between Cabot Drives, south of Chesterbrook Boulevard

|  |  |  |
| --- | --- | --- |
| Cabot Drive\* | — | South of Chesterbrook Boulevard, east of shopping center |
| Caldwell Road | 25 | North off Pugh Road, east of Old Eagle School Road |
| Calvert Circle | 25 | North from east end of Valley Greene Road, east of North Valley Road |
| Camsten Court\* | — | East of Bartlett Road, north of Hanover Court |
| Cannon Court |  | East end of Paddock Drive, north of Bradford Road |
| Carol Lane | 25 | East from Irish Road to Greene Road |
| Carriage Court\* | — | North of Carriage Road and Paddock Drive, north of Bradford Road |
| Carriage Way\* | — | East from Bair Road, north from Conestoga Road |
| Carrie Lane | 25 | East from Church Road to Cool Valley Road |
| Cassatt Avenue | 25 | South from Conestoga Road to Easttown Township line |
| Cassatt Road | 35 | North from Conestoga Road to West Swedesford Road (Rt. 252) |
| Castlewood Drive | 25 | West from Berwyn-Baptist Road to Devonshire Road |
| Catalpa Drive | 25 | South from West Swedesford to dead end |
| Cavalry Court\* | — | West end of Paddock Drive, north of Bradford Road |
| Cedar Hollow Road | 45 | South from Swedesford Road to Willistown Township |
| Central Avenue Road (E) | 25 | West from Bear Hill Road to North Valley Road |
| Central Avenue (W) | 25 | West from North Valley Road to Willistown Township line |
| Chase Road\* | — | West of Chesterbrook Boulevard, east of Heyward Road |
| Chateau Circle\* | — | West of Heyward Road, west of Chase Road |
| Chesterbrook Boulevard | 35 | East from Rt. 202, west of Valley Forge Road |
| Chesterfield Parkway\* | — | North of West Swedesford, west of Church Road |
| Chestnut Lane | 25 | East from Beechtree Lane to Briar Road |
| Chestnut Road | 25 | South from Lancaster Avenue to Craig Avenue |
| Cheswold Court\* | — | North of Flintlock Lane, east of Chesterbrook Boulevard and west of shopping center |

Church Road 25 North from West Swedesford Road to Yellow Springs Road

Church Hill Drive 25 From Coldstream Drive to Coldstream Drive, west of Contention Lane

Circles (Strafford) 25 West from Old Eagle School Road, south of Pugh Road

Circular Avenue 25 South from Lancaster Avenue (Rt. 30) and West Chester Road to Darby Road

Clothier Springs Road 25 North and west of Diamond Rock Hill Road Clover Hill Lane 25 East from Croton Road to Croton Road

Cloverly Road 25 Between Cassatt Road and Howellville Road

Cobblestone Drive 25 Southwest from Circular Avenue to Willistown Township line

Coldstream Drive 25 East and west from Contention Lane to Old State Road

Colket Lane 25 East and west from West Valley Road, north of Woodcrest Road

Colonel Dewees Road 25 East from Thomas Road to Glenhardie Road Conestoga Lane 25 South from Old Lancaster Road, opposite

Conestoga Road intersection

Conestoga Road 35 From Old Lancaster Road through Easttown Township lines to Upper Gulph Road

Conestoga Road (East) 30 Southeast from Upper Gulph Road to Lancaster

Avenue

Constitution\* Court — North of Signal Hill Road and Bradford Road, east

of Independence Court

Contention Lane 25 North from Berwyn-Baptist Road to West Swedesford Road

Continental Boulevard\* — West from Cedar Hollow Road, south of Vanguard

Building

Cool Valley Road 25 North of Shadow Oak Drive, west of Church Road

Copperbeach Lane 25 North of Upper Gulph Road, opposite Box Hill Lane

Country Gate 25 West from West Valley, between Avonwood Drive and Pugh Road

Country Walk\* **[Amended 11-17-2014 by Ord. No.**

### HR-405]

— West of Surrey Way, north of Berkley Road

|  |  |  |
| --- | --- | --- |
| County Line Road | 25 | North from Pugh Road to Conrail Trenton cutoff railroad line |
| Covered Bridge Road | 25 | South from Yellow Springs Road East to Welsh Valley Road |
| Craig Avenue | 25 | East from Darby Road to Chestnut Road |
| Crestline Road | 25 | East from Old Eagle School Road to North Wayne Avenue |
| Cross Gate | 25 | North from Country Gate, west of West Valley Road |
| Croton Road | 25 | Northeast from Old Eagle School Road to Upper Gulph Road |
| Croton Road | 35 | Northeast from Upper Gulph Road to Upper Merion Township line |
| Crow Creek Lane | 25 | Southwest from Karen Lane, west of King of Prussia Road |
| Curtis Court\* | — | South of Chase Road, between Bartlett Road and Chesterbrook Boulevard |
| Cypress Lane | 25 | South from Bodine Road to Beechwood Road |
| Dalton Road | 25 | North from East Central Avenue to Jolind Road |
| Dannaker Road\* | 25 | West from West Valley Road, north of Colket Lane |
| Danor Court\* | — | North of Dickinson Road, between Bartlett Road and Chesterbrook Boulevard |
| Darby Road | 35 | Southeast from Lancaster Avenue to Devon Road |
| Davis Lane\* | 25 | West from Old Eagle School Road |
| Daylesford Boulevard\* | 25 | North from West Swedesford Road to Heatherstone Circle |
| Dayleview Road | 25 | West from Robins Lane to Robins Lane |
| Deepdale Road | 25 | East from Old Eagle School Road to North Wayne Avenue |
| Delancey Circle | 25 | South from Gregory Lane, east of Berwyn-Baptist Road |
| Derring Dale | 25 | South from Weadley Road, east of Seaton Ross Road |
| Devon Park Drive | 25 | West from Old Eagle School Road to West Valley Road |
| Devon Road | 35 | West from Darby Road to Willistown Township line |

Devon State Road 35 South from Valley Forge Road to Easttown Township line

Devonshire Road 25 North from Berwyn-Baptist Road to Contention Lane

Dewitt Lane (UMT) — Access from Upper Merion Township, only

residence No. 1

Diamond Rock Hill Road 25 North from Yellow Springs Road to Schuylkill

Township

Dickinson Road\* — East from Heyward Road, west from Chesterbrook Boulevard

Dickson Lane 25 West from Church Road, south of Pheasant Hill Lane

Doe Run Lane 25 West of Fox Chapel Lane to Fox Chapel Lane, north of Upper Gulph Road

Dogwood Lane\* — East from Woodmere Road, north of Russell Road

Donalyn Lane 25 North from Irish Road at Williams Lane

Dresher Road 25 North and south of Strawbridge Road, east of Old Eagle School

Drummers Lane 25 North from East Swedesford Road, east of Old Eagle School Road to entrance of Glenhardie Complex

Drummers Lane\* — Inside Glenhardie Complex, north of East Swedesford Road

Duke of Wellington Avenue\*

Duportail Road **[Amended 5-4-1998 by Ord. No.**

### HR-269]

— West from Vanguard Boulevard, opposite Admiral Nelson Drive

35 Northwest From Chesterbrook Boulevard to West Swedesford Road

Eagles Ridge Drive\* — Northeast from Stockton Drive, south of

Washington Place

East Central Avenue 25 West from Bear Hill Road (Rt. 252) to North

Valley Road

East Conestoga Road 30 Southeast from Upper Gulph Road to Lancaster

Avenue

East Forge Mt. Drive 25 North from Hamilton Drive to Schuylkill Township

line

Elan Lane\* — South from Chesterbrook Boulevard, west of Heyward Road

Elgin Court\* — West of Bartlett Road, opposite Fairfax Court

|  |  |  |
| --- | --- | --- |
| Esprit Terrace\* | — | North and west of Elan Lane, south of Chesterbrook Boulevard |
| Evergreen Avenue | 25 | East from Rosedale Avenue, south of Upper Gulph Road |
| Fairfax Court\* | — | East of Bartlett Road, opposite Elgin Court |
| Fairfield Lane | 25 | East from Old Eagle School Road to Forrest Lane in Radnor Township |
| Fairfield Road | 25 | East from Berwyn-Baptist Road to Easttown Township line |
| Fairhill Circle | 25 | South from Hollow Road, east of King of Prussia Road |
| Fairview Avenue | 25 | North from Upper Gulph Road, east to Henry Avenue |
| Fairway Road | 25 | South from Lancaster Avenue to Greenlawn Road |
| Farmhouse Lane\* | — | North side of Pugh Road, east of Monteith Drive |
| Fennerton Road | 25 | North from East Central Avenue to Park Avenue |
| Fernfield Circle | 25 | East from Old Eagle School Road, opposite Trowill Lane |
| Fletcher Road | 25 | North from Upper Gulph Road to Upper Merion Township line |
| Flintlock Lane\* | — | East of Chesterbrook Boulevard, southwest of Shopping Center |
| Forest Hill Circle | 25 | West of Devon State Road, just north of Easttown Township line |
| Forge Mountain Drive (E) | 25 | North of Hamilton Drive to Schuylkill Township line |
| Forge Mountain Drive (S) | 25 | South from Schuylkill Township line to East Mountain Drive |
| Forrest Lane | 25 | East from Old Eagle School Road, north of O.L.A. Church |
| Fox Chapel Lane | 25 | North of Upper Gulph, west of King of Prussia |
| Fox Hill Lane | 25 | West from North Valley Road, south of West Swedesford Road |
| Franklin Lane | 25 | North from Adams Drive, west of Valley Forge Road |
| Freedom Drive\* | — | East from Jefferson Lane, west from Treaty |
| Friendship Drive | 25 | East from Bear Hill Road to Hilltop Road |
| Frog Hollow Pond\* | — | North of Upper Gulph, west of Ivycroft Road |

|  |  |  |
| --- | --- | --- |
| Garrett Road | 25 | North from Woodbine Avenue to Park Avenue |
| Gateview | 25 | North from Country Gate, west of West Valley Road |
| General Alexander Drive | 25 | North of Yellow Springs Road, east of Welsh Valley Road |
| General McIntosh Road | 25 | North from Walker Road to General Scott Road |
| General Scott Road | 25 | South from Colonel Dewees Road to Baron DeKalb Road |
| Georgetown Drive | 25 | East of Catalpa Road, south of West Swedesford Road |
| Glenhardie Road | 25 | North from Walker Road to Gulph Road |
| Glenn Avenue | 25 | South from Lancaster Avenue to Berwyn-Paoli Road |
| Glenn Circle | 25 | East from Richards Road, east of Gulph Road |
| Glenwold Drive | 25 | West from North Valley Road between underpasses |
| Glenwyth Road | 25 | South from Colket Lane to School House Lane |
| Golf Club Lane (East) | 25 | Greenlawn Road to Fairway Road |
| Golf Club Lane (West) | 25 | Greenlawn Road to Fairway Road |
| Grant Lane | 25 | Southwest from Strafford Avenue opposite Hedgerow Lane |
| Green Lane\* | — | South from Howells Road to Yellow Springs Road |
| Greene Road | 25 | West from Cassatt Road to Cypress Lane |
| Greenlawn Road | 25 | East from Leopard Road (Rt. 252) to Easttown Township line |
| Greenwood Avenue | 25 | North from Lancaster Avenue to dead end at railroad tracks |
| Gregory Lane | 25 | East from Berwyn-Baptist Road, north of Arboudeau Complex |
| Grouse Lane | 25 | East of Fox Chapel Lane, third road north of Upper Gulph |
| Grove Avenue | 25 | South from Lancaster Avenue to Berkley Road |
| Grove Avenue | 25 | Avon Road to Berkley |
| Gulph Road | 35 | Southeast from Upper Merion Township line to Richards Road |
| Gulph Road | 25 | East of Richards Road to dead end, west of Rt. 422 |

|  |  |  |
| --- | --- | --- |
| Gwen Lane | 25 | East from 500 Devon State Road, south of Berwyn- Baptist Road |
| Hamilton Drive | 25 | East from South Forge Mountain Drive, west of Welsh Valley Road |
| Hancock Lane | 25 | North and South from Adams Drive, east of Chesterbrook Boulevard |
| Hanover Court\* | — | West from Bartlett Road, North of Chase Road |
| Harrison Road | 25 | East from Stockton Drive, Northeast from Bradford Road |
| Harvard Lane | 25 | West from Sheldrake Drive, north of Russell Road |
| Harwick Road | 25 | North from Weadley Road, west of Old Eagle School Road |
| Hawkweed Way | 25 | Northwest from Summerhill Road, west of Mill Road |
| Hawthorne Place | 25 | West from North Valley Road, south of high- tension power lines |
| Hayfield Road | 25 | East from Wisteria Drive, north of West Swedesford Road |
| Headhouse Court\* | — | South from Chase Road, opposite Picket Post Swim Club No. 1 |
| Heatherstone Drive | 25 | Northwest from Bear Hill Road (Rt. 252) south to West Swedesford Road |
| Hedgerow Lane | 25 | Northeast from Strafford Avenue, east of Strafford Train Station |
| Hedges Lane | 25 | North from Mancill Road, east of Old Eagle School Road |
| Henry Avenue | 25 | North from Upper Gulph Road to Upper Merion Township line |
| Heritage Place\* | — | West from Berwyn-Baptist Road, south of Arbordeau Condominiums |
| Heyward Road\* | — | South of Chesterbrook Boulevard, west of Dickinson Road |
| Hickory Lane | 25 | East from Cassatt Avenue to Contention Lane |
| Highfield Drive\* | — | East of Radnor Road to Upper Gulph Road |
| Highpoint Drive | — | South of Daylesford Boulevard, north of Bear Hill Road |
| Hillcrest Road | 25 | North from Homestead Road to Upper Gulph Road |

Hillside Road 25 East from 200 Old Eagle School Road to Holly Road

Hilltop Road 25 East from Friendship Drive to Bear Hill Road

Hobbs Road 25 East from King of Prussia Road to Seaton Ross Road

Hollow Road 25 East from King of Prussia Road to Upper Merion Township line

Hollow Road 25 North from West Central Avenue, west of Keystone Avenue

Holly Road 25 North from Deepdale Road to North Wayne Avenue

Hollyhock Circle 25 Southwest from Summerhill Drive, west of Mill Road

Homestead Road 25 East from Upper Gulph Road to Old Eagle School Road

Hopkinson Court\* — West of Bartlett Road, north of Dickinson Road

Horseshoe Trail\* — East from Diamond Rock Hill Road to Schuylkill Township line

Horseshoe Trail\* — West of Diamond Rock Hill Road

Howells Road 25 North from Yellow Springs Road to Charlestown Township line

Howellville Road 25 North from Old Lancaster Road to Conestoga Road

Howellville Road 25 Northwest from Cassatt Road to West Swedesford Road

Hughes Road (UMT) — East end of Weadley; road is located in Upper

Merion Township

Hunters Lane 25 Northeast from Conestoga Road Steeplechase Road

Hunters Lane 25 North from Upper Gulph to Steeplechase Road

Huntington Drive 25 East from Muhlenberg Drive to Von Steuben Drive Independence Place\* — East of Signal Hill Drive, north of Bradford Road Indian Run Road\* — South from Yellow Springs Road, east of St. Johns

Road

Industrial Boulevard (Willistown Twp)

— West from Cedar Hollow Road, north side or railroad tunnel

Irish Road 25 North from Conestoga Road to Howellville Road

Iroquois Court\* — Northwest end of Sullivan's Bridge Road, north of Jefferson Lane

|  |  |  |
| --- | --- | --- |
| Ivycroft Road | 25 | North of Upper Gulph Road, west of North Wayne Avenue |
| Ivywood Lane | 25 | East from Seaton Ross Road, north of Weadley Road |
| Jefferson Lane | 25 | North from Chesterbrook Boulevard, across from shopping center |
| Jeffrey Lane | 25 | South from Pugh Road, east of West Valley Road |
| Jennifer Lane | 25 | North from 230 Old State Road, east of Contention Lane |
| Jennings Way | 25 | East from North Valley Road, north of high-tension lines |
| Jolind Road | 25 | West from Vincent Road to Pennington Road |
| Jonathan Drive | 25 | South of West Swedesford, east of North Valley Road |
| Joseph Drive | 25 | East from Weadon Road to Thomas Jefferson Road, north of Gulph Road |
| Justin Lane | 25 | South from Jennings Way, east of North Valley Road |
| Karen Lane | 25 | West from King of Prussia, north of Upper Gulph Road |
| Kates Glen | 25 | South from Valley Greene Road, east of North Valley Road |
| Keller Road | 25 | West from Conestoga Road to Bair Road |
| Kennedy Road | 25 | East from Red Fox Lane to Croton Road |
| Kent Lane | 25 | Southeast from Longcorse Lane, north of Pennsylvania Avenue |
| Kettlehouse Pond | — | Southeast from Springhouse Pond, north of Jefferson Lane |
| Keystone Avenue | 25 | North from West Central Avenue to Woodbine Avenue |
| King of Prussia Road | 35 | North from Radnor Township line to Upper Merion Township line |
| Knox Court\* | — | West from Heyward Road, opposite Stirling Court |
| Knox Road | 25 | West from Croton Road, north of Kennedy Road |
| Kromer Avenue | 25 | East from Cassatt Avenue to Francis Avenue in Easttown Township |
| Kynlyn Road | 25 | East from King of Prussia Road, first road north of Hollow Road |

Lafayette Lane 25 East and west from Hancock, north of Adams Drive

Lakeview Circle\* — South from Lakeview Circle, north of Bear Hill Circle

Lancaster Avenue 25 East from Willistown Township line to Bear Hill Road Berwyn-

40 From Bear Hill Road to Longcourse Lane

45 From Longcourse Lane to Berwyn-Paoli Road

35 Paoli Road to Easttown Township line (Berwyn)

35 Easttown Township line to Radnor Township line (Devon)

Lantern Lane\* — West from Signal Hill Drive, north of Bradford Road

Larkspur Lane 25 East from Hawkweed Way, northeast of Summerhill Drive

Latches Lane 25 South from Old Lancaster Road to railroad track

Laurel Lane 25 East from Old Eagle School Road to Knox Road

Laurel Lane 25 East from Robins Lane to Lizbeth Lane

Lawrence Lane 25 West from West Valley Road, west of Vassar Road

LeBoutillier Road 25 North from West Swedesford Road to Mill Road

Lee Road\* — Southeast from Chesterbrook Boulevard, north of Duportail

Le Forge Court\* — North of Dickinson, east of Heyward Road

Lehigh Avenue **[Amended 11-17-2014 by Ord. No.**

### HR-405]

25 East from Surrey Way to Grove Avenue

Leopard Road 40 South from Lancaster Avenue to Easttown Township line

Lexington Lane 25 North from Red Coat Lane, west of Thomas Road

Liberte Lane\* — West of Heyward Road, between Bartlett Road and Chase Road

Limehouse Lane 25 West from Pine Hill Road, south of Weadley Road

Lisa Drive 25 East from Fennerton Road to Maude Circle

Lizbeth Lane 25 West from Irish Road to Greene Road

Lobbs Lane\* — Northeast from Old Lancaster Road, north of railroad bridge

|  |  |  |
| --- | --- | --- |
| Longcorse Lane | 25 | South from Lancaster Avenue to Easttown Township line |
| Long Lane\* | — | East from Old Eagle School Road to Strafford (posted as "Private Drive") |
| Long Lane | 25 | Southwest from Robins Lane to Daylesford |
| Longview Circle\* | — | North from Daylesford Boulevard, west of Bear Hill entrance |
| Lyndale Court | 25 | North from Blackrock Lane, west from North Valley Road |
| Lynne Circle | 25 | North of Jennings Way, east of North Valley Road |
| Main Street\* | — | North of Bradford Road, east of Sturbridge Lane |
| Mancill Road | 25 | East from Old Eagle School Road to Pugh Road |
| Maple Avenue | 25 | East from Bear Hill Road and north of Sheldrake Drive |
| Margo Lane | 25 | North from Berwyn-Baptist to Keller Road |
| Martins Lane | 25 | East from Revere Road to Conestoga Road |
| Matthews Road | 45 | West from Cedar Hollow Road to East Whiteland Township line, south of Rt. 202 |
| Maude Circle | 25 | East and west from Lisa Drive, east of Fennerton Road |
| Maynard Drive | 25 | North from Kennedy Road, west of Croton Road |
| McHugh Road | 25 | South from Hamilton Drive, east of South Forge Mountain Drive |
| McMull Drive | 25 | North from Upper Gulph Road, east of Old Eagle School Road |
| Meadowbrook Road | 25 | North from Lancaster Avenue to Old Eagle School Road |
| Meetinghouse Pond\* | — | West and east of Springhouse Pond, north of Jefferson Lane |
| Militia Hill Road\* | — | Northeast from Bradford Road, southeast of Main Street |
| Miller Avenue | 25 | Between Dayleview Road, west of Robins Lane |
| Millhouse Pond\* | — | Northeast from Springhouse Pond, north of Jefferson Lane |
| Mill Road | 25 | North from Duportail Road to Yellow Springs Road |
| Minor Road | 25 | South from West Central Avenue, east of Summit Avenue |

Monteith Drive 25 North of Pugh Road, east of West Valley Road

Morgan Lane 25 North and south to Musket Lane, north of Adams Road

Morris Drive **[Amended 2-28-2000 by HR-286]**

25 North from Duportail Road, west of Chesterbrook Boulevard

Mountain View\* — West From Jefferson Lane, north of Chesterbrook Boulevard

Mount Pleasant Avenue 25 North from Upper Gulph Road to Upper Merion

Township line

Mount View Road 25 North from Bair Road to Hickory Lane

Muhlenberg Drive 25 North from Thomas Road to West Valley Road

Musket Lane 25 East and west from Hancock Lane, north from Adams Drive

New Market Court\* — South from Chase Road, between Heyward Road

and Bartlett Road

Newport Drive\* — South from Bradford Road, west of Signal Hill Drive

North Valley Road 25 North from Lancaster Avenue to West Central Avenue

North Valley Road 35 North from West Central Avenue to West Swedesford Road

North Valley Road 40 North from West Swedesford Road to Yellow Springs Road

North Wayne Avenue 35 North from Radnor Township line to Upper Gulph

Road

Oak Knoll Drive\* — East from Glenn Avenue, south of Lancaster Avenue

Oak Lane 25 West from Lizbeth Lane, south of Greene Road

Old Cassatt Road 35 Northeast from Cassatt Road, north to West Swedesford Road

Old Eagle School 25 North from East Swedesford Road to Walker Road Old Eagle School Road 35 North from Lancaster Avenue to Weadley Road Old Eagle School Road 45 North from Weadley Road to Walker Road

Old Lancaster Road (Devon)

25 North from Lancaster Avenue to Valley Forge Road (Easttown Township line)

Old Lancaster (Berwyn) 25 North from Lancaster Avenue, Berwyn, to

Lancaster Avenue, Daylesford

Old State Road 25 South from Hickory Lane to Conestoga Road

|  |  |  |
| --- | --- | --- |
| Old State Road | 15 | West From Contention to Township Park |
| Old State Road | 25 | West from Valley Forge Road to Contention Lane |
| Orchard Lane | 25 | South from Old Lancaster Road opposite Revere Road |
| Orchard Road | 25 | North from East Central Avenue to Vincent Road |
| Orchard Way | 25 | North from Conestoga Road (near Cassatt Road) to Bair Road |
| Overlook Circle\* | — | South from Daylesford Boulevard, second road west of Bear Hill entrance |
| Overlook Place | 25 | North from Tree line Drive, west from North Valley Road |
| Paddock Drive\* | 25 | North of Bradford Road, first north street from Chesterbrook Boulevard |
| Page Place | 25 | West of North Valley between Yellow Springs Road and West Swedesford Road |
| Paine Circle | 25 | East from Franklin Lane, north from Adams Drive |
| Painters Lane\* | — | South of Bradford Road, first south from Chesterbrook Boulevard |
| Paoli Court | 25 | West of North Valley Road to Greenwood, north of Lancaster Avenue |
| Paoli Pike | 35 | Southwest from 100W Lancaster Avenue (State Road or West Chester Road) |
| Paoli Plaza | 25 | West from North Valley Road to Greenwood Avenue |
| Paoli Woods\* | — | South from Chestnut Road, east of Darby Road |
| Park Avenue (E) | 25 | West from Fennerton Road to Biddle Road, east of North Valley Road |
| Park Avenue (W) | 25 | North of Garrett to Whitworth Avenue, west of North Valley Road |
| Park Ridge Drive | 25 | East from Thomas Road, opposite Red Coat Lane |
| Park Ridge Drive | 25 | North from Park Ridge Drive, south of PA Turnpike |
| Parson Curry Drive\* | — | North from Yellow Springs Road to Welsh Valley Road |
| Patriot Circle | 25 | North from No. 700 Timber Lane, east of Valley Forge Road |
| Peddrick Road | 25 | East from Valley Forge Road, north of Pugh Road |
| Pembroke Road | 25 | East off Caldwell Road, north of Pugh Road |

|  |  |  |
| --- | --- | --- |
| Pennington Road | 25 | North from East Central to Rochsolach Avenue |
| Penn Road | 25 | East from Croton Road to Princeton Road |
| Pennsylvania Avenue | 25 | West from Glenn Avenue to Easttown Township line |
| Pheasant Hill Lane | 25 | Northeast from Church Road, north of Carrie Lane |
| Pine Hill Road | 25 | South from Weadley Road to Upper Merion Township line |
| Pine View Drive | 25 | West of Catalpa Road, south of West Swedesford Road |
| Plank Avenue | 25 | North from West Lancaster Avenue to Willistownship Township line |
| Poole Place\* | — | East from Maynard Drive, north of Kennedy Road |
| Poplar Avenue | 25 | North from Sugartown Road to Berkley Road |
| Poplar Lane\* | — | South from Circular Avenue to South Valley Road |
| Porteous Road | 25 | South from Pennsylvania Avenue, west of Glenn Road |
| Potter Lane | 25 | North from Brookmead Road, east of Valley Forge Road |
| Price Avenue (N) | 25 | South from Conestoga Road to Kromer Avenue |
| Price Avenue (S) | 25 | South from Kromer Avenue to Penna. Railroad |
| Princeton Road | 25 | North from Crestline Road to Hillside Road |
| Private Way\* | — | East from Old Eagle School Road to Strafford |
| Prussian Lane | 25 | North from Walker Road to Thomas Road |
| Pugh Road | 25 | East from Valley Forge Road to West Valley Road |
| Pugh Road | 25 | East of West Valley Road to Upper Merion Township line |
| Pulaski Lane | 25 | North from Redcoat Lane, west of Lexington Lane |
| Quail Lane | 25 | East of Fox Chapel Lane, north of Upper Gulph Road |
| Quigley Avenue | 25 | East from 200 Old Eagle School Road, south of Upper Gulph Road |
| Radbill Circle | 25 | East from Heatherstone Circle, north of Bear Hill Road |
| Radcliffe Road | 25 | West from West Valley Road, first street south from Pugh Road |
| Radnor Road | 25 | North from Radnor Township line to Upper Merion Township line |

|  |  |  |
| --- | --- | --- |
| Railroad Avenue | 25 | South from West Central Avenue, west of |
|  |  | Keystone Avenue |
| Rampart Drive\* | — | East of Bradford Road, south of Harrison Road |
| Rebel Road | 25 | East from Ridgewood Road, north of Radnor Township line |
| Red Coat Lane | 25 | Northeast from Brookmead Road to Thomas Road |
| Red Fox Lane | 25 | East from Old Eagle School Road, south to Upper Gulph Road |
| Red Fox Road | 25 | East from West Valley Road to Robinwood Road |
| Reveille Road\* | — | North from the east end of Signal Hill Drive, north of Bradford Road |
| Revere Road | 25 | North from Old Lancaster Road to Robins Lane |
| Richards Road | 25 | East from Thomas Road to Upper Merion Township line |
| Ridgeview Drive | — | South from Daylesford Boulevard on the north side of the lake, northwest from West Swedesford entrance |
| Ridgewood Road | 25 | South from Hollow Road to Radnor Township line |
| Ringneck Lane | 25 | East and west of Fox Chapel Lane, north of Upper Gulph Road |
| Rittenhouse Court\* | — | North from Dickinson Road, west of Bartlett Road |
| Rittenhouse Lane | 25 | North from Weadley Road, east of West Valley Road |
| Robins Lane | 25 | North from Revere Road, west of Laurel Lane |
| Robinwood Road | 25 | North from School Lane to Woodcrest Road |
| Rochambeau Drive | 25 | North from Yellow Springs Road, west of Parsons Curry Road |
| Rochsolach Avenue | 25 | East from Fennerton Road to Jolind Road |
| Rose Cottage Lane | 25 | South of Yellow Springs Road, east of Welsh Valley Road |
| Rosedale Avenue | 25 | South from Upper Gulph Road to Homestead Road |
| Rose Lane\* | — | North from Old Lancaster Road to Bodine Road |
| Rossiter Lane | 25 | North from Weadley Road, east of King of Prussia Road |
| Rt. 202 | 55 | East from East Whiteland Township line to Upper Merion Township line |
| Rt. 252 | 55 | Bear Hill Road to Howellville |

|  |  |  |
| --- | --- | --- |
|  | 40 | Howellville to Old Cassatt Road |
|  | 45 | Old Cassatt to Valley Forge Park |
| Rt. 30 | 25 | East from Willistown Township line to Bear Hill Road |
|  | 40 | Bear Hill Road to a point 730 feet west of Longcourse Lane |
|  | 45 | From a point 730 feet west of Longcourse Lane to Berwyn-Paoli Road |
|  | 35 | Berwyn-Paoli Road to Easttown, Township line (Berwyn) |
|  | 35 | Easttown Township line to Radnor Township line (Devon) |
| Rt. 422 | 55 | From Rt. 202 to Upper Merion Township line |
| Russell Road | 25 | South from Maple Avenue to Old Lancaster Road |
| St. James Place | 25 | East from Valley Greene, north of Jennings Way |
| St. John's Road | 25 | East from Church Road to Yellow Springs Road |
| St. Peter's Road | — | West from Church Road to East Whiteland Township line |
| St. Peter's Road\* | — | West from Church Road, north of Pheasant Hill Lane |
| Salem Court | 25 | East of Salem Way, south of Yellow Springs Road |
| Salem Way | 25 | South from Yellow Springs Road, west of North Valley |
| Salomon Lane | 25 | North and South from Adams Drive, west of Valley Forge Road |
| Saunders Drive | 25 | East from West Valley Road to Woodcrest Road |
| School House Lane | 25 | South from Colket Lane to West Valley Road |
| School Lane | 25 | East from West Valley Road to Old Eagle School Road |
| Scott Court\* | — | East from Heyward Road, south from Chesterbrook Boulevard |
| Seaton Ross Road | 25 | North from Weadley Road to Hobbs Road |
| Sentry Lane | 25 | East from Valley Forge Road to Timber Lane |
| Seven Springs Road | 25 | West from Ridgewood Road, first street south of Hollow Road |
| Shadow Oak Drive | 25 | North from West Swedesford Road to Church Road |

Shelbourne Court\* — South from Barlett Road, east of Heyward Road Sheldrake Drive 25 North from Russell Road to Maple Avenue

Shoreline Drive\* — Northeast from Daylesford Boulevard, east from Bear Hill Road entrance

Signal Hill Drive\* — North from Bradford Road, west of Stockton Drive Soldiers Square\* — South from Signal Hill Drive, north from Bradford

Road

Sorrell Road 25 Southwest of Summerhill Drive, west of Mill Road South Forge Mt. Drive 25 South from Hamilton Drive to Schuylkill Township

line

South Valley Road **[Amended 5-18-2020 by Ord. No. HR-435]**

30 South from Lancaster Avenue to Devon Road

Spoonwood Circle\* — East of Contention Lane, north of Hickory Lane Spring Bank Lane 25 North and south from Avonwood Drive, east of

West Valley Road

Spring Hollow Road 25 Northeast from Ridgewood Road, south of Hollow

Road

Springhouse Pond\* — North of Jefferson Lane, east of Sullivan's Bridge

Road

Spring Meadow Drive 25 South of Shadow Oak Drive, east of Church Road Spring Street 25 South from Lancaster Avenue to Circular Avenue

Spruce Lane 25 West from Keller Road off Township Police Department

Standiford Drive 25 South from Yellow Springs Road, west of Mill Road

Stanford Lane 25 East from Sheldrake Drive, north of Russell Road

State Road 35 Southwest from 100W Lancaster Avenue (Paoli Pike)

Station Avenue 25 South from Kromer Avenue, east to Cassatt Avenue

Steeplechase Road 25 East from Hunters Lane to School House Lane

Stephens Drive 25 North from Richards Road to Weedon Road

Stirling Court\* — Northeast of Heyward Road, north of Chase Road

Stirling Drive 25 North from Brookmead Road to Anthony Wayne Drive

Stockton Drive 25 Northeast from Bradford Road, west of Harrison Road

Stonehill Lane 25 Northwest from 300 Friendship Drive

Stonehurst Court\* — South from Chesterbrook Boulevard, east of Heyward Road to Bartlett Road

Stoneybrook Drive 25 West from Shadow Oak Drive, north of West Swedesford Road

Strafford Avenue 25 East from Old Eagle School Road to Radnor Township line

Strafford Avenue 25 North from Conestoga Road to Old Eagle School Road

Strafford Circles 25 West from Old Eagle School Road, south of Pugh Road

Strawbridge Road 25 East of Old Eagle School Road, north of Pugh Road

Stuart Lane 25 From Coldstream Drive to West Wind Drive

Sturbridge Lane\* — North from Main Street, north of Bradford Road

Sugartown Road 35 East from Valley Forge Road to Radnor Township line (Devon)

Sullivan Road 25 East from Valley Forge Road to Anthony Wayne Drive

Sullivan's Bridge Road\* — North from the west end of Jefferson Lane, west of

Springhouse Pond

Summerhill Drive 25 West from Mill Road, north of LeBoutillier Road

Summit Avenue 25 North from West Central Avenue, east of Willistown Township line

Sunset Road 25 South from Upper Gulph Road to Homestead Road

Surrey Way **[Amended 11-17-2014 by Ord. No. HR-405]**

25 North from Berkley Road to Lehigh Avenue

Swedesford Road (West) 45 East from East Whiteland Township line to Rt. 202

North, Paoli entrance ramp (Eastbound)

45 West from Rt. 202 South, Paoli exit ramp to East Whiteland Township line (westbound)

Swedesford Road (West) 40 From Rt. 202 North Paoli entrance ramp to Valley

Forge Road (eastbound)

Swedesford Road (West) 40 From Valley Forge Road to end of divided

highway, east of Cassatt Road

|  |  |  |
| --- | --- | --- |
| Swedesford Road (East) | 45 | East from Valley Forge Road to West Valley Road, south of Rt 202 |
|  | 45 | West from Upper Merion Township line to Valley Forge Road (north of Rt. 202) |
| Sycamore Court | 25 | Northwest from Hawthorne Place |
| Tall Oaks Road | 25 | South from Upper Gulph Road to Radnor Township line |
| Tanglewood Lane | 25 | South from Castlewood Drive, east of Contention Lane |
| Thistle Way | 25 | Northwest from Summerhill Drive, west of Mill Road |
| Thomas Jefferson Road | 25 | Northeast from Gulph Road to Valley Forge Road |
| Thomas Road | 25 | East from West Valley Road to Gulph Road |
| Tilghman Court | 25 | West from Bradford Road, north of Chesterbrook Boulevard |
| Timber Lane | 25 | West of Valley Forge Road, north of Timber Lane |
| Tiverton Circle | 25 | North from Twin Bridge Drive |
| Tory Hill Road | 25 | East from Timber Lane to Timber Lane |
| Tory Hollow Road | 25 | North of West Wind Drive, east of Cassatt Road |
| Townsend Circle | 25 | West from Fletcher Road, northeast of Mt. Pleasant |
| Treaty Drive\* | — | East from Jefferson Lane and Freedom Drive, north of Chesterbrook Boulevard |
| Tree line Drive | 25 | West from North Valley Road, north of West Swedesford Road |
| Trephanny Lane | 25 | North from Weadley Road, west of Harwick Road |
| Trowill Lane\* | — | West from Old Eagle School, south of Weadley Road |
| Turnbridge Road | 25 | East of Old Eagle School Road, east of Dresher Road |
| Twin Bridge Drive | 25 | North from Hollow Road, east of King of Prussia Road |
| Upper Gulph Road | 35 | East from Conestoga Road to a point 200 feet east of Mt. Pleasant Avenue |
| Upper Gulph Road | 40 | From a point 200 feet east of Mt. Pleasant Avenue to King of Prussia Road |
| Upper Gulph Road | 25 | East of King of Prussia Road to Radnor Township line |

|  |  |  |
| --- | --- | --- |
| Valley Forge Road (Park) | 35 | West from Baptist Road to Upper Merion |
|  |  | Township line |
| Valley Forge Road | 40 | North from West Swedesford Road to Baptist Road |
| Valley Forge Road | 35 | North from Devon State Road to West Swedesford Road |
| Valley Forge Road | 25 | North from Conestoga Road to Devon State Road |
| Valley Forge Road South | 25 | North from Sugartown Road to Lancaster Ave (Rt. 30) |
| Valley Greene Road | 25 | East from North Valley, north of Jennings Way |
| Valley Stream Circle\* | — | North of Harrison Road, east of Stockton Drive |
| Valley Stream Lane\* | — | East end of Harrison Road, east of Stockton Drive |
| Valley View Lane | 25 | North from Knox Road, east of Laurel Lane |
| Valley View Road\* | — | North from Greene Road to Irish Road |
| Vanguard Boulevard (E) | — | East of Cedar Hollow Road, opposite Vanguard Boulevard |
| Vanguard Boulevard\* | — | South from Matthews Road to Cedar Hollow Road |
| Van Long Circle | 25 | Southwest from Valley Greene Road |
| Varnum Drive | 25 | Southeast from Brookmead Road, west of Anthony Wayne Drive |
| Vassar Circle | 25 | West from Vassar Road, west of West Valley Road |
| Vassar Road | 25 | South from Radcliffe Road, west of West Valley Road |
| Victorian Court\* | — | Southeast from Main Street, north of Bradford Road |
| Vincent Road | 25 | North from East Central Avenue to Jolind Road |
| Virginia Avenue | 25 | Northeast from Hilltop Road, East Bear Hill Road |
| Von Steuben Drive | 25 | Northwest from Thomas Road, south of Walker Road |
| Walker Road | 25 | East from Valley Forge Road to Glenhardie Complex |
| Walker Road (W) | 25 | West from Valley Forge Road, St. Isaacs Church and Valley Forge Middle School |
| Wallace Drive | 25 | West from Old Eagle School Road to Old Eagle School Road |
| Walnut Avenue | 25 | North from Croton Road to Hillside Road |
| Walnut Lane | 25 | West from Green Road, south of Cypress Lane |

Warren Road 25 Between Muhlenberg Drive and Von Steuben Drive

Washington Place\* — East and west of Eagles Ridge Drive, northeast of

Stockton Drive

Waterford Circle\* — North side of Daylesford Boulevard, west of Ridgeview Drive

Wayne Avenue (N) 35 North from Radnor Township line to Upper Gulph

Road

Weadley Road 25 East from King of Prussia Road to Upper Merion Township line

Weadley Road 25 East from West Valley Road to Old Eagle School Road

Weatherwood Lane 25 South from Karen Lane, west of King of Prussia

Road

Weedon Road 25 North from Richards Road to Thomas Jefferson Road

Wellfleet Lane\* — East from Newport Drive, south of Bradford Road Welsh Valley Road 25 North from Yellow Springs Road to South Forge

Mountain Drive

Wendy Circle 25 Southeast from Cloverly Road, west of Howellville Road

Wentworth Road 25 South of Upper Gulph to Homestead Road West Central Avenue 25 West from North Valley Road to Rt. 30 to

Willistown Township line

West Chester Road 35 Southwest from Lancaster Avenue and Circular

Avenue to Willistown Township line (Paoli Pike)

Westlakes Drive\* — West of West Swedesford Road, to West Swedesford Road

West Valley Road **[Amended 5-13-2019 by Ord. No. HR-429]**

25 North from Upper Gulph Road to Colket Lane

West Valley Road 25 Colket Lane to Devon Park Drive

West Valley Road 35 Devon Park Drive to East Swedesford Road, north

of Rt. 202

West Valley Road 25 North from East Swedesford, north of Rt. 202 to Walker Road

West Wind Drive 25 Between Contention Lane and Cassatt Road

Wetherill Lane 25 East of Caldwell, north of Pugh Road

|  |  |  |
| --- | --- | --- |
| Whitworth Road | 25 | North from Woodbine Avenue to Park Avenue |
| Williams Lane | 25 | North from Greene Road to Irish Road |
| Willis Lane | 25 | South from Weadley Road, west of Barton Lane |
| Wilson Road | 25 | North from Chesterbrook Boulevard Drive to Yellow Springs Road (from the sewer plant south is posted for township vehicles only) |
| Winding Way | 25 | South from Hollow Road to Radnor |
| Windsor Circle | — | Northeast from Bartlett Road |
| Windswept Drive | 25 | East from Shadow Oak Drive, north of West Swedesford Road |
| Winston Way | 25 | South from West Wind Drive to West Wind Drive |
| Wisteria Drive | 25 | Northwest from West Swedesford Road, west of North Valley Road |
| Wister Road | 25 | Southwest from Circular Avenue to Willistown Township line |
| Witherspoon Court\* | — | West of Bartlett Road, south of Chase Road |
| Woodbine Avenue | 25 | East from Whitworth Ave to West Central Avenue to Park Avenue |
| Woodcrest Road | 25 | East from West Valley Road to Old Eagle School Road |
| Wooded Way | 25 | West from 300 Cassatt Road |
| Woodford Drive | 25 | Northeast from Brookmead Road, east of Anthony Wayne Drive |
| Woodgate Lane\* | — | Between Chestnut Road and Darby Road |
| Woodland Avenue | 25 | North from Homestead Road to a point 300 feet thereof |
| Woodland Avenue | 25 | South of Upper Gulph Road, west of West Valley Road |
| Woodlea Lane | 25 | Southwest from Margo Lane to Berwyn |
| Woodmere Court\* | 25 | North from Russell Road |
| Woodmont Circle | 25 | North from Conestoga Road, east of Keller Road |
| Woodstream Drive\* | — | South of Bradford Road, north of bridge and south of Signal Hill Drive |
| Worthington Road | 25 | Southeast from Richards Road to Gulph Road |
| Wyncotte Circle | 25 | South from Cloverly Road to Berwyn |
| Yale Road | 25 | North from Deepdale Road to Hillside Road |

|  |  |  |
| --- | --- | --- |
| Yellow Springs Road | 35 | East from East Whiteland Township line to a point 100 feet west of the residence No. 1520 |
|  | 40 | From a point 100 feet west of No. 1520 to a point 50 feet west of Covered Bridge Road |
|  | 35 | From a point 50 feet west of Covered Bridge Road east to Valley Forge Road in Valley |
| Yorktown Place\* | — | East and west of Eagles Ridge Drive, north of Stockton Drive |

### § 195-51. Schedule II: Traffic Control Signals.

In accordance with the provisions of § 195-8, traffic control signals shall be installed and operated at the following described intersections:

### Intersection

Bear Hill Road with Friendship Drive and East Central Avenue Bear Hill Road with Howellville Road and West Swedesford Road Cedar Hollow Road and Matthews Road

Chesterbrook Boulevard and Duportail Road Chesterbrook Boulevard and Lee Road Chesterbrook Boulevard and Valley Forge Road

Conestoga Road with Howellville Road and Cassatt Road Duportail Road and Chesterbrook Boulevard

Duportail Road and Morris Road

East Swedesford Road and Drummers Lane (north of Rt. 202)

East Swedesford Road and Old Eagle School Road (north of Rt. 202) East Swedesford Road and Valley Forge Road (north of Rt. 202) East Swedesford Road and Valley Forge Road (south of Rt. 202) East Swedesford Road and West Valley Road (north of Rt. 202)

East Swedesford Road and West Valley Road (south of Rt. 202)

Lancaster Avenue (Rt. 30) with Old Eagle School Road and Sugartown Road (Radnor Township light) Lancaster Avenue (Rt. 30) and Devon Square Complex

Lancaster Avenue (Rt. 30) with Grove Avenue and Old Lancaster Road Lancaster Avenue (Rt. 30) with Glenn Avenue and Old Lancaster Road Lancaster Avenue (Rt. 30) and Old Lancaster Avenue (Easttown's light) Lancaster Avenue (Rt. 30) with Leopard Road (252) and Bear Hill Road (252)

### Intersection

Lancaster Avenue (Rt. 30) with Darby Road and Paoli Court

Lancaster Avenue (Rt. 30) with South Valley Road and North Valley Road Lancaster Avenue (Rt. 30) with West Chester Road and Circular Avenue Lancaster Avenue (Rt. 30) and Plank Avenue (Willistown Township light) Upper Gulph and North Wayne Avenue

Upper Gulph and Radnor Road

Upper Gulph Road and Old Eagle School Road

Valley Forge Road with Chesterbrook Boulevard and Sullivan Road Valley Forge Road and East Swedesford Road (N. of Rt. 202)

Valley Forge Road with East Swedesford Road and West Swedesford Road Valley Forge Road with W. Anthony Wayne Drive and Anthony Wayne Drive West Swedesford Road and Cassatt Road

West Swedesford Road and Cedar Hollow Road (under development) West Swedesford Road and Duportail Road and Rt. 202 Paoli on ramp West Swedesford Road and Valley Forge Road

West Swedesford Road and West Lakes Drive\*

### § 195-52. Schedule III: Prohibited Right Turns on Red Signal.

In accordance with the provisions of § 195-9, no person shall make a right turn (or a left turn from a one- way street onto another one-way street) when facing a steady red signal at any of the locations described below:

### Name of Street Direction of Travel

**Prohibited Right Turn on Red Signal Onto**

Conestoga Road West Cassatt Road

Glenn Avenue North Lancaster Avenue (Rt. 30)

Lancaster Avenue East/west Glenn Avenue

Old Lancaster Road

North Valley Road South Lancaster Avenue (Rt. 30)

Old Lancaster Road South Lancaster Avenue (Rt. 30)

Paoli Pike **[Added 7-14-2003 by Ord. No. HR-316]**

North/east Lancaster Avenue

Radnor Road North Upper Gulph Road

South Valley Road North Lancaster Avenue (Rt. 30)

Spring Street North Lancaster Avenue (Rt. 30)

### Name of Street Direction of Travel

**Prohibited Right Turn on Red Signal Onto**

Upper Gulph Road East/west Old Eagle School Road Old Eagle School Road

East/west Radnor Road

Radnor Road

West Chester Road **[Repealed 7-14-2003 by Ord. No. HR-316]**

West Valley Road South East Swedesford Rd (north of Rt.

202)

### § 195-53. Schedule IV: Prohibited Turns at Intersections.

In accordance with the provisions of § 195-10, no driver of any vehicle shall make a turn of the kind designated below at any of the following intersections:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Name of Street** | **Direction of Travel** | **Prohibited Turn** | **Hours** | **At Intersection of** |
| Central Avenue (E) | East | Right | 8:00 a.m. to  6:00 p.m. | Bear Hill Rd (Rt. 252) |
| Chestnut Road | North | Left | All | Lancaster Avenue |
| Circular Avenue | North | Left | All | Lancaster Avenue |
| Daylesford Boulevard\* | South | Left | All | Bear Hill Road |
| Greenwood Lane | South | Left | All | Lancaster Avenue |
| Heatherstone Circle | East | Left | All | Bear Hill Rd (Rt. 252) |
| Lancaster Avenue | West | Left | All | K Mart Shopping Center |
| Meadowbrook Road | South | Left | All | Lancaster Avenue |
| Old Cassatt Road | North | Left | All | W. Swedesford Road |
| Old Eagle School Road | South | Left | 4:00 p.m. to  6:00 p.m.,  Monday through Friday | Red Fox Lane |
| Old Lancaster Road | South | Left | All | Daylesford RR Station |
| Paoli Pike **[Added 7-14-2003 by Ord. No. HR-316]** | North/east | Left | All | Lancaster Avenue |
| Valley Forge Road | North | Right | All | East Swedesford Road |
| Valley Forge Road | South | Right | All | Rt. 202N Devon exit ramp |

West Chester **[Repealed 7-14-2003 by Ord. No. HR-316]**

**Name of Street**

**Direction of Travel**

**Prohibited**

**Turn Hours At Intersection of**

West Swedesford East Right All Rt. 202N at Swedesford

Road exit ramp

West Valley Road West Valley Road

North Left All East Swedesford (south of

Rt. 202)

South Right All East Swedesford (Under of

Rt. 202)

### § 195-54. Schedule V: U-Turns.

In accordance with the provisions of § 195-11, no driver of any vehicle shall make a U-turn on any of the streets or parts thereof described below:

### Name of Street Location

U.S. Rt. 202 From East Whiteland to Upper Merion

Valley Forge Road Anthony Wayne Drive

Valley Forge Road Southbound at West Swedesford

Westlakes Drive\* Entrance to corporate center

### § 195-55. Schedule VI: One-Way Streets.

In accordance with the provisions of § 195-12, the following described streets or parts thereof are hereby designated as one-way streets in the direction indicated:

### Name of Street Direction of Travel Limits

Avon Road South From Berkley Road to Grove Avenue

Baptist Road South From Upper Merion Township line to Valley Forge Road

### Carrie Lane [Added 6-5-2000 by Ord. No. HR-287; amended 11-6-2000 by Ord. No. HR-293]

West From a point 80 feet east of Church Road thereto, for all vehicular traffic except school buses

Cassatt Road South/east At Conestoga Road intersection, right merger lane southeast to Conestoga Road

Chesterbrook Boulevard North/south From Rt. 202 to Valley Forge Road Circular Avenue South West Chester Road to Spring Street Conestoga Road (E) South/east From a point 30 feet from Conestoga

Road

Contention Lane North From a point 20 feet north of the RR bridge to south side of Contention Lane Swedesford Road (northbound)

### Name of Street Direction of Travel Limits

Deepdale Road East From Old Eagle School Road to a point 100 feet east thereof

Fairview Avenue North From Upper Gulph Road to Henry Avenue

Grove Avenue North From Avon Road to Berkley Road

Keystone Avenue North From West Central Avenue to Woodbine Avenue

Meadowbrook Road South From old Eagle School Road to a point 280 feet north of Lancaster Avenue

Old State Road **[Added 5-6-2002 by Ord. No. HR-304]**

West From a point 340 feet west of Cassatt Road to Conestoga Road

Orchard Way North From a point 15 feet from entering Conestoga Road

Rt. 202 North South East Whiteland Township line to Upper Merion Township line East Whiteland Township line to Upper Merion Township line

Rt. 422 East From Rt. 202 to Upper Merion Township line

Rt. 422 West From Rt. 202 to Upper Merion Township line

Shadow Oak Drive **[Added 6-5-2000 by Ord. No. HR-287]**

West From a point 85 feet east of Church Road thereto

Swedesford Road West East and west From the divided highway 2/10 mile east of Cassatt Road to the end of the divided highway in front of the property No. 650 West Swedesford Road

Swedesford Road East East From Valley Forge Road to West Valley Road, south of Rt. 202

Swedesford Road East West From Gateway Shopping Center exit, west to Valley Forge Road

West Valley Road South From Upper Gulph Road to Old Eagle School Road

Woodbine Avenue South East from Keystone Avenue to West Central Avenue

### § 195-56. Schedule VII: No-Passing Zones.

In accordance with the provisions of § 195-13, no-passing zones are hereby established upon the following described streets or parts thereof:

### Name of Street Direction of Travel Limits

Cassatt Road North and south Full length of road

Chesterbrook Boulevard East and west Full length of road

Conestoga Road East and west Irish Road to Upper Gulph Road

Diamond Rock Hill Road North and south Full length of road

Irish Road **[Added 8-19-2002 by Ord. No. HR-309]**

North and south Between Conestoga Road and Greene Road

King of Prussia Road North and south Full length of road

North Valley Road North and south West Central to West Swedesford Road

North Valley Road North and south West Swedesford Road to

Yellow Spring Road

North Wayne Avenue North and south Full length of road

Old Eagle School North and south Upper Gulph Road to Swedesford Road

Old Lancaster Avenue East and west Lancaster Avenue to Conestoga Road

Richards Road East and west Full length of road

South Valley Road North and south Full length of road

Swedesford West East and west Full length of road

Upper Gulph Road East and west Full length of road

Walker Road East and west Full length of road

### § 195-57. Schedule VIII: Through Streets. [Amended 6-5-2000 by Ord. No. HR-287]

In accordance with the provisions of § 195-14, the following described streets or parts thereof shall be regulated as described below:

### Name of Street Limits

West Valley Road East Swedesford (north of Rt. 202) to Walker Road No through traffic 7:00

a.m. to 9:00 a.m. 4:00 p.m. to 6:00 p.m. Monday - Friday

West Valley Road Upper Gulph Road to Old Eagle School Road No through traffic 7:00 a.m. to 9:00 a.m. 4:00 p.m. to 6:00 p.m. Monday - Friday

### § 195-58. Schedule IX: Stop Intersections.

In accordance with the provisions of § 195-15, the following described intersections are hereby established as stop intersections, and stop signs shall be installed as provided therein:

**Stop Sign on**

**Direction**

**of Travel At Intersection of**

Adams Drive East Hancock Lane East Valley Forge Road

West Chesterbrook Boulevard

West Hancock Lane

Airdrie Court Northwest Hawthorne Place Allen Lane West Valley Forge Road

Anthony Wayne Drive North Walker Road

Anthony Wayne Drive (N) South Walker Road

Arlington Road North Jolind Road

South Central Avenue (East)

Avon Road South Sugartown Road

Avonwood Drive West West Valley

Avonwood Lane East Monteith Drive West Avonwood Drive

Bair Road South Conestoga Road

Bair Road **[Added 8-19-2002 by Ord. No. HR-309]**

South Keller Road

Baptist Road South Valley Forge Road (2 signs on left and right side of road)

Baron DeKalb Road **[Added**

### 5-4-1998 by Ord. No. HR-269]

Baron DeKalb Road **[Added**

### 5-4-1998 by Ord. No. HR-269]

North, Northwest

West, Northwest

Colonel Dewees Road Colonel Dewees Road

Barton Lane North Weadley Road Beechtree Lane Northwest Crestline Road

Beechwood Road North Bodine Road South Greene Road

Berkley Road Northeast Lancaster Avenue (Rt. 30) West Valley Forge Road

Berwyn-Baptist Road East Devon State Road

Blackrock Lane **[Added 2-25-1998 by Ord. No. HR-282]**

East Glenwold Drive

Bodine Road (N) Northeast Howellville Road

Bodine Road (S) South Russell Road

**Stop Sign on**

**Direction**

**of Travel At Intersection of**

Box Hill Lane North Upper Gulph Road

Bradford Road Southeast Chesterbrook Boulevard

Brandywine Lane North Adams Drive South Adams Drive

Briar Road North Crestline Road North Deepdale Road

South Crestline Road

Brinton Road East Croton Road

Brookmead Road West Anthony Wayne Road (N) West Anthony Wayne Road (N)

West West Valley Road

Carrie Lane **[Added 2-25-1998 by Ord. No. HR-282]**

East Cool Valley Road

Cassatt Avenue North Conestoga Road

Castlewood Drive North Devonshire Road Southeast Berwyn-Baptist

Catalpa Drive North West Swedesford Road

Catalpa Drive **[Added 11-6-2019 by Ord. No. HR-431]**

South Pineview Drive

Cedar Hollow Road North West Swedesford

Central Avenue (E) West North Valley Road

Central Avenue (W) East North Valley Road

Chesterbrook Boulevard South Chesterbrook Boulevard (St. Issac) North Chesterbrook Boulevard (Dickinson

Road

Chesterbrook Boulevard **[Added 8-20-2001 by Ord. No. HR-301]**

Both The Route 202 southbound off ramp

Chestnut Lane West Beechtree Lane

Chestnut Road North Lancaster Avenue

South Craig Avenue (except right)

Church Road East Yellow Spring Road

North Pheasant Hill Lane (except right)

North Pheasant Hill Lane

South West Swedesford Road

Circular Avenue East South Valley Southwest Darby Road

West South Valley

Clothier Springs Road East Diamond Rock Hill Road South Diamond Rock Hill Road

West Clothier Springs Road

West Clothier Springs Road

Clover Hill Lane Northwest Croton Road Cloverly Road East Cassatt

West Howellville Road

Coldstream East Contention Lane South Old State Road

West Contention Lane

Colket Lane East West Valley Road West West Valley Road

Conestoga Lane North Old Lancaster Road

Conestoga Road South Old Lancaster Road

Conestoga Road (E) North Railroad tunnel Upper South Railroad tunnel

Southeast Lancaster Avenue West Gulph Road

Contention Lane North West Swedesford Road South Berwyn-Baptist Road

Cool Valley Road **[Added**

### 2-25-1998 by Ord. No. HR-282]

South Shadow Oak Drive

Country Gate East West Valley Road

County Line Road North Pugh Road

Covered Bridge Road North Yellow Springs Road

Craig Avenue East Chestnut Road West Darby Road

Crestline Road East Beechtree Lane East Briar Road

East North Wayne Avenue

West Beechtree Lane

West Briar Road

West Old Eagle School Road

Croton Road North Upper Gulph Road Southeast Upper Gulph Road

West Old Eagle School Road

Dalton Road North Jolind Road

South Central Avenue (East)

Davis Lane\* East Old Eagle School Road

Daylesford Boulevard\* East West Swedesford Road South Bear Hill Road

West Heatherstone Circle

Dayleview Road East Robins Lane

Deepdale Road East North Wayne Avenue East Princeton Road

West Old Eagle School Road

West Princeton Road

Devon Park Drive East Old Eagle School Road West North Valley Road

Devon Road East Darby Road

Devonshire Road South Berwyn-Baptist West Contention Lane

Devon State Road East Valley Forge Road Diamond Rock Hill Road Southwest Yellow Springs Road Donalyn Lane South Irish Road

Fairfield Road West Berwyn-Baptist

Fairhill Circle North Hollow Road

Fairview Avenue **[Added**

### 6-15-2009 by Ord. No. HR-377]

East Henry Avenue

Fairway Road South Greenlawn Road

Fennerton Road South Central Avenue (East)

Fernfield Circle West Old Eagle School

Fletcher Road South Upper Gulph Road

Forest Hills Circle East Devon State Road

Forrest Lane West Old Eagle School Road

Fox Chapel Lane South Upper Gulph Road

Fox Hill Lane East North Valley Road

Franklin Lane South Adams Drive

General Alexander Drive South Yellow Springs Road

General McIntosh Road **[Added 5-4-1998 by Ord. No. HR-269]**

General Scott Road **[Added**

### 5-4-1998 by Ord. No. HR-269]

General Scott Road **[Added**

### 5-4-1998 by Ord. No. HR-269]

North General Scott Road

North Baron DeKalb Road

North Colonel Dewees Road

Glenhardie Road North Gulph Road North Richards Road

South Richards Road

South Walker Road

Glenn Avenue South Berwyn-Paoli Road

Glenn Circle West Richards Road

Glenwold Drive East North Valley Road

Golf Club Lane (W) South Greenlawn Road Southeast Fairway Road

Golf Club Lane (E) Northwest Fairway Road Southeast Greene Lawn Road

Grant Lane East Strafford Avenue

Green Lane **[Added 7-10-2000 by Ord. No. HR-288]**

North Howells Road

Greene Road East Cassatt East Irish Road

West Irish Road

Greenlawn Road East Fairway Road West Fairway Road

West Leopard Road

Greenwood Avenue South Lancaster Avenue

Grove Avenue North Berkley Road South Berkley Road

Gulph Road West Richards Road

Gwen Lane West Devon State Road

Hamilton Drive **[Added 5-18-2020 by Ord. No. HR-435]**

West South Forge Mountain Drive

Hancock Lane North Adams Drive South Adams Drive

Harrison Road Southwest Stockton Drive

Harvard Lane East Sheldrake Drive

Hawthorne Place East North Valley Road Heatherstone Circle Southwest Heatherstone, end of loop Hedgerow Lane South Strafford Avenue

Hedges Lane South Mancill Road

Henry Avenue South Upper Gulph Road

Hickory Lane East Contention Lane Northwest Cassatt Road

West Cassatt Road

Hillcrest Road North Upper Gulph Road South Homestead Road

Hillside Road East Croton Road West Croton Road

West Old Eagle School Road

Hilltop Road Northwest Bear Hill Road (Rt. 252) West Friendship Drive

Hobbs Road West King of Prussia Road

Hollow Road North West Central Avenue

Hollow Road West King of Prussia Road

Holly Road East North Wayne Avenue South Deepdale Road

Holly Road **[Added 7-10-2000 by Ord. No. HR-288]**

North Hillside Road

Homestead Road East Hillcrest Road East Sunset Road

East Wentworth Road Northwest Upper Gulph Road

West Hillcrest Road

West Old Eagle School Road

West Sunset Road

West Wentworth Road

Horseshoe Trail\* West Diamond Rock Hill Road Howells Road Southeast Yellow Spring Road Howellville Road East Cassatt Road

Southeast Cassatt Road

Howellville Road (TE) South Old Lancaster Road

Hunter Lane North Steeplechase Road South Steeplechase Road

South Upper Gulph Road Southwest Conestoga Road

Irish Road North Greene Road North Howellville Road

South Conestoga Road

South Donalyn Lane (except right)

South Greene Road

Ivycroft Road South Upper Gulph Road

Jefferson Lane South Chesterbrook Boulevard

Jennifer Lane South Old State Road

Jennings Way **[Added 5-18-2020 by Ord. No. HR-435]**

East Valley Green Road

Jennings Way West West Valley Road

Jolind Road East Vincent Road

Jonathan Drive North West Swedesford Road

Justine Lane North Jennings Way

Karen Lane East King of Prussia Road

Keller Road South Conestoga Road

Keller Road **[Added 8-19-2002 by Ord. No. HR-309]**

West Bair Road

Kennedy Road East Croton Road

Kennedy Road West Red Fox Lane Kent Lane Northwest Longcorse Lane Keystone Avenue North Woodbine Avenue

Knox Road East Croton Road

Kromer Avenue West Cassatt Avenue

Kynlyn Road West King of Prussia Road

Laurel Lane East Lizbeth Lane

Laurel Lane West Old Eagle School

Laurel Lane West Robins Lane

Lawrence Lane East West Valley Road

Lawrence Lane **[Added 11-6-2019 by Ord. No. HR-431]**

LeBoutillier Road **[Amended**

### 2-26-2001 by Ord. No. HR-296]

East and west Vassar Road

Northeast Mill Road

LeBoutillier Road South West Swedesford Road LeBoutillier Road West and east Hairpin turn and the bridge over

Valley Creek on a temporary basis ending 30 days following the opening of the Mill Road Bridge

Lizbeth Lane East Irish Road

Lizbeth Lane **[Added 10-22-2018 by Ord. No. HR-424]**

North Greene Road

Longcorse Lane North Lancaster Avenue (Rt. 30)

Longcorse Lane North Pennsylvania Avenue

Longcorse Lane South Pennsylvania Avenue

Lyndale Court **[Added 2-25-1998 by Ord. No. HR-282]**

South Black Rock Road

Lynne Circle South Jennings Way

Mancill Road North Pugh Road

Mancill Road West Old Eagle School Road

Maple Avenue **[Added 9-20-2021 by Ord. No. HR-444]**

Maple Avenue **[Added 9-20-2021 by Ord. No. HR-444]**

East Sheldrake Drive

West Sheldrake Drive

Margo Lane Southeast Conestoga Road

Martins Lane East Conestoga Road

Martins Lane West Revere Road

Maynard Drive South Kennedy Drive

Meadowbrook Road South Lancaster Ave (Rt. 30)

|  |  |  |
| --- | --- | --- |
| McMull Drive | South | Upper Gulph Road |
| McMull Drive | South | Upper Gulph Road (eastern intersection has 2 signs, both left and right side of road) |
| Mill Road | North | Yellow Springs Road |
| Mill Road | South | Duportail Road |
| Monteith Drive | South | Pugh Road |
| Mt. Pleasant Avenue | South | Upper Gulph Road |
| Mt. View Road | North | Hickory Lane |
| Mt. View Road | South | Bair Road |
| Muhlenberg Drive | Northeast | West Valley Road |
| Muhlenberg Drive | South | Thomas Road |
| North Valley Road | North | West Swedesford Road |
| Old Cassatt Road | North | West Swedesford Road |
| Old Cassatt Road | Southwest | Cassatt Road |
| Old Eagle School Road | North | Glenhardie Complex |
| Old State Road | East | Cassatt Road |
| Old State Road | East | Contention Lane |
| Old State Road | North | Hickory Road |
| Old State Road | Northeast | Valley Forge Road |
| Old State Road | South | Conestoga Road |
| Old State Road | Southwest | Cassatt Road |
| Old State Road | West | Contention Lane |
| Orchard Lane | North | Old Lancaster Road |
| Orchard Road | North | Jolind Road |
| Orchard Road | South | Jolind Road |
| Overlook Place | Southeast | Tree line Drive |
| Paoli Court | East | North Valley Road |
| Paoli Court | West | Greenwood Avenue |
| Park Ridge Drive | West | Thomas Road |
| Peddrick Road | West | Valley Forge Road |
| Pennington Road | North | Rochsolach Avenue |
|  | South | East Central Avenue |
| Penn Road | East | Princeton Road |

West Croton

Pennsylvania Avenue East Glenn Road

Pheasant Hill Lane South Church Road

Pine Hill Road North Weadley Road

Plank Avenue East Shopping center entrance

Poplar Avenue North Berkley Road South Sugartown Road

Potter Lane South Brookmead Road

Price Avenue North Kromer Avenue South Conestoga Road

Princeton Road **[Added 7-14-2003 by Ord. No. HR-316]**

North Hillside Road

Princeton Road South Crestline Road

Princeton Road North Deepdale Road South Deepdale Road

Prussian Lane East Thomas Road South Walker Road

Pugh Road East Old Eagle School East West Valley Road

West Old Eagle School

West Valley Forge Road

West West Valley Road

Quigley Avenue West Old Eagle School

Radcliffe Road East West Valley Road

Red Coat Lane East Thomas Road Southwest Brookmead Road

Red Fox Lane North Kennedy Road South Upper Gulph Road

West Old Eagle School

Revere Road North Robins Lane

South Old Lancaster Road

Richards Road East Glenhardie Road East Gulph Road

Northeast North Gulph Road (UMT)

South Gulph Road (except right)

West Glenhardie Road

West Thomas Road

Ridgewood Road North Hollow Road

Robinwood Road **[Added**

### 7-10-2000 by Ord. No. HR-288]

North Woodcrest Road

Robinwood Road South School Lane

Rochambeau Drive South Yellow Springs Road

Rochsolach Avenue West Fennerton Road

Rose Cottage Lane North Yellow Springs Road

Rosedale Avenue North Upper Gulph Road

Rossiter Lane South Weadley Road

Russell Road East Old Lancaster Road

Russell Road West Maple Road

Salem Way North Yellow Springs Road

Salomon Lane North Adams Drive South Adams Drive

Saunders Drive West West Valley Road

School House Lane East West Valley Road

School Lane East Old Eagle School West West Valley Road

Seaton Ross Road South Weadley Road

Sentry Lane East Timber Lane

West Valley Forge Road

Sheldrake Drive South Russell Road

South Valley Road South Devon Road (2 signs at intersection, both left and right side of road)

Springbank Lane North Avonwood Drive South Avonwood Drive

Spring Meadow Drive **[Added**

### 2-25-1998 by Ord. No. HR-282]

North Shadow Oak Drive

Spring Street North Lancaster Avenue West Circular Avenue

Standiford Road North Yellow Springs Road

Station Avenue **[Added 2-25-1998 by Ord. No. HR-282]**

North Kromer Avenue

Steeplechase West Hunters Lane

Stephens Drive **[Added 11-6-2019 by Ord. No. HR-431]**

East Weedon Road

St. James Place Southwest Valley Greene Road

St. John's Road East Yellow Springs Road Stockton Drive Southeast Bradford Road

Stoneybrook Drive **[Added**

### 2-25-1998 by Ord. No. HR-282]

East Shadow Oak Drive

Strafford Avenue Southeast Grant Lane l West Old Eagle School

Strawbridge Road West Old Eagle School

Stuart Lane North Coldstream Drive South West Wind Drive

Sullivan Road East Anthony Wayne Drive

Summit Avenue South West Central

Sunset Road North Upper Gulph Road South Homestead Road

Surrey Way **[Amended**

### 11-17-2014 by Ord. No. HR-405]

South Berkley Road

Sycamore Court Southeast Hawthorne Place

Tall Oaks Road North Upper Gulph Road Thomas Jefferson Road Southwest Gulph Road Thomas Road North Gulph Road West

North Walker Road

South Walker Road

West Valley Road

Timber Lane South Hunters Lane West Hunters Lane

Tory Hollow Road South West Wind Drive

Tree Line Drive East North Valley Road

Trowill Lane\* East Old Eagle School Road

Twin Bridge Drive **[Added**

### 5-18-2020 by Ord. No. HR-435]

East and west Hollow Road

Upper Gulph Road East King of Prussia Road (2 signs at intersection, both left and right side)

Valley Forge Road (S) North Berkley Road

North Lancaster Avenue (Rt. 30)

South Berkley Road

South Sugartown Road

Valley Forge Road North Timber Lane

North Valley Forge Road (bridge)

South Conestoga Road

South Devon State (except right)

West Devon State Road Valley Forge Road (VF Park) North/east Yellow Springs Valley Greene Road West North Valley Road

Valley View Lane South Knox Road

Vanguard Boulevard\* East Cedar Hollow Road North Matthews Road

Vassar Circle **[Added 11-6-2019 by Ord. No. HR-431]**

Vassar Road **[Added 11-6-2019 by Ord. No. HR-431]**

East Vassar Road

North Radcliffe Road

Vincent Road South East Central Avenue

Virginia Avenue **[Added**

### 5-18-2020 by Ord. No. HR-435]

West Hilltop Road

Walker Road East Glenhardie Complex (except right) East Thomas Road

West Thomas Road

West Valley Forge Road

Walker Road (W) East Valley Forge Road

Wallace Drive East Old Eagle School

Walnut Avenue South Croton Road

Walnut Road **[Added 7-14-2003 by Ord. No. HR-316]**

North Hillside Road

Warren Road East Von Steuben Drive

Weadley Road East Hughes Road (UMT) East Old Eagle School

|  |  |  |
| --- | --- | --- |
|  | West | King of Prussia Road |
| West | West Valley |
| Weedon Road | North | Gulph Road |
|  | South | Gulph Road |
|  | South | Richards Road |
| Welsh Valley Road | Northeast | South Forge Mountain Drive |
|  | South | Yellow Springs Road |
| Wentworth | North | Upper Gulph Road |
|  | South | Homestead Road |
| West Lakes Drive\* | West | West Swedesford Road |
| West Valley Road | North | Walker Road |
| West Valley Road | South | Upper Gulph Road |
| West Valley Road | Southeast | Old Eagle Road |
| West Wind Drive | South | Tory Hollow Road |
| Williams Lane | West | Irish Road |
| Wilson Road | North | Yellow Springs Road (VF Park) |
| Winston Way | North | Westwind Drive |
| Wister Road | Northeast | Circular Avenue |
| Woodbine Avenue | South | West Central Avenue |
| Woodcrest Road | East | Old Eagle School Road |
|  | West | West Valley Road |
| Wooded Way | East | Cassatt Road |
| Woodland Avenue | North | Upper Gulph Road |
| Woodmont Circle | South | Conestoga Road |
| Worthington Road | North | Richards Road |
| Yale | North | Croton Road |
|  | North | Hillside Road |
|  | South | Croton Road |
|  | South | Deepdale Road |
| Yellow Springs Road | Northeast | Valley Forge Road (covered bridge) |
|  | Northeast | North Valley Road (south of Baptist Road) |

### § 195-59. Schedule X: Yield Intersections.

In accordance with the provisions of § 195-16, the following described intersections are hereby established as yield intersections, and yield signs shall be installed as follows:

### Yield Sign on Direction of Travel At Intersection of

Cassatt Road North/east West Swedesford Road South/west Conestoga Road

Cedar Hollow Road North and south Both sides of 11 foot 10 inch

tunnel

Conestoga Road (E) East Conestoga Road

Daylesford Boulevard\* South Bear Hill Road

East Swedesford Road East West Valley Road (yield on green)

Lancaster Avenue South/east Leopard Road

Leopard Road North Lancaster Avenue

Mill Road **[Added 8-19-2002 by Ord. No. HR-309]**

North and south At one lane bridge over Valley Creek (yield to oncoming traffic)

North Valley Road North and south Both sides of 10 foot railroad

tunnel

Old Eagle School Road North and south Upper Gulph Road (yield on

green)

Radnor Road South Upper Gulph Road

Rt. 422 South/west Rt. 202

Swedesford Road (W) North/west Bear Hill Road

South/east Cassatt Road

South/east Cedar Hollow Road

Valley Forge Road South/east Valley Forge Road

Von Steuben Drive **[Added**

### 8-15-2005 by Ord. No. HR-344]

Von Steuben Drive **[Added**

### 8-15-2005 by Ord. No. HR-344]

North Thomas Road

South Thomas Road

Westlakes Road South/west West Swedesford Road

Yellow Springs Road North/east West of the covered bridge (park)

### § 195-60. Schedule XI: Closing of Certain Streets to Certain Vehicles.

In accordance with the provisions of § 195-17, it shall be unlawful for any person to drive any vehicle, except a passenger vehicle (but not including any passenger vehicle drawing any trailer or towing any other vehicle), upon any of the streets or parts thereof described below:

|  |  |  |
| --- | --- | --- |
| **Name of Street** | **Limits** | **Location** |
| Anthony Wayne Drive | No truck traffic | From Valley Forge |
| Berwyn-Paoli Road | No truck traffic | From Lancaster Avenue to Longcorse Lane |
| Cedar Hollow Road | No truck traffic | West Swedesford Road to Matthews Road |
| Church Road | No truck traffic | From West Swedesford Road to Yellow Springs Road |
| Contention Lane | No truck traffic | From Berwyn-Baptist Road to the intersection of Hickory and Devonshire Road |
| Crestline Road | No truck traffiC | From Old Eagle School Road to North Wayne Avenue |
| Deepdale Road | No truck traffic | From Old Eagle School Road to North Wayne Avenue |
| Devonshire Road | No truck traffic | Berwyn Baptist to Contention |
| LeBoutillier Road | No truck traffic | From Mill Road to West Swedesford Road |
| Maple Avenue | No truck traffic | From Bear Hill Road to Russell Road |
| Meadowbrook Road | No truck traffic | From Old Eagle School Road to Lancaster Avenue |
| Old Eagle School Road | No truck traffic | From East Swedesford Road to Walker Road |
| Pugh Road | No truck traffic | From Old Eagle School Road to Valley Forge Road |
| Richards Road | No truck traffic | From Thomas Road to Gulph Road |
| Russell Road | No truck traffic | From Maple Avenue to Old Lancaster Road |
| Strafford Avenue | No truck traffic | From Old Eagle School Road to Radnor Township line |
| Sullivan Road | No truck traffic | From Valley Forge Road to Anthony Wayne Drive |
| Valley Forge Road | No truck traffic | From Devon State Road to Conestoga Road |
| Walker Road | No truck traffic | From Valley Forge Road to Old Eagle School Road |
| Weadley Road | No truck traffic | From West Valley to Old Eagle School Road |
| West Valley Road | No truck traffic | From Upper Gulph Road to Old Eagle School Road |

### § 195-61. Schedule XII: Vehicle Weight and Height Limits.

In accordance with the provisions of § 195-18, gross weight and height limits are hereby established as indicated for commercial vehicles or other tractor, trailer or tractor-trailer combinations, upon the streets, bridges or portions thereof described below, except for the purpose of making local deliveries on said streets, bridges or portions thereof:

**Name of Street or Bridge**

**Maximum Gross Weight and Height**

**(pounds) Location**

Cedar Hollow Road 10ft 11in Railroad tunnel north of Continental Boulevard

Church Road 20 tons Just south of St. Peter's Road

Conestoga Road (E) 8ft 0in Railroad tunnel

Contention Lane 3 tons Just south of West Swedesford Railroad Tunnel

Glenhardie Road 11ft 3in Turnpike tunnel

Grove Avenue **[Added 8-19-2002 by Ord. No. HR-309]**

Class 7 trucks or trailers, 21,000 lbs.

North and south between Lehigh Avenue and Berkley Road

Howellville Road **[Amended**

### 2-25-1998 by Ord. No. HR-282]

LeBoutillier Road **[Added**

### 2-25-1998 by Ord. No. HR-282]

Mill Road **[Amended 2-25-1998 by Ord. No. HR-282]**

7 tons Railroad bridge

15 tons Over creek

12 tons Over creek

North Valley Road 9ft 4in

10ft 0in

Railroad tunnel Rt. 202 tunnel

Old Lancaster Road 11ft 6in Railroad tunnel Daylesford

Old Lancaster Road 11ft 2in Railroad tunnel Devon

Thomas Road 13ft 8in

23 tons

Turnpike tunnel

Or 40 tons combination north of Walker Road

Valley Forge Road 3 tons Railroad bridge

West Swedesford 13ft 8in Railroad tunnel Paoli

West Valley Road 3 tons Railroad bridge

Wilson Road 7 tons Over creek (VF Park)

### § 195-62. Schedule XIII: Angle Parking.

In accordance with the provisions of § 195-20, no person shall park a vehicle upon any of the streets or parts thereof described below, except at the angle designated:

### Name of Street Side

(Reserved)

**Angle**

**(degrees) Location**

**§ 195-63. Schedule XIV: Parking Prohibited at All Times.**

In accordance with the provisions of § 195-21, no person shall park a vehicle at any time upon any of the following described streets or parts thereof:

### Name of Street Side Location

Anthony Wayne Drive North From Valley Forge Road to a point 500 feet west

thereof

Anthony Wayne Drive South From Valley Forge Road to a point 500 feet west

thereof

Arlington Road West From East Central Avenue to a point 400 feet north thereof

Avon Road Both From Sugartown Road to a point 100 feet thereof

Avon Road North A point 100 feet east of Grove Avenue, north of the apartment complex

Bear Hill Road West 100 feet north and south of Daylesford Lakes entrance

Beechtree Lane West From Crestline Road to a point 180 feet southeast thereof

East From Crestline Road to a point 290 feet southeast thereof

Berkley Road North From Grove Avenue to Valley Forge

Biddle Road **[Added**

### 1-13-1997 by Ord. No. HR-257]

Biddle Road **[Added 11-8-2017 by Ord. No. HR-418]**

East From and including No. 111 and No. 117 Biddle Road

West From East Central Avenue to Park Avenue

Biddle Road West From East Central Avenue to a point 400 feet north thereof

Bodine Road Both Russell Road to Birch Road

Bodine Road (N) South From a point 420 feet from Howellville Road to a point opposite residence number 324

Bodine Road (N) North From Beechwood Road to a point 150 feet west thereof

Bradford Road Both Full length of road

Cassatt Avenue East From Conestoga Road to Easttown Township line

Cassatt Road Both From Old Cassatt to West Swedesford Road

Cassatt Road **[Added 2-28-2000 by HR-286]**

East From 150 feet south of Old State Road to 150 feet north of Old State Road

Cassatt Road **[Added 3-1-2004 by Ord. No. HR-325]**

Cassatt Road **[Added**

### 7-10-2000 by Ord. No.

**HR-288; repealed 3-1-2004 by Ord. No. HR-325]**

Cassatt Road **[Repealed 3-1-2004 by Ord. No. HR-325]**

Cassatt Road **[Added**

### 2-26-2001 by Ord. No.

**HR-297; repealed 3-1-2004 by Ord. No. HR-325]**

West From Conestoga Road to a point 525 feet north of Old State Road

Cedar Hollow Road Both North from Railroad Tunnel to Willistown Township line

Central Avenue (E) Both From Bear Hill Road (Rt. 252) to North Valley Road

Central Avenue (W) **[Added 2-25-1998 by Ord. No.**

### HR-282]

North West from Keystone Avenue a distance of 210 feet

Central Avenue (W) North From a point 30 feet east of Woodbine Avenue to a

Point 100 feet west of Hollow Road

Central Avenue (W) South West from North Valley Road to Willistown

Township line

Chesterbrook Boulevard Both Full length of road

Chestnut Road East From residence No. 43 to the Paoli Shopping Center Alley or 545 feet from Lancaster Avenue

Chestnut Road West From a point 130 feet south of Chestnut Village Shoppes to Craig Avenue

Chestnut Road **[Added 2-28-2000 by HR-286]**

West From the north side of Craig Avenue extending north 1,160 feet (south side of driveway to Chestnut Village Shoppes)

Circular Avenue North From Darby Road to Spring Street

Circular Avenue South From Darby Road to Lancaster Avenue

Coldstream Drive East From Old State Road to a point 300 feet north thereof

Coldstream Drive **[Added 2-25-1998 by Ord. No.**

### HR-282]

East Beginning at a point 292 feet north of Old State Road for a distance of 300 feet

Conestoga Road **[Repealed 3-1-2004 by Ord. No.**

### HR-325]

Conestoga Road **[Added 3-1-2004 by Ord. No.**

### HR-325]

Conestoga Road **[Added 3-1-2004 by Ord. No.**

### HR-325]

Conestoga Road **[Added 3-1-2004 by Ord. No.**

### HR-325]

Continental Boulevard **[Added 6-20-2023 by Ord. No.**

### HR-467]

Craig Avenue **[Amended 9-20-2021 by Ord. No. HR-444]**

Craig Avenue **[Amended 9-20-2021 by Ord. No. HR-444]**

Both From Old Lancaster Road to west side of Irish Road

North From Irish Road to Cassatt Road

South From a point 300 feet east of Irish Road to Cassatt Road

Both Entire length, from the intersection with Cedar Hollow Road

North Entire length

South From Darby Road to a point 242 feet east thereof and from Chestnut Road to a point 83 feet west thereof

Crestline Road North From Old Eagle School Road east to Briar Road

Crestline Road South From Old Eagle School Road east to Briar Road

Croton Road North From a point 160 feet west of Penn Road intersection to Old Eagle School Road

Dalton Road East From East Central Avenue to a point 400 feet north thereof

Darby Road East From Woodgate entrance to Paoli Fire Company North property line to Lancaster Avenue

Darby Road **[Amended 2-25-1998 by Ord. No. HR-282]**

West North from intersection of Circular Avenue a distance of 135 feet

Deepdale Road North From Old Eagle School to a point 150 feet thereof

Devon Park Drive Both Old Eagle School Road to West Valley Road

Drummers Lane Both From a point 500 feet from Glenhardie Complex

Duportail Road **[Added 1-2-1996 by Ord. No. HR-248]**

Fairview Avenue **[Added 6-21-2022 by Ord. No. HR-452]**

Both From Chesterbrook Boulevard to Swedesford Road

South From the intersection of Henry Avenue to a point 364 feet west thereof

Fairway Road East From East Golf Club Lane to a point 150 feet north thereof

Fairway Road West From West Golf Club Lane to a point 150 feet north thereof

Fennerton Road Both From East Central Avenue to a north to Park Avenue

Friendship Drive **[Added 2-28-2000 by HR-286]**

Friendship Drive **[Added 2-28-2000 by HR-286]**

Greene Road **[Added 11-8-2017 by Ord. No. HR-419]**

Greene Road **[Added**

### 7-10-2000 by Ord. No. HR-288]

Grove Avenue **[Amended 9-14-1998 by Ord. No.**

### HR-276]

North From Bear Hill Road east for a distance of 240 feet South From Bear Hill Road east for a distance of 240 feet

South From a point 265 feet east of Irish Road to Curwyn Road

South From a point 54 feet east of Lizbeth Lane to a point 102 feet west of Lizbeth Lane

East From Lancaster Avenue to Berkley Road

Henry Avenue West From Upper Merion Township line to Upper Gulph Road

Hillside Road North From Old Eagle School Road to Croton Road

Howellville Road East From Bear Hill Road to a point 30 feet south thereof

Howellville Road **[Added 3-1-2004 by Ord. No.**

### HR-325]

East From Conestoga Road to Old Lancaster Road

Howelville Road West From Bear Hill Road to a point 250 feet thereof

Irish Road **[Amended 3-1-2004 by Ord. No. HR-325]**

East From Conestoga Road to a point 1,340 feet north thereof

Jefferson Road North Between signs at the entrance to the ponds

Keller Road **[Added**

### 4-28-2008 by Ord. No. HR-371]

Both From the intersection of Keller Road and Conestoga Road to a point 110 feet north thereof

Keystone Avenue East From West Central Avenue to Woodbine Avenue Kromer Avenue **[Amended**

### 2-25-1998 by Ord. No.

**HR-282; repealed 3-1-2004 by Ord. No. HR-325]**

Kromer Avenue **[Amended 2-25-1998 by Ord. No.**

### HR-282; repealed 3-1-2004 by Ord. No. HR-325]

Lancaster Avenue North From the east property line of No. 83 to 85 feet east of Paoli Court

Lancaster Avenue North From a point 85 feet west of Paoli Court to Greenwood Avenue

Lancaster Avenue South From a point 10 feet east of Valley Forge Road to Leopard Road

Lancaster Avenue Both From the Bear Hill Road/Leopard Road intersection to the Old Lancaster Road/Glenn Avenue

Lizbeth Lane **[Added**

### 7-10-2000 by Ord. No. HR-288]

North/east From Irish Road to Greene Road

Longcorse West From Lancaster Avenue to a point 418 feet thereof south

Longcorse East From a point 370 feet to 410 feet south of Lancaster Avenue

Martins Lane **[Repealed 3-1-2004 by Ord. No.**

### HR-325]

Martins Lane **[Amended 3-1-2004 by Ord. No.**

### HR-325]

South From Conestoga Road to a point 615 feet northeast thereof

Meadowbrook Road Both From Old Eagle School Road to Lancaster Avenue

(Rt. 30)

Mill Road **[Added 1-2-1996 by Ord. No. HR-248]**

Both From Duportail Road to LeBoutillier Road

Morris Road Both Full length of road

Mt. Pleasant West Upper Gulph Road to Upper Merion Township line

North Fairfield Road **[Added 8-14-1995 by Ord. No.**

### HR-244]

East From Berwyn-Baptist Road to the Easttown Township boundary

Old Cassatt Road Both From Cassatt Road to West Swedesford Road Old Eagle School Road West From the northern property line of No. 490 to a

point 100 feet south of School House Lane Old Eagle School Road East Deepdale Road North to Upper Gulph Road

|  |  |  |
| --- | --- | --- |
| Old Eagle School Road | West | From Meadowbrook Road to a point 210 north or railroad bridge |
| Old Eagle School Road | West | From a point 185 feet south of Meadowbrook Road to a point 255 feet south of Meadowbrook Road |
| Old Eagle School Road | West | From Lancaster Avenue to a point 500 feet north thereof |
| Old Lancaster Avenue (Devon) | East | From the property line of No. 42 to a point 150 feet north thereof |

Old Lancaster Avenue (Berwyn) **[Repealed 3-1-2004 by Ord. No. HR-325]**

Old Lancaster Road **[Added 3-1-2004 by Ord. No.**

### HR-325]

North From Conestoga Road to a point 780 feet east thereof

### Old State Road [Added 7-10-2000 by Ord. No. HR-288; repealed 3-1-2004 by Ord. No. HR-325]

Old State Road **[Amended 3-1-2004 by Ord. No.**

### HR-325]

Both From Conestoga Road to a point 110 feet east of Cassatt Road

Old State Road Both West from Contention to Township Park

Old State Road **[Added 2-25-1998 by Ord. No. HR-282]**

Old State Road **[Added 2-25-1998 by Ord. No.**

### HR-282; amended 7-14-2003 by Ord. No. HR-316]

North East from intersection of Coldstream Drive for a distance of 330 feet

North West from intersection of Coldstream Drive for a distance of 246 feet

Old State Road South Valley Forge Road to the property line of No. 220

Orchard Road West From East Central Avenue to a point 400 feet north thereof

Orchard Way **[Amended 3-1-2004 by Ord. No.**

### HR-325]

East From Conestoga Road to Bair Road

Paoli Court East From Lancaster Ave to a point 200 feet north thereof

Paoli Plaza South From North Valley to a point 50 feet west thereof

Park Avenue South West from Garrett to a point 135 feet west to Whitworth Avenue

Pennington Road West From East Central Avenue to a point 400 feet north thereof

Poplar Avenue West From Sugartown to Berkley Road

Price Avenue **[Added 3-1-2004 by Ord. No. HR-325]**

Both From Kromer Avenue to Easttown Township line

Price Avenue (S) **[Repealed 3-1-2004 by Ord. No. HR-325]**

Quigley Avenue North From Old Eagle School Road east to Strafford Park

Quigley Avenue South From Old Eagle School Road to a point 60 feet thereof

Radnor Street Road Both From Radnor Township line to Upper Merion Township line

Railroad Avenue **[Added 2-25-1998 by Ord. No. HR-282]**

East South from West Central Avenue for a distance of 70 feet

Railroad Avenue West North from West Central Avenue to a point 230 feet thereof

Russell Road Both From Old Lancaster Road to No. 1509

South Valley Road **[Amended 11-6-2019 by Ord. No.**

### HR-431]

West Lancaster Avenue to a point 150 feet south thereof

South Vally Road West From a point 435 feet south of Lancaster Avenue (south end of Court property) to Circular Avenue

South Valley Road East From Lancaster Avenue to a point 100 feet south thereof

South Valley Road East From a point 380 feet south from Lancaster Avenue to Circular Avenue

Spring Street East From Lancaster Avenue 400 feet south thereof

Spring Street **[Added**

### 7-14-2003 by Ord. No. HR-316]

West From Lancaster Avenue to a point 140 feet south thereof

Station Avenue East From Kromer Avenue to Easttown Township line

Strafford Avenue Both Old Eagle School Road to Radnor Township line

Summit Avenue West From West Central to the end of the road

Sugartown Road North From a point 200 feet east of Avon Road to Poplar Avenue

### Surrey Way [Added 9-14-1998 by Ord. No. HR-276; amended 11-17-2014 by Ord. No. HR-405]

East From Lehigh Avenue to Berkley Road

Swedesford Road West From Rt. 202 Paoli off ramp to Bear Hill intersection

Swedesford Road East From First Railroad Bridge to Bear Hill intersection

Swedesford Road North From Rt. 202 Paoli exit ramp to Cassatt Road

Swedesford Road South From Cassatt Road east to Old Cassatt Road

Upper Gulph Road **[Added 7-14-2003 by Ord. No.**

### HR-316]

Upper Gulph Road **[Added 7-14-2003 by Ord. No.**

### HR-316]

North From Mount Pleasant Avenue to a point 126 feet east thereof

North From Mount Pleasant Avenue to a point 90 feet west thereof

Upper Gulph Road North Between West Valley Road and Old Eagle School

Road

Upper Gulph Road South From Radnor Street to a point 300 feet east and west thereof

Upper Gulph Road South From Tall Oaks Road, east to King of Prussia Road Valley Forge Road West From West Anthony Wayne, south to Rt. N 202

entrance ramp

Vincent Road East From a point 100 feet north of Central Avenue to a point 300 feet north thereof

West Valley Road East From Devon Park Drive to East Swedesford Road, south of Rt. 202

West Valley Road West From entrance of Post Office to exit of Post Office

West Valley Road West From Upper Gulph to Old Eagle School Road

West Walker Road **[Added 6-15-2009 by Ord. No.**

### HR-377]

North From Valley Forge Road to a point 650 feet west thereof

Whitworth Avenue Both From Woodbine Avenue to a point 280 feet north to Park Avenue

Woodbine Avenue **[Added 7-10-2000 by Ord. No.**

### HR-288]

Woodbine Avenue **[Added 11-6-2000 by Ord. No.**

### HR-293]

Woodbine Avenue **[Added 7-10-2000 by Ord. No.**

### HR-288]

South From Keystone Avenue a distance of 110 feet west

South East from intersection of Whitworth Avenue for a distance of 30 feet

North From Garrett Avenue east a distance of 100 feet

Woodbine Avenue West From a point 200 feet east of Keystone Avenue to West Central Avenue

Woodbine Avenue **[Repealed 7-14-2003 by Ord. No. HR-316]**

§ 195-64 VEHICLES AND TRAFFIC § 195-64

### § 195-64. Schedule XV: Parking Prohibited Certain Hours.

In accordance with the provisions of § 195-22, no person shall park a vehicle between the hours specified below of any day, except Saturdays, Sundays and holidays, upon any of the streets or parts thereof described below:

### Name of Street Side Hours/Days Location

Arlington Road East 2 hours/8:00 a.m. to 6:00 p.m.

Biddle Road East 2 hours/8:00 a.m. to 6:00 p.m.

Bodine Road (S) East 2 hours/9:00 a.m. to

6:00 p.m.

West 2 hours/9:00 a.m. to 6:00 p.m.

Bodine Road (S) East 6:00 p.m. to 9:00 a.m.

Monday through Friday

West 6:00 p.m. to 9:00 a.m. Monday through Friday

Croton Road South 2 hours/8:00 a.m. to 6:00 p.m.

Dalton Road West 2 hours/8:00 a.m. to 6:00 p.m.

Deepdale Road North 2 hours/8:00 a.m. to 6:00 p.m.

Hillside Road South 2 hours/8:00 a.m. to 6:00 p.m.

From East Central Avenue to a point 400 feet north thereof

From East Central Avenue to a point 400 feet north thereof

From Russell Road to a point 360 feet north thereof

From Russell Road to a point 670 feet north thereof

From Russell Road to a point 360 feet north thereof

From Russell Road to a point 670 feet north thereof

From a 240 feet west of Penn Road to Old Eagle School Road

From East Central Avenue to a point 400 feet north thereof

From Old Eagle School Road to Princeton Road

From old Eagle School Road to Croton Road

Homestead Road Both 8:00 a.m. to 5:00 p.m. From old Eagle School Road to a

point 125 feet west of Old Eagle School Road

Irish Road West 8:00 a.m. to 4:00 p.m.

Monday/Friday

Lehigh Avenue South 2-hour parking 8:00

a.m. to 6:00 p.m. Lizbeth Lane **[Repealed 3-1-2004 by Ord. No. HR-325]**

From Conestoga Road to Lizbeth Lane

From Grove Avenue to a point 30 feet west thereof

|  |  |  |  |
| --- | --- | --- | --- |
| Old Eagle School Road | East | 2 hours/8:00 a.m. to 6:00 p.m. | From a point 330 feet south of Station Avenue to a point 150 feet north of Forrest Lane |
| Orchard Road | East | 2 hours/8:00 a.m. to 6:00 p.m. | From East Central Avenue to a point 400 feet north thereof |
| Pennington Road | East | 2 hours/8:00 a.m. to 6:00 p.m. | From East Central Avenue to a point 400 feet north thereof |

§ 195-64 TREDYFFRIN CODE § 195-65

### Name of Street Side Hours/Days Location

South Valley Road West 2 hours 8:00 a.m. to

6:00 p.m.

Station Avenue West 2 hour/8:00 a.m. to 6:00 p.m.

Walnut Avenue Both 2 hours/8:00 a.m. to 6:00 p.m.

Between the points of 30 feet south of Lancaster Avenue to a point 435 south thereof

From a point 100 off Kromer Avenue to Easttown Township line

From Hillside Road to Croton Road

### § 195-65. Schedule XVI: Time Limit Parking.

In accordance with the provisions of § 195-23, no person shall park a vehicle or allow the same to remain parked upon any of the streets or parts thereof described below, between the hours specified, for longer than the time indicated below:

**Name of Street Side**

**Time Limit;**

**Hours/Days Location**

Cassatt Avenue West 2 hours From a point 100 feet south of

Conestoga Road to Easttown Township line

Circular Avenue East 2 hours From Lancaster to Spring Street Darby Road West 2 hours From a point 140 feet south from

Lancaster Avenue to Circular Avenue

Kromer Avenue **[Amended 3-1-2004 by Ord. No. HR-325]**

North 2 hours From Cassatt Avenue to a point 320 feet

east thereof

Kromer Avenue **[Repealed 3-1-2004 by Ord. No. HR-325]**

|  |  |  |  |
| --- | --- | --- | --- |
| Lancaster Avenue | East | 2 hours | Between the points of 200 feet south of Lancaster Avenue and 380 feet south of Lancaster Avenue |
| Lancaster Avenue | North | 2 hours | From a point 100 feet west of Bear Hill Road to the east property line of No. 83 |
|  | North | 30 minutes | West of Paoli Court to a point 85 feet thereof |
| Lancaster Avenue | South | 1 hour | From the western end of the Army and Navy Store to Darby Road |
| Paoli Plaza | North | 15 min | From Greenwood to a point 235 feet east thereof |
|  | South | 30 minutes | From a point 235 feet east of Greenwood to a point 635 feet from Greenwood Avenue |

**Name of Street Side**

**Time Limit;**

**Hours/Days Location**

Spring Street **[Amended 7-14-2003 by Ord. No. HR-316]**

North 30 minutes From Greenwood Avenue to a point 235

feet east thereof

West 2 hours From a point 140 feet south of Lancaster

Avenue to a point 400 feet south of Lancaster Avenue

### § 195-66. Schedule XVII: Parking Permit Zones.

In accordance with the provisions of § 195-24, the following are hereby established as special purpose parking zones:

### Name of Street Side Hours/Days Location

Anthony Wayne Drive **[Added** Both All/All From the east side of Valley

**3-1-2004 by Ord. No. HR-325]** Forge Road to Sullivan Road

Bair Road **[Added 3-1-2004 by Ord. No. HR-325]**

Cassatt Road **[Added**

### 7-10-2000 by Ord. No.

**HR-288; amended 11-6-2000 by Ord. No. HR-293]**

Both 6:30 a.m. to 9:00 a.m./Monday through Friday, school days

East 6:30 a.m. to 9:00 a.m./Monday through Friday, school days

North from Conestoga Road to Carriage Way

From a point 150 feet south of Old State Road to Conestoga Road

Cassatt Road **[Added 5-6-2002 by Ord. No. HR-304]**

West All/All Bus only parking from a point 400 feet west of Cassatt Road to a point 725 feet west of Cassatt Road

Cassatt Road **[Added 1-22-2001 by Ord. No. HR-294; repealed 3-1-2004 by Ord. No. HR-325]**

Cassatt Road **[Added 5-6-2002 by Ord. No. HR-304; amended 3-1-2004 by Ord.**

**No. HR-325]**

West 6:30 a.m. to 9:00 a.m./Monday through Friday school days

From a point 525 feet north of Old State Road to Wooded Way

Conestoga Road **[Added**

### 3-1-2004 by Ord. No. HR-325]

Craig Avenue **[Added 9-20-2021 by Ord. No. HR-444]**

South All From west side of Irish Road to a point 300 feet east

South All From a point 242 feet east from Darby Road to a point 83 feet west from Chestnut Road

Curwyn Lane **[Added 3-1-2004 by Ord. No. HR-325]**

Both 6:30 a.m. to 9:00 a.m./Monday through Friday

From Greene Road to the end of the cul-de-sac

Darby Road West All/All From 70 Darby Road (PE pole 1239) to 72 Darby Road

(PE pole 1240)

### Name of Street Side Hours/Days Location

Forrest Lane South All/All From Old Eagle School Road to Radnor Township line

Grove Avenue Both All/All From Avon Road to Berkley

Road

Grove Avenue **[Added 2-25-1998 by Ord. No. HR-282]**

West 6:00 a.m. to 6:00 p.m. From Lehigh Avenue to

Berkeley Road (Parking by Permit Only)

Homestead Road North All/All From Old Eagle School Road to a point 125 feet west thereof

Howellville Road **[Added**

### 3-1-2004 by Ord. No. HR-325]

West 6:00 a.m. to 4:00 p.m./All From a point 175 feet south

of Conestoga Road to Old Lancaster Road

### Irish Road [Added 7-10-2000 by Ord. No. HR-288; repealed 3-1-2004 by Ord. No. HR-325]

Irish Road **[Added 3-1-2004 by Ord. No. HR-325]**

Irish Road **[Added 3-1-2004 by Ord. No. HR-325]**

East 6:30 a.m. to 9:00 a.m./Monday through Friday, school days

West 6:30 a.m. to 9:00 a.m./Monday through Friday, school days

From a point 1,340 feet north of Conestoga Road to Greene Road

From Lizbeth Lane to Greene Road

Kromer Avenue **[Amended**

### 3-1-2004 by Ord. No. HR-325]

Kromer Avenue **[Amended**

### 3-1-2004 by Ord. No. HR-325]

North All/All From 320 feet east of Cassatt Avenue to Easttown Township line

South All/All From Cassatt Avenue to Easttown Township line

Laurel Lane **[Added 7-10-2000 by Ord. No. HR-288]**

Both 6:30 a.m. to 9:00 a.m./Monday through Friday, school days

West from Lizbeth Lane to Robins Lane

Lizbeth Lane **[Added**

### 7-10-2000 by Ord. No. HR-288]

South/ west

6:30 a.m. to 9:00

a.m./Monday through Friday, school days

From Irish Road to Greene Road

Long Lane **[Added 7-10-2000 by Ord. No. HR-288]**

Martins Lane **[Added 7-10-2000 by Ord. No.**

### HR-288; amended 3-1-2004 by Ord. No. HR-325]

Both 6:30 a.m. to 9:00 a.m./Monday through Friday, school days

North 6:30 a.m. to 9:00 a.m./Monday through Friday, school days

Southwest from Robins Lane

Between Conestoga Road and Revere Road

Martins Lane **[Amended**

### 3-1-2004 by Ord. No. HR-325]

South 8:00 a.m. to 4:00 p.m./All From a point 615 feet

northeast of Conestoga Road to Revere Road

### Name of Street Side Hours/Days Location

Oak Lane **[Added 7-10-2000 by Ord. No. HR-288]**

Both 6:30 a.m. to 9:00 a.m./Monday through Friday, school days

West from Lizbeth Lane

Old Lancaster Road **[Added 2-28-2000 by HR-286;**

### amended 3-1-2004 by Ord. No. HR-325]

Old Lancaster Road **[Added**

### 3-1-2004 by Ord. No. HR-325]

Old Lancaster Road **[Added 2-28-2000 by HR-286]**

Old Lancaster Road (Berwyn) **[Amended 3-1-2004 by Ord. No. HR-325]**

North 6:00 a.m. to 4:00 p.m./All From a point 780 feet east of

Conestoga Road to a pont 1,170 feet east of Conestoga Road

North All From a point 1,170 feet east of Conestoga Road to 385 feet west of Howellville Road

South 6:00 a.m. to 4:00 p.m./All From 432 feet east of the

east side of Conestoga Lane to 846 feet east of Conestoga Lane

South All/All From a point 846 feet east of Conestoga Lane to Howellville Road

Old Lancaster Road **[Added 12-3-2007 by Ord. No.**

### HR-366]

Old State Road **[Added**

### 3-1-2004 by Ord. No. HR-325]

Orchard Lane **[Added 7-14-2003 by Ord. No.**

### HR-316; amended 3-1-2004 by Ord. No. HR-325]

Orchard Way **[Added 7-14-2003 by Ord. No. HR-316]**

South 6:30 a.m. to 9:00 a.m./Monday through Friday, school days

Both 6:30 a.m. to 9:00 a.m./Monday through Friday, school days

Both 6:30 a.m. to 9:00 a.m./Monday through Friday, school days

West 6:30 a.m. to 9:00 a.m./Monday through Friday, school days

From the westernmost point of Orchard Lane to a point 275 feet west

From a point 110 feet east of Cassatt Road to 748 Old State Road

From Old Lancaster Road to Old Lancaster Road

From Conestega Road to Bair Road

Paoli Court West 8:00 a.m. to 12:00 a.m./All

North from Lancaster Avenue to a point 200 feet thereof

Poplar Avenue (Devon) East All/All From the South property line

of 229 Poplar Avenue to the North property line of 223 Poplar Avenue

Price Avenue **[Added 3-1-2004 by Ord. No. HR-325]**

Quigley Avenue **[Added 12-3-2007 by Ord. No. HR-366]**

Both All From Kromer Avenue to Conestoga Road

South All From a point 60 feet east of Old Eagle School Road to Strafford Park

### Name of Street Side Hours/Days Location

Revere Road **[Added 7-10-2000 by Ord. No. HR-288]**

Robins Lane **[Added 7-10-2000 by Ord. No. HR-288]**

South Valley Road **[Added 11-6-2000 by Ord. No.**

### HR-293]

Both 6:30 a.m. to 9:00 a.m./Monday through Friday, school days

Both 6:30 a.m. to 9:00 a.m./Monday through Friday, school days

East 8:00 a.m. to 4:00 p.m./Monday through Friday

North from Old Lancaster Road to Robins Lane

North from Laurel Lane to Dayleview Road to Long Lane to Revere Road and north to Laurel Lane

From a point 98 feet south of Lancaster Avenue for a distance of 135 feet south

Summit Avenue **[Added 6-1-1998 by HR-271]**

Tall Oaks Road **[Added 12-3-2007 by Ord. No. HR-366]**

East All First 75 feet of Summit Avenue, north of West Central Avenue

Both All From the south side of Upper Gulph Road to a point 385 feet south

West Valley Road East 6:00 a.m. to 6:00 p.m./Monday through Friday

Upper Gulph Road to Old Eagle School Road

West Valley Road **[Added 2-25-1998 by Ord. No.**

### HR-282]

East All In front of No. 281 (Handicapped Parking Only)

Woodbine Avenue East All From a point 180 feet north of West Central Avenue

Woodbine Avenue **[Added 7-14-2003 by Ord. No.**

### HR-316]

East All From a point 200 feet east of Keystone Avenue to West Central Avenue

Wooded Way **[Added 7-10-2000 by Ord. No. HR-288]**

Both 6:30 a.m. to 9:00 a.m./Monday through Friday, school days

West from Cassatt Road

### § 195-67. Schedule XVIII: Parking Meter Zones.

In accordance with the provisions of § 195-29, it shall be unlawful for any persons to park a vehicle between the hours of 9:00 a.m. and 6:00 p.m. on any day except Sunday, New Year's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving and Christmas, for more than the legal parking time established below, upon the streets or parts of streets described below, which are hereby established as parking meter zones:

### Name of Street Side Time Limit Location

(Reserved)

### § 195-68. Schedule XIX: Snow Emergency Routes. [Amended 10-18-2010 by Ord. No. HR-386]

In accordance with the provision of § 195-43, the following streets or parts thereof are hereby designated as snow emergency routes:

### Name of Street Limits

Bearhill Road (Rt 252) Full length of road

Berwyn Baptist Road Full length of road

Cassatt Road Full length of road

Cedar Hollow Road Full length of road

Chesterbrook Boulevard Full length of road

Church Road Full length of road

Conestoga Road Full length of road

Contention Lane Full length of road

Croton Road Full length of road

Devon State Road Full length of road

Diamond Rock Road Full length of road

DuPortail Road Full length of road

East Central Avenue Rt 252 to North Valley Rd

Hollow Road Full length of road

Howellville Road Full length of road

Irish Road Full length of road

King of Prussia Road Full length of road

Lancaster Ave (U.S. 30) Full length of road

Leopard Road (Rt 252) Full length of road

Matthews Road Full length of road

Mill Road Full length of road

North Valley Road Full length of road

North Wayne Avenue Full length of road

Old Eagle School Road Walker Rd to Lancaster Ave

Old Lancaster Road Lancaster Ave to Conestoga Rd

Old State Road Contention Lane to Devon State Rd

Radnor Road Full length of road

South Valley Road Full length of road

Swedesford Road (E/W/N/S) Full length of road

**Name of Street** Thomas Road Upper Gulph Road Valley Forge Road

Valley Forge Road (Rt 252) Walker Road

Welsh Valley Road West Valley Road

Yellow Springs Road

**Limits**

Walker Rd to Gulph Rd Full length of road

Full length of road Full length of road

Valley Forge Rd to Old Eagle School Rd Full length of road

Upper Gulph Rd to Walker Road

Full length of road

### § 195-69. Schedule XX: Snow Events. [Amended 10-18-2010 by Ord. No. HR-386]

In accordance with the provisions of § 195-46, residents without off-street parking may park vehicles only on the side of the street indicated below:

|  |  |  |
| --- | --- | --- |
| **Name of Street** | **Side** | **Location** |
| Berkley Road | Both | Entire length |
| Fairview Avenue | Both | Entire length |
| Garrett Avenue | Both | Entire length |
| Henry Avenue | Both | Entire length |
| Keystone Avenue | West | Entire length |
| Minor Avenue | Both | Entire length |
| Mt. Pleasant Avenue | East | Entire length |
| Summit Avenue | East | Entire length |
| Woodbine Avenue | East | Between West Central Avenue and Garrett Avenue |

### § 195-70. Schedule XXI: Must Turn Lanes at Intersections.

|  |  |  |  |
| --- | --- | --- | --- |
| **Name of Street** | **Direction** | **Turn** | **Location** |
| Bear Hill Road | North | Left | East Central Avenue |
| Cassatt Road | North | Left | West Swedesford Road |
| Cassatt Road | South | Left | Conestoga Road |
| Cedar Hollow Road | North | Left | West Swedesford Road |
|  | North | Right | West Swedesford Road |
| Cedar Hollow Road | North | Left | Matthews Road |
|  | North | Right | Township Park |
|  | South | Left | Township Park |

|  |  |  |  |
| --- | --- | --- | --- |
|  | South | Right | Matthews Road |
| Cedar Hollow Road | North | Left | Vanguard Boulevard |
|  | North | Right | Vanguard Boulevard |
|  | South | Left | Vanguard Boulevard |
|  | South | Right | Vanguard Boulevard |
| Chesterbrook Boulevard | East | Right | Valley Forge Road |
| Chesterbrook Boulevard | West | Left | Chase Road |
| Chesterbrook Boulevard | West | Left | C.B. Village Center |
| Chesterbrook Boulevard | East | Left | Jefferson Lane |
| Chesterbrook Boulevard | East | Left | Bradford Road |
| Chesterbrook Boulevard | West | Left | Flintlock Lane |
| Chesterbrook Boulevard | East | Left | No. 755 and No. 725 |
|  | West | Left | Lee Road |
|  | West | Right | No. 755 and No. 725 |
| Chesterbrook Boulevard | East | Left | Duportail Road |
|  | West | Right | Duportail Road |
| Drummers Lane | South | Left | East Swedesford Road |
|  | South | Right | East Swedesford Road |
| Duportail Road | East | Left | Chesterbrook Boulevard |
| Duportail Road | West | Right | General Motors |
| Duportail Road | West | Right | Alco Standard |
| Duportail Road | East | Left | Morris Road |
| Lancaster Avenue | East | Left | North Valley Road |
|  | West | Left | South Valley Road |
| Lancaster Avenue | East | Left | Bear Hill Road |
|  | West | Left | Leopard Road |
| Lancaster Avenue | East | Right | Devon Square Complex |
| Lancaster Avenue | East | Left | Old Eagle School |
| Leopard Road | North | Left | Lancaster Avenue |
|  | North | Right | Lancaster Avenue |
| Howellville Road (TE) | North | Right | Conestoga Road |
| Matthews Road | East | Right | Cedar Hollow Road |
| Morris Road | South | Right | Duportail Road |
| Old Eagle School Road | North | Left | East Swedesford Road |

|  |  |  |  |
| --- | --- | --- | --- |
|  | North | Right | East Swedesford Road |
|  | South | Left | East Swedesford Road |
|  | South | Right | East Swedesford Road |
| Old Eagle School Road | North | Right | Treyburn Development |
| Old Eagle School Road | North | Left | Upper Gulph Road (yield) |
|  | South | Left | Upper Gulph Road (yield) |
| Old Eagle School Road | South | Left | Lancaster Avenue |
| Swedesford Road (East) south of Rt. 202 | West | Left | Valley Forge Road |
|  | West | Left | Valley Forge Road |
| Swedesford Road (East) south of Rt. 202 | East | Right | West Valley Road |
|  | East | Left | West Valley Road |
| Swedesford Road (East) north of Rt. 202 | West | Right | Gateway Center |
|  | West | Right | Gateway Center (rear) |
| Swedesford Road (East) north of Rt. 202 | East | Left | West Valley Road |
|  | West | Left | West Valley Road (yield) |
| Swedesford Road (East) north of Rt. 202 | West | Right | Corporate Park No. 575 |
| Swedesford Road (East) | East | Left | Old Eagle School Road |
|  | West | Left | Old Eagle School (yield) |
|  | West | Right | Old Eagle School Road |
| Swedesford Road (East) | East | Left | Drummers Lane (yield) |
| Swedesford Road (West) | East | Right | Cedar Hollow Road |
|  | West | Left | Cedar Hollow Road |
| Swedesford Road (West) | East | Right | Bear Hill Road |
|  | East | Left | West Swedesford Road |
| Swedesford Road (West) | South | Right | West Swedesford Road |
|  | South | Left | Howellville Road |
| Swedesford Road (West) | East | Right | Cassatt Road |
|  | West | Left | Cassatt Road |
| Swedesford Road (West) | East | Right | Old Cassatt Road |
| Valley Forge Road | North | Left | West Swedesford Road |

|  |  |  |  |
| --- | --- | --- | --- |
|  | North South  South | Right Left  Right | East Swedesford Road East Swedesford Road  West Swedesford Road |
| Valley Forge Road | North | Left | West Anthony Wayne Drive |
|  | North | Right | Anthony Wayne Drive |
|  | South | Left | Anthony Wayne Drive |
| Valley Forge Road | North | Left | Chesterbrook Boulevard |
|  | South | Left | Sullivan Road |
| West Valley Road | North | Right | East Swedesford Road |
|  | South | Left | Rt. 202 North ramp |

**§ 195-71. Schedule XXII: Standing or Stopped Vehicles Prohibited. [Added 2-25-1998 by Ord. No. HR-282]**

In accordance with the provisions of § 195-21.1, no person shall cause a vehicle to stop or stand on any of the streets or parts thereof described below:

### Street Side Location

Howellville Road **[Added 11-6-2000 by Ord. No. HR-293]**

Northeast Northwest from the Hillside School

driveway to intersection of Cloverly Road

Old Lancaster Road North West from intersection of Howellville Road for a distance of 194 feet

West Valley Road **[Added 7-10-2000 by** East/west North from Upper Gulph Road to

**Ord. No. HR-288]** intersection of School Lane

## Chapter 197 VEHICLES, RECREATIONAL

### [HISTORY: Adopted by the Board of Supervisors of the Township of Tredyffrin as indicated in article histories. Amendments noted where applicable.]

**GENERAL REFERENCES**

**Vehicles and traffic — See Ch. 195.**

ARTICLE I

**Minibikes**

**[Adopted as Ch. VI, Art. III, § 304B, of the 1979 General Laws of the Municipality of Tredyffrin]**

**§ 197-1. Title.**

This article shall be known as the "Minibike Inspection and Registration Ordinance of Tredyffrin Township."

### § 197-2. Definitions.

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

BAFFLED MUFFLER — That type of muffler commonly used on minibikes and other vehicles which prevents the exhaust gas from passing straight through the muffler or exhaust pipe. A baffled muffler shall be defined for the purposes of this article as one which requires the exhaust gases to pass through a series of steel plates, tubes or fiberglass packing in order to muffle the noise of the engine.

GOGGLES — The goggles or full protective shield that shall be worn shall be of a clear and unbreakable, shatterproof material which fully covers the eyes and which fits tightly against the face.

MINIBIKE — Every motor vehicle having a saddle for the use of riders and designed to travel on not more than three wheels in contact with the ground, bicycles with motor attached, including those vehicles known as "trail bikes," "motorbikes" and "minibikes," except any such vehicle as may be included within the term "tractor," as defined in the Pennsylvania Motor Vehicle Code,**185** or any such vehicle which is inspected and/or licensed by the Commonwealth of Pennsylvania under applicable law.

PROTECTIVE HELMET — The protective helmet that shall be worn under the provisions of this article shall have a fiberglass or plastic (polymer) outer shell and either high-density foam or Styrofoam lining. It shall cover the entire cranium, the ears, the back of the head and the upper part of the neck.

### § 197-3. Registration required.

It shall be unlawful for any person to operate a minibike upon any property, private or public, in the Township of Tredyffrin, unless said minibike is registered and tagged as herein provided.

### § 197-4. Registration date.

Within one month of the effective date of this article, each minibike maintained in the Township of Tredyffrin which is used or intended to be used on any property, private or public, in Tredyffrin Township shall be registered with the Tredyffrin Township Police Department.

### § 197-5. Establishment of rules and regulations.

The Police Department may enact rules and regulations in accordance with this article for the registration and inspection of minibikes.

### § 197-6. Forms and fees.

The aforesaid registration shall be made upon forms to be provided by the Police Department in accordance with this article and the rules and regulations enacted by the Police Department hereunder. The fee for the

1. **Editor's Note: See 75 Pa.C.S.A. § 101 et seq.**

registration of each minibike shall be as set from time to time by resolution of the Board of Supervisors.

### § 197-7. Reregistration.

Each minibike shall be reregistered annually during the month of September each year after its original registration.

### § 197-8. License, tags and stickers.

Upon such registration or reregistration, the Police Department shall issue license, tags or stickers to be valid for a period of one year, or upon reregistration during the month of September each year hereafter, whichever shall be the first to occur. Such issuance of tags or stickers is contingent upon satisfactory compliance with the rules and regulations and safety inspection hereinafter provided for. Such license, tag or sticker numbers and registration shall be serially numbered and kept on file in the Police Department as a matter of public record. Upon such registration, the Police Department shall cause such identification tag or sticker to be affixed to the registered minibike, serially numbered to correspond with the registration number. Such tag or sticker shall remain affixed to the minibike unless removed by the Police Department for cause or upon reregistration. Duplicate tags or stickers or a replacement sticker shall be issued for a fee as set from time to time by resolution of the Board of Supervisors in the event of theft or loss upon the owner providing a written statement that such theft or loss has taken place.

### § 197-9. Expiration date.

All registrations shall expire the first Saturday in September of each year, and the costs of reregistration shall be as set from time to time by resolution of the Board of Supervisors.

### § 197-10. Unsafe mechanical condition.

No bike shall be registered which, in the opinion of the Police Department of the township, after inspection by the duly authorized representative of the Department at a location designated by the Superintendent of Police, is in unsafe mechanical condition, nor shall an identification tag or sticker be issued with respect to such unsafe minibike, nor shall such minibike be registered or identification tag or sticker be issued in the event that the owner does not present himself at the time of such inspection with a protective helmet and goggles, as herein defined, and aver in writing that said protective helmet and goggles belong exclusively to him/her and/or that he/she will not operate or permit the minibike to be operated unless the operator wears said protective helmet and goggles. Further, no minibike shall be registered nor shall any identification tag or sticker be issued hereunder unless said minibike shall be equipped with a baffled muffler, as hereinafter defined, and unless said baffled muffler is in working order.

### § 197-11. Destroying sticker.

No person shall willfully remove, deface or destroy any identification tag or sticker.

### § 197-12. Changing registration.

Within two weeks after any minibike registered hereunder shall have changed ownership or shall have been dismantled or taken out of operation, the person in whose name the minibike has been registered shall report such information to the Police Department. In case of a change of ownership, registration shall thereupon change to show the name of the new owner. In the case of the dismantling or taking out of operation of such minibike, the registration shall be canceled and the identification tag or sticker destroyed.

### § 197-13. Unregistered and unsafe operation.

No person shall operate an unlicensed or unregistered minibike in Tredyffrin Township, and no person shall operate a registered and tagged minibike in a manner which is deemed dangerous by said Police Department to the person or property of other users of land in Tredyffrin Township.

### § 197-14. Violations and penalties. [Amended 10-19-1998 by Ord. No. HR-278; 10-2-2000 by Ord. No. HR-290]

Any person who violates or permits a violation of this article, shall be guilty of a summary violation and, upon conviction, shall be sentenced to pay a fine of not more than $1,000, plus all court costs, including reasonable attorney's fees, incurred by the township in the enforcement of this article. Each day a violation exists shall constitute a separate offense. In default of the payment of any fine, the defendant shall be sentenced to imprisonment to the extent allowed by law for the punishment of summary offenses. Further, the appropriate officers or agents of the township are hereby authorized to seek any other available relief at law or equity, including injunction, to enforce compliance with this article.

## Chapter 199 VENDING MACHINES

### [HISTORY: Adopted by the Board of Supervisors of the Township of Tredyffrin as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

**Cigarette Vending Machines**

**[Adopted 5-20-1991 by Ord. No. HR-167 (Ch. VI, Art. 8, of the 1979 General Laws of the Municipality of Tredyffrin)]**

**§ 199-1. Purpose.**

1. The General Assembly of the Commonwealth of Pennsylvania has prohibited the sale of tobacco products to any minor under the age of 18 years (18 Pa.C.S.A. § 6305). It is determined by the Board of Supervisors that the use of tobacco products by minors poses a danger to their, and the general public's health, safety and welfare.
2. It is determined by the Board of Supervisors that many minors illegally purchase cigarettes by means of vending machines. It is determined by the Board of Supervisors that regulating cigarette vending machines to prevent use by minors will significantly reduce consumption of tobacco products by minors and benefit public health, safety and welfare.

### § 199-2. Definition of terms.

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

CIGARETTE VENDING MACHINE — Any automatic vending machine for the sale of cigarettes, controlled by the insertion of legal tender. It shall not include machines or devices used solely for the vending of service, food or confections.

PERSON; FIRM; CORPORATION; ASSOCIATION — As used herein, the terms shall include the following: any person, firm, corporation or association which owns any such machine; the person, firm, corporation or association in whose place of business any such machine is placed for use by the public; and the person, firm, corporation or association having control over such machine.

### § 199-3. Prohibitions and restrictions.

No person, firm, corporation or association shall own, operate, rent or permit the use of a cigarette vending machine in any location on premises under his or her control in Tredyffrin Township.

### § 199-4. Violations and penalties.186

Any person, firm, corporation or association who or which violates or permits a violation of this article, upon being found liable therefor in a civil enforcement proceeding, shall pay a fine of not less than $50 nor more than $600, plus all court costs, including reasonable attorney's fees, incurred by the township in the enforcement of this article. No judgment shall be imposed until the date of the determination of the violation by the District Justice and/or Court. 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 a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.

1. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

## Chapter 203 WOODLAND CONSERVATION

### [HISTORY: Adopted by the Board of Supervisors of the Township of Tredyffrin 8-28-2023 by Ord. No. HR-470. Amendments noted where applicable.]

**§ 203-1. Purposes.**

The standards of this chapter have been established to promote the public health, safety and welfare of the residents of Tredyffrin Township, based on the following considerations:

1. Trees reduce flooding as tree canopies slow rainwater and leaves and tree roots absorb rainwater.
2. Trees reduce soil erosion and damage to land and property by slowing and absorbing rainfall.
3. Tree roots contribute to slope stabilization, thereby limiting damage to land and property.
4. Trees contribute to air quality by removing and storing carbon dioxide and greenhouse gases, producing oxygen, intercepting and trapping airborne particulates and by cooling the air thereby reducing energy consumption in the summer.
5. Heritage (specimen) trees provide an integral part of the Township's natural heritage, scenic viewsheds, historic woodland settings, passive recreation, and wildlife habitat.

### § 203-2. Intent.

The intent of the Board of Supervisors of Tredyffrin Township with the adoption of this chapter is as follows:

1. To minimize the effects of increased soil runoff and flooding due to clearing or disturbance of woodlands in the Township.
2. To regulate and prevent the disturbance or significant loss of woodlands in the Township.
3. To regulate and prevent the loss of heritage (specimen) trees in the Township.
4. To integrate with floodplain, steeply sloped areas, wetlands, and other ordinance requirements that regulate environmentally sensitive areas to minimize hazards to life, property, and woodlands.
5. To provide standards for the disturbance of woodlands, and for the replacement of woodlands.

### § 203-3. Definitions.

Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meanings indicated in this section. Words used in the present tense include the future, the singular number includes the plural, and the plural the singular. Where terms are not defined in this section but are defined in the Township Zoning Ordinance or Subdivision and Land Development Ordinance, they shall have the meanings ascribed to them as in the Zoning Ordinance or the Subdivision and Land Development Ordinance. Where terms are not defined under the provisions of this chapter or under the provisions of the Zoning Ordinance or the Subdivision and Land Development Ordinance, they shall have ascribed to them their ordinarily accepted meanings or such as the context herein may imply.

CALIPER — The diameter of a tree trunk at a point six inches from the ground surface at the center of the

base of the tree.

CANOPY TREE — Large deciduous tree with shade-providing foliage, generally reaching a minimum of 30 feet or greater in height in maturity.

CRITICAL ROOT ZONE (CRZ) — The distance from the trunk that equals one foot for every inch of the tree's diameter.

DIAMETER BREAST HEIGHT (DBH/dbh) — The outside bark diameter at breast height which is defined as 4.5 feet (1.37 m) above the forest floor on the uphill side of the tree.

DRIP LINE — The marking where the outer edge of a tree's branches overhangs the ground.

EVERGREEN TREE — A woody plant capable of reaching a minimum mature height of 30 feet or greater with evergreen foliage persistent year-round.

FLOWERING/ORNAMENTAL TREE — A deciduous tree, single or multi-stem, with a minimum height of 15 feet but less than 30 feet in height at maturity.

HAZARDOUS TREE — Any tree with verifiable structural defects that poses an imminent hazard to existing structures, personal property or bodily harm.

HERITAGE TREE (SPECIMEN TREE) — A tree with a diameter of 24 inches or greater or a unique, rare or otherwise specifically selected tree which most typically represents a whole class or group, specifically in shape, form or historical importance, including but not limited to a tree whose growth pattern has been significantly altered by a natural and/or man-made action, one which has been historically documented (showing up in written histories), one on which there are historic plaques, markers, carvings or unusual markings in the bark or one which identifies a particular location and which shall be designated as such by the Township during plan review.

INVASIVE TREE — Any tree that appears on the most recent invasive plants list published by the Pennsylvania Department of Conservation and Natural Resources (DCNR).

NATIVE TREE — A tree species indigenous to Southeastern Pennsylvania that occurs naturally without human intervention.

NONVIABLE TREE — Any tree that meets the following conditions: dead trees, trees with substantial visible dieback; and trees in severe decline.

TREE REMOVAL PERMIT — Permit issued by the Township for the removal and replacement of trees when required by the provisions of this chapter. Applications for building, subdivision and land development, grading, and/or stormwater shall incorporate this permit as part of their application.

WOODLANDS — Areas characterized by dense and extensive tree cover growing closely together so that the driplines touch or overlap and in which there is more than one viable tree of a diameter of six inches or greater per 1,500 square feet of lot area. This definition also includes groves of flowering or subcanopy trees, such as dogwood trees and young forests where the immature branches may not yet be interlocking. (To determine if an area has more than one viable tree of six inches or greater caliper per 1,500 square feet, the total area of the land in question, in square feet, shall be divided by 1,500. If the result is equal to or less than the number of viable trees of a diameter of six inches or greater and meets the other stated characteristics, the area in question is considered a woodland.)

### § 203-4. Applicability.

The requirement of this chapter shall apply for all lots that remove more than five trees measuring six inches dbh or more on a rolling twelve-month period.

### § 203-5. Requirements.

1. Permit required. A tree removal permit from the Township shall be required when this chapter applies.
2. Compensatory trees. The tree removal permit shall demonstrate that compensatory trees will be provided at a rate of one 2 1/2 inch or more caliper tree for every 12 inches dbh of trees removed. For noninsasive trees of 36 inches dbh or greater compensatory trees replanting shall be provided at a rate of two 2 1/2 inch or more caliper trees for every 12 inches dbh of trees removed.
   1. Canopy trees shall constitute at least 2/3 of compensatory trees provided, with the balance comprised of evergreen trees. Ornamental/flowering trees shall not be utilized for compensatory tree replacements.
   2. At least 50% of the total amount of compensatory trees are required to be native trees selected from the lists contained in Appendix A.**187**
3. The fee for a tree removal permit shall be as provided by resolution of the Board of Supervisors in the Township's fee schedule.
4. Exemptions. Trees removed in the following circumstances shall be exempt from the tree removal permit and the compensatory planting requirements:
   1. Trees removed that were grown for commercial nurseries, fruit orchards, or tree farms.
   2. Arboretum or open land conservancy properties.
   3. Trees removed that are less than six inches dbh.
   4. Dead trees or trees that have already fallen due to natural causes such as disease or extreme weather.
   5. Nonviable trees.
   6. Hazardous trees.
5. Where an applicant submits a plan prepared by a professional landscape architect, accredited landscape designer or a certified arborist which demonstrates that removal of invasive trees is necessary for proposed landscape restoration and replanting plan, the total dbh for those invasive species proposed for removal may be reduced by 50% for the purposes of calculating the required number of replacement trees upon the concurrence of the Township arborist.
6. Payment in lieu of planting. When an applicant demonstrates to the satisfaction of the Township that the lot cannot accommodate all required compensatory trees, a payment in lieu of tree planting may be authorized by the Township to the Township's tree replacement fund as per the Township's Fee Schedule. Use of the tree replacement fund shall be used for future planting and maintenance of trees at approved sites as well as to professional fees such as Township arborist or landscape architect fees to administer the program or facilitate planting.
7. Woodlands on slopes of less than 15%. Fifty percent of the total area covered by woodlands located on slopes of less than 15% shall be protected.
8. **Editor's Note: Appendix A is included as an attachment to this chapter.**
9. Woodland disturbance on slopes greater than or equal to 15% shall be further restricted to the limits established by § 208-118, steep slope regulations. Any trees removed in violation of the steep slope requirements shall be replaced in accordance with the compensatory tree replacement standards of this chapter. Compensatory tree replacement shall be located within the limits of the impacted steep slopes. There shall be no payment in lieu of planting for these violations.
10. Tree removal within floodplains and wetlands shall not be permitted, in accordance with § 208-15.1. Any trees removed in violation of the flood hazard requirements shall be replaced in accordance with the compensatory tree replacement standards of this chapter. Compensatory tree replacement shall be located within the limits of the impacted floodplain. There shall be no payment in lieu of planting for these violations.

### § 203-6. Permit plan requirements.

Applications for tree removal permits shall provide information to demonstrate compliance with this section.

1. The applicant shall submit a plan that includes all of the following:
   1. A delineation of the size and location of all trees with a dbh of six inches or greater which are proposed to be removed. Species delineation should be included if any exemptions for invasive species are to be claimed.
   2. A chart summarizing the proposed removals, any exemptions to be deducted per § 203-5D, above, and the tree replacement calculation. In the case of subdivisions, tree removal and compensatory planting calculations shall be calculated on an individual lot basis and assigned to individual property records for future reference.
   3. Special considerations for protection and avoidance of removal of heritage (specimen) trees shall be noted on the tree removal permit applications. When a heritage tree is proposed for removal, the plan shall be delineated and address the reasons for removing the tree, and any design alternatives considered to save the tree.
   4. A planting plan illustrating the size, species, and location of trees to be planted in compliance with the tree replacement formula.
   5. The plan(s) shall illustrate the location of the limits of disturbance and protective tree fence around trees to remain, including a detail of such
2. All trees to be removed within the area of disturbance must be clearly marked at the base of each tree with visible, permanent forestry-type paint and/or ribbon indicating the status of each tree to be removed.
3. Trees which are damaged during construction by heavy equipment operation over their critical root zone or other incursions beyond the limits of disturbance shall be evaluated and if they need to be removed, they shall be added to the replacement calculations.
4. Replacement trees shall be protected from deer rub and/or browse from deer.

### § 203-7. Enforcement, violations and penalties.

1. The Township Engineer, Zoning Officer or their designee are hereby authorized and directed to enforce all of the provisions of this chapter.
2. Any person who violates or permits a violation of this chapter shall be guilty of a summary violation and, upon conviction, shall be sentenced to pay a fine of not more than $1,000, plus all court costs, including reasonable attorney's fees, incurred by the Township in the enforcement of this chapter. Each day a violation exists shall constitute a separate offense. In default of the payment of any fine, the defendant shall be sentenced to imprisonment to the extent allowed by law for the punishment of summary offenses. Further, the appropriate officers or agents of the Township are hereby authorized to seek any other available relief at law or equity, including injunction, to enforce compliance with this chapter.

### § 203-8. Appeals.

Any person wishing to contest the decision of the Township under this chapter shall have the right to appeal, in writing, to the Board of Supervisors, with 30 days of the date of the alleged action. The Board of Supervisors shall consider individual hardship considerations of the property owner with respect to cost, property maintenance and stewardship of the property, and other such factors deemed appropriate by the Board.

## Chapter 208 ZONING

### [HISTORY: Adopted by the Board of Supervisors of the Township of Tredyffrin as Ch. IX, Arts. 1 through 23, of the 1979 General Laws of the Municipality of Tredyffrin. Amendments noted where applicable.]

**GENERAL REFERENCES**

**Planning Commission — See Ch. 43. Voting districts — See Ch. 54.**

**Building construction — See Ch. 80. Historical District — See Ch. 114.**

**Quarries — See Ch. 156.**

**Sewers and sewage disposal — See Ch. 163. Subdivision and land development — See Ch. 181.**

ARTICLE I

**Title, Purpose, Interpretation and Conflict**

**[Amended 12-3-1991 by Ord. HR-187; 5-1-2006 by Ord. No. HR-252]**

**§ 208-1. Title.**

This chapter shall be known as and may be cited as the "Tredyffrin Township Zoning Ordinance of 1939."

### § 208-2. Purposes and community development objectives.

1. Purposes. This chapter is enacted to promote, protect and facilitate any or all of the following:
   1. The public health, safety, morals and the general welfare; coordinated and practical community development and proper density of population; airports and national defense facilities; the provision of adequate light and air, access incident to solar energy, police protection, vehicle parking and loading facilities, transportation, water, sewerage, schools, recreational facilities and public grounds; the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use and other public requirements; as well as preservation of the natural, scenic and historic assets in the environment and preservation of forests, wetlands, aquifers and floodplains.
   2. To prevent one or more of the following: overcrowding of land, blight, danger or congestion in travel and transportation and loss of health, life or property from fire, flood, panic or other dangers.
   3. To provide for the use of land within the Township for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements, mobile homes and mobile home parks; provided, however, that this chapter shall not be deemed invalid for the failure to provide for any other specific dwelling type.
   4. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.
2. Community development objectives. The community development objectives which provide the basis for zoning policy are the planning objectives included in the Comprehensive Plan of Tredyffrin Township, as amended, and additional objectives as have been added by amendment to this chapter, as follows:
   1. To encourage and provide for the development and maintenance of attractive, healthy, safe and stable residential areas; to provide for the development of diversified residential environments allowing for a sufficient choice among housing types and the changing needs of a maturing and expanding community.
   2. To assure the adequate and convenient provision of public and private supporting services and facilities essential to the development and needs of a growing and well-rounded community.
   3. To capitalize on Tredyffrin's unique geographic position and relationship to major rail and highway facilities by encouraging and providing for compatible industrial, research and development, commercial and office uses.
   4. To protect areas with special aesthetic, scenic or other natural qualities and features, for purposes of visual amenity and recreation, adequate drainage, soil stabilization, protection of water resources and other conservation requirements and to assure that all development which occurs in or near historic areas takes adequate account of and recognizes the heritage and the many historical elements and features of the Township. In addition to the foregoing, specific objectives relative to preservation of natural features are:
      1. To preserve the natural amenities of the Township.
      2. To protect and conserve groundwater and surface water resources.
      3. To minimize soil erosion and sedimentation.
      4. To maintain adequate foliage and vegetative cover to control problems of flooding, soil erosion, air and noise pollution; to protect natural vegetation and wildlife habitat, especially Pennsylvania Natural Diversity Inventory (PNDI) sites identified in the Chester County Natural Areas Inventory of 2000; to preserve vegetation for its scenic and aesthetic value.
      5. To protect residents of the Township from property damage and personal injury caused by runoff, erosion, landslides and flooding caused by nearby development.
   5. To encourage development patterns which will minimize future operating and capital expenditure requirements, including consideration of imaginative and innovative approaches to the development of the Township so as to achieve an overall environment of quality, harmony, variety and interest.
   6. To provide for a street and transportation system that will move people and goods safely and efficiently.
   7. To assure consistency with multimunicipal and county comprehensive plans.

### § 208-3. Interpretation.

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the health, safety and morals and general welfare of the Township.

### § 208-4. Conflict.

It is not intended by this chapter to interfere with or abrogate or annul any rules, regulations or permits previously issued thereunder and not in conflict with any of the provisions of this chapter. When this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of a building or requires larger open spaces than are imposed or required by such rules, regulations or permits, the provisions of this chapter shall prevail.

### § 208-5. Validity.

Should any section or provision of this chapter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this chapter as a whole or of any other part thereof.

ARTICLE II

**Terminology**

**[Amended 6-16-1980 by Ord. No. HR-48; 1-5-1981 by Ord. No. HR-54; 8-15-1983 by Ord. No. HR-76; 2-27-1984 by Ord. No. HR-80; 3-18-1985 by Ord. No. HR-90; 10-5-1987 by Ord. No. HR-112; 12-18-1989 by Ord. No. HR-135; 5-6-1991 by Ord. No. HR-165; 8-19-1991 by Ord. No.**

**HR-170; 12-3-1991 by Ord. No. HR-187; 6-21-1993 by Ord. No. HR-205; 6-21-1993 by Ord. No. HR-206; 4-4-1994 by Ord. No. HR-226; 12-12-1994 by Ord. No. HR-236; 10-6-1997 by Ord. No. HR-262; 12-15-1997 by Ord. No. HR-265; 9-14-1998 by Ord. No. HR-277; 10-19-1998 by Ord. No.**

**HR-278; 9-18-2000 by Ord. No. HR-289; 5-1-2006 by Ord. No. HR-352]**

**§ 208-6. Definitions; word usage.**

1. Meanings of words. Unless otherwise expressly stated, the following words and phrases shall, for the purpose of this chapter, have the meanings herein given.
   1. The present tense includes all other tenses; the singular includes the plural, and the plural includes the singular; the word "occupy" includes the words "designed or intended to be occupied"; the word "used" includes the words "arranged, designed or intended to be used"; the word "person" includes any individual, estate, trust, fiduciary, partnership, association, corporation or any other organization or entity, including the principal officers thereof or any person or entity acting directly or indirectly by, through or under any of the foregoing; the word "shall" is always mandatory; and the word "may" is always permissive. The words "as amended from time to time" and the like as applied to any statute, ordinance, code, regulation, plan or map includes replacements, supplements or restatements thereof; and reference to a particular article, section or subsection which inherently refers to other articles, sections or subsections includes all articles, sections or subsections referred to.
   2. The word "Township" means Tredyffrin Township, Chester County, Pennsylvania; the term "Board of Supervisors" means the Board of Supervisors of Tredyffrin Township; the term "Planning Commission" means the Planning Commission of Tredyffrin Township; and the term "Zoning Hearing Board" means the Zoning Hearing Board of Tredyffrin Township.
   3. The terms "approval by the Township" shall mean approval by the Board of Supervisors or by the Planning Commission as provided in this chapter.
   4. The terms "such as," "including," and the like, are intended to introduce matters which are illustrative of the meaning of the sentence, clause or phrase in which such terms appear without limiting or derogating from the general application of the sentence, clause or phrase in which such terms appear.
2. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

ABANDONMENT — The cessation of a use of a property (land and/or structures) by the landowner for a period of one year or more.

ABSORPTIVE SOUND BARRIERS — A man-made wall or structure:**[Added 8-14-2006 by Ord. No. HR-355]**

* 1. With a sound absorption coefficient ("NRC") of l.00 or greater as defined by ASTM c-423; and
  2. With a sound transmission loss ("STC") of 35 dB or greater as defined by ASTM E-90-70.

ACCESSORY BUILDING or STRUCTURE — A building subordinate to and detached from the principal building on a lot, used for purposes customarily incidental to those of the principal building, such as signs, barns, garages, sheds, fencing, walls, tennis courts, basketball courts, swimming pools, and the like, and not to be used for residential purposes unless such building was originally designed for residential uses, as in conjunction with an institution.

ACCESSORY USE — A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of land or of a building on the same lot.

AGE-TARGETED HOUSING — A development of dwelling units of three bedrooms or less which, by floor plans and exterior maintenance by a homeowners association, is generally more attractive to older adults. At least 50% of the units in any development shall have either a first-floor master bedroom or provide the option of elevator access to the upper floors of the dwelling, An age-targeted housing community may be voluntarily restricted to active adult housing but is not required to do so. The homeowners association declaration for an age-targeted community shall specifically include the requirements and restrictions of this definition.**[Added 10-1-2012 by Ord. No. HR-396]**

AGRICULTURAL USE — A principal use involving the cultivating of the soil, the raising, keeping and/or training of livestock and/or poultry and the harvesting of products of the soil. The term "agricultural use" includes farming, animal husbandry, riding academy, horticulture and forestry.

AIRPORT — An area of land or water which is used, or intended to be used, for airport buildings or air navigation facilities or rights-of-way, together with airport buildings and facilities thereon. The term includes heliports and public airports.

ALTERATION — Any change in the exterior or structural portion of a building; any change to or in a building which would alter its zoning use classification; or any change which would alter the type or method of sewage disposal system.

AMATEUR RADIO ANTENNA — An antenna used in the sending and receiving of amateur radio service communications in the form of electromagnetic waves and as authorized by the issuance of an amateur radio license by the Federal Communications Commission ("FCC"), provided that the transmission and reception of such electromagnetic waves is compliant with all FCC regulations.**[Added 2-21-2017 by Ord. No. HR-414]**

AMATEUR RADIO ANTENNA SUPPORT STRUCTURE — Any structure, mast, pole, tripod or tower utilized for the purpose of supporting an amateur radio antenna.**[Added 2-21-2017 by Ord. No. HR-414]**

AMATEUR RADIO SERVICE COMMUNICATIONS — A radio communication service owned and operated by an amateur radio operator licensed by the FCC solely for personal, and not pecuniary, interest.**[Added 2-21-2017 by Ord. No. HR-414]**

AMUSEMENT AND RECREATION SERVICES — Establishments engaged in providing entertainment for a fee, including such activities as dance halls, studios, theatrical productions, bands, orchestras and other musical entertainment; bowling alleys and billiard and pool establishments; commercial facilities such as arenas, rings, rinks and racetracks; public golf courses and driving ranges; coin-operated devices, amusement parks, membership sports and health clubs, swimming pools, riding academies, carnival operations, expositions, game parlors and horse rides.

ANTENNA — A device used to transmit and/or receive radio waves between terrestrially and/or orbitally based structures. See "communications antenna."

APARTMENT — One or more rooms with a private bath and kitchen facilities designed for and occupied exclusively as a residence for only one family, in a building containing at least one

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additional independent use.

APARTMENT, ACCESSORY — One dwelling unit which is incidental and subordinate to the principal use of a building on a lot which may be either a separate living unit for a member of the family or other relatives, servants or caretakers in a residence or one dwelling unit in conjunction with the principal nonresidential use of a building.

APARTMENT HOUSE — See "dwelling multifamily."

ARTERIAL HIGHWAY — A street that connects and distributes traffic to and from minor arterials, with access control, channelized intersections and restricted parking. Major arterials carry regional traffic between communities and are listed in the Comprehensive Plan.

ASSISTED LIVING FACILITY — Residences for the elderly that provide rooms, meals, personal care and supervision of self-administered medication. Services may also include recreational activities, financial services and transportation.

AUTOMOBILE SERVICE STATION — Any building, land area or other premises, or other portion thereof, used for retail dispensing or sales of vehicular fuels; servicing and repair of automobiles; and including as an accessory use the sale and installation of lubricants, tires, batteries and similar vehicle accessories.

A-WEIGHTED SOUND LEVEL — The sound pressure level in decibels as measured on a federally approved and calibrated sound level meter using the A-weighting scale. The level so read is designated dB(A) or dBA.**[Added 8-14-2006 by Ord. No. HR-355]**

AWNING — A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements and is periodically retracted into the face of the building.

BASE FLOOD — A flood which has a one-percent chance of being equaled or exceeded in any given year (also called the "one-hundred-year flood" or the "one-percent-annual-chance flood).**[Added 10-16-2017 by Ord. No. HR-417]**

BASE FLOOD ELEVATION (BFE) — The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a one-percent-or-greater chance of being equaled or exceeded in any given year.**[Added 10-16-2017 by Ord. No. HR-417]**

BASEMENT — An enclosed area of a building partly or completely below grade; provided, however, for purposes of Article V of this chapter, "basement" is defined as any area of the building having its floor below ground level on all sides.**[Amended 10-16-2017 by Ord. No. HR-417]**

BED-AND-BREAKFAST — A building used for the purpose of furnishing temporary lodging to guests, together with food service to such guests, limited to breakfast and sometimes lunch or afternoon tea, prepared and served on site only to such guests and having an owner or manager in residence on the property. Such temporary lodging would normally be for a few nights and typically would not exceed a week.

BOARDER — A nontransient individual other than a member of the family occupying, along with the principal occupants, a dwelling or part thereof who, for consideration, is furnished sleeping accommodations and may be furnished meals or kitchen privileges.

BUFFER AREA — Land adjacent to the boundary of a property or district and on which is placed year-round shrubbery, hedges, evergreen trees or other suitable plantings of sufficient height and density to constitute a visual shield and give protection from noise, lights or other nuisances to an abutting property or district.

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BUILDING or STRUCTURE — Any combination of materials for which a building permit is required by Chapter 80, Building Construction, of the Tredyffrin Township Code; any combination of materials forming any structure, whether or not affixed to the land, designed, intended or arranged for the housing, sheltering, enclosure or structural support of any persons, animals, process, equipment, goods, materials or property of any kind, including all manufactured homes, recreational vehicles and trailers to be used for human habitation; mechanical equipment; and decks, walls and/or fences if more than four feet in height. Notwithstanding the foregoing, for purposes of Article V of this chapter, a "structure" is defined as a walled and roofed building, including a gas or liquid storage tank that is principally above ground.**[Amended 10-16-2006 by Ord. No. HR-357; 10-16-2017 by Ord. No. HR-417]**

BUILDING AREA — The ground utilized by the buildings on a lot, excluding cornices, eaves, gutters or chimneys projecting not more than 18 inches from the walls of the building, steps, patios, one-story open decks and porches, bay windows and balconies not extending through more than one story and not projecting more than five feet from the wall of the buildings, balconies and terraces.

BUILDING COVERAGE — That portion or percentage of the lot area covered by a principal or accessory building or buildings, including parking structures. See "lot area."

BUILDING HEIGHT — See "height of building."

BUILDING LINE — The line which establishes the minimum depth of front yard for the particular district as measured from the right-of-way line. In the case of a flag or irregular lot, the building line is measured at the point at which the lot first obtains the minimum lot width.

BULK — The term used to describe the size of buildings or other structures and their relationship to each other, to open areas such as yards and to lot lines. The term may include the size, height and floor area of buildings or other structures; and all open areas in yard space relating to buildings and other structures.

BUS SHELTER — See "public transportation shelter."

CALIPER — The diameter of a tree trunk at a point six inches from the ground surface at the center of the base of the tree.

CAPTURE AND REUSE SYSTEM — A structural system that intercepts, diverts, stores, and releases stormwater runoff for future use. Capture and reuse systems can be used for landscaping irrigation during dry weather, nonpotable water uses, and on-site stormwater disposal.**[Added 10-1-2012 by Ord. No. HR-396]**

CAR WASH — Any building or premises used for washing motor vehicles.

CARBONATE GEOLOGIC AREAS — Areas underlain by the limestones and dolomites (calcium carbonate and magnesium carbonate).

CELLULAR TOWER SITE — A parcel of land containing a tower, sending and receiving antennas attached to the tower or a prefabricated or modular structure or cabinets containing electronic equipment; a Federal Communications Commission (FCC) licensed facility, designed and used for the purpose of transmitting, receiving and relaying voice and data signals from various wireless communication devices and equipment. For purposes of this chapter, amateur radio transmission facilities and facilities used exclusively for receive-only antennas are not classified as cellular telecommunications towers and facilities.

CEMETERY — Property used for the interment of the dead.

CERTIFIED ARBORIST — An individual with a degree in arboriculture, horticulture, forestry,

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landscape architecture, silviculture or plant physiology and having been trained in and having experience in the care and preservation of trees, who is certified by the International Society of Arboriculture and a member of that organization and/or of the National Arborists Association.

CHANNEL — A natural or artificial watercourse that conveys, continuously or periodically, flowing water. Channels include, but shall not be limited to, natural and human-made drainageways, swales, streams, ditches, canals, and pipes flowing partly full.**[Added 10-16-2017 by Ord. No. HR-417]**

CHURCH — See "place of worship."

CLINIC — An establishment where patients are admitted for examination and treatment on an outpatient basis by physicians, dentists and other medical personnel, psychologists or social workers and where such examination and treatment generally require a stay of less than 24 hours.

CLUB OR LODGE — A noncommercial social, professional or philanthropic organization characterized by the payment of dues, regular meetings and a constitution and bylaws. A building is used for club or lodge purposes when it serves as a meeting place for such organization and is not an adjunct to or operated by or in connection with a public tavern, cafe or other commercial or public place, although it may be used for recreational and/or dining facilities limited to the membership and their guests.

CLUSTER SUBDIVISION — A form of development that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision or increase in the overall density of development, and the remaining land area is devoted to open space, active recreation or the preservation of environmentally sensitive areas.

COLLECTOR ROAD — A street that collects traffic from local streets and connects with minor and major arterials. Collector streets generally carry traffic from within, but usually not between, neighborhoods and are listed in the Comprehensive Plan.

COMMERCIAL DROPOFF AND PICKUP BOXES — Portable structures such as boxes for delivery service, newspaper vending machines or other like structures.

COMMERCIAL USE — See "use, commercial." COMMON OPEN SPACE — See "open space, common."

COMMUNICATIONS ANTENNA — Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omnidirectional or whip antennas and directional or panel antennas, including those owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such devices. This definition shall not include private residence-mounted satellite dishes less than or equal to two feet in diameter or residential television antennas.**[Amended 2-21-2017 by Ord. No. HR-414]**

COMMUNICATIONS EQUIPMENT BUILDING — An unstaffed building or cabinet containing communications equipment required for the operation of communications antennas.

COMMUNICATIONS TOWER — A structure such as a lattice tower, monopole tower, self- supporting or guyed tower designed and used to support communications antennas.

COMPLETELY DRY SPACE — A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.**[Added 10-16-2006 by Ord. No. HR-357]**

CONDITIONAL USE — A use permitted in a particular zoning district only when specific standards and criteria are met. Conditional uses are authorized or denied by the Board of Supervisors after

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review and recommendation by the Planning Commission as provided in § 208-117.

CONFERENCE CENTER — A facility used for conferences and seminars, which may include accommodations for sleeping, food preparation and eating, recreation, entertainment, resource facilities, meeting rooms, fitness and health center and retail stores and services primarily for conference center guests.

CONSERVATION AREA — Environmentally sensitive areas with characteristics such as steep slopes, wetlands, floodplains, high water tables, forest areas, endangered species habitat or areas of significant biological productivity or uniqueness that have been designated for protection from any activity that would significantly alter their ecological integrity, balance or character.

CONVENIENCE STORE — A retail establishment selling primarily food products, household items, newspapers and magazines, candy and beverages, and a limited amount of freshly prepared foods such as sandwiches and salads for off-premises consumption.

CUL-DE-SAC — A street, including but not limited to streets that end in a circular turnaround or a loop, which has only one point of intersection with an existing road.**[Added 12-7-2015 by Ord. No. HR-412]**

DAY-CARE CENTER — An establishment providing for the care, supervision and protection of children or for the elderly and/or functionally impaired adults for part of a twenty-four-hour day.

DAYTIME — Between the hours of 6:00 a.m. and 8:00 p.m.**[Added 8-14-2006 by Ord. No. HR-355]**

DECIBEL (dB) — A unit for measuring the volume of a sound equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).**[Added 8-14-2006 by Ord. No. HR-355]**

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.**[Amended 10-16-2006 by Ord. No. HR-357]**

DEVELOPMENT TRACT — The gross area within all boundary property lines of a parcel, site, piece of land, or property that is the subject of a development application.**[Added 9-10-2007 by Ord. No. HR-360]**

DISTRIBUTION CENTER — An establishment engaged in the receipt, storage and distribution of goods, products, cargo and materials, including transshipment by boat, rail, air or motor vehicle.

DISTURBANCE OF VEGETATIVE COVER — Removal, destruction or damaging of plants, including trees, shrubs and herbaceous growth, by methods including but not limited to cutting, bulldozing, plowing, regrading, digging or intensive use of herbicides (in which selective species are intended to be eradicated or in which the intent is to totally defoliate). This definition excludes routine trimming or pruning for health maintenance of the plants (for example, removal of diseased material, cutting back of dead limbs, etc.).

DORMITORY — A building used as group living quarters for a student body or religious order as an accessory use to a college, university, boarding school, convent, monastery or similar institutional use.

DRIVE-IN/DRIVE-THROUGH USE — A facility allowing transactions for goods or services without leaving a motor vehicle.

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DRUGSTORE — A store for the sale of prescription and nonprescription drugs, medicines, medical devices and supplies.

DUMP — A land site used primarily for the disposal by dumping, burial, burning or other means and for whatever purposes of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof and other waste, scrap or discarded material of any kind.

DUPLEX — A building on one lot containing two single-family dwelling units with one family living adjacent to the other or living wholly or partially above the other. See "dwelling, two-family detached."

DWELLING — A building or entirely self-contained portion thereof, including a modular or mobile home, containing complete living quarters, including cooking in one kitchen, sleeping and sanitary facilities, and designed for and occupied exclusively for human habitation.

1. DWELLING, SINGLE-FAMILY — A building on one lot containing one dwelling unit.
   1. DWELLING, SINGLE-FAMILY DETACHED — A one-family dwelling which is not attached to any other dwelling by any means and is surrounded by open space or yards on all sides.
   2. DWELLING, SINGLE-FAMILY SEMIDETACHED (or TWIN) — A one-family

dwelling attached to one other one-family dwelling by a common vertical wall, with each dwelling located on a separate lot, and having open space on three sides.

* 1. DWELLING, SINGLE-FAMILY ATTACHED (or ROW or TOWNHOUSE) — A

one-family dwelling in a row of at least three such units in which each unit has its own ground floor access to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more common vertical walls and has open space on at least two sides.

1. DWELLING, TWO-FAMILY — A building on one lot designed for and occupied exclusively for two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.
   1. DWELLING, TWO-FAMILY DETACHED (or DUPLEX) — A two-family

dwelling on one lot with one family living adjacent to the other or living wholly or partially above the other and having open space on at least three sides.

* 1. DWELLING, TWO-FAMILY SEMIDETACHED (or QUAD) — A two-family

dwelling on one lot with one family living wholly or partially above the other and having one or more party walls in common with a similar two-family dwelling on an adjacent lot and having open space on three sides.

* 1. DWELLING, TWO-FAMILY ATTACHED — A two-family dwelling with one family living wholly or partially above the other having one or more party walls in common with at least two other dwellings on adjacent lots and having open space on at least two sides.

DWELLING, COMPATIBLE MULTIFAMILY OR APARTMENT HOUSE — A building on one

lot designed for and occupied exclusively for three or more dwelling units, each dwelling unit occupied by one family, including, but not limited to, a building which is owned and operated as a

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condominium under the Pennsylvania Uniform Condominium Act,**188** said use being auxiliary to a health club and/or full-service hotel having a minimum gross floor area of 75,000 square feet and a minimum of 25,000 square feet of active indoor and outdoor amenities inclusive of fitness facilities, swimming pool and cafe/restaurant which has an existing management agreement, common control or common ownership with the compatible multifamily dwelling or apartment house at the time of submission of a land development application and which may also include complimentary office use by residents of the compatible multifamily dwelling or apartment house.**[Added 12-5-2022 by Ord. No. HR-461]**

DWELLING, MULTIFAMILY or APARTMENT HOUSE — A building on one lot designed for and occupied exclusively for three or more dwelling units, each dwelling unit occupied by one family, including a building which is owned and operated as a condominium under the Pennsylvania Uniform Condominium Act.**189**

DWELLING, MULTI-USE DEVELOPMENT — A development designed for both residential and commercial uses. Commercial uses, such as retail stores, personal service establishments, and restaurants, must be located on the ground floor along any arterial or collector street frontage. Dwelling units may be located above the ground floor or behind nonresidential uses on the ground floor.**[Added 12-2-2013 by Ord. No. HR-399]**

DWELLING UNIT — A building, or a portion of a building, that has independent living facilities with provisions for sleeping, cooking, and sanitation and that is designed for occupancy by one family. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly accessory, such as an outdoor grill.

EASEMENT — A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation or another person or entity.

ELECTRIC SUBSTATION — An assemblage of equipment for purposes other than generation or utilization, through which electric energy in bulk is passed for the purpose of switching or modifying its characteristics.

EMERGENCY — Any occurrence or act of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.**[Added 8-14-2006 by Ord. No. HR-355]**

EMERGENCY WORK — Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.**[Added 8-14-2006 by Ord. No. HR-355]**

ENLARGEMENT — An addition to the floor area or an increase in size or volume of an existing structure, an increase in the area of a parcel which is occupied by an existing use, or an increase in the intensity of a use as a result of increased parking, traffic generation, sewage disposal system or other impacts on surrounding land uses, existing or permitted by zoning.

EQUIVALENT A-WEIGHTED SOUND LEVEL (Leq) — The constant sound level that, in a given situation and time period, conveys the same sound energy as the actual time-varying A-weighted sound.**[Added 8-14-2006 by Ord. No. HR-355]**

EQUIVALENT MEASUREMENT SYSTEMS — For the purposes of this section, and excluding impulsive sound, as defined herein, all measurements and designations of sound levels shall be expressed in daytime or nighttime average sound levels (Ld or Ln).**[Added 8-14-2006 by Ord. No.**

1. **Editor's Note: See 68 Pa.C.S.A. § 3101 et seq.**
2. **Editor's Note: See 68 Pa.C.S.A. § 3101 et seq.**

### HR-355]

ESSENTIALLY DRY SPACE — A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.**[Added 10-16-2006 by Ord. No. HR-357]**

FAMILY — One or more persons related to each other by blood, legal adoption or guardianship, marriage or otherwise by law, or who are living in a group home, who are occupying the same dwelling unit and are living and cooking together as a single noncommercial housekeeping unit, exclusive of household employees. Apart from the foregoing, not more than three persons not so related to any other person occupying the same dwelling or part thereof, each having equal ownership or lessee status, living and cooking together as a single noncommercial housekeeping unit, shall be deemed to constitute a family. A "family," as herein defined, specifically excludes boarders, roomers, lodgers, hotel or motel guests, short-term rentals users, club members or any similar group, cooperative or commercial living arrangements.**[Amended 1-18-2022 by Ord. No. HR-447]**

FARM — A parcel of land used for agricultural operations.

FENCE — An artificially created barrier intended to prevent escape or intrusion, to obscure visibility or mark a boundary.

* 1. FENCE, SECURITY — Any fence topped or intertwined with barbed wire, concertina wire or similar material used as an obstacle to deter intrusion or escape.

FITNESS CENTER — An establishment that provides facilities for aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities, and saunas, showers, massage rooms and lockers.

FLOOD — A temporary inundation of normally dry land areas. A temporary condition of partial or complete inundation of land areas from the overflow of streams, rivers and other waters of this commonwealth.**[Amended 10-16-2006 by Ord. No. HR-357]**

1. FLOOD, ONE-HUNDRED-YEAR — A flood that, on average, is likely to occur once every one hundred years (i.e., a flood that has one chance in 100 or a one-percent chance of occurring each year), although the flood may occur in any year. **[Amended 10-16-2006 by Ord. No. HR-357]**

FLOOD ELEVATION, REGULATORY — The one-hundred-year flood elevation plus a freeboard safety factor of 1 1/2 feet.**[Added 10-16-2006 by Ord. No. HR-357]**

FLOOD FRINGE — Those portions of land within the Flood Hazard District subject to inundation by the one-hundred-year flood, lying beyond the floodway.

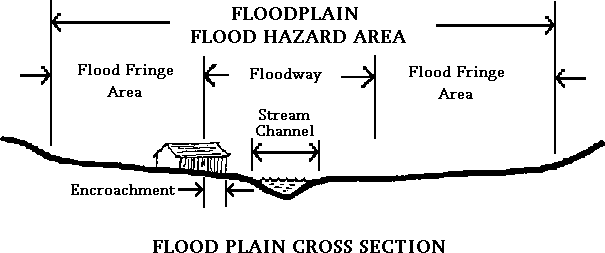
FLOOD HAZARD DISTRICT AREA — The land within the Township designated as Flood Hazard District Area pursuant to § 208-14.1.**[Amended 10-16-2017 by Ord. No. HR-417]**

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 Township.**[Added 10-16-2017 by Ord. No. HR-417]**

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.**[Added 10-16-2017 by Ord. No. HR-417]**

FLOODPLAIN — Any land area susceptible to inundation by water from any natural source or as

delineated by the applicable Department of Housing and Urban Development Federal Emergency Management Agency (FEMA) Flood Hazard Boundary Map as being a special flood hazard area.**[Amended 10-16-2006 by Ord. No. HR-357]**

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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.**[Added 10-16-2006 by Ord. No. HR-357]**

1. FLOODPLAIN AREA, IDENTIFIED — The floodplain area specifically identified in this chapter as being inundated by the one-hundred-year flood. **[Added 10-16-2006 by Ord. No. HR-357]**

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 contents.**[Added 10-16-2006 by Ord. No. HR-357]**

FLOODWAY — The designated area of a floodplain required to carry and discharge floodwaters of a given magnitude. For the purpose of this chapter, the floodway shall be capable of accommodating a flood of the one-hundred-year magnitude. The channel of a watercourse and those portions of the adjoining floodplains which are reasonably required to carry and discharge the one-hundred-year frequency flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by the Federal Emergency Management Agency (FEMA). In an area where no FEMA maps or studies have defined the boundary of the one-hundred-year frequency floodway, it is assumed, absent evidence to the contrary, that the floodway extends from the stream to 50 feet from the top-of-bank.**[Amended 10-16-2006 by Ord. No. HR-357]**

FLOOR AREA — The sum of the horizontal areas of a building or part thereof enclosed by outside walls, fire walls or party walls of the principal and accessory buildings.

1. FLOOR AREA, GROSS — The sum of the horizontal areas of all floors of a building measured from the exterior face of exterior walls, or from the center line of a wall separating two buildings, but not including any space where the average floor-to-ceiling height is less than six feet.
2. FLOOR AREA, HABITABLE — The floor area within outside walls, exclusive of basements and open porches and excluding garages and accessory buildings and, in the case of a single-family detached, single-family semidetached, two-family detached or two- family semidetached dwelling, exclusive of the areas above the second floor.

FLOOR AREA RATIO — Floor area divided by gross tract area net of existing utility and road rights-of-way.**[Added 9-10-2007 by Ord. No. HR-360]**

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.

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FRATERNITY or SORORITY HOUSE — A dwelling or dwelling unit maintained exclusively for fraternity or sorority members and their guests or visitors and affiliated with an academic or professional college, university or other institution of higher learning.

FREEBOARD SAFETY FACTOR — A vertical distance between the elevation of the high water and the top-of-bank of any watercourse. The space is required as a safety margin in a watercourse.**[Added 10-16-2017 by Ord. No. HR-417]**

FRONTAGE — That side of a lot abutting on a street; a front lot line.

GAMING and GAMBLING — The dealing, operating, carrying on, conducting, maintaining or exposing for pay of any game.

GARAGE — A deck, building or parking structure, or part thereof, used or intended to be used for the parking or storage of vehicles.

1. GARAGE, PRIVATE — A building accessory to a single-family or two-family dwelling, for the storage of one or more motor vehicles owned and used by the owner or tenant or member of their households, of the lot on which it is erected for a purpose accessory to the use of the lot.
2. GARAGE, PUBLIC — A building, other than a private or a storage garage, one or more stories in height, used for the storage or repair of motor vehicles.
3. GARAGE, REPAIR — Any building, premises and land in which or upon which a business, service or industry involving the maintenance, servicing, repair or painting of vehicles is conducted or rendered.
4. GARAGE, STORAGE — A building, not a private or public garage, one story in height, used solely for the storage of motor vehicles (not trucks) but not for the sale, service or repair of motor vehicles.

GASOLINE STATION — See "automobile service station."

GREEN ROOF (also known as "VEGETATED ROOF" or "ECO ROOF") — Alternative roof surfaces that typically consist of waterproofing and drainage materials and an engineered growth media that is designed to support plant growth. Green roofs capture and temporarily store stormwater runoff in the engineered growth media before it is conveyed to the storm system. A portion of the captured stormwater evaporates or it is taken up by plants, which helps reduce runoff volumes, peak runoff rates and pollutant loads on development sites.**[Added 10-1-2012 by Ord. No. HR-396]**

GROCERY STORE — Any fixed facility in which food or drink is sold primarily for off-premises preparation and consumption.

GROUP HOME — A nonprofit or for-profit home for the sheltered care of persons with special needs, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services and transportation.

HEALTH CARE FACILITY — A facility or institution, whether public or private, principally engaged in providing services for health maintenance and the treatment of mental or physical conditions.

HEALTH CLUB — An establishment that provides health and fitness facilities such as running, jogging, aerobics, weight lifting, court sports, and swimming, and may include ancillary facilities such as locker rooms, showers, massage rooms, saunas, sales of related health equipment and clothing, juice bars, and other related uses.**[Amended 12-2-2013 by Ord. No. HR-399]**

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HEIGHT OF BUILDING — A building's vertical measurement from the mean level of the ground surrounding the building to the top of the highest roof beams of a flat roof, or to the mean level of a sloped roof spires, towers, elevator penthouses, mechanical equipment, tanks, satellite dishes, antennas and similar projections shall be included in calculating the height. Chimneys shall be excluded in calculating the height of a building.**[Amended 10-10-2023 by Ord. No. HR-473]**

HEIGHT OF COMMUNICATIONS TOWER — The vertical distance measured from the mean level of the ground surrounding the tower to the highest point of the structure, including any antenna affixed thereto.

HELIPORT — An area to accommodate all phases of operation of rotor-wing aircraft (helicopters) with suitable space to allow development of services facilities.

HELISTOP — An area on a roof or on the ground to accommodate touchdown and liftoff of rotor- wing aircraft (helicopters) for the purposes of picking up and discharging passengers or cargo. Such area shall have sufficient space to accommodate all required safety controls, but in no case shall service facilities be provided.

HISTORIC STRUCTURE — Any structure that is:**[Added 10-16-2006 by Ord. No. HR-357; amended 10-16-2017 by Ord. No. HR-417]**

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Identified as a Historical Resource in Chapter 208, Article XXIVA of the Code of Tredyffrin Township.

HOME-BASED BUSINESS, LOW-IMPACT — Any activity carried out for financial gain by a resident and conducted as a customary, incidental and accessory use in the resident's dwelling which does not change the character thereof. Low-impact home occupations include dressmaking, millinery, upholstery, furniture-refurbishing (excluding paint stripping operations) or similar handicrafts; professional studios or offices of an architect, physician, dentist, engineer, lawyer, musician, photographer or practitioner of similar character; small pet grooming, bed-and-breakfast facilities, day-care or other low-impact home occupations of similar character and impact. Low-impact home occupations shall not include the following: a barber, beauty shop or hair stylist; tearoom, tourist or boarding house; or kennel.

HOME-BASED BUSINESS, NO-IMPACT — 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, or pickup, delivery or removal functions to or from the premises in excess of those normally associated with residential use.

HOSPITAL — An institutional facility providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury and other abnormal physical or mental conditions, and including as an integral part of the institution related facilities,

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such as laboratories, outpatient facilities, training facilities, medical offices and staff residences.

HOTEL — A facility offering transient lodging accommodations to the general public, which rooms are entered exclusively from an interior lobby, corridor or hallway from a common entrance, and which may include additional facilities and services, such as restaurants, lounges, meeting rooms and other common areas, or recreation facilities for use only by registered hotel guests. See "motel."

HOUSEHOLD PET — An animal residing within a dwelling unit and not raised for production of products or for sale.

IMPERVIOUS SURFACE — A horizontal surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water, including but not limited to buildings, structures and paved areas such as driveways, sidewalks, parking lots, patios, decks, swimming pools, tennis courts, etc. For the purposes of determining compliance with this chapter, stone surfaces routinely used for vehicle parking and movement shall be considered impervious.

IMPROVEMENTS — Physical additions and changes to land, such as grading, paving, curbing, fire hydrants, water mains, sanitary sewers, capped sewers, storm sewers, storm drains, catch basins, culverts, sidewalks, monuments, crosswalks, bridges, earthworks, streetlights, wells, on-site sewage disposal systems, street trees and other plantings and other structures, that may be necessary to produce usable and desirable land development.

IMPULSIVE SOUND — A peaked, single-burst of sound energy of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sounds are explosions and the discharge of single-shot firearms.**[Added 8-14-2006 by Ord. No. HR-355]**

INTERMEDIATE CARE FACILITY — A facility that provides, on a regular basis, personal care, including dressing and eating and health-care related care and services, to individuals who require such assistance but who do not require the degree of care and treatment that a hospital or skilled nursing facility provides.

JUNKYARD — Any lot, land, parcel, building or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage or disposal of any scrap, waste, reclaimable material or debris for sale or in the process of being dismantled, destroyed, processed, baled or disposed of.

KENNEL — An establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained or sold, all for a fee or compensation.

#### LAND DEVELOPMENT —

1. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
   1. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots, regardless of the number of occupants or tenure; or
   2. The division 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.

LANDSCAPE ARCHITECT — A person registered as a landscape architect by the Commonwealth of Pennsylvania.

LAUNDROMAT — An establishment providing washing, drying or dry-cleaning machines on the premises for rental use to the general public.

LIBRARY — A place in which literary, musical, artistic, or reference materials (such as books, manuscripts, recordings, or films) are kept for use.**[Added 9-10-2007 by Ord. No. HR-360]**

LIVESTOCK and/or POULTRY — Animals, excluding wild or dangerous animals, raised and/or maintained for sale, resale or breeding, including pigs and goats. Poultry includes fowl raised for meat or eggs; chickens, turkeys, ducks, geese and the like. Livestock and poultry are not household pets.

LODGE — See "club or lodge."

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

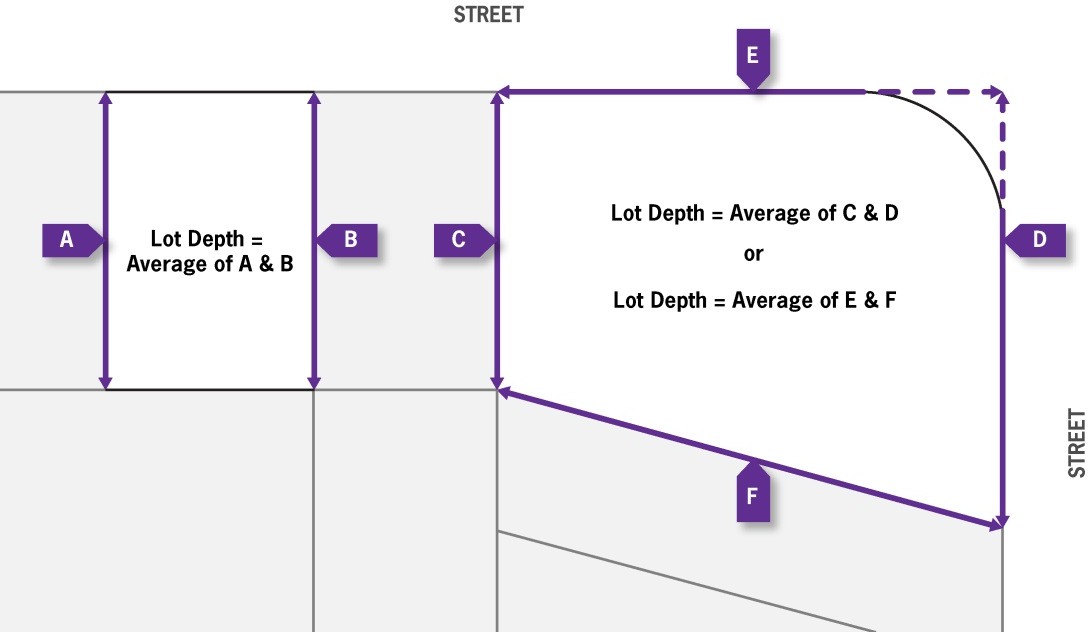
1. LOT, CORNER — A lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than 135°.
2. LOT, INTERIOR (FLAG) — A lot, the principal portion of which does not adjoin a street but is connected thereto by an access strip of required minimum width. Minimum lot area and lot depth and other dimensional requirements of the applicable zoning district shall be met on that portion of the lot exclusive of the access strip.

LOT AREA — That portion of a lot or parcel of land within all bounding property lines on which a building or buildings and any accessory building or buildings are or may be located. "Lot area," as defined herein, shall include required yard or setback areas but shall not include any of the following existing features:**[Amended 12-7-2015 by Ord. No. HR-412]**

1. Steep and very steep slopes.
2. Flood Hazard District areas.
3. Wetlands.
4. Portions of the lot which are less than 50 feet wide.
5. Alleys, lanes, streets, railroad and other permanent areas or rights-of-way.

LOT DEPTH — The average depth of the side lot lines measured perpendicular to the street frontage. In the case of corner lots, lot depth is measured as the lowest value of the average depth of the side lot lines running perpendicular to both frontages.**[Amended 12-2-2013 by Ord. No. HR-399]**

### Figure 6.2: Lot Depth

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#### LOT LINE —

1. FRONT — The line separating the lot from a street right-of-way. For interior lots, it is the line generally parallel to the street right-of-way at the nearest point to the right-of-way where the lot attains the minimum required lot width.
2. REAR — The lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.
3. SIDE — Any lot line other than a front or rear lot line.

LOT WIDTH — The horizontal distance between side lot lines measured at the building setback line. When the street line is curved, the measurement shall be made on the chord of the arc on or parallel to the curve of the street line.

LOWEST FLOOR — The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood-resistant partially enclosed area, used solely for parking 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 nonelevation requirements of this chapter.**[Added 10-16-2006 by Ord. No. HR-357]**

MEMORIAL PARK — A cemetery designed in a park-like manner and not having tombstones, mausoleums, monuments or similar structures above ground.

MINING — The extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases.

MIXED-USE — One building or one lot used partly for residential use and partly for nonresidential use.**[Added 9-10-2007 by Ord. No. HR-360]**

MOBILE HOME or MANUFACTURED HOME — A transportable, single-family dwelling, constructed off site, intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one 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 with or without a permanent foundation, including any addition or accessory structure, such as porches, sheds, decks, garages

or additional rooms. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.**[Amended 10-16-2006 by Ord. No. HR-357]**

MOBILE HOME or MANUFACTURED HOME LOT — A lot in a mobile home or manufactured home park, improved with the necessary utility connections and other appurtenances necessary for the placing thereon of a single mobile home. A mobile home or manufactured home lot may be leased by the park owner to the occupants of the mobile home placed on the lot or owned under condominium ownership or owned as a fee-simple lot.

MOBILE HOME or MANUFACTURED HOME PARK — A parcel of land or contiguous parcels of land which has been so designated and improved that it contains two or more mobile homes or manufactured home lots for the placement thereon of mobile homes or manufactured homes.

MORTUARY — A place for the storage of human bodies prior to their burial or cremation. MOSQUE — See "place of worship."

MOTEL — An establishment providing sleeping accommodations for transients with at least 25% having direct access from outside, and which may include additional facilities and services, such as restaurants, lounges, meeting rooms and other common areas, and recreation facilities for use only by registered motel guests. See "hotel." Motel specifically excludes short-term rentals.**[Amended 1-18-2022 by Ord. No. HR-447]**

MOTION-PICTURE THEATER — A place where motion pictures are shown to the public for a fee. MPC — Pennsylvania Municipalities Planning Code.

MULTI-MODAL TRANSPORTATION CENTER — A public transit station served primarily by a commuter rail train which provides direct connections/transfers to bus or taxi service, an interconnected pedestrian walkway system, park-and-ride facilities, retail and service establishments and residential neighborhoods.**[Added 9-10-2007 by Ord. No. HR-360]**

MULTI-TENANT RETAIL CENTER — A group of commercial establishments, such as retail stores, personal service establishments, and restaurants, that is planned, owned, and/or managed as a single property. The two main configurations of multi-tenant retail centers are shopping malls and strip centers.**[Added 12-2-2013 by Ord. No. HR-399]**

NEW CONSTRUCTION — For purposes of Article V of this Chapter 208, "new construction" is defined as structures for which the start of construction commenced on or after September 18, 2017, and includes any subsequent improvements to such structures. Any construction started after April 17, 1978, and before the effective start date of this floodplain management ordinance 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.**[Added 10-16-2017 by Ord. No. HR-417]**

NIGHTTIME — Between the hours of 8:00 p.m. and 6:00 a.m.**[Added 8-14-2006 by Ord. No. HR-355]**

NOISE — Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.**[Added 8-14-2006 by Ord. No. HR-355]**

NOISE DISTURBANCE — Any sound which: **[Added 8-14-2006 by Ord. No. HR-355]**

1. Endangers or injures the safety or health of humans; or
2. Annoys or disturbs a reasonable person of normal sensitivities; or
3. Endangers or injures personal or real property.

NONCONFORMING LOT — A lot, the area or dimension of which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but that fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district in which it is located.

NONCONFORMING STRUCTURE or BUILDING — A structure or building, the size, dimensions or location of which was lawful prior to the adoption, revision or amendment of this chapter, but that fails by reason of such adoption, revision or amendment to conform to the present requirements of this chapter.

NONCONFORMING USE — A use or activity that was lawful prior to the adoption, revision or amendment of this chapter, but that fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district in which it is located.

NONDWELLING USE — A use which is not a dwelling or a lawful accessory use to a dwelling.

NURSERY, RETAIL — The growing, cultivation, storage and sale of garden plants, flowers, trees, shrubs and fertilizers as well as the sale of garden tools and similar accessory and ancillary products to the general public.

NURSERY, WHOLESALE — The growing, cultivation, storage and sale of garden plants, flowers, trees and shrubs to landscapers, developers, builders and retail nurseries.

NURSERY SCHOOL — A facility which provides daytime care and instruction to a number of persons between the ages of two years and five years and operates on a regular or seasonal basis.

NURSING HOME — See "health care facility."

OFFICE — A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government and generally furnished with desks, tables, files and communication equipment.

OFFICE BUILDING — A building used primarily for conducting the affairs of a business, profession, service, industry or government or like activity; it may include ancillary services for the occupants of the office building, such as a restaurant, coffee shop, newspaper or candy stand and day- care facilities.

ONE-HUNDRED-YEAR FLOOD — See "flood, one-hundred-year."

1. OPEN SPACE — An unimproved area of land or water set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants and their guests of land adjoining or neighboring such open space.
   1. OPEN SPACE, COMMON — 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.

PARAPET — The extension of the main walls of a building above the roof level.

PARCEL — A piece or area of land formally described and recorded with block and lot numbers, by metes and bounds, by ownership or in such a manner as to specifically identify the dimensions and/ or boundaries.

#### PARKING —

1. PARKING AREA — Any public or private land area designed and used for parking motor

vehicles, and excluding any area wherein motor vehicles for sale or repair are kept.

1. PARKING LOT — An off-street, ground level area for the temporary parking of vehicles, forming the principal use of the lot, and not including any area wherein vehicles for sale or repair are kept.
2. PARKING, PRIVATE — A parking area for the exclusive use of the owners or occupants of the lot on which the parking area is located.
3. PARKING, PUBLIC — A parking area available to the public, whether free, for compensation or as an accommodation to employees, clients, customers or residents.
4. PARKING SPACE — A space for the parking of a motor vehicle within a public or private parking area, exclusive of aisles, driveways or other accessways.
5. PARKING STRUCTURE — A covered structure or portion of a covered structure that provides parking areas for motor vehicles, including parking areas within the footprint of a permitted building.
6. PARKING, SURFACE — A parking area for motor vehicles where there is no building above or below the parking area.

PARKING, OFF-STREET — Parking of motor vehicles as an accessory use located upon the same lot as a permitted principal use to serve the parking requirements and needs of the principal use.**[Added 9-10-2007 by Ord. No. HR-360]**

PARKING, SHARED — Parking for uses which is open to the public or in common with other property owners, rather than on individual lots restricted to customers or clients of each individual use.**[Added 9-10-2007 by Ord. No. HR-360]**

PERSONAL SERVICE ESTABLISHMENT — An establishment primarily engaged in the provision of frequent or recurrent services of a personal nature. Typical uses include, but are not limited to, beauty salons and spas, barbershops, tanning salons, massage establishments, commercial copy shops, animal grooming, shoe repair, personal item repair shops, laundromats, dry cleaners, and tailors. Personal service establishments do not include any adult uses.**[Amended 12-2-2013 by Ord. No. HR-399]**

PERVIOUS SURFACE — Any material that permits full or partial absorption of stormwater into previously unimproved land.

PET SHOP — Establishments engaged in the selling of animals generally not exceeding 100 pounds, which are to reside in a dwelling unit, and are not raised for the production of products.

PLACE OF WORSHIP — A church, synagogue, temple, mosque or other facility that is used for prayer by persons of similar beliefs; or a special purpose building that is architecturally designed and particularly adapted for the primary use of conducting formal religious services on a regular basis.

PLAZA — Open space that may be improved and landscaped; usually surrounded by streets and buildings.

PNDI SITE — A Pennsylvania Natural Diversity Inventory site identified within the Chester County Natural Areas Inventory of 2000, as may be amended from time to time.

POROUS PAVING — Permeable or perforated paving materials or pavers with spaces that allow transmission of water to a stormwater management storage and infiltration system that underlies the entire area of porous paving. The stormwater storage/infiltration facility underlying the porous

paving shall provide storage volume for the runoff volume generated by a two-year/twenty-four-hour storm event, and provide minimum peak rate control as identified in Chapter 174, the Tredyffrin Township Stormwater Ordinance.**190** The additional peak rate requirements, identified in § 208-161, shall be controlled either within the porous paving facility or within other on-site public stormwater improvements.**[Added 10-1-2012 by Ord. No. HR-396]**

POULTRY — See "livestock and/or poultry."

PRINCIPAL BUILDING — A building in which is conducted the principal use of the lot on which it is located.

PUBLIC NOTICE — The advertisement of a public hearing in a newspaper of general circulation, and through other media sources, indicating the time, place and nature of the public hearing and where the application and pertinent documents may be inspected.

PUBLIC SPACE — Space devoted to uses for public enjoyment consisting of elements such as, but not limited to, green areas, plazas, walks, promenades, arcades, and fountains. Areas devoted to this purpose shall be easily and readily accessible to the public. Such space shall not permit parking or maneuvering for vehicles.**[Added 9-10-2007 by Ord. No. HR-360]**

PUBLIC STORMWATER IMPROVEMENT(S) — Major or significant additions or changes to the land not provided to comply with Chapter 174, Stormwater Management, as part of, or in support of, a land development or subdivision plan, and which have a clear benefit to residents in the Township in managing stormwater runoff, including watershed, drainage or flooding issues. Examples of such improvements include, but are not limited to, retention or detention basins, underground infiltration/ storage beds, green roofs and other stormwater management facilities; improvements to the natural stream or watershed conditions; or the provision of land for stormwater management facilities that address a regional public need distinct from the private development or use of the land.**[Added 10-1-2012 by Ord. No. HR-396]**

PUBLIC TRANSPORTATION SHELTER — A small, roofed structure, usually having three walls, located near a street and designed primarily for the protection and convenience of transit vehicle passengers.

PUBLIC UTILITY — A closely regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety and welfare.

QUARRYING OPERATIONS — An industrial use involving the extraction of sand, clay, shale, gravel, stone or similar material from the ground and associated accessory uses such as the creation of settling basins or ponds and the storage of overburden, but not including the filtering, refining or processing of said natural resources.

RECREATIONAL FACILITY — A place designed and equipped for the conduct of sports and leisure-time activities as a principal use.

RECREATIONAL VEHICLE — A vehicle which is built on a single chassis; not more than 400 square feet, measured at the largest horizontal projections; designed to be self-propelled or permanently towable by a light-duty truck; not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.**[Added 10-16-2006 by Ord. No. HR-357]**

RECREATION, PASSIVE — Those recreational pursuits which can be carried out with little alteration or disruption to the area in which they are performed. Such uses include, but are not limited

1. **Editor’s Note: See Ch. 174, Stormwater Management.**

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to, hiking, picnicking, board and table games. Passive recreation shall not include activities that require the use of motorized vehicles such as all-terrain vehicles (ATVs).**[Added 9-10-2007 by Ord. No. HR-360]**

REGULATORY FLOOD ELEVATION — The base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of 1 1/2 feet. The freeboard safety factor also applies to utilities and ductwork.**[Added 10-16-2017 by Ord. No. HR-417]**

RESIDENCE — A home, abode or place where an individual is actually living at a specific point in time.

RESIDENTIAL AREA — Any area within the Township which is zoned for residential use, or is in residential use regardless of how zoned, or is used for a school, church, or park.**[Added 8-14-2006 by Ord. No. HR-355]**

RESIDENTIAL CARE FACILITIES — Residences usually occupied by the frail elderly that provide rooms, meals, personal care and health monitoring services under the supervision of a professional nurse and may provide other services, such as recreational, social and cultural activities, financial services and transportation. See "assisted living facility."

RESTAURANT — An establishment where food and drink are prepared, served and offered for sale to customers, primarily for consumption at tables inside or outside the building, but on the same lot as the principal building.

RETAIL STORE — Establishments engaged in the selling or rental of goods or merchandise to the public generally for personal use or household consumption (although they may also serve business and institutional clients) and in rendering services incidental to the sale of such goods, and including the processing or manufacturing of some of the products sold on the premises so long as those processing and manufacturing activities are incidental or subordinate to the selling activities.

RETAINING WALL — A structure that is constructed between lands of different elevations to stabilize the surfaces, prevent erosion and/or protect structures.

RIDING ACADEMY — An establishment where horses are boarded and cared for and where instruction in riding, jumping and showing is offered and where horses may be hired for riding.

RIGHT-OF-WAY — An area of land, whether or not paved or otherwise improved in any way, acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a street, crosswalk, railroad, electric transmission lines, oil or gas pipeline, waterline, sanitary storm sewer or other similar public or private uses.

(1) RIGHT-OF-WAY, ULTIMATE — The minimum width for a street or other corridor as required by state or federal highway departments or as described in the Township Subdivision and Land Development Ordinance,**191** which is expected to be needed in the future to adequately and properly accommodate the anticipated vehicular and pedestrian traffic and related appurtenances, based on the function of the road in the circulation system, and is the line from which required setbacks are measured.

RIGHT-OF-WAY LINE — The legal lines that form the boundaries of a right-of-way. ROAD — See "street."

ROOMING HOUSE — A dwelling unit or part thereof in which, for compensation, lodging and meals are provided.

1. **Editor's Note: See Ch. 181, Subdivision and Land Development.**

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SCHOOL — Any building or part thereof that is designated, constructed or used for education or instruction in any branch of knowledge.

* 1. SCHOOL, ELEMENTARY — Any school that is licensed by the state and meets the state requirements for elementary education.
  2. SCHOOL, POSTSECONDARY (COLLEGE) — An educational institution authorized by the state to award associate, baccalaureate or higher degrees.
  3. SCHOOL, SECONDARY — Any school that is licensed by the state and authorized to award diplomas for secondary education.
  4. SCHOOL, TECHNICAL — A school conducted for profit for such instruction as business, computers, art, music, trades, handicraft, dancing or riding. **[Added 9-10-2007 by Ord. No. HR-360]**

SCIENTIFIC RESEARCH LABORATORY — A facility for investigation into the natural, physical or social sciences, which may include engineering and product development. Research laboratories imply physical activities usually associated with "wet" labs or places with running water, gases, special ventilation devices, chemicals, special heating and electrical or electronic equipment, or use of animals or human subjects under controlled conditions.

SELF-STORAGE FACILITY — A building or group of buildings containing separate, individual, and private storage spaces of varying sizes available for lease or rent for varying periods of time.**[Added 9-19-2022 by Ord. No. HR-456]**

SERVICE STATION — See "automobile service station."

SETBACK LINE — The line that establishes the required minimum distance between a principal structure or building and any lot line. See "building setback line."

SHOPPING CENTER — A group of commercial establishments planned, constructed and managed as a total entity, with customer and employee parking provided on site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements and landscaping and signage in accordance with an approved plan.

SHORT-TERM RENTAL — Any dwelling unit utilized as a single-family dwelling rented for the purpose of overnight lodging for a period of 30 days or less.**[Added 1-18-2022 by Ord. No. HR-447]**

SIDEWALK — An improved all-weather paved area parallel to and separate from the street which is used as a pedestrian walking area.**[Added 9-10-2007 by Ord. No. HR-360]**

SIGN — Any billboard, poster, panel, display, illustration, structure or device used for visual communication which is affixed, painted or represented directly or indirectly upon a building or other outdoor surface.**[Amended 8-17-2020 by Ord. No. HR-437]**

1. ABANDONED SIGN — A sign which has not been used to provide information for a period of at least 180 days or is located on a lot with a commercial, business, industrial or office use, that has not had an occupant or otherwise engaged in commercial, business, industrial or office operations for a period of 60 days or more.
2. BILLBOARD — A freestanding outdoor sign with a sign area that is between 60 square feet and 300 square feet.
3. SIGN, BUSINESS — A sign erected on a property on which a business, profession, industry or similar activity is conducted.

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1. ANIMATED SIGN — A sign or any device designed to attract attention by visual means through the action, motion, light changes, movement or semblance of movement by mechanical, electrical or natural means.
2. BANNER — A sign constructed of cloth, canvas or other flexible material, which is durable and weather-resistant.
3. CHANGEABLE-COPY SIGN, DIGITAL — A sign on which the copy on the sign face is composed of light-emitting-diode (LED), halogen, compact fluorescent, incandescent or similar lamps or bulbs which may be changed remotely with no greater frequency than once per hour so as not to be distracting to motorists. No digital changeable-copy sign shall be permitted to project light onto a street or neighboring property. A digital changeable- copy sign shall not be considered to be an animated sign. Digital changeable-copy signs shall only be as specifically set forth in Article XXV.
4. CHANGEABLE-COPY SIGN, MANUAL — A sign on which the copy on the sign face may be changed manually, in person and not remotely, through use of attachable letters, numerals or graphics or by changing light bulbs. A manual changeable-copy sign shall not be considered to be an animated sign.
5. ERECTION OF A SIGN — The installation, construction, placement, relocation, enlargement, alteration, attachment, suspension, painting, posting or displaying of a sign, including the replacement or substitution of face panels on or within a permanent frame or a change in the copy of a sign (except for the in-person manual changing of attachable letters, numerals, graphics or light bulbs of an approved changeable-copy sign). Normal maintenance of existing conforming signs is not included in this definition.
6. FACADE AREA — The area of that side of a building or portion of a building upon which a sign is to be affixed. The area shall be measured vertically from grade to the top of the parapet wall or eaves and horizontally across the entire width of the building elevation, provided that in no calculation shall the vertical dimension of the ground floor be considered to exceed 10 feet. A building shall be considered to front on a street if its face is parallel to the street or at an angle thereto not exceeding 45°.
7. FREESTANDING SIGN — A sign which is self-supporting upon the ground or which is supported by means of poles, pylons or standards in the ground. A freestanding sign is not attached to a building, except by secondary supports such as guy wires.
8. INTERNALLY ILLUMINATED SIGN — A sign which is designed to give forth a static or unchanging artificial light directly or through transparent or translucent material from a source of light within or upon said sign.
9. INTERNAL LOT SIGN — A sign erected within three feet of a sidewalk, road, street, driveway or parking lot, which is located within the boundaries of a single lot. Internal lot signs shall be at least 10 feet from any lot line. No internal lot sign may exceed four square feet in area, except those internal lot signs erected within a unified development area in accordance with § 208-130. A maximum of two signs at each driveway shall be permitted.
10. EXTERNALLY ILLUMINATED SIGN — A sign which is designed to be illuminated by artificial light from a source adjacent to or outside of the sign in such a manner that the source of the light is not directly visible from the street or any other intended vantage point of the sign.

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1. MARQUEE SIGN — Any sign attached to or constructed in a marquee or other roofed structure attached to a building, which sign may include a manual changeable-copy sign.
2. OFFICIAL SIGN — A sign erected by the state, county, Township or other legally constituted governmental body.
3. PERMANENT SIGN — A sign which is constructed of durable, weather-resistant material and which is intended to be displayed for a long period of time, normally at least one year in duration.
4. PROJECTING SIGN — A sign mounted to a wall or other vertical building surface, other than a wall sign, which projects more than 12 inches from the wall or surface to which it is mounted; included are signs on canopies and marquees.
5. ROOF SIGN — A sign erected on, above or projecting above the eaves, roof or parapet of any building.
6. SIGN, AREA OF — The face of a sign, including all lettering, wording, designs and symbols, together with background, whether open or enclosed, on which they are displayed, including the frame, but not including any supporting framework and bracing. Where a sign consists of individual letters, numbers, characters or symbols attached to a building wall, window or door, the area of the signs shall be considered that of the smallest rectangle or other regular geometric shape which encompasses all of the letters and symbols. When a double-faced sign is erected in such a manner that both sides are not visible from the same vantage point, then only one face shall be used to compute the sign area. In the case of three-or-more-faced signs, only one side shall be excluded from the calculation of the sign area. In the case of a cylindrical sign, 1/2 of the total surface area shall be used to compute the area.
7. SIDEWALK, SANDWICH BOARD OR A-FRAME SIGN — A movable sign which is not secured or attached permanently to the ground.
8. SUPER GRAPHIC — The application of paint, acrylic or other material directly onto a permanent wall.
9. TEMPORARY SIGN — A sign constructed of paper, cloth, canvas or other lightweight material intended to be displayed for a short period of time, normally less than 30 days.
10. VEHICLE SIGN — A sign affixed or painted on a vehicle, trailer or similar device. Any such sign erected on a premises for a period of three or more days in any six-month period shall be considered a permanent sign.
11. WALL SIGN — A sign posted on, painted on, suspended from or otherwise affixed to a wall or vertical surface of a building which does not project more than 12 inches from the wall or vertical surface to which it is attached.
12. WINDOW SIGN — A temporary sign attached or affixed to a window or door, or a sign which is readily visible and can be viewed from the exterior through a window or door from a distance of 20 feet therefrom.

SINGLE AND SEPARATE OWNERSHIP — The ownership of a lot by one or more persons, partnerships or corporations, which ownership is separate and distinct from that of any abutting or adjoining lot.

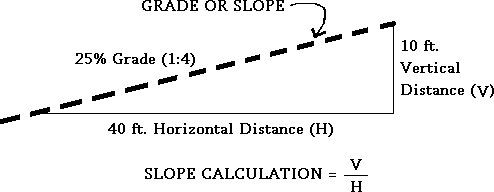
Township of Tredyffrin, PA

#### § 208-6 TREDYFFRIN CODE § 208-6

SKILLED NURSING FACILITY — An institution or a distinct part of an institution which is primarily engaged in providing to inpatients skilled nursing care and related services for patients who require medical or nursing care or rehabilitation services for the rehabilitation of injured, disabled or sick persons. See "health care facility."

SLOPES, STEEP — Those areas as regulated in § 208-118 herein having slopes from 15% to 25%, delineated and measured over a cumulative six-foot change in vertical elevation, which occurs over a minimum ten-foot horizontal area, as measured parallel to any contour line. (The percent of slope is determined by dividing the total amount of vertical rise or fall by the horizontal distance over which the rise or fall occurs.)

SLOPES, VERY STEEP — Those areas as regulated in § 208-118 herein having slopes greater than 25%, delineated and measured over a cumulative six-foot change in vertical elevation, which occurs over a minimum ten-foot horizontal area, as measured parallel to any contour line. (The percent of slope is determined by dividing the total amount of vertical rise or fall by the horizontal distance.)



SORORITY HOUSE — See "fraternity or sorority house."

SOUND — An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes depression and rarefaction of that medium. The designation of sound may include any characteristic of such sound, including duration, intensity and frequency.**[Added 8-14-2006 by Ord. No. HR-355]**

SOUND LEVEL — The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting scale, such as A, B, or C as specified in American National Standards Institute specifications for sound level meters (ANSI1.4 - 197, or the latest approved revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply. In all sound level measurements, consideration shall be given to the effect of the ambient noise level created by the encompassing noise of the environment from all sources at the time and place of such sound level measurement.**[Added 8-14-2006 by Ord. No. HR-355]**

SOUND LEVEL METER — An instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting networks used to measure sound pressure levels. If a properly configured and approved computer solution is used, a combination of the computer’s hardware and software may be used to accomplish the individual tasks required.**[Added 8-14-2006 by Ord. No. HR-355]**

SOUND PRESSURE — The instantaneous difference between the actual pressure and the average of barometric pressure at a given point in space, as produced by sound energy.**[Added 8-14-2006 by Ord. No. HR-355]**

SOUND PRESSURE LEVEL — Twenty times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference pressure of 20 micropascals. The sound pressure level is denoted Lp or SPL and is expressed in decibels.**[Added 8-14-2006 by Ord. No. HR-355]**

SPECIAL EXCEPTION — A use permitted in a particular zoning district pursuant to the provisions of Articles VI and IX of the MPC, as amended.

Township of Tredyffrin, PA

#### § 208-6 ZONING § 208-6

SPECIAL FLOOD HAZARD AREA (SFHA) — The area in the floodplain subject to a one-percent- or-greater chance of flooding in any given year as designated in the Flood Insurance Study, shown on the FIRM as Zones A, AO, A1-A30, AE, A99, or AH.**[Added 10-16-2017 by Ord. No. HR-417]**

SPRING — A place where water flows naturally from a rock or soil upon the land or into a body of surface water.

STABLE — A structure that is used for the shelter or care of horses and cattle.

START OF CONSTRUCTION — For purposes of Article V of this chapter, 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 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 a 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 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.**[Added 10-16-2017 by Ord. No. HR-417]**

STATION or TRANSIT STOP — Facilities at selected points along transit routes for passenger pickup, dropoff and waiting.

STORMWATER MANAGEMENT FACILITY — Any structure, natural or human-made, that, due to its condition, design, or construction, conveys, stores or otherwise affects stormwater runoff quality, rate or quantity. Typical stormwater management facilities include, but are not limited to, infiltration seepage beds and trenches, bioretention areas (rain gardens), detention and retention basins, green roof systems, capture and reuse systems, open channels, storm sewers, pipes and water quality devices.**[Added 10-1-2012 by Ord. No. HR-396]**

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 75% or more of its wall area above grade level.

STEEP SLOPE — See "slopes, steep."

STREAM — A natural watercourse with perennial or intermittent flow.**[Added 10-16-2017 by Ord. No. HR-417]**

STREAM, INTERMITTENT — A stream that flows only part of the time. Flow generally occurs for several weeks or months in response to seasonal precipitation or groundwater discharge.**[Added 10-16-2017 by Ord. No. HR-417]**

STREET — A public or privately owned right-of-way, serving as means of vehicular and pedestrian travel.

STREET CLASSIFICATION — **[Added 12-7-2015 by Ord. No. HR-412]**

1. EXPRESSWAY — Any roadway classified as an "expressway" in the Comprehensive Plan in Chapter Two: Existing Conditions.

Township of Tredyffrin, PA

#### § 208-6 TREDYFFRIN CODE § 208-6

1. MAJOR ARTERIAL — Any roadway classified as a "major arterial" in the Comprehensive Plan in Chapter Two: Existing Conditions.
2. MINOR ARTERIAL — Any roadway classified as a "minor arterial" in the Comprehensive Plan in Chapter Two: Existing Conditions.
3. MAJOR COLLECTOR — Any roadway classified as a "major collector" in the Comprehensive Plan in Chapter Two: Existing Conditions.
4. MINOR COLLECTOR — Any roadway classified as a "minor collector" in the Comprehensive Plan in Chapter Two: Existing Conditions.
5. LOCAL ROAD — Any roadway classified as a "local road" in the Comprehensive Plan in Chapter Two: Existing Conditions.

STREET LINE — The line dividing a lot from a street. See "right-of-way line."

STREETSCAPE — A design term referring to all the elements that constitute the physical makeup of the street and that as a group define its character, including street trees, lighting, sidewalks and crosswalks.**[Added 9-10-2007 by Ord. No. HR-360]**

STREET YARD, NONRESIDENTIAL DISTRICTS — Any yard abutting a public right-of-way. Corner lots and through lots will have multiple street yards.**[Added 12-2-2013 by Ord. No. HR-399]**

STRUCTURE — See "building or structure."

STRUCTURED PARKING — See “parking structure.”**[Added 9-10-2007 by Ord. No. HR-360]**

STUDENT HOME — A living arrangement for student tenants within a dwelling or portion thereof, except if all the student tenants are family of the owner of the dwelling or the dwelling is leased and used only by a family as the family's primary residence. Student homes shall not include dormitories and apartments.**[Added 8-26-2010 by Ord. No. HR-384]**

STUDENT TENANT — An individual who has made application and been accepted at or is enrolled or has been enrolled within the last 12 months prior to the first date of occupancy at a university, college or trade school, and whose primary occupation is a student, including both undergraduate and graduate students alike, residing in a dwelling unit governed by this chapter.**[Added 8-26-2010 by Ord. No. HR-384]**

STUDIO — A building or portion of a building used as a place of work by a practitioner or instructor of art photography, drama, music, dance or certain healing sciences or for radio or television broadcasting.

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

SUBSTANTIAL DAMAGE — Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed 50% or more of the market value of the structure before the damage occurred.**[Added 10-16-2006 by Ord. No. HR-357]**

SUBSTANTIAL IMPROVEMENT — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% 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 or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.**[Amended 10-16-2006 by Ord. No. HR-357; 10-16-2017 by Ord. No. HR-417]**

SUPERMARKET — See "grocery store."

SURFACE PARKING FACILITY — A parking area for motor vehicles where there is no building above or below the parking area.**[Added 9-10-2007 by Ord. No. HR-360]**

SWIMMING POOL — A water-filled enclosure, permanently constructed or portable, having a depth of more than 18 inches below the level of the surrounding land, or an above-surface pool, having a depth of more than 30 inches, designated, used and maintained for swimming and bathing.

SYNAGOGUE or TEMPLE — See "place of worship."

TAVERN — An establishment in which alcoholic beverages are served, primarily by the drink, and where food or packaged liquors may also be served or sold.

TEMPORARY STRUCTURE — A structure that is erected without any foundation or footings and is removed when the designated time period, activity or use for which the temporary structure was erected has ceased.

TERRACE — A level, landscaped and/or surfaced area, also referred to as a "patio," directly adjacent to a principal building at or within three feet of the finished grade and not covered by a permanent roof.

THEATER — A building or part of a building used to show motion pictures or for drama, dance, musical or other live performances.

1. THEATER, DRIVE-IN — An open lot devoted primarily to the showing of motion pictures or theatrical productions on a paid-admission basis to patrons seated in automobiles.

TOP-OF-BANK — Highest point of elevation in a stream channel cross section at which a rising water level just begins to flow out of the channel and over the floodplain.**[Added 10-16-2017 by Ord. No. HR-417]**

TOPSOIL — A fertile soil or soil material rich in organic matter; surface soil; the original dark- colored upper soil ranging from a fraction of an inch to many feet in depth.

TRACT — The gross area within all boundary property lines of a parcel, site, piece of land or property that is the subject of a development application.

TRACT AREA, NET — That portion of a tract on which a building or buildings and any accessory building or buildings are or may be located. "Net tract area," as defined herein, shall include required yard or setback areas, but shall not include any of the following:**[Added 7-13-2015 by Ord. No. HR-410]**

1. Steep and very steep slopes.
2. Flood Hazard District areas.
3. Wetlands.
4. Portions of the tract which are less than 50 feet wide.
5. Alleys, lanes, streets, railroad or utility transmission line easements or rights-of-way.
6. Other areas owned and/or used in common with the owners or occupiers of other lots.

TRANSFER OF DEVELOPMENT RIGHTS (TDR) — The attaching of development rights to specified lands which are desired by a municipality to be kept undeveloped, but permitting those rights to be transferred from those lands so that the development potential which they represent may occur on other lands where more intensive development is deemed to be appropriate.

UNIFORM CONSTRUCTION CODE (UCC) — The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, the Code adopted the International Residential CODE (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the commonwealth floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.**[Added 10-16-2006 by Ord. No. HR-357]**

USE — The purpose or activity for which land or buildings are designed, arranged or intended or for which land or buildings are occupied or maintained.

1. USE, ACCESSORY — A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.
2. USE, COMMERCIAL — Activity involving the sale of goods or services carried out for pecuniary gain.
3. USE, CONDITIONAL — A use permitted in a particular zoning district when it is shown that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in this chapter and authorized by the approving authority.
4. USE, EXISTING — The use of a lot or structure at the time of the enactment of an applicable zoning ordinance.
5. USE, INSTITUTIONAL — A nonprofit, religious or public use, such as a religious building, library, public or private school, hospital or government-owned or operated building, structure or land used for public purpose.
6. USE, PERMITTED — Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.
7. USE, PRINCIPAL — The primary or predominant use of any lot or parcel.
8. USE, RELIGIOUS — A structure or place in which worship, ceremonies, rituals and education pertaining to a particular system of beliefs are held.
9. USE, TEMPORARY — A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

USE VARIANCE — A variance granted for a use or structure that is not permitted in the applicable zoning district.

UTILITY — Any agency that, under public franchise or ownership or under certificate of

convenience and necessity or by grant of authority by a governmental agency, provides the public with electricity, gas, heat, steam, communication, transportation, water, sewage collection or other similar service.

VARIANCE — Relief granted pursuant to the provisions of Articles VI and IX of the MPC, as amended.

VIOLATION — For purposes of Article V of this chapter, the failure to be fully compliant with Article V of this chapter, including, without limitation, the failure to provide documentary evidence of compliance with 44 CFR 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5).**[Added 10-16-2017 by Ord. No. HR-417]**

WAGERING, GAMING or GAMBLING FACILITIES — A commercial use which provides facilities or where persons assemble for the purpose of any activity which involves lawful gambling or wagering, including, without limitation, those facilities and activities for parimutuel wagering on thoroughbred and/or harness horse races remote from any racetrack and governed by and licensed pursuant to the Race Horse Industry Reform Act, the Act of December 17, 1981, P.L. 435, as it shall be from time to time amended, 4 P.S. § 325.101 et seq. (hereinafter the "Act"). Gambling and wagering shall include any activity, game or device at which money or other valuable things may be played for or staked or betted upon and in which, by the rules of the activity, game or device, a consideration is paid by the player or participant and a reward is paid to players or participants as a consequence of some element of chance. A commercial use otherwise permitted shall not constitute a gambling or wagering use solely on account of the installation of facilities and devices pursuant to the State Lottery Law, the Act of August 26, 1971, P.L. 351, as amended, 72 P.S. § 3761-101 et seq.

WAREHOUSE — A building used primarily for the storage of goods and materials.

WATERCOURSE — A channel or conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.**[Added 10-16-2017 by Ord. No. HR-417]**

WETLANDS — Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and which under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. For purposes of regulation under this chapter, wetlands shall be construed to be all areas meeting the definition of wetlands as then currently specified by the United States Army Corps of Engineers and/or the Pennsylvania Department of Environmental Protection. In any situation in which these sources do not coincide, the more inclusive area shall be considered to be wetlands under this chapter.

WHOLESALE or WHOLESALE ESTABLISHMENT — An establishment or place of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

WOODLAND — Areas characterized by dense and extensive tree cover growing closely together so that the driplines touch or overlap and in which there is more than one viable tree of a diameter of six inches or greater per 1,500 square feet of lot area. This definition also includes groves of flowering or subcanopy trees, such as dogwood trees and young forests where the immature branches may not yet be interlocking. [To determine if an area has more than one viable tree of six-inch or greater caliper per 1,500 square feet, the total area of the land in question (in square feet) shall be divided by 1,500. If the result is equal to or less than the number of viable trees of a diameter of six inches or greater and meets the other stated characteristics, the area in question is considered a woodland.]

Township of Tredyffrin, PA

#### § 208-6 TREDYFFRIN CODE § 208-6

WOODLOT — A privately maintained restricted area of woodland used as a source of fuel, posts and lumber.

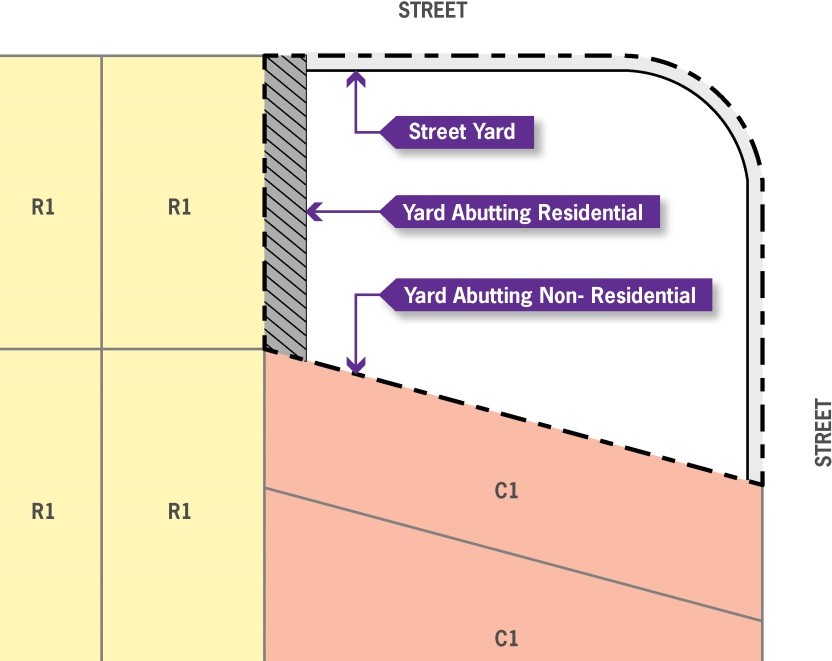
#### YARD —

1. YARD, REQUIRED — An open area on a lot that lies between the principal or accessory building or buildings and the nearest yard line and the adjoining lot lines within which no structure shall be located except as provided in this chapter.
2. YARD, REQUIRED FRONT — A yard extending the full width of the lot being the minimum horizontal distance between the street line or ultimate right-of-way line and the building setback line required in the applicable zoning district. Such front yard is unoccupied and unobstructed from the ground upward except as may be specifically provided in this chapter. Each yard with frontage on a street shall be considered a front yard.
3. YARD, REQUIRED REAR — A yard extending the full width of the lot between the rear yard line and the rear lot line, and measured perpendicular from the rear yard line to the closest point of the rear lot line. Such rear yard is unoccupied and unobstructed from the ground upward except as may be specifically provided in this chapter.
4. YARD, REQUIRED SIDE — A yard extending from the front yard to the rear yard along the side lot line, and being the minimum horizontal distance between the side lot line and the side yard line as specified in the applicable zoning district. Such side yard is unoccupied and unobstructed from the ground upward except as may be specifically provided in this chapter.

#### YARD ABUTTING NONRESIDENTIAL OR RAILROAD RIGHT-OF-WAY,

NONRESIDENTIAL DISTRICTS — Any yard abutting a nonresidential district or a railroad right- of-way.**[Added 12-2-2013 by Ord. No. HR-399]**

### Figure 6.1: Nonresidential District Yards

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YARD ABUTTING RESIDENTIAL, NONRESIDENTIAL DISTRICTS — Any yard abutting a

residential district.**[Added 12-2-2013 by Ord. No. HR-399]**

YARD LINE — A line drawn parallel to the corresponding lot lines at a distance specified in the applicable zoning district for the required depth of a yard.

YIELD PLAN — A plan used to determine the permissible number of lots for which a specific tract may be developed under the conventional provisions and requirements of an applicable zoning district.

ARTICLE III

**Classification of Districts**

**[Amended 3-24-1980 by Ord. No. HR-44; 9-28-1981 by Ord. No. HR-60; 3-18-1985 by Ord. No. HR-90; 2-9-1987 by Ord. No. HR-107; 8-19-1991 by Ord. No. HR-170; 5-1-2006 by Ord. No.**

**HR-352; 9-10-2007 by Ord. No. HR-360]**

**§ 208-7. Classes of districts. [Amended 12-2-2013 by Ord. No. HR-399]**

For the purposes of this chapter, the Township of Tredyffrin is hereby divided into the following different types of districts, which shall be designated as follows:

RC Rural-Conservation Districts

FH Flood Hazard Districts

R-1/2 Residence Districts

* 1. Residence Districts
  2. Residence Districts
  3. Residence Districts
  4. Residence Districts

PA Planned Apartment Districts

1. Office District

IO Institutional Overlay Districts

* 1. Commercial Districts

TCD Town Center Districts

* 1. Commercial Districts

TD Transit Districts

LI Limited Industrial Districts

PIP Planned Industrial Park Districts

### § 208-8. Zoning Map.192

The boundaries of said districts shall be shown upon the map which is attached to and made a part of this chapter and which shall be designated the "Zoning Map of Tredyffrin Township." The said map and all notations, references and other data shown thereof shall be as much a part of this chapter as if all were fully described herein.

### § 208-9. District boundaries.

The boundaries between districts are, unless otherwise indicated, either the center lines of streets or railroad rights-of-way, or such lines extended, or lines parallel thereto. Where dimensions are shown on the Zoning Map between a street and a district boundary line, they indicate that the district boundary line runs parallel to the street line at a distance therefrom equivalent to the number of feet so indicated.

1. **Editor's Note: The Zoning Map with any amendments thereto is on file in the Township offices.**

### § 208-10. Boundary adjustment.

When a district boundary line divides a lot held in single and separate ownership at the time of the adoption of this chapter, the regulations as to the use in the less-restricted district may extend over the portion of the lot in the more-restricted district a distance of not more than 50 feet beyond the district boundary line.

ARTICLE IV

**RC Rural-Conservation Districts**

**[Amended 8-15-1983 by Ord. No. HR-76; 2-27-1984 by Ord. No. HR-79; 10-5-1987 by Ord. No. HR-112; 9-9-1991 by Ord. No. HR-171; 12-3-1991 by Ord. No. HR-189; 5-1-2006 by Ord. No.**

**HR-352]**

**§ 208-11. Purpose.**

RC Rural-Conservation Districts are designed to encourage the preservation of sizable stream valley, wooded areas and areas of steep slopes within the Township, for protection of the Exception Value Waters Valley Creek Watershed, the limestone/carbonate geology of the Great Valley, scenic and historic areas in proximity to Valley Forge National Historic Park and other open space and historic purposes. Accordingly, the district regulations contain a density standard which, among other things, provides for agricultural and low-density residential uses and facilitates the conservation and proper utilization of groundwater supplies and the control of soil erosion and surface water runoff and flooding.

### § 208-12. Use regulations.

Land and buildings may be used and occupied for any one of the following purposes and no other:

1. Woodlot, game preserve, environmental education or conservation facility or other conservation purpose.
2. Agricultural use, which may include a single-family dwelling, tilling of the soil, nursery or greenhouse and the keeping of livestock and poultry, but which may not include a piggery, poultry hatchery or similar establishment, provided that any building used for the keeping of livestock and poultry or as a greenhouse shall be located not less than 100 feet from any street line and not less than 150 feet from any other property line.
3. Public park or recreation area owned and operated by a governmental agency.
4. One single-family detached dwelling.
5. Utility line or any necessary governmental or public utility use, provided that:
   1. No such use shall include an office open to the general public; the storage of materials; rotating equipment; trucking or repair facilities; housing of work crews; a storage garage; or any structure involving major traffic movements;
   2. The portion of any such use not located within a building is enclosed or adequately screened in such a manner as to not detract from the character of the district; and
   3. No advertising shall be affixed to any structure.
6. The following uses when authorized as a special exception, subject to the general standards prescribed in §§ 208-105 and 208-150:
   1. Memorial park type of cemetery, provided that no such use shall be located closer than 200 feet to a residential property line.
   2. Conversion of a single-family dwelling to two-family or multifamily use, subject to the provisions of § 208-106.
   3. Privately owned outdoor recreational area or use, customarily located in natural and/or rural areas (such as park, picnic ground, riding academy, golf course and swimming area, and including a country club, tennis club or hunt club lodge in conjunction with permitted outdoor use), provided that:
      1. The use and its design are compatible with the natural character of the area;
      2. Each building or structure shall be clearly incidental to the permitted outdoor use;
      3. Any club or lodge building and its services shall be for the use of members and their guests only;
      4. No commercial activity shall be permitted except for charging of admission, the sale of refreshments or such other purpose as is clearly incidental to the permitted outdoor activity;
      5. Each permitted use or activity shall be screened and separated from a public street and from an adjoining property by a landscaped planting strip not less than 100 feet in depth; subject to the requirements of § 208-103B relating to the location and buffering of off- street parking areas;
      6. Each incidental commercial use shall be located or screened so that it shall not be visible from a public street;
      7. There shall be no overhead lighting other than streetlight or parking lights;
      8. Not more than 40% of the land area of the lot shall be utilized for impervious surfaces; and
      9. Any activity not located within enclosed walls shall be limited to the hours of 8:00 a.m. to 10:00 p.m.
7. Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses. Each use shall comply with the provisions of §§ 208-103 and 208-104. The term "accessory use" shall not include a business except as expressly authorized herein, but shall include:
   1. Private parking space, parking structure or garage; private, noncommercial garden or greenhouse; private home swimming pool or private tennis court.
   2. Accessory apartment for a watchman, caretaker or the staff or employees of a permitted use subject to the area and height regulations of § 208-13.
   3. Not more than one rental room, without housekeeping privileges for boarders, provided that any such room shall not be occupied by more than two persons and that one off-street parking space is available on the same lot exclusively for each boarder.
   4. No-impact home-based businesses, pursuant to the requirements of § 208-120.
   5. The following uses when authorized as a special exception and subject to the special requirements indicated for each use:
      1. Low-impact home-based business, pursuant to the requirements of § 208-120.
      2. Bed-and-breakfast facility, pursuant to the requirements of § 208-120.1.
      3. Office of a veterinarian or profession involving the treatment, boarding or breeding of

animals, provided that such use is located on a lot of not less than 10 acres and that the facilities so used are located a minimum of 150 feet from any street or property line.

* + 1. Stable, barn or other structure used for the keeping of livestock, but not including a piggery, poultry hatchery or similar establishment, subject to the setback requirements of

§ 208-12B above.

* 1. The parking or storage (outside of a garage) of not more than one recreational or commercial vehicle, including but not limited to motor homes, campers, boats and trailers, subject to the following conditions:
     1. Such vehicle shall not be used for living or housekeeping purposes.
     2. Such vehicle shall not exceed 26 feet in length, exclusive of its trailer hitch or towbar.
     3. Such vehicle shall not be stored within a required front yard or in front of the facade of the residence on the property, whichever is stricter.
     4. Such vehicle shall not be stored within a required side or rear yard unless screened from neighboring properties by evergreen trees, hedges or other landscaping at least as high as the vehicle.

1. Signs when erected and maintained in accordance with Article XXV.

### § 208-13. Area, bulk and height regulations.

1. Lot area and width. A lot area of not less than five acres and a lot width of not less than 300 feet at the building line shall be provided.
2. Building coverage. Not more than 5% of the lot area may be occupied by buildings.
3. Impervious coverage. Not more than 10% of the lot area may be covered by impervious surface.
4. Front yard. There shall be a front yard on each street on which the lot abuts, the depth of which shall be at least 100 feet.
5. Side yards. There shall be two side yards not less than 100 feet in aggregate width and neither less than 45 feet in width.
6. Rear yard. There shall be a rear yard, the depth of which shall be at least 50 feet.
7. Height. The height of any building shall not exceed 35 feet.
8. Special development regulations. In addition to the other regulations of the district, each nondwelling use shall comply with the applicable provision of § 208-102.

ARTICLE V

**Flood Hazard Districts**

**[Amended 4-7-1986 by Ord. No. HR-100; 5-1-2006 by Ord. No. HR-252; 10-6-2016 by Ord. No.**

**HR-357]**

**§ 208-14. Statutory authorization and purpose.**

1. Statutory authorization. The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978,**193** delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, the Board of Supervisors of Tredyffrin Township does hereby order as follows.
2. Purpose. It is the purpose of this article to promote the public health, safety and general welfare and to minimize those losses described in § 208-15 by provisions designed to:
   1. Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which would cause increased flood heights or velocities.
   2. Protect the quality and quantity of surface and subsurface water supplies adjacent to and underlying flood hazard areas.
   3. Provide areas for the deposition of sediment.
   4. Require that uses vulnerable to floods, including public facilities, be constructed so as to be protected against flood damage.
   5. Preserve the integrity of stream banks and their immediate vicinity from erosion and degradation of natural vegetation.
   6. Require that where uses are permitted by grant of variance, notice be given to prospective purchasers and/or lessees that land under agreement of sale or to be placed under such agreement or under lease or to be leased is designated as lying either totally or partially within the flood hazard area.

### § 208-14.1. Identification of floodplain areas.

1. Identification.
   1. The Flood Hazard District Area shall include:
      1. Any areas of the Township, classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated September 29, 2017, 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. For areas of the Township not classified as SFHAs, that land which includes the floodway and floodway fringe adjoining any watercourse, including any perennial, intermittent, ephemeral or losing stream, or adjoining any ponds or lakes, which is within 50 feet of the banks thereof (or less than 50 feet if an applicant provides hydrologic and hydraulic
2. **Editor's Note: See 32 P.S. § 679.101 et seq.**

engineering analyses that determine base flood elevations and floodway information, in accordance with standard engineering practice prepared by a professional engineer licensed in Pennsylvania, that such smaller area is the limit of area subject to flooding in a one-hundred-year flood), and extends for such additional distance from said banks as is, or may be, subject to flooding in a one-hundred-year flood; and

* + 1. Any areas described in Subsection B below, and any areas designated as floodplain area by the Board of Supervisors in compliance with the National Flood Insurance Program when:

1. There are changes through natural or other causes; or
2. Changes are indicated by future detailed hydrologic and hydraulic studies. All changes in said delineation shall be subject to the review and comment of the Federal Emergency Management Agency.
   * 1. The above-referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by Tredyffrin Township and declared to be a part of this article.
3. Description and special requirements of Flood Hazard District Areas. The Flood Hazard District Area shall consist of the following specific areas:
   1. 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 flood without increasing the water surface elevation by more than one 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 except as expressly permitted in this article.
      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's regional office.
      3. For the purpose of this section, "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.
   2. 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. The 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.
      3. The AE Area shall also include any flood fringe area adjacent to a floodway in areas of the

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Township that are not shown as such on the FIRM included in the FIS.

1. No encroachments, including fill, new construction, substantial improvements, or other development shall be permitted in an AE Zone without floodway.
2. No new construction or development shall be located within the area measured 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.
   1. A Area/District.
      1. 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 Flood Hazard District Area which is nearest the construction site.
      2. 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. In the absence of any of the above data or documentation, the Township may require elevation of the lowest floor to be at least three feet above the highest adjacent grade.
   2. The AO and AH Area/District shall be those areas identified as Zones AO and AH on the FIRM and in the FIS. These areas are subject to inundation by one-percent-annual-chance shallow flooding where average depths are between one and three feet. In Zones AO and AH, drainage paths shall be established to guide floodwaters around and away from structures on slopes.
   3. Additional areas:
      1. The Flood Hazard District Area shall include all lands designated by the following map symbols and mapping unit names on map sheets of the Chester and Delaware Counties soil reports of the Soil Conservation Service, United States Department of Agriculture:

### Map Symbol Mapping Unit Name

We Wehadkee silt loam

Ch Chewacla silt loam

* + 1. Silt loams and local alluvium, while not displaying all of the characteristics common to the alluvial soils indicated in the preceding table, may be subject to periodic flooding. For this reason, they shall be considered an integral part of a floodplain network. However, they may be exempted from the provisions of this article where it is determined that such exemption would not have the effect of nullifying the purpose of this article. Those cases in which silt loams and local alluvium are involved shall be referred to the Floodplain Administrator, which shall examine such case and recommend either compliance with or exemption from the provisions of this article and shall attach any conditions appropriate to meet the purposes of this article; provided, however, that this subsection shall not apply to

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any areas in the Township covered by the Flood Insurance Study referred to above.

1. Changes in identification of area. The Flood Hazard District 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 months after the date such information becomes available, the Township shall notify FEMA of the changes to the special flood hazard area by submitting technical or scientific data. See

§ 208-15.1J(1) for situations where FEMA notification is required.

1. Rules for interpreting boundaries; boundary disputes.
   1. The boundaries of the Flood Hazard District Area shall be determined by scaling distances from the flood hazard maps maintained by the Township. Where interpretation is needed to determine the exact location of the boundaries of the district as shown on the flood hazard map, as for example, where there appears to be a conflict between a mapped boundary and actual field conditions, the Zoning Hearing Board shall, on appeal to it, make the necessary interpretation. The person contesting the location of the district boundary shall have the burden of establishing that land does not lie within the Flood Hazard District Area.
   2. Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Township and any party aggrieved by this decision or determination may appeal to the Zoning Hearing Board. The burden of proof shall be on the appellant.
2. Jurisdictional boundary changes. Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, the Township shall review flood hazard data affecting the lands subject to boundary changes. The Township shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in 44 CFR 60.3.

### § 208-15. District regulations.

1. Findings of fact.
   1. Losses resulting from periodic flooding. The flood hazard areas of this Township are subject to periodic inundation which would result or have resulted in loss of property, damage to structures and may result in loss of life, injury to people, disruption of public and private activities and services, burdensome public expenditures for flood protection and relief and impairment of the tax base, all of which do or may adversely affect the public health, safety and general welfare.
   2. General causes of these flood losses. These flood losses are or will be caused by:
      1. The cumulative effect of obstructions in flood hazard areas causing increases in flood heights and velocities.
      2. The occupancy of flood hazard areas by uses vulnerable to floods.
      3. The cumulative effect of impervious surfaces and stormwater management practices within the same watershed as a flood hazard area, causing increases in the rate and/or volume of stormwater runoff to surface water conveyances relative to that which existed naturally.
2. General provisions:
   1. Compliance. No structure, land or water shall hereafter be used and no structure shall be located, extended, converted or structurally altered in the Flood Hazard District Area unless full compliance with the terms of this chapter and other applicable regulations is demonstrated by the applicant.
   2. Permits. Permits shall be required before any construction or development is undertaken within any area of the Township.
      1. The standards and specifications contained in 34 Pa. Code (Chapters 401-405), as amended, and Chapter 80, Building Construction, of the Township Code, shall apply to this article to the extent that they are more restrictive and/or supplement the requirements of this chapter.
      2. The requirements of 34 Pa. Code Chapters 401-405, as amended, and the 2009 IRC (Sections R102.7.1, R105.3.1, R105.3.1.1, and Appendixes E and J) or the latest revision thereof and the 2009 IBC (Sections 101.3, 3403.1, and Appendix G) or the latest revision thereof shall also be utilized in conjunction with the provisions of this section.
   3. State and federal permits. Prior to the issuance of any zoning permit, the Building Permit Officer 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);**194** the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended);**195** the Pennsylvania Clean Streams Law (Act 1937-394, as amended);**196** and the United States Clean Water Act, Section 404, 33

U.S.C. 1344. No permit shall be issued until this determination has been made.

* 1. Preservation of other restrictions. It is not intended by this chapter to repeal, abrogate or impair any existing zoning or subdivision regulations, easements, covenants or deed restrictions, except that where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.
  2. Warning and disclaimer of liability. While the degree of flood protection by this chapter is considered reasonable for regulatory purposes, larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes. In such instances, areas outside the Flood Hazard District Area or land uses permitted within the district may be subject to flooding or flood damage. This chapter shall not create liability on the part of the Township or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.
  3. Liability. Neither the approval or granting of any construction permit or proposed subdivision or land development plan involving any land governed by the provisions of this section, by an officer, employee or agency of the Township, shall constitute a representation, guarantee or warranty of any kind by the Township, or its employees, officials or agencies, of the practicality or safety of any structure, use or subdivision, and shall create no liability upon, or cause action against such public body, official or employee for any damage that may result pursuant thereto.
  4. Severability. The provisions of this chapter shall be severable and if any of the provisions hereof shall be held to be unconstitutional, invalid or illegal by a court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this chapter. To the

1. **Editor's Note: See 35 P.S. § 750.1 et seq.**
2. **Editor's Note: See 32 P.S. § 693.1 et seq.**
3. **Editor's Note: See 35 P.S. § 691.1 et seq.**

extent that any holding that provisions of this chapter are invalid or illegal makes this chapter no longer applicable to any or all land within the Flood Hazard District Area, the zoning classification of that land shall revert to that of the district as designated in this chapter.

1. If a variance is sought in the Flood Hazard District Area, the Zoning Hearing Board shall determine that the standards and criteria enumerated in § 910.2 of the MPC are met before granting the request.
   1. In considering whether the variance, if granted, would be injurious to the public health, welfare or safety, the Zoning Hearing Board shall consider the following factors:
      1. The danger to life and property due to increased flood heights or velocities caused by encroachment.
      2. The danger that materials may be swept on to other lands or downstream to the injury of others.
      3. The proposed water supply and sanitation systems and ability of these systems to avoid causing disease, contamination and unsanitary conditions.
      4. The susceptibility of the proposed use to flood damage and the effect of such damage on the owner.
      5. The importance of the proposed use to the Township.
      6. The availability of alternative locations not subject to flooding for the proposed use.
      7. The compatibility of the proposed use with existing and foreseeable nearby uses.
      8. The relationship of the proposed use to the Comprehensive Plan.
      9. The safety of access to the property in times of flood for ordinary and emergency vehicles.
      10. The expected heights, velocity, duration, rate or rise and sediment transport of the floodwaters expected at the site.
      11. Such other factors as are relevant to the purposes of this chapter.
   2. As part of a petition for a variance hereunder, the applicant shall furnish such of the following material as the Township Engineer shall deem necessary for a complete consideration of the matter by the Zoning Hearing Board.
      1. Plans drawn to scale showing the nature, location, dimensions and elevation of the lot and existing and proposed uses; and photographs or drawings showing existing uses and vegetation, soil types and other pertinent information.
      2. A series of cross sections at such intervals as the Township Engineer may deem necessary along the lot shoreline, showing the stream channel or the lake or pond bottom, elevation of adjoining land areas to be occupied by the proposed uses and high-water information.
      3. Profile showing the slope of the bottom of the channel, lake or pond.
      4. Specifications for building materials and construction, floodproofing, filling, dredging, grading, landscaping, storage, water supply and sanitary facilities.
      5. Computation of the increase, if any, in the height of flood stages which would be

attributable to any proposed uses.

* + 1. The proposed lowest floor elevation of any proposed building and base flood elevation based upon North American Vertical Datum of 1988.
  1. Reports.
     1. In considering any appeal for a variance, the Zoning Hearing Board may, before the hearing, request reports from the Township Engineer concerning the extent to which the proposed use would:

1. Diminish the capacity of the floodplain to store and absorb floodwaters, to moderate flood velocities and to accommodate sediment;
2. Be subject to flood damage; and
3. Cause soil erosion and impair the amenity of the Flood Hazard District Area.
   * 1. All written reports submitted to the Zoning Hearing Board in advance of or at the public hearing shall be made available for inspection at the public hearing by any party thereto.
   1. Upon consideration of the purposes of this chapter, the Zoning Hearing Board shall attach such conditions to the granting of a variance as it deems necessary to further the purposes of this chapter. Among such conditions, without limitation because of specific enumeration, may be included:
      1. Modification of waste disposal and water supply facilities.
      2. Limitations on periods of use and operation.
      3. Imposition of operational controls, sureties and deed restrictions.
      4. Requirements for floodproofing measures, such as anchoring to prevent flotation, collapse or lateral movement of the structure; the use of construction materials and utility equipment which are resistant to flood damage; and the use of construction methods and practices which will prevent or lessen damage to a building located in the Flood Hazard District Area or to the health of the occupant thereof.
   2. In any case where the Zoning Hearing Board shall grant a variance to permit the erection of a structure in the Flood Hazard District Area and it shall appear that such premises is to be offered for sale or lease or the Zoning Hearing Board grants a variance to permit a change in nonconforming use of a structure already existing in the Flood Hazard District Area and it shall appear that the premises is to be offered for sale or lease, the Zoning Hearing Board shall, for the protection of prospective purchasers and lessees, impose the following conditions:
      1. Require the applicant to advise prospective purchasers and/or lessees that the lot is located, either entirely or partially, as the case may be, in the Flood Hazard District Area.
      2. Require that, before settlement or change in a nonconforming use, as the case may be, may take place, the purchaser or lessee shall signify in writing that he has been advised that the premises lies partially or entirely in the Flood Hazard District Area, and a signed copy of such signification shall be delivered to the Township.
      3. Where the premises are to be conveyed, the deed shall contain the following provision:

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"This lot is entirely (partially) within the Flood Hazard District Area of the Township of Tredyffrin, Chester County, Pennsylvania."

* 1. Variances may only be granted upon:
     1. Showing of good and sufficient cause;
     2. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
     3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense, create nuisances or cause fraud on or victimization of the public; and
     4. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  2. Whenever a variance is granted, the Township Zoning Hearing Board shall notify the applicant in writing that:
     1. The granting of the variance may result in increased premium rates for flood insurance; and
     2. Such variances may increase the risks to life and property.

1. All applicable regulations for floodproofing required by the National Flood Insurance Program (44 CFR 60.3) shall be made an implied condition to the granting of any conditional use, special exception or variance within the Flood Hazard District Area.
2. In no case shall any conditional use, special exception or variance be granted within the floodway if any increase in the one-hundred-year-flood elevations would result, which shall be demonstrated by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information prepared by a licensed professional engineer in accordance with standard engineering practice.
3. Designation of the floodplain administrator.
   1. The Zoning Officer is hereby appointed to administer and enforce this article and is referred to herein as the floodplain administrator. The floodplain administrator may:
      1. Fulfill the duties and responsibilities set forth in these regulations;
      2. Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees; or
      3. 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 Township 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 CFR 59.22.
   2. In the absence of a designated floodplain administrator, the floodplain administrator duties are to be fulfilled by the Chairman of the Board of Supervisors.
4. 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 Clean Streams Act (Act 1937-394, as amended); and the United States Clean Water Act, Section 404, 33 U.S.C. 1344. No permit shall be issued until this determination has been made.
   3. In the case of existing structures, prior to the issuance of any permit, the floodplain administrator shall review the proposed cost of improvements or repairs and the pre-improvement market value of the structure, so that a substantial improvement/substantial damage determination can be made, in accordance with FEMA's Substantial Improvement/Substantial Damage Desk Reference.
   4. In the case of existing structures, prior to the issuance of any permit, the floodplain administrator shall review the history of repairs to the subject building so that any cumulative substantial damage concerns can be addressed before the permit is issued.
   5. 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.
   6. In the discharge of his/her duties, the floodplain administrator shall have the authority to enter any building, structure, premises or development in the Flood Hazard District Area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this ordinance.
   7. 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 pursue available remedies for violations.
   8. The floodplain administrator shall maintain in perpetuity, or for the lifetime of the structure, all records associated with the requirements of this article, including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.
   9. The floodplain administrator is the official responsible for submitting a biennial report to FEMA concerning community participation in the National Flood Insurance Program as requested.
   10. 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 this article as the Floodplain Administrator/Manager.
   11. The floodplain administrator shall consider the requirements of 34 Pa. Code and the 2009 IBC and the 2009 IRC, or the latest revision thereof as adopted by the Commonwealth of Pennsylvania.
5. Application procedures and requirements.
   1. Application for such a permit shall be made, in writing, to the floodplain administrator on forms supplied by the Township. Such application shall contain the following:
      1. Name and address of applicant.
      2. Name and address of owner of land on which proposed construction is to occur.
      3. Name and address of contractor.
      4. Site location, including address.
      5. Listing of other permits required.
      6. Brief description of proposed work and estimated cost, including a breakout of flood- related cost and the market value of the building before the flood damage occurred, where appropriate.
      7. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
   2. If any proposed construction or development is located entirely or partially within any Flood Hazard District 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 flotation, collapse, or lateral movement;
      5. Building materials are flood-resistant;
      6. Appropriate practices that minimize flood damage have been used;
      7. Electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation; and
      8. Water and sanitary sewer facilities and systems:
6. 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 floodwaters.
7. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.
8. No part of any on-site waste disposal system shall be located within any Flood Hazard District Area.
9. The design and construction provisions of the UCC and FEMA No. 348, "Protecting

Building Utilities From Flood Damages" and "The International Private Sewage Disposal Code" shall be utilized.

* 1. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination:
     1. A completed permit application form.
     2. A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:

1. North arrow, scale, and date;
2. Topographic contour lines, if available;
3. The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;
4. The location of all existing streets, drives, and other access ways; and
5. The location of any existing bodies of water or watercourses, Flood Hazard District Areas, and, if available, information pertaining to the floodway and the flow of water, including direction and velocities.
   * 1. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
6. The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
7. The elevation of the base flood;
8. Supplemental information as may be necessary under 34 Pa. Code, the 2009 IBC or the 2009 IRC, or the latest revision thereof as adopted by the Commonwealth of Pennsylvania.
   * 1. The following data and documentation:
9. Detailed information concerning any proposed floodproofing measures and corresponding elevations.
10. If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood.
11. Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within any Flood Hazard District Area, when combined with all other existing and anticipated development, will not cause any increase in the base flood elevation.
12. 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 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.

1. Detailed information needed to determine compliance with § 208-15.1I(9), including:
   1. The amount, location and purpose of any materials or substances referred to in

§ 208-15.1I(9) which are intended to be used, produced, stored or otherwise maintained on site.

* 1. 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 § 208-15.1I(9) during a base flood.

1. The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
2. 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.
   1. Applications for permits shall be accompanied by a fee, payable to the municipality in an amount set by resolution of the Township.
3. Review by Chester County Conservation District. A copy of all applications and plans for any proposed construction or development in any Flood Hazard District Area to be considered for approval may be submitted by the floodplain administrator to the County Conservation District for review and comment prior to the issuance of a permit. The recommendations of the Conservation District shall be considered by the floodplain administrator for possible incorporation into the proposed plan.
4. Review of application by others. A copy of all plans and applications for any proposed construction or development in any Flood Hazard District Area to be considered for approval may 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.
5. 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.
6. Placards. In addition to the permit, the floodplain administrator shall issue a placard, or similar document, 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.
7. Start of construction.
   1. 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 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.
   2. The "actual start of construction" means either the first placement of permanent construction of a structure on a site, such as the pouring of a 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 the installation of streets and/or 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.
   3. 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 ordinance and FIRM/FIS in effect at the time the extension is granted.
8. Enforcement.
   1. Notices. Whenever the floodplain administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this article, or of any regulations adopted pursuant thereto, the floodplain administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:
      1. Be in writing;
      2. Include a statement of the reasons for its issuance;
      3. Allow a reasonable time not to exceed a period of 30 days for the performance of any act it requires;
      4. Be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this state;
      5. Contain an outline of remedial actions which, if taken, will effect compliance with the provisions of this article.
   2. Penalties. Refer to Article XXIX, Violations, Penalties and Remedies, of this Chapter 208.
9. Appeals.
   1. Any person aggrieved by any action or decision of the floodplain administrator concerning the administration of the provisions of this article may appeal to the Zoning Hearing Board. Such appeal must be filed, in writing, within 30 days after the decision, determination or action of the floodplain administrator.
   2. Upon receipt of such appeal, the Zoning Hearing Board shall consider the appeal in accordance with the Municipalities Planning Code**197** and any other local ordinance.
10. **Editor's Note: See 53 P.S. § 10101 et seq.**

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* 1. Any person aggrieved by any decision of the Zoning Hearing Board may seek relief therefrom by appeal to court, as provided by the laws of this state, including the Pennsylvania Flood Plain Management Act.**198**

### § 208-15.1. Use regulations; technical requirements.

Within the Flood Hazard District Area, all uses not allowed as permitted uses or authorized by grant of variance shall be prohibited. The following uses and no others shall be permitted within the Flood Hazard District Area and then only to the extent that they are not prohibited by any other ordinance or any other section of this chapter and only in strict compliance with the technical requirements set forth in this section, including, without limitation, the requirement to secure permits.

1. Agricultural uses that do not require structures, as follows: general farming, pasture, orchard, grazing, outdoor plant nurseries, truck farming, forestry and wild crop harvesting.
2. Recreation uses that do not require structures, as follows: park, picnic grounds, fairs, boating, golf course, archery, hiking, riding, hunting, fishing, game farm, fish hatchery, wildlife sanctuary, nature preserve and swimming areas.
3. Three-quarters of the front, side or rear yard setback required for development of any lot or tract in any district contiguous to the Flood Hazard District Area; provided, however, that no building shall be placed less than 25 feet from the boundary of any Flood Hazard District Area.
4. Sanitary sewers and sewage pumping stations, provided that the construction is floodproof and compliant with § 208-15H(2)(h).
5. Waterlines and sealed wells.
6. Dams, impoundment basins, culverts and bridges approved by the commonwealth.
7. Storm sewers and sanitary sewer outlets, subject to the approval of the Township Engineer.
8. When authorized as a conditional use, the following uses are subject to the general standards prescribed in §§ 208-105 and 208-117, and the specific standards set forth in Subsection J(3) below, provided that the applicant demonstrates to the reasonable satisfaction of the Planning Commission and Board of Supervisors that the grant thereof will not result in increasing the elevation of the base flood. No conditional use may be granted within the floodway if any increase in the base flood elevations would result, which shall be demonstrated by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information prepared by a licensed professional engineer in accordance with standard engineering practice.
   1. Any use permitted under § 208-15.1A through G above requiring a temporary structure. A "temporary structure" shall be defined as that which will remain in place for a period of time not to exceed 12 months from the date of installation.
   2. Permeable improved parking areas and roads to serve other permitted uses in the Flood Hazard District Area or where required by the regulations for any contiguous district.
   3. Railroads, roads, bridges and utility transmission lines.
   4. Docks and piers for boating.
9. **Editor's Note: See 32 P.S. § 679.101 et seq.**
   1. A change in grade by either cut or fill, or a combination of both, may be permitted as a conditional use, but only upon the following conditions:
      1. The effect is not to alter the cross-sectional area of the profile of the floodplain.
      2. The effect is not to increase the elevation of the base flood.
      3. The effect is not to increase the runoff characteristics of the area disturbed.
10. The following uses and activities are specifically prohibited in any Flood Hazard District Area and no variances shall be granted therefor:
    1. The construction, enlargement, substantial improvement, placement or expansion of any structure.
    2. Sod farming.
    3. Removal of topsoil.
    4. Cutting or removal of trees or other flora except where the area is devoted to forestry or nursery use, or except for certain permitted uses like a park or golf course where routine maintenance and care occurs, in which case cutting or removal shall be on a selective basis with appropriate reforestation measures practiced.
    5. Fences.
    6. Swimming pools.
    7. On-site sewage systems.
    8. Storage of any material that may be hazardous to the health and welfare of the surrounding population or which is in violation of the Clean Streams Law (35 P.S. § 691.901 et seq.) or regulations of the Department of Environmental Protection.
    9. The open storage of any hazardous materials or substances or the construction of substantial improvements of any structure which will be used for the production, storage or maintenance of, or used for activities requiring the maintenance of, a supply of any hazardous materials or substances, including, but not limited to, the following:
       1. Acetone.
       2. Ammonia.
       3. Benzene.
       4. Calcium carbide.
       5. Carbon disulfide.
       6. Celluloid.
       7. Chlorine.
       8. Hydrochloric acid.
       9. Hydrocyanic acid.
       10. Magnesium.
       11. Nitric acid and oxides of nitrogen.
       12. Petroleum products (gasoline, fuel oil and the like).
       13. Phosphorous.
       14. Potassium.
       15. Sodium.
       16. Sulphur and sulphur products.
       17. Pesticides (including insecticides, fungicides and rodenticides).
       18. The construction or substantial improvements of any structure which will be used for the production, storage of, use of, or used for activities requiring the maintenance of, a supply of any amount of radioactive substances.
    10. The filling or relocation of any watercourse.
    11. Sanitary landfill.
    12. Junkyard or dump.
    13. Outdoor storage of vehicles or materials.
    14. Hospitals.
    15. Nursing homes.
    16. Jails or prisons.
    17. The commencement of, or any construction of, a new manufactured home, manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.
    18. Recreational vehicles.
11. Technical requirements.
12. Alteration or relocation of watercourse.
    1. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality and until all required permits or approvals have first been obtained from the Department of Environmental Protection's regional office.
    2. No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood- carrying capacity of the watercourse in any way.
    3. In addition, FEMA and the Pennsylvania Department of Community and Economic Development shall be notified prior to any alteration or relocation of any watercourse.
13. Any uses or activities allowed within any Flood Hazard District Area shall be undertaken in strict compliance with the provisions contained in this article and any other applicable codes, ordinances and regulations.
14. For all conditional uses permitted under this district, the Township shall consider all relevant factors and procedures specified in other sections of the Code and the following:
    1. The danger to life and property due to increased flood heights or velocities caused by encroachments. No proposed use, development or activity shall be permitted that will cause any increase in flood levels in the Flood Hazard District Area.
    2. The danger that materials may be swept onto other lands or downstream to the injury of others.
    3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
    4. The susceptibility of the proposed use and its contents to flood damage, and the effect of such damage on the individual owners.
    5. The importance of the services provided by the proposed use to the Township.
    6. The requirements of the use for a waterfront location.
    7. The availability of alternative locations not subject to flooding for the proposed use.
    8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
    9. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for the area.
    10. The safety of access to the property in times of flood for ordinary and emergency vehicles.
    11. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.
    12. The potential direct or indirect impacts to the Flood Hazard District Area from the use proposed.
    13. The potential direct or indirect impacts to those portions of any watercourse designated as "exceptional value" or "high-quality special protection waters" by the Commonwealth of Pennsylvania.
15. Elevation and floodproofing requirements. Within any Flood Hazard District Area, any new construction or substantial improvements shall be prohibited. If a variance is obtained for new construction or substantial improvements in the Flood Hazard District Area in accordance with

§ 208-15, then the following provisions apply:

* 1. Residential structures.
     1. In AE, A1-30, 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.

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* + 1. 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

§ 208-14.1B(3) of this ordinance.

* + 1. In AO Zones, any new construction or substantial improvement shall have the lowest floor (including the basement) at or above the highest adjacent grade at least as high as the depth number specified on the FIRM.
    2. 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 latest edition thereof adopted by the Commonwealth of Pennsylvania, and ASCE 24 and 34 Pa. Code (Chapters 401-405, as amended) shall be utilized, where they are more restrictive.
  1. Nonresidential structures.
     1. In AE, A1-30 and AH Zones, any new construction or substantial improvement of a nonresidential structure shall have the lowest floor (including the 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:

1. Is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water; and
2. Has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
   * 1. 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 the basement) elevated or completely floodproofed up to, or above, the regulatory flood elevation determined in accordance with § 208-14.1B(3) of this ordinance.
     2. In AO Zones, any new construction or substantial improvement shall have its lowest floor elevated or completely floodproofed above the highest adjacent grade to at least as high as the depth number specified on the FIRM.
     3. Any nonresidential 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 United States Army Corps of Engineers (June 1972, as amended March 1992) 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. There should be a statement submitted with the permit application and a statement submitted with the as-built floodproofing certificate prior to the issuance of the certificate of occupancy.
     4. Any nonresidential structure that will be floodproofed must submit the following to the floodplain administrator, along with the nonresidential floodproofing certificate and prior to the issuance of the certificate of occupancy:
3. An inspection and maintenance plan detailing the annual maintenance of

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floodproofed components ensuring that all components will operate properly under flood conditions. Components that must be inspected include, at a minimum:

* 1. Mechanical equipment such as sump pumps and generators;
  2. Flood shields and closures;
  3. Walls and wall penetrations; and
  4. Levees and berms (as applicable).

1. A flood emergency operation plan detailing the procedures to be followed during a flooding event, and must include information pertaining to how all components will operate properly under all conditions, including power failures. The design professional must produce the plan. An adequate plan must include the following:
   1. An established chain of command and responsibility, with leadership responsibilities clearly defined for all aspects of the plan.
   2. A procedure for notification of necessary parties when flooding threatens and flood warnings are issued. Personnel required to be at the building should have a planned and safe means of ingress and should have no other emergency response duties during a flood event. Alternates should be assigned in the event that the primary persons responsible are unable to complete their assigned duties under the plan.
   3. A list of specific duties assigned to ensure that all responsibilities are addressed expeditiously. The locations of materials necessary to properly install all floodproofing components must be included in the list.
   4. An evacuation plan for all personnel or occupants; those without duties for the flood emergency as well as those with duties for implementing the plan. All possible ingress and egress routes must be identified.
   5. A periodic training and exercise program to keep personnel and occupants aware of their duties and responsibilities. Training drills should be held at least once a year and should be coordinated with community officials.
      1. 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 latest revision thereof as adopted by the Commonwealth of Pennsylvania, and ASCE 24 and 34 Pa. Code (Chapters 401-405, as amended) shall be utilized, where they are more restrictive.
   6. 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 floodwaters 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:

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1. A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space installed on two separate walls.
2. The bottom of all openings shall be no higher than one foot above grade.
3. Openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
   1. Historic structures. Historic structures, as defined in Subsections (1) through (3) only in § 208-6 of said definition, undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this article, must comply with all ordinance requirements that do not preclude the structure's continued designation as an historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.
4. Design and construction standards. In the event that a variance is secured for any activity for which a variance is required hereunder, the following minimum standards shall apply for all construction and development proposed within any Flood Hazard District Area:
   1. Fill. Within any Flood Hazard District Area, the use of fill shall be prohibited. No variance shall be granted.
   2. Drainage facilities. Storm drainage facilities shall be designed to convey the flow of stormwater 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:
      1. 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 floodwaters.
      2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.
      3. No part of any on-site waste disposal system shall be located within any Flood Hazard District Area.
      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.
   4. Other utilities. 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. Streets. The finished elevation of all new streets shall be no more than one foot below the regulatory flood elevation.
   6. Storage. All materials that are buoyant, flammable, explosive, or, in times of flooding, could be

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injurious to human, animal, or plant life, and not listed in § 208-15.1I(9) shall be stored at or above the regulatory flood elevation or floodproofed to the maximum extent possible.

* 1. Placement of buildings and structures. 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 floodwater.
  2. Anchoring:
     1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
     2. 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.
  3. Floors, walls and ceilings:
     1. 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.
     2. Plywood used at or below the regulatory flood elevation shall be of a marine or water- resistant variety.
     3. 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.
     4. Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other water-resistant material.
  4. Paints and adhesives:
     1. Paints and other finishes used at or below the regulatory flood elevation shall be of marine or water-resistant quality.
     2. Adhesives used at or below the regulatory flood elevation shall be of a marine or water- resistant variety.
     3. 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.
  5. Electrical components:
     1. Electrical distribution panels shall be at least three feet above the base flood elevation.
     2. Separate electrical circuits shall serve lower levels and shall be dropped from above.
  6. Equipment:
     1. 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 and shall be anchored to resist flotation, collapse, and lateral movement.
     2. Ductwork shall be elevated to or above the regulatory flood elevation or floodproofed to remain water-resistant.
  7. Fuel supply systems. All gas and oil supply systems shall be designed to prevent the infiltration of floodwaters into the system and discharges from the system into floodwaters. Additional provisions shall be made for the drainage of these systems in the event that floodwater infiltration occurs.
  8. 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 subsections of this article, to the extent that they are more restrictive and supplement the requirements of this article.
     1. International Building Code (IBC) 2009 or the latest revision thereof as adopted by the Commonwealth of Pennsylvania; Sections 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.
     2. International Residential Building Code (IRC) 2009 or the latest revision thereof as adopted by the Commonwealth of Pennsylvania: Sections R104, R105, R109, R322, Appendix E, and Appendix J.

1. Special requirements for subdivisions and development. All subdivision proposals and land development proposals containing at least 10 lots or at least five acres, whichever is the lesser, in Flood Hazard District 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 (CLOMR) and letter of map revision (LOMR). Submittal requirements and processing fees shall be the responsibility of the applicant.

ARTICLE VI

**R-1/2 Residence Districts**

**[Amended 8-15-1983 by Ord. No. HR-76; 2-27-1984 by Ord. No. HR-79; 1-8-1991 by Ord. No. HR-161; 8-19-1991 by Ord. No. HR-169; 12-12-1994 by Ord. No. HR-236; 5-1-2006 by Ord. No.**

**HR-352]**

**§ 208-16. Purpose.**

The R-1/2 Residence Districts are designed to minimize disruption to notable features such as the Exceptional Value Valley Creek Watershed, the limestone/carbonate geology of the Great Valley, Valley Forge Mountain and the natural, scenic and historic character of the Township.

### § 208-17. Use regulations.

Land and buildings may be used and occupied for any one of the following purposes and no other:

1. Woodlot, game preserve, environmental education, conservation facility or other conservation purpose.
2. Public park or recreation area owned and operated by a governmental agency.
3. One single-family detached dwelling.
4. Utility line or any necessary governmental or public utility use, provided that:
   1. No such use shall include an office open to the general public; the storage of materials; rotating equipment; trucking or repair facilities; housing of work crews; a storage garage; or any structure involving major traffic movements;
   2. The portion of any such use not located within a building is enclosed or adequately screened in such a manner as to not detract from the character of the district; and
   3. No advertising shall be affixed to any structure.
5. The following uses when authorized as a special exception, subject to the general standards prescribed in §§ 208-105 and 208-150:
   1. Memorial park type of cemetery, provided that no such use shall be located closer than 200 feet to a residential property line.
   2. Conversion of a single-family dwelling to two-family or multiple-family use, subject to the provisions of § 208-106.
   3. Privately owned outdoor recreational area or use, customarily located in natural and/or rural areas (such as park, picnic ground, riding academy, golf course and swimming area, and including a country club, tennis club or hunt club lodge in conjunction with permitted outdoor use), provided that:
      1. The use and its design are compatible with the natural character of the area;
      2. Each building or structure shall be clearly incidental to the permitted outdoor use;
      3. Any club or lodge building and its services shall be for the use of members and their guests only;
      4. No commercial activity shall be permitted except for charging of admission, the sale of refreshments or such other purpose as is clearly incidental to the permitted outdoor activity;
      5. Each permitted use or activity shall be screened and separated from a public street and from an adjoining property by a landscaped planting strip not less than 100 feet in depth; subject to the requirements of § 208-103B relating to the location and buffering of off- street parking areas;
      6. Each incidental commercial use shall be located or screened so that it shall not be visible from a public street;
      7. There shall be no overhead lighting other than streetlight or parking lights;
      8. Not more than 40% of the land area of the lot shall be utilized for buildings, parking and other facilities; and
      9. Any activity not located within enclosed walls shall be limited to the hours of 8:00 a.m. to 10:00 p.m.
   4. As an accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses, a nursery school or day-care center for more than three individuals but fewer than 12 individuals, provided that:
      1. Outdoor play or instruction areas shall be located at least 50 feet from any street line or property line and shall be provided with landscape screening sufficient to buffer adjoining properties from noise or other disturbances.
      2. In addition to the general parking requirements of § 208-103, an off-street dropoff area shall be provided which is sufficient to accommodate not less than one vehicle per five individuals enrolled.
   5. Historical or cultural museum not operated for profit subject to the area, bulk and height requirements of § 208-13, and provided that the proposed use shall be designed so as to constitute a desirable and harmonious addition to the general environment of the area.
   6. Student home located in a single-family dwelling, subject to the provisions of § 208-122.1.

### [Added 8-26-2010 by Ord. No. HR-384]

* 1. Short-term rentals located in a historic structure, subject to the provisions of § 208-122.1a.

### [Added 12-5-2022 by Ord. No. HR-459]

1. Accessory uses as permitted in § 208-12G, subject to the requirements thereof.
2. Signs when erected and maintained in accordance with Article XXV.

### § 208-18. Area, bulk and height regulations relating to dwellings.

1. Lot area and width. A lot area of not less than 80,000 square feet and a lot width of not less than 200 feet at the building line shall be provided.
2. Building coverage. Not more than 10% of the lot area may be occupied by buildings.
3. Impervious coverage. Not more than 15% of the lot area may be covered by impervious surface.
4. Front yard. There shall be a front yard on each street on which the lot abuts, the depth of which shall be at least 50 feet.
5. Side yards. There shall be two side yards not less than 50 feet in aggregate width and neither less than 25 feet in width.
6. Rear yard. There shall be a rear yard, the depth of which shall be at least 40 feet.
7. Height. The height of any building shall not exceed 35 feet.

### § 208-19. Area, bulk and height regulations relating to nondwelling use.

1. Lot area and width. A lot area of not less than 80,000 square feet and a lot width of not less than 200 feet at the building line shall be provided.
2. Building coverage. Not more than 10% of the lot area may be occupied by buildings.
3. Impervious coverage. Not more than 25% of the lot area may be covered by impervious surface.
4. Front yard. There shall be a front yard on each street on which the lot abuts, the depth of which shall be at least 50 feet.
5. Side yards. There shall be two side yards, neither of which shall be less than 40 feet in width.
6. Rear yard. There shall be a rear yard, the depth of which shall be at least 50 feet.
7. Height. The height of any building shall not exceed 35 feet.
8. Buffer. Along each property line which directly abuts a residential district or use, a buffer area not less than 25 feet in width shall be provided, subject to the provisions of § 208-102B.
9. Special development regulations. In addition to the other regulations of the district, each nondwelling use shall comply with the applicable provision of § 208-102.

ARTICLE VII

* 1. **Residence Districts**

**[Amended 8-15-1983 by Ord. No. HR-76; 10-21-1991 by Ord. No. HR-183; 1-25-1993 by Ord. No. HR-201; 12-12-1994 by Ord. No. HR-236; 10-19-1998 by Ord. No. HR-278; 5-1-2006 by Ord. No.**

**HR-352]**

**§ 208-20. Purpose.**

The R-1 Residence Districts are designed to provide opportunities for moderate intensities of residential development in areas which are effectively served with roads, sewer and water facilities that can support such intensities of land use.

### § 208-21. Use regulations.

Land and buildings may be used and occupied for any one of the following purposes and no other:

1. One single-family detached dwelling.
2. Township administrative building, public library, public park, play or recreation area; or any similar use owned or operated by a public agency.
3. Public transportation shelter, provided that no advertising shall be affixed thereto.
4. The following uses when authorized as a special exception, subject to the general standards prescribed in §§ 208-105 and 208-150:
   1. Historical or cultural museum or other cultural or philanthropic use not operated for profit, other than a use permitted by this section above.
   2. Conversion of a dwelling to two-family or multifamily use, subject to the provisions of

§ 208-106.

* 1. Electric substation or any similar public utility use, provided that:
     1. No such use shall include an office open to the general public; the storage of materials; rotating equipment; trucking or repair facilities; housing of work crews; a storage garage; or any structure involving major traffic movements;
     2. The portion of any such use not located within a building is enclosed or adequately screened in such a manner as to not detract from the character of the district; and
     3. No advertising shall be affixed to any structure.
  2. Golf or country club, swimming club, tennis club or similar recreational facility on a lot not less than five acres in size, provided that the chief activity shall not be one that is customarily carried on as a business; no building shall be closer than 100 feet to a street or property line; the buildings or services shall be for the use of members and their guests only; and the use shall comply with the provisions of § 208-12F(3)(g) through (i) relating to privately owned outdoor recreational uses in RC Districts.
  3. Any other governmental or public utility use, provided that the Zoning Hearing Board shall determine that the placement of such use in the proposed district is a public necessity and that satisfactory screening and other measures are taken to safeguard the character of the

surrounding area.

* 1. Student home located in a single-family dwelling, subject to the provisions of § 208-122.1.

### [Added 8-26-2010 by Ord. No. HR-384]

* 1. Short-term rentals located in a historic structure, subject to the provisions of § 208-122.1a.

### [Added 12-5-2022 by Ord. No. HR-459]

1. Accessory uses as permitted in § 208-12G, subject to the requirements thereof.
2. Signs when erected and maintained in accordance with Article XXV.

### § 208-22. Area, bulk and height regulations relating to dwellings.

The following area, width and height regulations shall apply in the case of any lot used as a dwelling:

1. Lot area and width. A lot area of not less than 30,000 square feet and a lot width of not less than 100 feet at the building line shall be provided.
2. Building coverage. Not more than 20% of the lot area may be occupied by buildings.
3. Impervious coverage. Not more than 30% of the lot area may be covered by impervious surface.
4. Front yard. There shall be a front yard on each street on which the lot abuts, the depth of which shall be at least 40 feet.
5. Side yards. There shall be two side yards not less than 40 feet in aggregate width and neither less than 15 feet in width.
6. Rear yard. There shall be a rear yard, the depth of which shall be at least 25 feet.
7. Height. The height of any building shall not exceed 35 feet.

### § 208-23. Area, bulk and height regulations relating to nondwelling use.

1. Lot area and width. A lot area of not less than 80,000 square feet and a lot width of not less than 200 feet at the building line shall be provided.
2. Building coverage. Not more than 10% of the lot area may be occupied by buildings.
3. Impervious coverage. No more than 25% of the lot area may be covered by impervious surface.
4. Front yard. There shall be a front yard on each street on which the lot abuts, the depth of which shall be at least 50 feet.
5. Side yards. There shall be two side yards, neither of which shall be less than 40 feet in width.
6. Rear yard. There shall be a rear yard, the depth of which shall be at least 50 feet.
7. Height. The height of any building shall not exceed 35 feet.
8. Buffer. Along each property line which directly abuts a residential district or use, a buffer area not less than 25 feet in width shall be provided, subject to the provisions of § 208-102B.
9. Special development regulations. In addition to the other regulations of the district, each nondwelling use shall comply with the applicable provisions of § 208-102.

ARTICLE VIII

* 1. **Residence Districts**

**[Amended 1-25-1993 by Ord. No. HR-207; 5-1-2006 by Ord. No. HR-252]**

**§ 208-24. Purpose.**

* 1. Residence Districts are designed to provide opportunities for higher intensity development in the Route 30 corridor in light of the carrying capacity of the infrastructure in the form of roads, sewer and water facilities. The R-2 Districts comprise areas which are developed as neighborhoods primarily in close proximity to public transportation and neighborhood shopping facilities, and where road, sewer, water and storm drainage facilities can support such higher densities.

### § 208-25. Use regulations.

Land and buildings may be used and occupied for any one of the following purposes and no other:

1. One single-family detached dwelling.
2. Township administrative building, public library, public park, play or recreation area; or any similar use owned or operated by a public agency.
3. Public transportation shelter, provided that no advertising shall be affixed thereto.
4. The following uses when authorized as a special exception, subject to the general standards prescribed in §§ 208-105 and 208-150:
   1. Historical or cultural museum or other cultural or philanthropic use not operated for profit, other than a use permitted by this section above.
   2. Conversion of a dwelling to two-family or multifamily use, subject to the provisions of

§ 208-106.

* 1. Electric substation or any similar public utility use, provided that:
     1. No such use shall include an office open to the general public; the storage of materials; rotating equipment; trucking or repair facilities; housing of work crews; a storage garage; or any structure involving major traffic movements;
     2. The portion of any such use not located within a building is enclosed or adequately screened in such a manner as to not detract from the character of the district; and
     3. No advertising shall be affixed to any structure.
  2. Golf or country club, swimming club, tennis club or similar recreational facility on a lot not less than five acres in size, provided that the chief activity shall not be one that is customarily carried on as a business; no building shall be closer than 100 feet to a street or property line; the buildings or services shall be for the use of members and their guests only; and the use shall comply with the provisions of § 208-12F(3)(g) through (i) relating to privately owned outdoor recreational uses in RC Districts.
  3. Any other governmental or public utility use, provided that the Zoning Hearing Board shall determine that the placement of such use in the proposed district is a public necessity and that satisfactory screening and other measures are taken to safeguard the character of the

surrounding area.

* 1. Student home located in a single-family dwelling, subject to the provisions of § 208-122.1.

### [Added 8-26-2010 by Ord. No. HR-384]

1. Commuter railroad station.
2. Accessory uses as permitted in § 208-12G, subject to the requirements thereof.
3. Signs when erected and maintained in accordance with Article XXV.

### § 208-26. Area, bulk and height regulations relating to dwellings.

The following area, width and height regulations shall apply in the case of any lot used as a dwelling:

1. Lot area and width. A lot area of not less than 18,000 square feet and a lot width of not less than 85 feet at the building line shall be provided.
2. Building coverage. Not more than 20% of the lot area may be occupied by buildings.
3. Impervious coverage. Not more than 40% of the lot area may be covered by impervious surface.
4. Front yard. There shall be a front yard on each street on which the lot abuts, the depth of which shall be at least 35 feet.
5. Side yards. There shall be two side yards not less than 40 feet in aggregate width and neither less than 15 feet in width.
6. Rear yard. There shall be a rear yard, the depth of which shall be at least 25 feet.
7. Height. The height of any building shall not exceed 35 feet.

### § 208-27. Area, bulk and height regulations relating to nondwelling use.

1. Lot area and width. A lot area of not less than 80,000 square feet and a lot width of not less than 200 feet at the building line shall be provided.
2. Building coverage. Not more than 10% of the lot area may be occupied by buildings.
3. Impervious coverage. Not more than 25% of the lot area may be covered by impervious surface.
4. Front yard. There shall be a front yard on each street on which the lot abuts, the depth of which shall be at least 50 feet.
5. Side yards. For any building or use, there shall be two side yards, neither of which shall be less than 40 feet in width.
6. Rear yard. There shall be a rear yard, the depth of which shall be at least 50 feet.
7. Height. The height of any building shall not exceed 35 feet.
8. Buffer. Along each property line which directly abuts a residential district or use, a buffer area not less than 25 feet in width shall be provided, subject to the provisions of § 208-102B.
9. Special development regulations. In addition to the other regulations of the district, each nondwelling use shall comply with the applicable provisions of § 208-102.

ARTICLE IX

* 1. **Residence Districts**

**[Amended 8-15-1983 by Ord. No. HR-76; 1-25-1993 by Ord. No. HR-207; 5-1-2006 by Ord. No.**

**HR-252]**

**§ 208-28. Purpose.**

* 1. Residence Districts are designed to provide opportunities for higher intensity development in the Route 30 corridor in light of the carrying capacity of the infrastructure in the form of roads, sewer and water facilities. The R-3 Districts comprise areas which were developed as neighborhoods primarily in close proximity to public transportation.

### § 208-29. Use regulations.

Land and buildings may be used and occupied for any one of the following purposes and no other:

1. One single-family detached dwelling.
2. Township administrative building, public library, public park, play or recreation area; or any similar use owned or operated by a public agency.
3. Public transportation shelter, provided that no advertising shall be affixed thereto.
4. The following uses when authorized as a special exception, subject to the general standards prescribed in §§ 208-105 and 208-150:
   1. Historical or cultural museum or other cultural or philanthropic use not operated for profit, other than a use permitted by this section above.
   2. Conversion of a dwelling to two-family or multifamily use, subject to the provisions of

§ 208-106.

* 1. Electric substation or any similar public utility use, provided that:
     1. No such use shall include an office open to the general public; the storage of materials; rotating equipment; trucking or repair facilities; housing of work crews; a storage garage; or any structure involving major traffic movements;
     2. The portion of any such use not located within a building is enclosed or adequately screened in such a manner as to not detract from the character of the district; and
     3. No advertising shall be affixed to any structure.
  2. Golf or country club, swimming club, tennis club or similar recreational facility on a lot not less than five acres in size, provided that the chief activity shall not be one that is customarily carried on as a business; no building shall be closer than 100 feet to a street or property line; the buildings or services shall be for the use of members and their guests only; and the use shall comply with the provisions of § 208-12F(3)(g) through (i) relating to privately owned outdoor recreational uses in RC Districts.
  3. Any other governmental or public utility use, provided that the Zoning Hearing Board shall determine that the placement of such use in the proposed district is a public necessity and that satisfactory screening and other measures are taken to safeguard the character of the

surrounding area.

* 1. Subject to the area, bulk and height regulations of § 208-30, and general standards prescribed in

§§ 208-105 and 208-150, a club or lodge, or fraternity or sorority house organized for fraternal or social purposes, provided that the chief activity shall not be one which is customarily carried on as a business and that the buildings and services shall be for the use of members and their guests only.

* 1. Student home located in a single-family dwelling, subject to the provisions of § 208-122.1.

### [Added 8-26-2010 by Ord. No. HR-384]

1. Commuter railroad station.
2. Accessory uses as permitted in § 208-12G, subject to the requirements thereof.
3. Signs when erected and maintained in accordance with Article XXV.

### § 208-30. Area, bulk and height regulations relating to dwellings.

The following area, width and height regulations shall apply in the case of any lot used as a dwelling:

1. Lot area and width. A lot area of not less than 12,000 square feet and a lot width of not less than 70 feet at the building line shall be provided.
2. Building coverage. Not more than 20% of the lot area may be covered by buildings.
3. Impervious coverage. Not more than 45% of the lot area may be covered by impervious surface.
4. Front yard. There shall be a front yard on each street on which the lot abuts, the depth of which shall be at least 30 feet.
5. Side yards. There shall be two side yards not less than 30 feet in aggregate width and neither less than 15 feet in width.
6. Rear yard. There shall be a rear yard, the depth of which shall be at least 25 feet.
7. Height. The height of any building shall not exceed 35 feet.

### § 208-31. Area, bulk and height regulations relating to nondwelling use.

1. Lot area and width. A lot area of not less than 50,000 square feet and a lot width of not less than 200 feet at the building line shall be provided.
2. Building coverage. Not more than 10% of the lot area may be occupied by buildings.
3. Impervious coverage. Not more than 25% of the lot area may be covered by impervious surface.
4. Front yard. There shall be a front yard on each street on which the lot abuts, the depth of which shall be at least 50 feet.
5. Side yards. There shall be two side yards, neither of which shall be less than 40 feet in width.
6. Rear yard. There shall be a rear yard, the depth of which shall be at least 50 feet.
7. Height. The height of any building shall not exceed 35 feet.
8. Buffer. Along each property line which directly abuts a residential district or use, a buffer area not less than 25 feet in width shall be provided, subject to the provisions of § 208-102B.
9. Special development regulations. In addition to the other regulations of the district, each nondwelling use shall comply with the applicable provisions of § 208-102.

ARTICLE X

* 1. **Residence Districts**

**[Amended 7-18-1983 by Ord. No. HR-74; 5-20-1991 by Ord. No. HR-166; 5-1-2006 by Ord. No.**

**HR-252]**

**§ 208-32. Purpose.**

* 1. Residence Districts are designed to provide high intensity development opportunities in selected locations of the Township. These districts are intended for areas with sufficient infrastructure of roads, public water, public sewer, sidewalks and pathways, and are planned to be located primarily near places where one can shop and/or work. As such, the R-4 Districts permit the highest densities of residential use and allow for the greatest variety of housing types.

### § 208-33. Use regulations.

Land and buildings may be used and/or occupied for any of the following uses and no other, provided that no building may contain more than six dwelling units.

1. One single-family detached dwelling.
2. Township administrative building, public library, public park, play or recreation area; or any similar use owned or operated by a public agency, subject to the area, yard and other requirements of the R-1 District.
3. Public transportation shelter, provided that no advertising shall be affixed thereto, subject to the area, yard and other requirements of the R-1 District.
4. The following uses when authorized as a special exception, subject to the general standards prescribed in §§ 208-105 and 208-150 and the area, yard and other requirements of the R-1 District:
   1. Historical or cultural museum or other cultural or philanthropic use not operated for profit, other than a use permitted by this section above.
   2. Conversion of a dwelling to two-family or multiple-family use, subject to the provisions of

§ 208-106.

* 1. Electric substation or any similar public utility use, provided that:
     1. No such use shall include an office open to the general public; the storage of materials; rotating equipment; trucking or repair facilities; housing of work crews; a storage garage; or any structure involving major traffic movements;
     2. The portion of any such use not located within a building is enclosed or adequately screened in such a manner as to not detract from the character of the district; and
     3. No advertising shall be affixed to any structure.
  2. Golf or country club, swimming club, tennis club or similar recreational facility on a lot not less than five acres in size, provided that the chief activity shall not be one that is customarily carried on as a business; no building shall be closer than 100 feet to a street or property line; the buildings or services shall be for the use of members and their guests only; and the use shall comply with the provisions of § 208-12F(3)(g) through (i) relating to privately owned outdoor recreational uses in RC Districts.
  3. Any other governmental or public utility use, provided that the Zoning Hearing Board shall determine that the placement of such use in the proposed district is a public necessity and that satisfactory screening and other measures are taken to safeguard the character of the surrounding area.
  4. Student home located in a single-family or two-family dwelling, subject to the provisions of

§ 208-122.1. **[Added 8-26-2010 by Ord. No. HR-384]**

1. The following uses when authorized as a special exception, following review and recommendation by the Planning Commission, subject to the general standards prescribed in § 208-150 and the special development regulations of § 208-102:
   1. Single-family semidetached dwelling (twin).
   2. Two-family detached dwelling (duplex).
   3. Two-family semidetached dwelling (quad).
   4. (4) Single-family attached dwelling (townhouse).
   5. Two-family attached dwelling (duplexes).
   6. Multifamily dwelling or apartment house.
   7. A group or cluster of buildings containing any of the uses described above (including single- family detached dwellings), and which constitutes a single operating and proprietary unit, including a condominium which is the subject to a single declarative filed under the Uniform Condominium Act (68 Pa. C.S.A. § 3101 et seq.) and which may include a building accessory to the group dwelling development to be operated cooperatively on a nonprofit basis for the use of residents of such dwellings and their guests for recreational and social purposes, including not more than five rooms for the temporary accommodation of guests. Such use shall consist of a single tract or two or more contiguous tracts not separated by public roads.
   8. Mobile home parks pursuant to the design standards set forth in Article IX of the Township Subdivision and Land Development Ordinance.**199**
2. Accessory uses as permitted in § 208-12G, subject to the requirements thereof.
3. Signs when erected and maintained in accordance with Article XXV.

### § 208-34. Area, bulk and height regulations relating to dwellings within single buildings on single lots.

1. Area and bulk. The following regulations shall apply in the case of a single lot containing a single building used or occupied as a single-family, two-family or multifamily dwelling or apartment house:**200**
2. Height.
   1. The height of any single-family dwelling or of a building accessory thereto shall not exceed 35
3. **Editor's Note: See Ch. 181, Subdivision and Land Development.**
4. **Editor's Note: The table, R-4 Residence Districts Area and Bulk Regulations for Dwellings Within Single Buildings on Single Lots, is included at the end of this chapter.**

feet.

* 1. The height of any other dwelling or of a building accessory thereto shall not exceed three stories or 40 feet, whichever is less.

1. No building shall contain more than six dwelling units.

### § 208-35. Area, bulk, height and special regulations relating to a group or cluster development of dwellings on a single lot.

The following regulations shall apply in the case of a group or cluster of dwellings developed for a use pursuant to § 208-33E(7) above:

1. Lot area and width. A lot to be developed for a use pursuant to § 208-33E(7) shall have a lot area of not less than one acre, an average lot area per dwelling unit of not less than 2,900 square feet and a lot width of not less than 100 feet at the building line.
2. Building coverage. Not more than 20% of the lot area may be occupied by buildings.
3. Impervious coverage. Not more than 40% of the lot area may be covered by impervious surface.
4. Yards and distance between buildings.
   1. Yards. Each building on a lot shall be not less than 40 feet from any street line nor less than 25 feet from any perimeter property line. Within any development, each building used for residence purposes shall be not less than 15 feet from any internal street or common parking area.
   2. Distance between buildings. The distance between any two buildings shall be not less than 30 feet. However, this distance may be reduced to not less than 10 feet if the following conditions are met:
      1. Not more than one of the buildings has windows, doors or any other openings facing the area between the buildings.
      2. The combined length of buildings which do not meet the 30 feet between buildings required shall not exceed 210 feet along any single frontage, measured in a straight line from the exterior points of the buildings.
5. Height.
   1. The height of any single-family dwelling or of a building accessory thereto shall not exceed 35 feet.
   2. The height of any other dwelling or of a building accessory thereto shall not exceed three stories or 40 feet, whichever is less.

### § 208-35.1. Area, bulk and height regulations relating to nondwelling use.

1. Lot area and width. A lot area of not less than 50,000 square feet and a lot width of not less than 200 feet at the building line shall be provided.
2. Building coverage. Not more than 10% of the lot area may be occupied by buildings.
3. Impervious coverage. Not more than 40% of the lot area may be covered by impervious surface.
4. Front yard. There shall be a front yard on each street on which the lot abuts, the depth of which shall be at least 50 feet.
5. Side yards. There shall be two side yards, neither of which shall be less than 40 feet in width.
6. Rear yard. There shall be a rear yard, the depth of which shall be at least 50 feet.
7. Height. The height of any building shall not exceed three stories or 40 feet, whichever is less.
8. Buffer. Along each property line which directly abuts a residential district or use, a buffer area not less than 25 feet in width shall be provided, subject to the provisions of § 208-102B.
9. Special development regulations. In addition to the other regulations of the district, each non- dwelling use shall comply with the applicable provisions of § 208-102.

ARTICLE XI

**PA Planned Apartment Districts**

**[Amended 8-15-1983 by Ord. No. HR-76; 12-3-1991 by Ord. No. HR-189; 6-6-1994 by Ord. No.**

**HR-232; 5-1-2006 by Ord. No. HR-352]**

**§ 208-36. Purpose.**

PA Planned Apartment Districts are designed to make special provision for low lot coverage, low-density apartment development in limited areas of transition between major highways or commercial areas and single-family residential development and where apartment development is considered appropriate by virtue of such criteria as direct access to major highways, proximity to public transportation, availability of public sewer and water facilities, adequacy of or provision for school, recreation and other community facilities, environmental amenity and safety. PA Planned Apartment Districts may be established and development therein authorized only in accordance with the special development regulations of § 208-102 and the other applicable provisions of this chapter.

### § 208-37. Use regulations.

Land and buildings may be used or occupied for any of the following uses and no other:

1. One single-family detached dwelling on a lot held in single and separate ownership.
2. A multifamily dwelling or apartment house.
3. A group or cluster of dwellings which may include the following: single-family semidetached or attached dwellings; two-family detached, semidetached or attached dwellings; or multifamily dwellings.
4. Accessory use on the same lot with and customarily incidental to the foregoing apartment use, which may include the following:
   1. Off-street parking area or parking structure.
   2. Recreational use or facility such as a swimming pool, golf course, tennis courts, paddle tennis courts, sports or play area and community clubs or buildings, including maintenance buildings accessory thereto, where such uses are designed primarily to serve the residents of the apartment development.
   3. No-impact home-based business, pursuant to the requirements of § 208-120.
   4. When authorized as a special exception, low-impact home-based business, pursuant to the requirements of § 208-120.
5. Signs when erected and maintained in accordance with Article XXV.

### § 208-38. Area, bulk and height regulations relating to single-family detached dwellings.

1. Lot area and width. A lot area of not less than 10,000 square feet and a lot width of not less than 60 feet at the building line shall be provided.
2. Building coverage. Not more than 20% of the lot area may be occupied by buildings.
3. Impervious coverage. Not more than 30% of the lot area may be covered by impervious surface.
4. Front yard. There shall be a front yard on each street on which the lot abuts, the depth of which shall be at least 25 feet.
5. Side yards. There shall be two side yards not less than 30 feet in aggregate width and neither less than 15 feet in width.
6. Rear yard. There shall be a rear yard, the depth of which shall be at least 25 feet.
7. Height. The height of any building shall not exceed 35 feet.

### § 208-38.1. Area, bulk and height regulations relating to multi-family dwellings or group or cluster of dwellings.

For any multifamily dwelling or group or cluster of dwellings permitted in § 208-37C, the following standards shall apply:

1. Lot area and width. A lot area of not less than five acres, an average lot area per dwelling unit of not less than 3,500 square feet and a lot width at the building line of not less than 200 feet shall be provided.
2. Building coverage. Not more than 20% of the lot area may be occupied by buildings.
3. Impervious coverage. Not more than 45% of the lot area may be covered by impervious surface.
4. Yards and building placement. Each building on a lot shall be not less than 65 feet from any street line and not less than 50 feet from any other property line. No building shall be closer than 25 feet from any internal street line or 15 feet from a common parking area.
   1. The distance between buildings which are not more than three stories in height shall be not less than 30 feet. However, this distance may be reduced to not less than 10 feet if the following conditions are met:
      1. Not more than one of the buildings has windows, doors or any other openings facing the area between the buildings.
      2. The combined length of buildings which do not meet the 30 feet between buildings required shall not exceed 210 feet along any single frontage, measured in a straight line from the exterior points of the buildings.
   2. The distance between buildings which are more than three stories in height shall not be less than 35 feet.
5. Height. The height of any building shall not exceed 35 feet.
6. Height limit bonus by conditional use. When authorized as a conditional use, a multifamily dwelling or apartment house permitted in this district may be built to a height not to exceed 55 feet in order to preserve more of the site's natural amenities and reduce the visual impact of the buildings by judicious use of the site's topography; provided, however, that the applicant demonstrates compliance with all of the following conditions to the satisfaction of the Board of Supervisors:
   1. The existing topography of the lot on which the building is proposed shall be such that construction of a building, meeting all of the other requirements of this section, would result in less disturbance than a building built to the normal height limit of this district, without benefit of any bonus. In order to achieve this result, the design of the building shall be integrated into

the topography of the lot.

* 1. The maximum gross floor area for the building(s) shall be no greater than legally permitted without benefit of this conditional use.
  2. The maximum elevation above sea level of a building which could be built on the subject lot without benefit of any bonus ("by right") and in accordance with the provisions of this chapter and the Township Subdivision and Land Development Ordinance,**201** is higher than the maximum elevation of the building which would be built if this conditional use bonus is granted. The criterion shall be demonstrated with both the "by right" building and the proposed building shown on the sketch plan required below.
  3. Compliance with Subsection F(1), (2) and (3) shall be documented by submission of a sketch plan indicating development in full compliance with the development standards of this district without benefit of this conditional use. Said plan shall be drawn in conformance with § 181-35 of the Township Subdivision and Land Development Ordinance.
  4. The architectural design of any buildings for which additional height is sought shall be uniform and consistent with other buildings in the same development. The architectural design and building materials used for screening rooftop equipment shall be consistent with the design of and materials used for the principal portion of the building on which it is located.
  5. The setback of the building(s) for which the height bonus is proposed shall be a minimum of 150 feet from any lot line, except that in the case of a lot line abutting a right-of-way of a railroad or public utility power line, the setback shall be not less than 100 feet. The restrictions of this subsection need not be met along any property line(s) shared with another lot(s) which is part of the same master plan development as is the lot(s) on which the subject buildings is located; in this situation, the setback shall be the applicable setback, as normally required in this district.
  6. In formulating a recommendation for a conditional use application pursuant to this section, the Planning Commission shall consider the appropriateness of buildings to the surrounding area, including consideration of the character of surrounding properties and the impact of buildings thereon. The Board of Supervisors shall determine if the applicant has adequately addressed the same issues in making a decision concerning the conditional use based upon testimony presented at the conditional use public hearing(s).

1. Buffer areas. Along each property line which directly abuts a residential district or use, a buffer area of not less than 35 feet in width, in accordance with the provisions of § 208-102B, shall be provided.
2. Sewer and water. No application for an apartment building or project shall be considered unless such building or project can and will be served by a public sewer and public water system prior to occupancy.
3. **Editor's Note: See Ch. 181, Subdivision and Land Development.**

ARTICLE XII

### Office and Industrial Districts [Added 12-2-2013 by Ord. No. HR-399202]

**§ 208-39. Purpose statements.**

1. O Office District. The O Office District is intended to accommodate development of large office complexes. This district sets aside large parcels of land where architecturally coordinated office structures can be built in a campus-like atmosphere. Typical office uses include corporate headquarters, research and development facilities, and office parks. To provide additional services to both employees and visitors to the campus, a limited amount of commercial uses, such as retail establishments and restaurants, are also allowed.
2. LI Limited Industrial District. The LI Limited Industrial District is intended to accommodate select non-nuisance research and industrial uses, which require significant lot area and proper buffering when located adjacent to residential neighborhoods. The LI District encourages only those research and industrial uses that would not constitute a hazard or a nuisance to the adjacent development. To provide additional services to both employees and visitors to the campus, a limited amount of commercial uses, such as retail establishments and restaurants, are also allowed.
3. PIP Planned Industrial Park District. The PIP Planned Industrial Park District is intended to accommodate select modern, non-nuisance uses, such as light industrial, warehouse, distribution, administration, office and research establishments. The district is particularly suited for development of large corporate campus facilities and industrial parks. To provide additional services to both employees and visitors to the campus, a limited amount of commercial uses, such as retail establishments and restaurants, are also allowed.

### § 208-40. Use regulations. [Amended 7-13-2015 by Ord. No. HR-410; 9-19-2022 by Ord. No. HR-456; 12-5-2022 by Ord. No. HR-461]

Only those uses listed in Table 40.1: Office and Industrial District Uses as permitted, special exception, or conditional uses are allowed within the office and industrial districts. A "P" indicates that a use is permitted within that zoning district. An "SE" indicates that a use is a special exception use in that zoning district and must obtain a special exception approval. A "C" indicates that a use is a conditional use in that zoning district and must obtain a conditional use approval. No letter (i.e., a blank space) or the absence of the use from the table indicates that use is not allowed within that zoning district. When a P, C, or SE is annotated with a "\*", such use is only allowed when accessory to an office or industrial park principal use of the site, and is integrated into the larger development.

**Table 40.1: Office and Industrial District Uses**

**Use**

Bank or other financial institution Business or private school

Cell tower

Commercial greenhouse or nursery

**O**

SE P

**LI**

SE\*

**PIP**

SE\*

SE

SE

P

1. **Editor's Note: This ordinance also repealed former Art. XII, OA Office-Apartment Districts, as amended.**

### Table 40.1: Office and Industrial District Uses

**Use O LI PIP**

Compatible multifamily dwelling or P apartment house

Compounding or packaging of SE

pharmaceuticals – no manufacturing

Corporate conference/training center for employees and/or customers

1. P P

Day care P\* P\* P\* Governmental or public utility use SE SE SE Health club P P P

Hotel SE SE SE Mail order distribution establishment SE P

Manufacture and assembly of small electrical equipment, appliances and parts

Manufacture of boxes, containers, bags, novelties and other packaging products from previously prepared materials

Manufacture of novelties, jewelry, watches, clocks, optical goods, professional and scientific instruments

Manufacture, compounding, processing, packaging or treatment of food products

Manufacturer's representative or catalog ordering establishment

P P

P P

P P

P P

SE P P

Medical/dental office P P

Office P P P

Outdoor seating P P P

Park P P P Parking lot (principal use of lot) SE SE SE Parking structure (principal use of lot) P P P Personal service establishment P\* P\* P\*

Printing, publishing, lithographing, binding

#### P P P

Quarrying operations SE

Radio or television station/studio, P P motion picture studio

|  |  |  |  |
| --- | --- | --- | --- |
| Retail store | P\* | P\* | P\* |
| Research facility | P | P | P |
| Residential care facilities for older persons as defined in § 208-45A(1) through (5). |  |  | p |
| Restaurant | P\* | P\* | P\* |
| Self-storage facility | SE | P | P |
| Warehouse | SE | P | P |
| Wholesale establishment |  | SE | P |

### § 208-41. Dimensional regulations. [Amended 3-17-2014 by Ord. No. HR-404; 7-13-2015 by Ord. No. HR-410]

**Table 40.1: Office and Industrial District Uses**

**Use**

**O**

**LI**

**PIP**

Table 41.1: Office and Industrial District Dimensional Standards establishes the dimensional standards for the office and industrial districts.

### Table 41.1: Office and Industrial District Dimensional Standards Regulations O LI PIP1

Minimum area 5 acre lot 10 acre lot 40 acre tract

Minimum lot width 200 feet 200 feet Not applicable Minimum street yard 65 feet 65 feet 150 feet

Minimum yard abutting residential

10% of lot depth, with a minimum of 20 feet and no more than 50 feet required

50 feet 50 feet

Minimum yard abutting nonresidential or railroad right-of-way

Minimum separation between structures

Maximum building coverage

Maximum impervious coverage

20 feet 30 feet 30 feet

60 feet 60 feet 60 feet2

30% 40% 30%3

45% 50% 50%4

Maximum building height 60 feet 60 feet, unless within 200

feet of a residential district, then 42 feet

70 feet

1Standards for the PIP District apply only to exterior streets, yards and development of the tract as a whole. Individual buildings, units or parcels may be subdivided from the Tract provided the tract remains compliant with the PIP District standards set forth in Table 41.1.

2For residential care facilities for older persons: Minimum separation between structures may be reduced to 30 feet where the end(s) or corner(s) of a structure abuts the primary elevation, end or corner of another structure. No structures shall have a primary elevation directly facing another structure's primary elevation without a separation distance of at least 60 feet.

3Maximum building coverage in the PIP District shall be calculated on the basis of net tract area.

4Maximum impervious coverage in the PIP District shall be calculated on the basis of net tract area.

### § 208-42. Design standards.

Development within the office and industrial districts is subject to the design standards of § 181-50.

### § 208-42.1. Site development standards.

Development within the office and industrial districts is subject to the site development requirements of this chapter and the Subdivision and Land Development Ordinance,**203** including but not limited to:

1. The parking requirements of § 208-103.
2. The landscape requirements of § 181-52.
3. The sign regulations of § 208-127.

### § 208-42.2. Density regulations for residential care facilities for older persons. [Added 7-13-2015 by Ord. No. HR-410]

Density for residential care facilities for older persons in the PIP District shall be calculated based on the requirements of § 208-46E, except that density shall be calculated on a net tract area basis instead of a lot area basis.

### § 208-42.3. Design standards for compatible multifamily dwellings and apartment houses. [Added 12-5-2022 by Ord. No. HR-461]

The following design standards shall apply to the development of a compatible multifamily dwelling or apartment house. To the extent the following design standards conflict with the design standards of

§ 181-50, § 208-102 or other applicable provisions of this Zoning Ordinance or Subdivision and Land Development Ordinance,**204** the following design standards of this § 208-42.3 shall apply.

1. A compatible multifamily dwelling or apartment house shall abut or share a tract (which may include more than one lot) with an auxiliary health club and/or full-service hotel within the Office District having a minimum gross floor area of 75,000 square feet and a minimum of 25,000 square feet of active indoor and outdoor amenities inclusive of fitness facilities, swimming pool and cafe/restaurant and shall be subject to a recorded joint covenant between the lots (in the event they are not on the same lot), which may include provisions for access, site amenities, walkways, shared parking, area
2. **Editor's Note: See Ch. 181, Subdivision and Land Development.**
3. **Editor's Note: See Ch. 181, Subdivision and Land Development.**

and bulk and other criteria as applicable. Each individual lot need not meet the area and bulk requirements of the Office District as long as the totality of the tract (which may include more than one lot) is compliant with the applicable area and bulk requirements of the Office District, including any prior variances for the tract.

1. The auxiliary health club and/or full-service hotel and compatible multifamily dwelling or apartment house shall be developed pursuant to a common plan of development or the auxiliary health club and/ or full-service hotel shall be in existence at the time of a land development application for the compatible multifamily dwelling or apartment house.
2. A proposed compatible multifamily dwelling or apartment house shall include pedestrian connectivity to the auxiliary health club and/or full-service hotel, which shall include covered walkways, sidewalks and/or crosswalks.
3. A compatible multifamily dwelling or apartment house shall have a lot area for the tract of 3,700 square feet per dwelling unit, with no more than 200 dwelling units.
4. A compatible multifamily dwelling or apartment house shall be limited to studio, one- and two- bedroom dwelling units.
5. Impervious surfaces shall be minimized through the use of structured parking facilities and green roof buildings in which the green roof shall be 50% of the gross roof area of the compatible multifamily dwelling or apartment house, excluding the parking structure.
6. In addition to the stormwater requirements of Chapter 174, the Stormwater Management Ordinance, compatible multifamily dwelling and apartment house developments shall have stormwater management controls designed to:
   1. Exceed the net two-year volume requirement defined in § 174-20C(1)(b)[1], Groundwater recharge and volume control standards, by at least 25% on a tract-wide basis through recharge, evapotranspiration, and/or on-site capture and reuse.
   2. Exceed the baseline peak rate control requirements in § 174-23, Table 23.1, Stormwater peak rate control and management standards, by at least 25% for all design storms on a tract-wide basis.
7. Parking spaces for a compatible multifamily dwelling or apartment house and auxiliary health club and/or full-service hotel shall be calculated for the totality of the tract, subject to the joint covenant between the lots (in the event they are not on the same lot). Parking for the auxiliary health club and/ or full-service hotel shall be based on the parking requirement set forth in § 208-103. The number of parking spaces for a compatible multifamily dwelling or apartment house on a tract, based on

§ 208-103, may be reduced by up to 25% during the land development process at the discretion of the Planning Commission, based on a parking analysis prepared by a qualified traffic engineer.

1. Evidence of common management, common control or common ownership of a compatible multifamily dwelling or apartment house and the auxiliary full-service hotel and/or health club shall be provided to the Township Solicitor for review at the time of submission of a land development application.

ARTICLE XIII

**IO Institutional Overlay Districts**

**[Amended 6-21-1993 by Ord. No. HR-205; 6-21-1993 by Ord. No. HR-206; 4-4-1994 by Ord. No. HR-226; 4-4-1994 by Ord. No. HR-207; 12-12-1994 by Ord. No. HR-236; 7-16-2001 by Ord. No.**

**HR-299; 5-1-2006 by Ord. No. 352]**

**§ 208-43. Purpose.**

The Institutional Overlay District, which shall overlay and supplement underlying districts, except that the Institutional Overlay District shall not overlay or supplement the RC Rural-Conservation District, LI Limited Industrial District and PIP Planned Industrial Park District, is established to promote and protect the health, safety and general welfare of the citizens of Tredyffrin Township. These general goals and objectives include, among others, the following specific purposes:

1. To promote suitable areas within the Township for appropriate institutional uses which are compatible with and complementary to the surrounding community.
2. To provide for the special needs of older citizens close to family and friends.
3. To encourage the development of institutions with consideration for the welfare of the surrounding residential neighborhoods and adjacent nonresidential uses.
4. To encourage institutional development to take place in those areas of the Township convenient to public transportation and pedestrian accessways.

### § 208-44. Overlay District concept.

The following provisions shall apply to the Institutional Overlay District:

1. The provisions of the Institutional Overlay District shall serve as a supplement to the underlying district provisions.
2. In the case of conflict between the provisions or requirements of the Institutional Overlay District and those of any underlying district, the more restrictive provisions shall apply.
3. A change in the underlying zoning shall not affect the classification of any land zoned as the Institutional Overlay District.
4. Whenever the Institutional Overlay District is declared inapplicable to any land by administrative or judicial action or whenever the land is otherwise deleted from the Institutional Overlay District, the underlying zoning classification for the subject and shall apply.

### § 208-45. Use regulations.

When authorized as a conditional use, land, a building or a group of buildings may be used or occupied for any of the following purposes and no other, subject to the general standards prescribed in §§ 208-105 and 208-117:

1. Residential care facilities for older persons providing permanent residential accommodations, including but not limited to independent living units (those having full living accommodations) and one or more of the following:
   1. Assisted or personal care units, which include the provision for meal service for substantially

all meals, medication assistance and other personal care services.

* 1. Intermediate care units intended for permanent occupancy by persons who require intermediate care in a facility licensed by the Pennsylvania Department of Health to provide such care pursuant to 55 Pa. Code § 1181.1 et seq. Intermediate care and skilled care units shall not include kitchens and other such facilities found in independent living units.
  2. Skilled nursing facility with units intended for permanent occupancy by persons who require skilled care in a facility licensed by the Pennsylvania Department of Health to provide such care pursuant to 55 Pa. Code § 1181.1 et seq. Intermediate care and skilled care units shall not include kitchens and other such facilities found in independent living units.
  3. Infirmary beds, intended for temporary occupancy by residents needing assistance above and beyond that available in their assisted or personal care or independent living units.
  4. Support service facilities, including community facilities, congregate dining facilities, personal care and health care services, including temporary infirmary beds and care for not more than 10% of the maximum bed population of the residential care facility for older persons to which these services are associated or 25 beds, whichever is lesser. These services shall be for the exclusive use of the residents of the associated facility except that they may be open to nonresidents during the first three years of the facilities operation.

1. Health care facility or skilled nursing facility.
2. Church, temple, synagogue, mosque or similar place of worship; convent, monastery or similar religious institutions, including rectory or parish house, and accessory uses as permitted below.
3. Elementary, secondary and postsecondary schools.
4. Nursery school for the care of children or day-care center for the care of children or adults, which shall include, in addition to the general parking requirements of § 208-103, an off-street dropoff area sufficient to accommodate not less than one vehicle per five individuals enrolled.
5. Accessory uses including:
   1. Play or recreation facility. Any area for play or recreation shall be fenced or otherwise screened from an adjacent property line and shall be located so as to minimize disturbance to neighboring properties.
   2. Dormitory.
   3. Living accommodations for watchmen, caretakers or the staff or employees of a permitted institution.
   4. Auditorium.
   5. Religious school, nursery school or day-care center which shall include, in addition to the general parking requirements of § 208-103, an off-street drop-off area sufficient to accommodate not less than one vehicle per five individuals enrolled.
   6. An accessory use which constitutes a commercial use serving a population beyond that of the religious institution shall be permitted when authorized as a conditional use. Conditional use approval separate and apart from the conditional use approval required for the primary use shall be required for any accessory use which constitutes a commercial use serving a population

beyond that of the religious institution, and the applicant shall demonstrate to the reasonable satisfaction of the Board of Supervisors that: **[Added 12-1-2008 by Ord. No. HR-373]**

* + 1. The commercial use shall be consistent with the nature and character of the immediately surrounding community; and
    2. The cumulative floor area of a building devoted to any such commercial use will be limited to a maximum of 50% of the floor area of the entire primary building; and
    3. The proposed commercial use will not detrimentally affect traffic on any streets adjacent to the subject property or at any intersections providing access to the subject property; and
    4. Traffic circulation on the subject property will be adequate to serve the proposed use of the subject property; and
    5. At least 75% of the gross revenues generated by the proposed commercial use shall be payable to the religious institution; and
    6. When the proposed commercial use is a nursery school or day-care center, the applicant shall demonstrate, to the reasonable satisfaction of the Board of Supervisors, the following in addition to the standards listed above:

1. In addition to the general parking requirements of § 208-103, an off-street dropoff area sufficient to accommodate not less than one vehicle per five individuals enrolled; and
2. Any outdoor area for play or recreation will be fenced or otherwise screened from an adjacent property line and shall be located so as to minimize unreasonable disturbance to neighboring properties; and
3. The facility shall be licensed by the applicable departments of the Commonwealth of Pennsylvania and comply with their regulations.

### § 208-46. Area, bulk, height and buffer regulations.

Every building or use shall comply with the following requirements. In the case of a group or combination of buildings erected on a lot in accordance with a unified plan, the group as a unit shall comply.

1. Lot area and width. The lot area shall not be less than 10 acres and the lot width shall not be less than 400 feet, with a minimum of 200 feet of frontage on an arterial highway or collector road as designated by the Township Comprehensive Plan, as amended from time to time.
2. Height. The height of any building shall not exceed 42 feet. The height limitation may be allowed to be increased to a maximum of 45 feet for a three-story building if the design of the building maintains a residential character; and incorporates a sloping visible roof and/or projecting, sloping eaves with the appearance of a roof, the surfaces of which must be covered with a material similar to those used for residential roofs.
3. Building and impervious coverage.
   1. Coverage requirement. The building coverage and impervious coverage requirements shall comply with that permitted for the underlying zoning district; provided, however, that no more than 30% of the lot area may be occupied by impervious surface.
   2. Impervious coverage increase. If the lot currently includes impervious surface that is deficient in terms of stormwater management standards, then the maximum impervious coverage requirements may, with the approval of the Planning Commission, be increased to 35% of the lot area, subject to the following conditions:
      1. All new impervious surface construction shall be designed to current Township stormwater control standards.
      2. Any existing impervious surface that is to remain on the site shall be redesigned and renovated to bring it into compliance with current Township stormwater control standards.
      3. All new stormwater management facilities shall be designed so that the maximum rates of outflow shall not exceed the rates that would occur if no bonus coverage was present on the site.
4. Building placement. The following building placement restrictions shall apply:
   1. When a portion of the perimeter of the tract abuts a nonresidential use or district, all structures shall be a minimum of 50 feet from that portion of the perimeter.
   2. When a portion of the perimeter of the tract abuts any residential use or district, all structures shall be a minimum of 100 feet from that perimeter.
   3. No lot line of a facility permitted hereunder may be closer than 2,640 feet to the lot line of another such facility.
   4. All structures shall be located a minimum of 65 feet from a street right-of-way line.
   5. All parking and service areas shall be located a minimum of 50 feet from a street right-of-way or other property line and subject to the standards prescribed in § 208-103. Notwithstanding those requirements, no service area may abut a residential use or district unless completely enclosed by solid fencing, walls, buildings or a combination thereof, the purpose of which is to buffer noise.
   6. If the underlying district is residential, the greatest dimension in length or depth of a building shall not exceed 250 feet and no building connectors shall exceed 80 feet in length.
   7. If the underlying district is residential, in no case shall the width of a building or the aggregate widths of buildings fronting on a street exceed 50% of the width of the property on that street. The computation of the width of such buildings shall include all buildings and parts thereof which are intersected by a line projecting from the street line at a ninety-degree angle.
5. Density requirements for residential care facilities for older persons.
   1. Density for residential care facilities for older persons shall be calculated in terms of the number of beds for permanent use. The initial bedroom in each independent living unit and the initial bed in each assisted or personal care unit shall count as one bed, and each additional bedroom in that independent living unit or bed in that assisted or personal care unit shall count as 0.6 of a bed. An "efficiency" or "studio" type independent living unit shall count as one bed. Each assisted or personal care bedroom shall be deemed an assisted or personal care unit. For each intermediate care unit and each skilled care unit, density shall be based on actual beds. The number of beds provided in intermediate care and skilled care unit shall not constitute more than 25% of the total number of beds in the residential care facility.
   2. The total allowable number of beds for the residential care facility shall be calculated on the basis of lot area, as defined in § 208-6, and the type of underlying zoning district. Density in mixed residential/nonresidential districts shall be based on the residential use(s) permitted in that district.
      1. Single-family detached: eight beds times the number of single-family dwellings allowed per acre.
      2. Single-family semidetached and two-family semidetached, single-family attached and multifamily or apartment: 2,900 square feet of lot area per bed.
      3. Nonresidential districts: maximum density of 30 beds per acre.
   3. Any proposed permanent change to the ratio of the types of units provided in a residential care facility shall constitute a modification of the conditional use requiring a new conditional use approval upon application to the Board of Supervisors.
6. Buffer. Along each property line which directly abuts a residential district or use, a buffer area not less than 25 feet in width shall be provided, subject to the provisions of § 208-102B.

### § 208-47. Special development regulations.

The special development regulations provided in § 208-102 and the following additional requirements shall apply:

1. Facilities located in or adjoining a residential district or use shall have a residential design complementary to surrounding buildings.
2. Every facility must have two vehicular access points from a street or road which are a minimum of 200 feet apart when measured from the outer edge of the driveway. These vehicular access points may be from a local road which intersects with an arterial highway or collector road, provided that access from a local road shall be as close to the arterial highway or collector road as permitted by safety and engineering design parameters.

### § 208-48. (Reserved)

ARTICLE XIV

### (Reserved)205

**§ 208-49. through § 208-53. (Reserved)**

1. **Editor's Note: Former Art. XIV, P Professional Districts, as amended, was repealed 12-2-2013 by Ord. No. HR-399.**

ARTICLE XV

### (Reserved)206

**§ 208-54. through § 208-58. (Reserved)**

1. **Editor's Note: Former Art. XV, LO Limited Office Districts, added 9-28-1981 by Ord. No. HR-60, as amended, was repealed 12-2-2013 by Ord. No. HR-399.**

ARTICLE XVI

### (Reserved)207

**§ 208-59. (Reserved)**

1. **Editor's Note: Former Art. XVI, HO Hotel Office Districts, added 3-18-1985 by Ord. No. HR-90, as amended, was repealed 12-2-2013 by Ord. No. HR-399.**

ARTICLE XVII

**Commercial Districts**

**[Amended 8-15-1983 by Ord. No. HR-76; 2-27-1984 by Ord. No. HR-79; 5-1-2006 by Ord. No.**

**HR-252; 9-17-2012 by Ord. No. HR-395; 12-2-2013 by Ord. No. HR-399]**

**§ 208-60. Purpose statements.**

1. C-1 Commercial District. The C-1 Commercial District is intended to promote development of storefront space, and provide a mix of retail, personal service and office uses, primarily along the commercial corridors within the Township. As the district is typically in close proximity to residential neighborhoods, and provides goods and services to residents of the Township, the district standards encourage a traditional commercial character, distinguished by a pedestrian-friendly orientation and storefronts opening onto the public sidewalk, and serve as a buffer between residential development and major or secondary highways, or between residential development and nonresidential uses.
2. C-2 Commercial District. The C-2 Commercial District is intended to provide for the needs of a wide range of larger highway-oriented business establishments located along major corridors within the Township. The district also includes modern, well-planned, integrated shopping center developments. The district encourages the establishment of commercial service districts that serve the residents of the Township as well as surrounding areas.

### § 208-61. Use regulations.

1. Only those uses listed in Table 61.1: Commercial District Uses as permitted, special exception, or conditional uses are allowed within the commercial districts. A "P" indicates that a use is permitted within that zoning district. An "SE" indicates that a use is a special exception use in that zoning district and must obtain a special exception approval. A "C" indicates that a use is a conditional use in that zoning district and must obtain a conditional use approval. No letter (i.e., a blank space) or the absence of the use from the table indicates that use is not allowed within that zoning district.
2. The following footnote applies to the table: Footnote 1: In the C-2 District, townhouse (single-family attached), duplex (two-family attached), and multifamily use on the ground floor of the apartment building. Dwellings are only permitted as part of an approved development plan that provides a permitted retail commercial use as the primary use in the ground floor along the road frontage of the development tract. **[Amended 12-7-2015 by Ord. No. HR-412; 2-20-2018 by Ord. No. HR-420]**

**Table 61.1: Commercial District Uses [Amended 2-20-2018 by Ord. No. HR-420; 5-18-2020 by Ord. No. HR-436; 1-18-2022 by Ord. No. HR-447]**

**Use**

Amusement facility: outdoor Amusement facility: indoor Assisted-living facility Automobile service station

Bank or other financial institution

Bed-and-breakfast

**C-1**

SE

P

**C-2** SE P P P

P

SE

SE

### Table 61.1: Commercial District Uses [Amended 2-20-2018 by Ord. No. HR-420; 5-18-2020 by Ord. No. HR-436; 1-18-2022 by Ord. No. HR-447]

**Use C-1 C-2**

Business or private school SE SE

Club or lodge P P

Commercial greenhouse or SE

nursery

Day care P P

Dwelling: multi-use P

development1

Fraternity or sorority house P P

Governmental or public utility use

#### SE SE

Hotel SE

Health club P P

Manufacturer's representative or P catalog ordering establishment

Medical/dental office P P

Mortuary SE SE

Office P P

Outdoor seating P P

Park P P

Parking lot (principal use of lot) SE SE

Parking structure (principal use P P of lot)

Personal service establishment P P

Publishing, job printing or P

similar establishment

Radio or television station/ P

studio

Retail store P P

Restaurant P P

Short-term rental (as part of a SE

dwelling in a multiuse development

Veterinary clinic SE SE

**Table 61.1: Commercial District Uses [Amended 2-20-2018 by Ord. No. HR-420; 5-18-2020 by Ord. No. HR-436; 1-18-2022 by Ord. No. HR-447]**

**Use C-1 C-2**

Wholesale establishment SE

### § 208-62. Dimensional regulations. [Amended 2-20-2018 by Ord. No. HR-420]

Table 62.1: Commercial District Dimensional Standards establishes the dimensional standards for the commercial districts.

**Table 62.1: Commercial District Dimensional Standards**

**C-1**

**C-2**

Minimum lot area 10,000 square feet

Maximum residential density

Minimum lot width Minimum street yard

Minimum yard abutting residential

Minimum yard abutting nonresidential or railroad right-of-way

Maximum building coverage Maximum impervious coverage Maximum building height

50 feet

10 feet

20 feet

0

37,500 square feet

Duplex: 6,000 sf/du Townhouse: 2,900sf/du Multifamily: 2,100sf/du

125 feet

10 feet

20 feet

0

50%

75%

42 feet

30%

65%

42 feet

### § 208-63. Design standards.

Development within the commercial districts is subject to the design standards of § 181-50.

### § 208-64. Site development standards.

Development within the commercial districts is subject to the site development requirements of this chapter and the Subdivision and Land Development Ordinance,**208** including but not limited to:

1. The parking requirements of § 208-103.
2. The landscape requirements of § 181-52.
3. The sign regulations of § 208-126.

### § 208-65. through § 208-67. (Reserved)

1. **Editor's Note: See Ch. 181, Subdivision and Land Development.**

ARTICLE XVIII

**Town Center Districts**

**[Added 9-10-2007 by Ord. No. HR-360209]**

**§ 208-68. Purpose.**

Town Center Districts are intended to be consistent with Article VIIA of the Pennsylvania Municipalities Planning Code (Act 247) and are designed to improve the aesthetic quality and walkability of the area and streetscape, support the economic viability of the area, and promote opportunities for mixed-use buildings which permit residential and nonresidential uses above or behind nonresidential uses.

### § 208-69. Use regulations.

Mixed uses are encouraged. Land and buildings may be used and occupied for any one or combination of the following uses, and no other, unless otherwise specified.

1. The following residential uses are permitted as stand-alone uses where the lots containing such uses do not have frontage along a major arterial highway as defined in the Township's Comprehensive Plan, and are permitted as part of a mixed-use development, provided no residential use shall be permitted on the ground floor of a mixed-use development when the development has frontage on a major arterial highway, unless approved pursuant to § 208-69K below:
   1. Single-family attached dwelling (townhouse).
   2. Two-family detached dwelling (duplex).
   3. Multifamily dwelling.
2. Retail (excluding auto sales).
3. Office.
4. Personal services.
5. Public or private club or lodge.
6. Technical school.
7. Library.
8. Restaurant (excluding drive-in/drive-through facility), provided that any outdoor consumption shall meet all of the following requirements:
   1. Outdoor seating must be contiguous to the establishment preparing the food being served and shall not extend beyond the limits of the establishment's frontage(s).
   2. If any outdoor seating extends into any public right-of-way, an unobstructed walkway at least six feet wide shall be maintained for pedestrian circulation.
9. Surface parking facility, subject to the requirements of § 208-72D below, § 208-103 and § 181-49 of the Township Subdivision and Land Development Ordinance.
10. **Editor's Note: This ordinance also deleted former Art. XVIII, SPDD Special Paoli Development District.**
11. Structured parking facility, subject to the requirements of § 208-72D below and § 181-49 of the Township's Subdivision and Land Development Ordinance.
12. The following stand-alone uses when authorized as a conditional use pursuant to § 208-117:
    1. Single-family attached dwelling (townhouse), two-family detached dwelling (duplex), or multifamily dwelling (apartment house), when any lot containing such use:
       1. Has frontage on a major arterial highway;
       2. Abuts a railroad;
       3. Has a maximum lot depth, measured from the major arterial highway, of 125 feet;
       4. Has a maximum of one curb cut per 100 feet of frontage and sufficient turning area to negate the necessity for any vehicle to back out onto the major arterial highway; and
       5. Is not feasible for mixed-use development, as demonstrated by the applicant.
    2. Day-care center, provided that:
       1. Outdoor play or instruction areas shall be located at least 50 feet from any street line or property line and shall be provided with landscape screening sufficient to buffer adjoining properties from noise or other disturbances.
       2. In addition to the general parking requirements of § 208-103, an off-street dropoff area shall be provided which is sufficient to accommodate not less than one vehicle per five individuals enrolled.
13. Signs when erected and maintained in accordance with the provisions of Article XXV.
14. The following standalone uses when authorized as a special exception pursuant to § 208-150: **[Added 1-18-2022 by Ord. No. HR-447]**
    1. Short-term rental.

### § 208-70. Area, bulk, height and buffer requirements.

Every building or use shall comply with the following requirements. In the case of a group or combination of buildings erected on a lot in accordance with a unified plan, the group as a unit shall comply.

1. Lot area and width. The lot area shall not be less than 7,500 square feet and the lot width at the building line shall be not less than 50 feet.
2. Lot area per dwelling unit. Each two-family detached dwelling (duplex) development shall have a lot area per dwelling unit of not less than 6,000 square feet. Each single-family attached dwelling (townhouse) development shall have a lot area per dwelling unit of not less than 2,900 square feet per dwelling unit. Each multifamily dwelling (apartment house) development shall have a lot area per dwelling unit of not less than 2,100 square feet.
3. Building footprint. For single-use nonresidential buildings, the maximum gross floor area of the ground floor shall be 10,000 square feet. For residential or mixed-use buildings, the maximum gross floor area of the ground floor shall be 15,000 square feet. Applicants for residential or mixed-use developments may be eligible for bonus square footage pursuant to § 208-71 below.

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1. Impervious coverage. For lots with frontage along a major arterial highway, not more than 90% of the lot area may be covered by impervious surface. For lots without frontage along a major arterial highway, not more than 70% of the lot area may be covered by impervious surface.
2. Front yard. There shall be no minimum front yard setback except that distance necessary to provide the required sidewalks and streetscape.
3. Side yards. No side yard shall be required, except that where a lot abuts a residential district in the Township or a similar district in an adjoining municipality, a side yard shall be provided which shall be not less than 20 feet in width. If a side yard is provided where none is required, it must be a minimum of 10 feet.
4. Rear yard. No rear yard shall be required, except that where a lot abuts a residential district in the Township or a similar district in an adjoining municipality, a rear yard shall be provided which shall be not less than 25 feet in depth. If a rear yard is provided where none is required, it must be a minimum of 10 feet.

### Height. [Amended 1-27-2014 by Ord. No. HR-403]

* 1. Minimum. The minimum height of any building shall not be less than 28 feet.
  2. Maximum. The maximum height of any building shall not be more than 42 feet. Applicants for mixed-use developments may be eligible for bonus height pursuant to § 208-71 below.

1. Buffer. Where a property line directly abuts a single-family residential district or use or where a property line abuts a street and a single-family residential district or use is located across the street, a buffer area of not less than 15 feet in width shall be provided, subject to the provisions of § 208-102B. No parking shall be permitted in this buffer area.
2. Building separation. The distance at the closest point between any two residential buildings or groups of attached residential buildings shall be not less than 20 feet. The distance at the closest point between any two nonresidential buildings or groups of attached nonresidential buildings shall be not less than the minimum distance required by the International Building Code as incorporated in the Pennsylvania Uniform Construction Code. **[Added 1-27-2014 by Ord. No. HR-403]**

### § 208-71. Zoning bonuses.

1. The Board of Supervisors, after review and recommendation by the Planning Commission, may authorize modification of the provisions and requirements of § 208-70B, C and H above regulating building lot area per dwelling unit, building footprint and building height if an application for development is deemed to be in compliance with the spirit of the Zoning Ordinance and the Tredyffrin Township Comprehensive Plan and advances the goals and objectives described therein.
2. The modification shall take the form of zoning bonuses and must be authorized as a conditional use. During the conditional use hearing, detailed development plans must be presented, and conditional use approval may be granted only in return for specific action on the part of the applicant which advances and implements the planning concepts prescribed for the Town Center District. The application shall be submitted in accordance with the provisions of § 208-117.
3. Eligibility for zoning bonuses. The zoning bonuses may only be granted by the Board of Supervisors conditional to such specific reciprocal action on the part of the applicant which, by determination of the Board, furthers the objectives and general planning concepts of the Town Center District and the Comprehensive Plan. Applicants shall provide a list of the reciprocal actions being proposed and the

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rationale for choosing the particular actions which, in the determination of the applicant, justify the granting of a zoning incentive. Examples of actions which warrant consideration by the Board are:

* 1. Providing publicly available, non-patron, off-street parking in excess of the minimum number of spaces required by § 208-103. The number of spaces to be provided shall be at least an additional 20% above the required minimum or 10 spaces, whichever is greater.
  2. Renovating existing building facades to incorporate public art or unique architectural features into the design of the structure.
  3. Achieving certification by the U.S. Green Building Council (USGBC) at or above the "silver" level rating as defined by the Leadership in Energy and Environmental Design (LEED) Green Building Rating System. The standard shall be LEED-NC Version 2.2 for new construction, LEED-CI Version 2.0 for interior improvements to existing commercial spaces, and LEED-ND Version 2.0 for neighborhood development, or as such standards are most recently amended. Applicants are strongly encouraged to achieve the highest LEED's certification possible in multiple categories.
  4. Installing innovative stormwater best management practices, such as construction of "green roof" buildings capable of managing small storm events through rooftop landscaping or bioretention facilities and rain gardens as complementary landscape features.
  5. For residential or mixed-use buildings, providing a minimum of 75% of required parking within a structured parking facility.
  6. Similar cooperative actions indicating a desire to further the goals and objectives of the Township Comprehensive Plan.

1. Conditional zoning bonuses may be granted as follows:
   1. Lot area per dwelling unit bonus. For residential or mixed-use buildings, the maximum lot area per dwelling unit may be decreased to 1,800 square feet.
   2. Building footprint bonus. Additional gross floor area of the ground floor up to a maximum of 25,000 square feet for residential or mixed-use buildings.
   3. Height bonus. Additional height up to a maximum of 56 feet for mixed-use buildings, subject to the following conditions:
      1. Setbacks. A building setback of an additional 15 feet shall be made for that portion of the building that exceeds 42 feet in height and faces a street.
      2. Windows. Except for first floor/ground floor use, the windows for all buildings shall be all vertical in orientation or all horizontal in orientation. Windows shall not be arranged such that vertical and horizontal orientation is mixed.
      3. Proximity to single-family zoning districts. The building is at least 100 feet from the property line of any property in the R-1, R-2 or R-3 Residential Zoning District. **[Added 4-28-2008 by Ord. No. HR-370]**

### § 208-72. Special development regulations.

1. Sidewalks. Sidewalks shall be provided between a building and the street. For Town Center District lots located more than 1.0 mile from a train station measured in a radius from the center of the train

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#### § 208-72 TREDYFFRIN CODE § 208-72

station, the Planning Commission shall have the discretion to approve a modified pedestrian circulation design in conjunction with a proposed site design. **[Amended 1-27-2014 by Ord. No. HR-403]**

1. Streetscape. The streetscape design regulations in § 181-46M(11) of the Township Subdivision and Land Development Ordinance shall be provided for all developments.
2. Mixed-use development. No residential use shall be permitted on the ground floor of a mixed-use development when the development has frontage on a major arterial highway as defined in the Township's Comprehensive Plan, unless approved pursuant to § 208-69K.
3. Parking. Each use shall comply with the off-street parking and off-street loading requirements of

§§ 208-103 and 208-104, except that a minimum of 2.25 parking spaces per dwelling unit shall be provided for each multifamily dwelling use. Loading spaces serving multifamily uses shall be located as close as possible to entranceways for the purpose of facilitating the efficient handling of household items such as laundry and groceries. When this chapter imposes a different restriction upon the use of buildings or premises than are imposed or required by §§ 208-103 and 208-104, the provisions of this chapter shall prevail.

* 1. Surface parking lots.
     1. Surface parking must be located between the principal structure and the side and rear lot line, provided that, where no structure exists between the street and the surface parking facility, such facility shall be enclosed by a knee-high wall or row of landscaping. In no case shall surface parking facilities be located within 20 feet of a street line. **[Amended 1-27-2014 by Ord. No. HR-403]**
     2. On corner lots, the parking shall be located along the street with the lesser amount of commercial and pedestrian activity.
     3. Parking areas must be interconnected, to the extent feasible, with parking areas on adjacent properties to facilitate pedestrian and vehicular circulation. When interconnected parking areas are not immediately feasible, the applicant must provide access easements and design the parking area to facilitate future connections.
     4. A surface parking lot is not permitted as a standalone use if the property on which it is located abuts or is across the street from a property in the R-1, R-2 or R-3 Residential Zoning District. **[Added 4-28-2008 by Ord. No. HR-370]**
  2. Structured parking.
     1. Structured parking is encouraged. Structured parking facilities are required to be designed to enhance the pedestrian-friendly streetscape and the character of the surrounding buildings and uses.
     2. Facades that are visible from the street or sidewalk shall be complementary to nearby commercial facades in terms of building materials and architectural design. Exterior finish materials shall be of an enduring quality. Synthetic stucco, concrete block and simulated wood products may not be used as primary exterior finish materials. Vehicular entrances to parking structures should be designed using residential or neighborhood commercial architectural treatments such as recesses, peaked roof forms and arches with the intention of minimizing the appearance of a parking garage. The use of chains, bars or similar security devices that are visible from a street shall be prohibited.
     3. Any structured parking facility with frontage on a major arterial highway shall contain retail or commercial space along the entire length of each first floor facade which faces a street. Such commercial or retail space may be relieved only by the vehicular entranceway to the garage area.
     4. Any structured parking facility with frontage along a street other than a major arterial highway shall not be required to contain retail or commercial space but shall be required to contain facades that enhance the streetscape of the existing neighborhood. Such facades may be relieved only by the vehicular entranceway to the garage area.
     5. If the property on which the structured parking is located abuts or is across the street from a property in the R-1, R-2 or R-3 Residential Zoning District, structured parking is not permitted as a standalone use and is permitted as an accessory use only on the ground floor or below. **[Added 4-28-2008 by Ord. No. HR-370]**
  3. Shared parking. In order to encourage the efficient use of land and resources, applicants are permitted to share off-street parking facilities for mixed-use developments or for uses located sufficiently close to one another that have different peak parking demands or operating hours. In order to utilize this provision, applicants must:
     1. Provide a parking demand analysis for each use that exceeds 2,400 square feet of gross floor area for approval by the Township Engineer that demonstrates adequate parking will be provided for the uses on site during peak hours. The analysis should generally be consistent with the published recommendations of the Institute of Traffic Engineers (ITE). Data collected from similar or comparable uses to the proposed use may also be submitted for review. For any change of use involving shared parking, a new parking demand analysis shall be submitted as determined necessary by the Zoning Officer.
     2. Demonstrate that the shared parking shall be located no further than 500 feet from the entrance to the buildings and uses they are intended to serve.
     3. Provide a written, legally-binding agreement among the owners of record, their tenants, and those with which parking facilities are shared for review and approval by the Township.

1. Design standards. Each use shall comply with the following design standards:
   1. Front facade.
      1. The front facade of any building shall promote an attractive and pedestrian-friendly streetscape. Characteristics to be considered in making such assessment shall include, but not be limited to, style, location, materials, scale and window/door placement. Varied building designs that avoid long flat facades are required.
      2. No more than 40 feet of continuous facade shall be created for any new building at the first floor level. Any building which is wider than 40 feet at the first floor level shall have a recess of at least four feet at intervals of 20 feet.
      3. A continuous facade shall be created along the sidewalk frontage, except for a first floor break in the street wall that may be created for a vehicular entranceway to a structured parking facility, where such break in the street wall does not exceed 30 feet in width.
   2. No building shall be a windowless box. Doors and windows shall constitute no less than 60%

of the front façade for buildings containing nonresidential uses. **[Amended 1-27-2014 by Ord. No. HR-403]**

* 1. No building shall have opaque windows.
  2. If the first floor front facade is set back from the edge of sidewalk by more than five feet, the area between the front facade and the edge of sidewalk shall be used for enhanced pedestrian spaces and amenities, such as a landscaped plaza or courtyard, a sculpture garden, or other civic- like space accessible to pedestrians.
  3. Exterior amenities, to be owned and maintained by the property owner, such as benches, information kiosks, bike facilities, bus shelters and/or publicly-accessible privately-owned plazas, shall be provided on private property or within adjoining public rights-of-way.

**§ 208-73. (Reserved)**

**§ 208-74. (Reserved)**

**§ 208-75. (Reserved)**

ARTICLE XIX

### (Reserved)210

**§ 208-76. through § 208-79. (Reserved)**

1. **Editor's Note: Former Art. XIX, C-2 Commercial Districts, as amended, was repealed 12-2-2013 by Ord. No. HR-399. See now Art. XVII, Commercial Districts.**

ARTICLE XX

**TD Transit Districts**

**[Added 9-10-2007 by Ord. No. HR-360211]**

**§ 208-80. Purpose.**

Transit Districts are intended to be consistent with Article VIIA of the Pennsylvania Municipalities Planning Code (Act 247). The primary purpose of the TD Transit District is to guide the redevelopment opportunities consistent with the intent of the Township's Comprehensive Plan, specifically the Paoli Community Master Plan, that are supportive of a multi-modal transportation center and sensitive to the surrounding neighborhoods. In addition, the purposes of this article are to:

1. Permit development that is complementary to the multi-modal transportation center and helps to further define the prominence and importance of this core area to the Paoli community.
2. Tie the streetscape and pedestrian amenities of this district into adjacent mixed-use and residential areas, further promoting walkability.
3. Provide for comprehensively planned integrated mixed-use development according to a master plan consistent with the goals and objectives of the Township and Chester County.

### § 208-81. Use regulations.

There shall be permitted, consistent with an approved master plan, any one or more of the following uses and no other:

1. Multi-modal transportation center.
2. Multifamily dwelling or apartment house, including accessory uses as permitted in § 208-12G.
3. Retail store (excluding automobile sales) not to exceed 10,000 square feet of gross floor area.
4. Office.
5. Personal services.
6. Library.
7. Restaurant (excluding drive-in/drive-through facility). Outdoor dining is permitted if the seating is at least 100 feet from a residential zoning district.
8. Structured parking, subject to the provisions of § 208-83.1 and of § 181-49 of the Township's Subdivision and Land Development Ordinance.
9. Signs when erected and maintained in accordance with the provisions of Article XXV.
10. The following uses when authorized as a conditional use pursuant to § 208-117:
    1. Retail store (excluding automobile sales) with more then 10,000 square feet but less than 20,000 square feet of gross floor area.
11. **Editor's Note: Former Art. XX, C-3 Commercial Districts, added 9-22-1986 by Ord. No. HR-103, was repealed 5-1-2006 by Ord. No. HR-252.**
    1. Surface parking, subject to the requirements of §§ 208-83.1 and 208-103.

### § 208-82. Area, bulk, height and buffer regulations.

Every building or use shall comply with the following requirements, provided that in the case of a combination of buildings erected on a lot in accordance with a unified plan, the group as a unit shall comply.

1. Frontage. Every building shall have frontage on a street or internal roadway.
2. Lot area and width. A lot area of not less than one acre (43,560 square feet) is required for development. Each lot shall have a lot width of not less than 100 feet at the building line.
3. Maximum floor area ratio (FAR). The total amount of square feet of gross floor area among all uses shall not exceed 0.8 times the gross tract area. For purposes of this definition and the bonus square footage described below, the tract area shall exclude existing utility rights-of-way and existing road rights-of-way. Applicants are eligible for bonus square footage by achieving LEED's certification pursuant to § 208-83.1G.
4. Residential floor area. In no event shall the square footage designated for residential use exceed 60% of the gross floor area of an occupied building. The square footage of structured parking facilities shall be excluded for purposes of this calculation.
5. Impervious coverage. Not more than 85% of the lot area may be covered by impervious surface.
6. Front yard. There shall be a front yard on each street on which the lot abuts, the depth of which shall be at least 25 feet.
7. Side yards. No side yard shall be required. In any case where side yards are provided, although they are not required, each side yard shall be not less than 10 feet in width.
8. Rear yard. There shall be a rear yard, the depth of which shall be at least 10 feet when abutting a nonresidential district or use and at least 25 feet when abutting a residential district or use.
9. Building placement. No building shall be closer than 25 feet from any street line or twelve (12) feet from an internal roadway or common parking area curbline.
   1. The distance between buildings which are not more than 42 feet in height shall be not less than 30 feet. However, this distance may be reduced to not less than 10 feet if the following conditions are met:
      1. Not more than one of the buildings has windows, doors or any other openings facing the area between the buildings.
      2. The combined length of buildings which do not meet the 30 feet between buildings required shall not exceed 210 feet along any single frontage, measured in a straight line from the exterior points of the buildings.
   2. The distance between buildings which are more than 42 feet in height shall not be less than 35 feet.
   3. No portion of any structure shall cross a municipal boundary.
   4. No dwelling shall be placed within 75 feet of the nearest railroad track, nor within 50 feet of a

railroad right-of-way line.

1. Height.
   1. Minimum. The minimum height of any building shall not be less than 28 feet.
   2. Maximum. The maximum height of any building shall not be more than 45 feet, except that any portion of a building that lies more than 150 feet from an existing residential use may be increased to 70 feet.
2. Buffer. Along each property line which directly abuts a residential district or use, a buffer area of not less than 25 feet shall be provided. All such buffer areas shall be landscaped subject to the provisions of § 208-102B.
3. Public spaces. At least 10% of the land area within the development tract shall be improved as public space and shall comply with the standards in § 208-83.1B below.

### § 208-83. Master Plan requirements.

1. Plan requirement. Development within the Transit District shall be shown on a master plan as required by this section, which shall include the location of the multi-modal transportation center on the site proposed for development.
   1. Where a master plan encompasses both Willistown and Tredyffrin Townships, approval of each Township must be received before construction activity can commence.
   2. Once the master plan has been approved, permits shall be issued only pursuant to approved land development or subdivision plans consistent with the approved master plan.
   3. The master plan tract may be subdivided for separate ownership or lease (or as otherwise required by the Municipalities Planning Code or the Subdivision and Land Development Ordinance), but only if the subdivision does not interfere with the development or use of the master plan tract in accordance with the approved master plan.
2. Submission requirements. The master plan shall be prepared by a registered surveyor or engineer, landscape architect, land planner or similarly qualified person. The master plan shall be consistent with the Township's Comprehensive Plan and contain the following:
   1. Description of how the proposed master plan is consistent with the Township's Comprehensive Plan and a rationale to justify any deviation from the Comprehensive Plan. Included shall be provision for a multi-modal transportation center, and facilities and space to accommodate all other anticipated modes of transportation, including commuter parking, bus/shuttle connections and bicycles.
   2. Proposed general layout including the multi-modal transportation center, other structures, parking areas and public spaces.
   3. Land uses within the proposed development site, with a table listing the amount of total nonresidential floor area by type of use (for example, retail or office) and the total number of dwelling units.
   4. Proposed pedestrian and vehicular connections from within the site to the multi-modal transportation center and to adjoining areas.
   5. A traffic and circulation study demonstrating that vehicular and pedestrian access to the proposed development site, and specifically including the multi-modal transportation center, will be engineered and constructed to accommodate projected peak hour circulation. All vehicular access to properties in the development site shall be by means of collector roadways constructed in accordance with the circulation system plan of the Paoli Community Master Plan or by means of new local roadways installed as feeder streets to collector roadways constructed in accordance with the circulation system plan, unless an alternative plan achieving similar ends is approved by the Board of Supervisors. Facilities and road design shall ensure safety and protection against congestion in the surrounding area from vehicular traffic resulting from the proposed development plan. Development of the multi-modal transportation center shall anticipate and accommodate subsequent development. Roadways shall connect to the existing roadway network and make feasible construction of roadways to further extend the network and to lead toward the installation of roadways to effectively complete the circulation system plan, or a similarly approved plan. Circulation patterns within the site shall be designed and developed as an integral part of the total development project with direct access to the multi- modal transportation center or waiting area from other parts of the development site.
   6. A study detailing the required commuter parking that is acceptable to the public transit providers, as detailed in signed letters to the applicant from the public transit providers.
   7. A plan for accommodating space needed for short-term bus and shuttle stacking within proximity of the multi-modal transportation center.
   8. A community impact study which analyzes the potential effects and impacts of the master plan upon the following community facilities: emergency services, fire protection, solid waste disposal, recreation, transportation, school facilities and school district budgets, public utilities, and Township services and revenues.
   9. Natural features that may impact development or should be incorporated into the master plan.
   10. A concept plan for stormwater management.
   11. A plan for public sewer and public water.
   12. The land uses of properties within 300 feet of any part of the property included in the master plan.
   13. A plan for reservation, ownership and maintenance of public spaces and facilities.
   14. Implementation/construction phasing schedule, including the timing of construction of the multi-modal transportation center, parking for the transportation center and other development, road improvements, and other infrastructure.
   15. Information about how the remediated Superfund site will be impacted by implementation of the master plan.
3. Master plan approval. The master plan shall be approved as a conditional use subject to the requirements of § 208-117 and shall be consistent with the following:
   1. The intent and purpose of the Township's Comprehensive Plan and the Transit District.
   2. The provision of a multi-modal transportation center, and facilities and space to accommodate all other anticipated modes of transportation, including commuter parking, bus/shuttle

connections and bicycles.

* 1. Facilities and road design to:
     1. Carry out the circulation system plan of the Paoli Community Master Plan as adopted in December 2001, or an alternate plan approved by the Board of Supervisors;
     2. Ensure safety and protect against congestion in the surrounding area from vehicular traffic resulting from the proposed plan;
     3. Provide suitable vehicular connections to and from the surrounding arterial highways and collector roads; and
     4. Provide suitable pedestrian connections to and from the surrounding road network.
  2. Appropriate consideration of the site's natural resources, including protection against soil erosion, water contamination and flooding.
  3. Location of land uses which take into account suitability with respect to topography and drainage; impact on municipal services, utilities and public or quasi-public facilities; compatibility with surrounding land uses; and preservation of environmentally sensitive areas.
  4. Inclusion of the multi-modal transportation center and adequate infrastructure to support the multi-modal transportation center in the first phase of implementation.
  5. An adequate program for ownership and maintenance of any proposed public or quasi-public spaces and facilities.
  6. Certification on the plan that all subsequent land development and/or subdivision plans for properties within the Transit District will be consistent with the approved master plan and comply with all applicable ordinance requirements.

1. Amendments. Amendments to the master plan must be submitted by the applicant to the Township for approval. When one or more of the following conditions in the master plan are being considered, amendments will be reviewed and adopted subject to the procedures outlined in Subsection C above. All other amendments will be approved by the Zoning Officer.
   1. Increasing the amount of nonresidential floor area or the number of dwelling units by more than 10% from the total amount approved for the development tract in the master plan;
   2. Decreasing the amount of public or quasi-public space by more than 10%;
   3. Rearranging the land uses in a manner that will increase the impact of the proposed development by more than 10% on a road or other public facility or otherwise result in a change in traffic patterns.
   4. Changing or upgrading the road infrastructure included on the master plan.

### § 208-83.1. Special development regulations.

In order to encourage a safe and attractive pattern of development, each use shall comply with the applicable provisions of § 208-102 and the following additional requirements:

1. Parking. Each use shall comply with the off-street parking and off-street loading requirements of

§§ 208-103 and 208-104, except that a minimum of two parking spaces per dwelling unit shall be

provided. Loading spaces serving multifamily uses shall be located as close as possible to entranceways for the purpose of facilitating the efficient handling of household items such as laundry and groceries. When this chapter imposes a different restriction upon the use of buildings or premises than are imposed or required by §§ 208-103 and 208-104, the provisions of this chapter shall prevail. In addition, each use shall also comply with the following standards:

* 1. Surface parking.
     1. All principal and accessory parking uses that contain in excess of 150 spaces shall be structured. In no case shall an accessory parking area or structure occupy more than half the lot area of the lot containing the principal use that the parking area or structure serves.
     2. Surface parking facilities are permissible within side and rear yards provided where no structure exists between the street and the surface parking facility such facility shall be enclosed by a knee-high wall or row of landscaping. In no case shall surface parking facilities be located within 20 feet of a street line or internal roadway.
  2. Structured parking.
     1. Structured parking facilities may contain retail or commercial space along the entire length of each first floor facade which faces a street.
     2. All or a portion of the nonhandicapped parking spaces in a structured parking facility may be reduced to a minimum dimension of 8 1/2 feet by 18 feet at an angle of 75° with a minimum aisle width of 17 feet (one-way only), provided that at least 20% more spaces than the required minimum are provided and available for use by the general public.
  3. Shared parking. In order to encourage the efficient use of land and resources, applicants are permitted to share off-street parking facilities for mixed-use developments or for uses located sufficiently close to one another that have different peak parking demands or operating hours. In order to utilize this provision, applicants must:
     1. Provide a parking demand analysis for each use that exceeds 2,400 square feet of gross floor area for review by a traffic engineer or consultant approved of by the Township Engineer. The analysis must demonstrate that adequate parking will be provided for the uses on site during peak hours. The analysis should generally be consistent with the published recommendations of the Institute of Traffic Engineers (ITE). Data collected from similar or comparable uses to the proposed use may also be submitted for review. For any change of use involving shared parking, a new parking demand analysis shall be submitted as determined necessary by the Zoning Officer.
     2. Demonstrate that the shared parking shall be located no further than 1,000 feet from an entrance to the buildings and uses it is intended to serve.
     3. Provide a written, legally-binding agreement among the owners of record, their tenants, and those with which parking facilities are shared for review and approval by the Township.

1. Public spaces. The required public spaces shall comply with the following standards:
   1. Public space shall be designed to provide an area for passive recreation or similar informal activities.

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#### § 208-83.1 TREDYFFRIN CODE § 208-83.1

* 1. Public space shall abut and be accessible and generally visible from a public sidewalk or other public area designed to facilitate pedestrian circulation or relieve pedestrian congestion. Such space shall be provided at the same level as the abutting public sidewalk or pedestrian area.
  2. Public space shall be accessible to persons with disabilities throughout the entire area.
  3. Public space shall contain seating, permanent landscaping and lighting for nighttime use. There shall be sufficient natural light to permit the maintenance of plants without artificial lighting. Such space may contain tables and facilities for food service, but a majority of the space shall be available for use by the general public without charge or purchase of any services which may be offered.
  4. All such space shall be open without restriction to the general public at least during normal business hours and during periods of heavy pedestrian movement in the area.
  5. An interior space which functions as a building lobby shall not be used as public space unless it also functions as a through-block passage accessible to the general public and contains seating available for use by the general public.
  6. A legally binding agreement shall be executed providing for the permanent maintenance of the public space by the owner of the property.

1. Design standards. Each use shall comply with the following design standards:
   1. The street level facade shall be substantially transparent and shall include windows and door openings that encourage safe pedestrian circulation.
   2. Variation in architectural design is strongly encouraged to avoid facades typical of continuous strip development. Use of variation in color, texture, height and orientation may be required to provide architectural diversity and individuality for various buildings. Buildings must consider the project's setting, massing, proportions, scale, facade treatment and materials in relationship to the surrounding architectural context.
   3. Main entrances should face streets and expanses of unbroken walls are discouraged.
   4. Walls and fences shall be uniform and compatible with regard to architectural style, color and building material. Appropriate materials include iron gating, stone or brick. No chain link or stockade fencing is permitted. Walls greater than 40 feet in length shall incorporate some form of visual relief, including but not limited to pattern breaks, varying wall construction and materials, vertical features such as columns, or combinations of the above.
2. Utilities. All electric and communications lines shall be underground.
3. Sidewalks. Sidewalks shall be provided on all streets and as needed on internal roadways so as to create direct pedestrian linkages throughout the district and the Paoli area, in particular, to the multi- modal transportation center.
4. Streetscape. The streetscape design regulations § 181-46M(11) of the Township Subdivision and Land Development Ordinance shall be provided for all developments.
5. Green buildings. Applicants whose buildings and/or site development achieve certification by the

U.S. Green Building Council (USGBC) at or above the "silver" level rating as defined by the Leadership in Energy and Environmental Design (LEED) Green Building Rating System are eligible for bonus square footage. The maximum additional floor area ratio for such certification shall not

exceed 0.2 times the gross tract area. The tract area shall exclude existing utility rights-of-way and existing road rights-of-way. The standard shall be LEED-NC Version 2.2 for new construction, LEED-CI Version 2.0 for interior improvements to existing commercial spaces, and LEED-ND Version 2.0 for neighborhood development, or as such standards are most recently amended. Applicants are strongly encouraged to achieve the highest LEED's certification possible in multiple categories.

1. Stormwater best management practices. Applicants are strongly encouraged to consider innovative stormwater best management practices that can accomplish multiple objectives, e.g., contribute to infiltration and provide water to growing plants and trees. Since the majority of storm events in this region are small (one inch or less), applicants are directed to examine bioretention facilities and rain gardens as complementary to landscape features. In addition, applicants are encouraged to consider construction of "green roof" buildings capable of managing small storm events through rooftop landscaping. Such facilities offer both an attractive amenity to the community and help manage the small rainfall events common to this geographic region.
2. Signs. A signage plan, which shall include wayfinding signs, shall be submitted and approved prior to final land development approval. Signs shall be consistent across the development site and comply with the sign regulations in Article XXV of this chapter.

ARTICLE XXI

### (Reserved)212

**§ 208-84. through § 208-88. (Reserved)**

1. **Editor's Note: Former Art. XXI, SC Shopping Center Districts, as amended, was repealed 12-2-2013 by Ord. No. HR-399.**

ARTICLE XXII

### (Reserved)213

**§ 208-89. through § 208-93. (Reserved)**

1. **Editor's Note: Former Art. XXII, LI Limited Industrial Districts, as amended, was repealed 12-2-2013 by Ord. No. HR-399. See now Art. XII, Office and Industrial Districts.**

ARTICLE XXIII

### (Reserved)214

**§ 208-94. through § 208-98. (Reserved)**

1. **Editor's Note: Former Art. XXIII, PIP Planned Industrial Park Districts, added 3-24-1980 by Ord. No. HR-44, as amended, was repealed 12-2-2013 by Ord. No. HR-399. See now Art. XII, Office and Industrial Districts.**

ARTICLE XXIV

**General Provisions**

**[Amended 12-3-1979 by Ord. No. HR-40; 3-24-1980 by Ord. No. HR-44; 9-28-1981 by Ord. No. HR-60; 8-15-1983 by Ord. No. HR-76; 2-27-1984 by Ord. No. HR-79; 3-15-1985 by Ord. No. HR-90; 2-9-1987 by Ord. No. HR-107; 5-1-1989 by Ord. No. HR-124; 4-2-1990 by Ord. No. HR-146; 1-7-1991 by Ord. No. HR-159; 12-3-1991 by Ord. No. HR-187; 12-3-1991 by Ord. No. HR-189; 1-21-1992 by Ord. No. HR-190; 4-6-1992 by Ord. No. HR-193; 7-20-1993 by Ord. No.**

**HR-210; 12-30-1993 by Ord. No. HR-218; 6-6-1994 by Ord. No. HR-231; 12-12-1994 by Ord. No. HR-236; 100-6-1997 by Ord. No. HR-262; 12-15-1997 by Ord. No. HR-265; 9-14-1998 by Ord. No. HR-277; 9-18-2000 by Ord. No. HR-289; 8-19-2002 by Ord. No. HR-305; 12-15-2003 by Ord. No.**

**HR-321; 4-4-2005 by Ord. No. HR-337; 4-18-2005 by Ord. No. HR-340; 5-1-2006 by Ord. No.**

**HR-352]**

**§ 208-99. Nonconforming buildings or uses.**

1. Continuation. The lawful use of a building or land existing as of December 30, 1963, or authorized by a building permit issued prior thereto may be continued, although such use does not conform with the provisions of this chapter.
2. Extension.
   1. A nonconforming use of a building or a use previously authorized as a use variance or special exception may be extended within the building only when authorized as a special exception.
   2. A building housing a nonconforming use or a use previously authorized as a special exception may be extended upon the lot occupied by such building held in single and separate ownership as of December 30, 1963, when authorized as a special exception, provided that the enlargement meets all of the area, yard and height requirements of the district in which the lot is located. Buildings which house a use approved as a use variance may be so extended only when authorized as a variance.
   3. A building which is nonconforming as to the physical requirements of the district in which it is located may be altered or enlarged, provided that the alteration or enlargement itself meets all the requirements of said district or the alteration or enlargement consists of one or more additional stories or parts thereof, within the existing building footprint, not exceeding the maximum height limitation for the district in which the building is located.
3. Changes. A nonconforming use of a building or land may be changed to a nonconforming use of the same or a more restricted classification.
4. Restoration. Building reconstruction to restore a building containing a nonconforming use shall commence within one year of the date the building was destroyed or condemned and shall be carried on without interruption. **[Amended 9-10-2007 by Ord. No. HR-360]**
   1. Nonresidential uses. A building containing a nonconforming nonresidential use which has been damaged or destroyed by fire or other cause to an extent of not more than 75% of its value, or a nonconforming nonresidential building which has been legally condemned, may be reconstructed and used for the same nonconforming nonresidential use, provided that the reconstructed building shall not exceed the height, footprint, area and volume of the building destroyed or condemned.
   2. Residential uses. A building containing a nonconforming residential use which has been

damaged or destroyed by fire or other cause, or a nonconforming residential building which has been legally condemned, may be reconstructed and used for the same nonconforming residential use, regardless of the extent of damage, provided that the reconstructed building shall not exceed the height, footprint area and volume of the building destroyed or condemned.

1. Discontinuance. If a nonconforming use of land or of a building ceases or is discontinued for a continuous period of one year or more, subsequent use of such building or land shall be in conformity with the provisions of this chapter.

### § 208-100. Nonconforming lots.

A building may be erected or altered on any lot held as of December 30, 1963, in single and separate ownership which is not of the required minimum area or width, provided that the building or part thereof that is to be erected or altered complies with all other requirements of the zoning district in which it is located.

### § 208-100.1. Extension or changes of uses authorized by special exception or conditional use.

1. A use of a building or a lot authorized as a special exception or conditional use, either by decision of the Zoning Hearing Board or Board of Supervisors or by the enactment of or amendment to this chapter, may be extended within the building or upon the lot only when authorized as a special exception.
2. A use of a building or a lot authorized as a special exception or conditional use, either by decision of the Zoning Hearing Board or Board of Supervisors or by enactment of or amendment to this chapter, may be changed to a use permitted by right without further approval.

### § 208-101. Reduction of lot area.

No lot area shall be reduced in such a way that the dimensions of any of the yard, open space and/or other dimensional requirements are not able to be met.

### § 208-102. Special development regulations.

In addition to the provisions of the district in which a use is permitted, each use other than a single-family or two-family dwelling shall comply with the following special regulations, where applicable:

1. Landscaping. The land surrounding any permitted use, except for paved area, such as walkways, accessways, play areas and necessary parking and service areas, shall be landscaped, and each apartment house or nonresidential use shall make such other suitable screening provision as is necessary to safeguard the character of an adjacent residential area or development. All planting, fences, walls or similar structures used for screening shall be installed in such a manner as to maintain the intent of the yard areas and shall be in harmony with the general architectural design of the principal building or buildings on the lot.
2. Buffer area requirements. In any case where a buffer area is required, such buffer shall comply with the definition contained in § 208-6, the planting requirements in § 181-52I(3) of the Township Subdivision and Land Development Ordinance and the following additional requirements:
   1. A plan shall be submitted for each required buffer area indicating the location, dimension and arrangement of all plantings and other natural or man-made features of the buffer area, screening, fences and walls.

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#### § 208-102 ZONING § 208-102

* 1. A buffer area shall be used for no purpose other than planting, screening, lawns, berms or trees or appropriate walls or fences, provided that the width of the required buffer area may be reduced to provide for off-street parking in accordance with the provisions of § 208-103B(4)(b). Any wall or fence provided in conjunction with a required buffer area shall be screened or constructed in such a manner that it will not conflict with the character of the abutting district.
  2. Each buffer area shall be located on the lot and within the district in which the use which requires the buffer is located, and it may be included in any required front, side or rear yard area.
  3. In the case of a required buffer area, no more than one entrance and one exit shall be permitted from a lot to each street on which the lot abuts, except that an additional entrance and exit through a buffer area may be permitted when authorized as a special exception.

1. Street frontage development standards and access. In order to minimize traffic congestion and hazard, control street access in the interest of public safety and encourage the appropriate development of street and highway frontage:
   1. Each use shall have not more than two accessways to any one public street for each 300 feet of frontage. Where possible, access to parking areas shall be provided by a common service driveway or minor street in order to avoid direct access on a major street. No such accessway shall be less than 20 feet or more than 30 feet in width, and the location of any accessway or driveway to a public street shall be in accordance with the regulations of the Tredyffrin Township Public Works and Police Departments and shall be subject to review by those Departments.
   2. In the case of a shopping center, group of apartment houses or similar groupings of buildings constructed as part of an integrated plan, all parking, loading or service areas used by motor vehicles shall be located entirely within the lot lines of the property. All buildings shall be accessed from a marginal street, service road, common parking lot or similar area and not directly from a public street or highway. All accessways to a public street or highway shall be located at least 100 feet from the intersection of any street lines. All streets and accessways shall be designed in a manner conducive to safe exit and entrance.
   3. All driveways, aisles, vehicular service areas or spaces between or around buildings, other than those relating to a dwelling, shall be adequately illuminated.
2. Group development. The following regulations shall apply in all districts where more than one building or use is permitted on a lot:
   1. The proposed development shall be constructed in accordance with an overall plan and shall be designed as, or as part of, a single architectural and landscaping scheme, and the group of buildings as a unit shall comply with the area and yard regulations of the district.
   2. The tract of land on which each permitted use is conducted shall be owned and operated as a single or common management and maintenance unit, with common open spaces, parking, utility and maintenance facilities.
   3. Except where the provisions of a zoning district may specifically permit otherwise, the distance at the closest point between any two buildings or groups of attached buildings shall be not less than 30 feet.
   4. All utility lines and similar facilities servicing the proposed development and its area shall be installed underground. Electric transformers shall be installed underground or in a completely

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enclosed building, and generators shall be enclosed by walls or landscaped to provide an adequate visual and sound screening.

1. Restriction on storage and outdoor display.
   1. No materials or goods shall be stored outdoors or displayed on the exterior of a premises where they can be observed from a street or property line.
   2. No permanent storage of materials, products or goods intended for sale or inventory shall be permitted outside a building, and no merchandise shall be displayed or offered for sale beyond the front line of a building or the side lines of a building on corner premises except during normal business hours.
   3. In any case where the storage or sale of materials, products or goods outside a building is permitted, the area devoted to such storage or sale shall not exceed 50% of the gross floor area of the principal building to which the use relates.
2. Shopping cart corral areas.
   1. Where shopping carts are provided, two shopping cart corral areas shall be provided for up to every 100 parking spaces.
   2. Each shopping cart corral area shall be a minimum of nine feet by 18 feet and shall hold at least 72 carts for each corral area.
   3. Such areas shall be railed-off from parking spaces so that shopping carts may be securely stored.
   4. Such areas shall not count toward the required off-street parking areas.
3. Restriction on excavation.
   1. No borrow pits shall be created for the purpose of securing fill or for any commercial purpose nor shall any strip mining of earth, soil, loam, clay or sand be conducted. This provision shall not prohibit excavation performed contemporaneously with and required by the construction of foundation or other subsurface works for a building or other structure under actual construction.
   2. Excavation which is necessary for the development of a parcel of land for a permitted use is allowable only if:
      1. The average elevation of the whole parcel is not thereby reduced below the average preexisting elevation of either the whole parcel or the perimeter of the parcel, whichever is less; and
      2. Provision is made by the applicant for restoration of natural groundcover and control of soil erosion.
4. Exterior lighting.
   1. All exterior lighting shall be designed and arranged so that no direct glare therefrom shall extend beyond the property lines of the lot on which they are located and to protect adjoining streets and properties from any direct or indirect glare. Where necessary, all such lighting shall be equipped with glare shielding devices.
   2. Freestanding light standards shall not exceed the following maximum height limits:
      1. Residential districts: 15 feet .
      2. Nonresidential districts: 18 feet unless a greater height (but not to exceed 25 feet) is specifically approved by the Planning Commission at the time of land development approval.
5. Vertical architectural elements. A vertical architectural element, including but not limited to a monument, obelisk, bell tower and clock tower, may be permitted as a conditional use in an Institutional Overly, Limited Industrial or Office-Apartment District when it meets the following conditions:
   1. Applicability. A vertical architectural element may be allowed only when it is part of an integrated building complex.
   2. Use. If attached to a building, a vertical architectural element shall not encompass any habitable space or mechanical equipment in that portion of the element which projects above the normal allowable building height limit for the district in which it is located. If not attached to a building, the element shall not contain any habitable space, nor shall it be used for storage or to house mechanical equipment.
   3. Lot area. A lot or lots under single ownership, encompassing 50 contiguous acres and containing at least three buildings.
   4. Footprint area. The square foot area of a vertical architectural element shall be included in area calculations determining maximum coverage and maximum building area. Maximum area of the footprint of the vertical architectural element shall be 900 square feet. The footprint area shall not be allowed to increase from the lower portion to the upper portion.
   5. Height. The maximum allowable height shall be 80 feet.
   6. Restrictions. The following additional restrictions shall apply:
      1. The vertical architectural element shall be designed to form an integrated interior part of a unified building complex. Building materials and architectural detailing shall be compatible with the image of the surrounding buildings, whether attached thereto or adjacent to them. For purposes of this subsection, the term "interior part" shall mean that part which is at least 500 feet from any property line, which property is not owned or controlled by the applicant. In addition, "architectural integration" shall be understood to mean that the vertical architectural element shall:
6. Serve as a visual focal point for pedestrian plazas;
7. Serve as a focal point for pedestrian circulation systems within the development site;
8. Be constructed of materials compatible with said plazas and pedestrian walkways as well as with the buildings themselves;
9. Bear a logical and proportional relationship to the buildings and outdoor spaces/ plazas on the site; and
10. Be of compatible coloration and hue to the buildings and pedestrian plaza and walkway materials.
    * 1. Architectural lighting of the vertical architectural element may be permitted, provided that

hours during which the element is lit are restricted to between 4:00 p.m. and 9:00 p.m. and, further, that no lighting of any kind shall be permitted above a height of 40 feet.

* + 1. No signage, logos or commercial symbols may be attached to a vertical architectural element.
    2. There shall not be more than one vertical architectural element per unified building complex.
    3. No external antennas, satellite dishes or flagpoles shall be attached to the exterior of a vertical architectural element.
  1. Guidelines for review. In reviewing an application for conditional use to permit a vertical architectural element, the Board of Supervisors and Planning Commission shall consider the following criteria:
     1. The appropriateness of the vertical architectural element to the surrounding areas, to the site and to buildings grouped on the site.
     2. The degree to which the proposed development projects the image of an integrated office campus.
     3. The degree to which the architectural detailing of the vertical architectural element is compatible with and appropriate to the scale, proportion and architectural design of the surrounding building group.

1. Commercial dropoff and pickup boxes, stations for letters and packages or newspaper vending machines.
   1. All such boxes or structures which are not located within a principal building or in an enclosed entranceway thereto shall be mounted on a masonry platform or other structurally sound foundation and shall be accessible only from an internal off-street parking area or accessway.
   2. Such boxes or structures shall not be located within a front yard area nor along the right-of-way of a public street.
2. Rooftop equipment, refuse containers and mechanical equipment.
   1. All rooftop equipment or other projections shall be completely screened from view from any property. Such screening shall be designed so as to be architecturally compatible with the principal portion of the building and shall be constructed of materials which are harmonious with those of the principal portion of the building.
   2. All permanent refuse containers and mechanical equipment shall be completely screened from ground level view from any property.
3. Security gates, grates and shutters. Any security gate, grate or shutter, including window grilles in a commercial district, shall have a ratio of open to solid portions of four to one and shall be installed on the inside of the building. All gates, grates and/or shutters and mechanical parts in an open position shall not be exposed.
4. Corner lots and sight distance. On any corner lot, no wall, fence or other structure shall be erected or altered, and no hedge, tree, shrub or other growth shall be maintained, which may cause danger to traffic on a street by obscuring the view.

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1. Wetlands and PNDI Sites. Unless a greater distance is required by state and/or federal regulations, the minimum setback for improvements from a wetlands or PNDI site shall be 50 feet. The Zoning Hearing Board may approve a reduction of the wetland or PNDI site buffer if, upon review, it determines that such a reduction is justified due to specific circumstances related to the location or quality of the wetland or PNDI site in question.

### § 208-102.1. Special development regulations designed to control noise pollution. [Added 8-14-2006 by Ord. No. HR-355]

In order to protect the health, safety, quality of life, preservation of property values, and general welfare of the residents of the Township and the historical, recreational, and natural features and resources located within the Township, no development shall be permitted, approved, or allowed within the Township and no use shall be permitted, approved or allowed within the Township which causes sound levels to exceed the following special regulations:

1. Exemptions. These regulations shall not apply to the following:
   1. Uses in existence or approved by the Township as of the effective date of this amendment, which uses are not being increased or expanded.
   2. Construction.
   3. Development of roads or streets upon which direct access from adjacent properties is legally permitted.
   4. Rail carriers.
   5. Air carriers.
   6. Public speaking and public assembly activities.
   7. Emergencies.
   8. Emergency work.
   9. Residential uses.
   10. Domestic power tools.
   11. Cultural, educational, religious, entertainment, athletic, or civic events, including, but not limited to, concerts, music festivals, and fireworks displays.
   12. Alarms and other devices to alert people as to the existence of an emergency.
   13. Work or activities performed or sponsored by schools and Township agencies or their contractors in the performance of public works.
   14. Organized play or recreation, playground activities, parks and the like.
   15. Snow removal activities.
   16. Church bells and carillons.
2. Authorization. This section is adopted by the Township in implementation of the following statutes, rules and regulations:
   1. Federal Noise Control Act of 1972, 49 U.S.C. Section 4901 et seq., as amended, and, more specifically, Sections 4903(b), 4904, 4911, 4913, and 7641(c), and regulations adopted pursuant thereto.
   2. Constitution of the United States, Amendments X and XIV.
   3. Constitution of the Commonwealth of Pennsylvania, Article I, Sections 1 and 27.
   4. Municipalities Planning Code, 53 P.S. § 10101 et seq., as amended, and, more specifically,

§ 1671 and Articles V and VI.

* 1. Federal Aid Highway Act of 1970, 23 U.S.C. Sections 109(I) and 182, as amended, and regulations adopted pursuant thereto.
  2. Pa. Highway Act, 36 P.S. §§ 1981 and 2718.113, as amended.
  3. PennDOT Regulations, including, but not by way of limitation, Revised Noise Handbook PennDOT Publication #24, dated January 28, 2002.
  4. Federal Highway Administration (FHWA) Regulations, including, but not by way of limitation, Title 23, Code of Federal Regulations, Part 772 (including Table 9).
  5. National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. Section 4331, as amended.
  6. World Health Organization, Community Noise (Brigitta Berglund, Thomas Lindvall and Dietrich H. Schwela, eds., Stockholm University and the Karolinska Institute 1999), and Guidelines for Community Noise of the World Health Organization in Geneva, Switzerland.

1. Prohibition of noise disturbance. It shall be unlawful for any person to construct, expand, develop, or allow the use of any property which causes, allows, enables, or permits any unreasonably loud, unnecessary, and/or unusual sound which disturbs the peace or quiet of any residential area, or which causes discomfort or annoyance to any person of normal sensitivities residing in the area without a permit granted pursuant to § 208-138. Every activity to which this section is applicable shall be conducted in a manner so that any noise produced is not objectionable due to intermittence, beat frequency, or shrillness.
2. General standards. The general standards which may be considered in determining whether a violation of the provisions of this section exists shall include, but not be limited to, the following:
   1. The level of noise;
   2. Whether the nature of the noise is usual for a residential area or unusual;
   3. Whether the origin of the noise is natural or man-made;
   4. The level and intensity of the background noise, if any;
   5. The proximity of the noise to residential sleeping facilities;
   6. The nature and zoning of the area within which the noise emanates;
   7. The time of the day and night the noise occurs;
   8. The duration of the noise;
   9. Whether the noise is recurrent, intermittent, or consistent; and
   10. The effects on public health, safety, property values, and general welfare.
3. Specific standards.
   1. Notwithstanding the general standards and any other provisions of this section, and in addition to and in implementation of the general standards, the following specific standards shall be applicable:
      1. Average outdoor A-weighted sound levels shall not exceed 55 dBA during daytime hours and 50 dBA during nighttime hours. Such average sound levels shall be calculated as a continuous stream of one-minute moving averages. Each point used in the comparison shall be determined as the arithmetic average of all instantaneous readings occurring within the prior one-minute time window.
      2. Impulsive A-weighted sound levels shall not exceed 145 dB on one occasion in a twenty- four-hour period, 135 dB on 10 occasions in a twenty-four-hour period, and 125 dB on 100 occasions in a twenty-four-hour period.
   2. Sound levels of noise radiating from a property line at a distance of 25 feet or more therefrom in excess of the dB established for the stated time periods shall constitute prima facie evidence that such noise is a public nuisance.
4. Approval of plans. No plans for construction of new facilities or for expansion of existing facilities will be approved unless such plans include all control measures necessary to ensure that the proposed daytime and nighttime average sound levels do not exceed the specific standards and are consistent with the general standards and best management practices have been utilized for the mitigation of noise disturbances.
5. Absorptive sound barriers. The use of absorptive sound barriers will be consistent with the general standards and will satisfy the specific standards if they are properly placed within the right-of-way of the proposed road or the expansion of the existing road and are of sufficient height, thickness and length to be consistent with the maximum sound levels permitted herein on the residential side of the barriers.
6. Interpretation of provisions. In interpreting and applying the provisions of this section, they shall be held to be the minimum requirements for the promotion of the public health, safety, quality of life, preservation of property values, and general welfare of the residents of the Township and historical, recreational, and natural features and resources located within the Township. When the provisions of this section impose greater restrictions or requirements than those of any statute, other ordinance, section or regulation, the provisions of this section shall control. When the provisions of any statute, other ordinance, section or regulation impose greater restrictions or requirements, the provisions of such statute, other ordinance, section or regulation shall control. The adoption of this section shall not affect, amend or alter any other ordinances or regulations of the Township, which are hereby expressly saved from repeal. In the event of conflict between these standards and standards established by any other governmental agency, the more restrictive standards will apply in order to achieve the maximum reduction of noise disturbances.

### § 208-103. Off-street parking and loading requirements. [Amended 5-23-2010 by Ord. No. HR-384; 12-2-2013 by Ord. No. HR-399]

1. General requirements.

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* 1. All parking spaces designed to serve a lot or development must be provided off street. No on- street parking space or any part of a public or private street may be utilized to comply with the off-street parking requirements of this section.
  2. Parking spaces may be located in any required yard, except a front yard in a residential district or in a required buffer yard, unless otherwise provided below.
     1. A required parking space may be located in a front yard in a residence district where authorized as a special exception.
     2. In the case of outdoor recreational use in the Rural-Conservation Districts as permitted in

§ 208-12F(3), a required buffer or planting area may be reduced for the purpose of providing off-street parking to not less than 30 feet from a street or any other lot line, provided that the parking area is suitably screened and buffered.

* 1. Parking areas must be designed to facilitate access thereto, and the free flow of pedestrian and vehicular traffic. Parking lots must be designed so that vehicles are not required to back out on the street. The lot must provide adequate stacking area and circulation within the lot to prevent backup of vehicles on a public street while awaiting entry to the lot.
  2. All parking spaces must be lined and spaces reserved for parking marked.
  3. Pedestrian walkways and crosswalks must be provided within any parking area containing more than 60 cars, or where any parking space is located more than 100 feet from the entrance to any building served by the parking facility. Pedestrian walkways and crosswalks must be a minimum of four feet wide, and adequately marked and lighted.
  4. Concrete wheel stops or curbs must be provided to prevent vehicle overhang on any driveway, access aisle, sidewalk, pedestrian walkway, or landscaped area.
  5. All parking lots must be landscaped in accordance with the requirements of § 181-52D. All parking areas must be adequately illuminated in compliance with all Township regulations.
  6. All parking areas must be graded to prevent drainage onto adjoining properties and to prevent ponding of stormwater within the parking areas, pedestrian walkways, or crosswalks. The maximum gradient across any parking space cannot exceed 7.5%.
  7. All dead-end areas must be designed to provide sufficient backup and turnaround area for end stalls.
  8. Adequate areas must be reserved on the perimeter of all parking areas for the temporary storage and drainage of snow. Such areas cannot consist of required landscaped areas or areas with shrubs and trees, must be located near effective drainageways, and must be designated on all plans.
  9. The minimum radius curvature of any curbline must be a minimum of five feet.
  10. Outdoor parking spaces and loading/unloading areas shall be constructed of 2 1/2 inches of ID-2 over six inches of crushed aggregate base course except for the following:
      1. A higher construction standard may be required in commercial and industrial developments where a higher than normal volume of heavy vehicles or equipment is anticipated.

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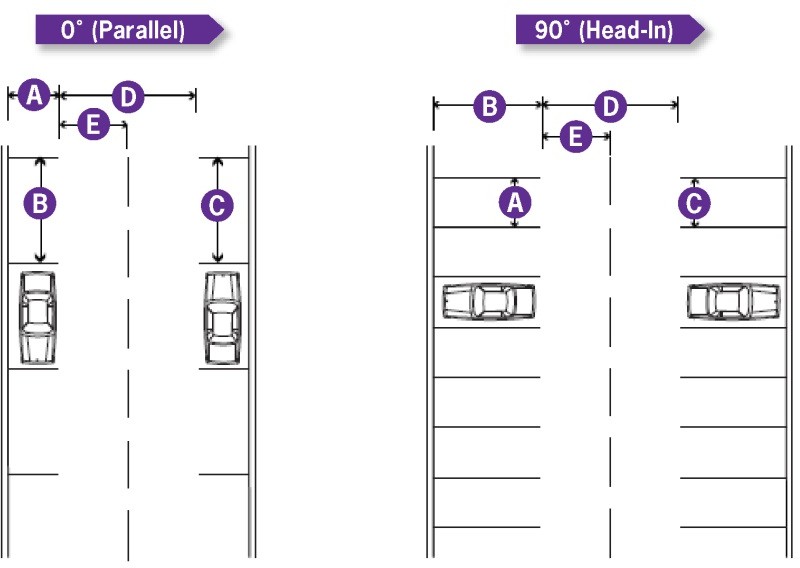
#### § 208-103 ZONING § 208-103

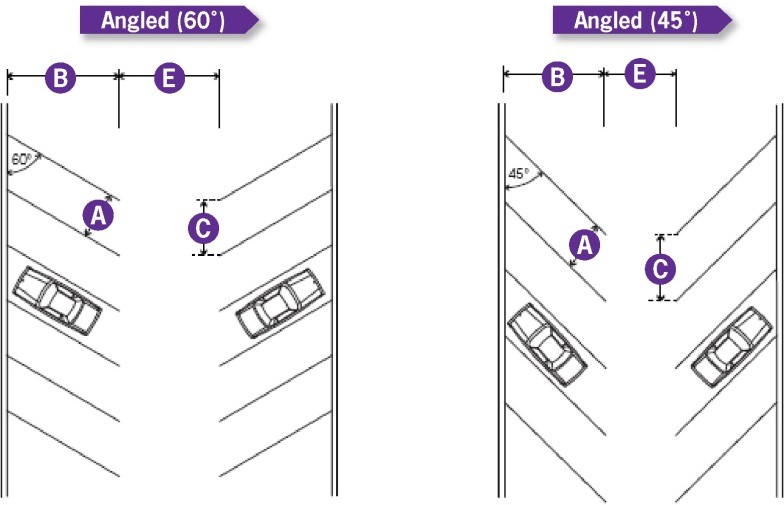
* + 1. The use of concrete, brick, or block paving surfaces must be used where called for in the Comprehensive Plan of Tredyffrin Township. The design and construction specifications for such materials must be approved by the Township Engineer.

1. Parking stall and access aisle dimensions. Off-street parking spaces and drive aisles within a surface parking lot must be designed in accordance with Table 103.1: Off-Street Parking Space Dimensions.

### Table 103.1: Off-Street Parking Space Dimensions

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Parking Angle** | **Stall Width (A)** | **Stall Depth (B)** | **Skew Width (C)** | **Aisle Width Two-Way (D)** | **Aisle Width One-Way (E)** | **Vertical Clearance** |
| 0° (parallel) | 9 | 20 feet | 9 feet | 24 feet | 12 feet | 7 feet 6 inches |
| 90° (head-in) | 9 feet | 18 feet | 9 feet | 24 feet | 20 feet | 7 feet 6 inches |
| 60° | 9 feet | 21 feet | 9.8 feet | - | 18 feet | 7 feet 6 inches |
| 45° | 9 feet | 19.8 feet | 12 feet | - | 12.5 feet | 7 feet 6 inches |

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1. Off-street parking space requirements. In all districts, off-street parking or garage spaces with proper

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access from a street, alley or driveway shall be provided in the amounts indicated in this section. Such parking spaces must be provided on the lot on which the principal building is erected or converted, except where shared parking is authorized. In no case may the number of parking spaces provided per use be less than the number required below, nor shall the number be subsequently reduced to an amount less than required hereunder for a new building or new use.

* 1. Dwelling, single-family detached, single-family semidetached and two-family detached: at least two parking spaces or garage spaces for each dwelling unit.
  2. Dwelling, single-family attached, two-family attached, two-family semi-attached, multifamily: at least 2.5 parking or garage spaces for every dwelling unit therein, new or converted.
  3. Bed-and-breakfast, boardinghouse or rooming house: at least two parking spaces, plus at least one parking or garage space for each room for rent.
  4. Low-impact home-based business and other permitted accessory residential uses: at least three parking spaces in addition to any other off-street parking requirements.
  5. No-impact home-based business: no additional parking is required beyond the parking requirements for the residence that is the principal use.
  6. Hotel or motel: at least one space for every guest room or rental unit and 50% of the required amounts for any additional uses on the site.
  7. Church, synagogue or similar places of worship: at least one parking space for each four seats in the sanctuary or main assembly room.
  8. Nursery school or day-care center: at least one parking space per employee plus one space for every five enrolled individuals.
  9. School, elementary: at least two off-street parking spaces for each classroom plus off-street loading space for at least five school buses.
  10. School, junior high or middle: at least two off-street parking spaces for each classroom, plus one space for each three seats in the auditorium or gymnasium, plus off-street loading space for at least seven school buses.
  11. School, senior or secondary: at least 10 off-street parking spaces for each classroom, plus one space for each three seats in the auditorium or gymnasium, plus off-street loading space for at least seven school buses.
  12. School, post secondary or trade: at least one space for each student, based on the design capacity of the building, plus one space per 300 square feet of office area.
  13. Auditorium, theater, cinema, gymnasium or any other place of public or private assembly: at least one space for each four seats at maximum seating capacity, including temporary seats.
      1. If one or more of the above facilities is located within an educational building or building complex, the number of parking spaces required under Subsection C(9), (10), (11) or (12) preceding may be credited against the requirements of this subsection.
      2. If one or more of the above facilities is located within an existing shopping center, parking spaces based on the gross floor area of the shopping center to be occupied by this use may be credited against the requirements of this subsection for the specific use.

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* 1. Restaurant: at least one parking space for each 75 square feet of gross floor area or fraction thereof.
  2. Retail store or shop or convenience store: at least one parking space for every 300 square feet of gross floor area or fraction thereof.
  3. Personal service establishment: at least one parking space for every 300 square feet of gross floor area or fraction thereof.
  4. Multi-tenant retail center served by a common parking area: at least one parking space for each 200 square feet of gross floor area or fraction thereof, exclusive of basements if not used for the sale or display of merchandise.
  5. Office building, bank or other financial institution, medical clinic building or public utility office: at least one parking space for each 250 square feet of gross floor area or fraction thereof.
  6. Wholesale and/or warehouse establishment: at least one parking space for each 500 square feet of gross floor area or fraction thereof.
  7. Laboratory or industrial establishment: at least one parking space for each 500 square feet of gross floor area or fraction thereof of office and/or research areas and one space for each 20,000 square feet of gross floor area or fraction thereof of warehouse space.
  8. Automobile repair station without a retail convenience store: at least one parking space, either within or without the structure, for each 200 square feet of floor or ground area or fraction thereof devoted to repair or service facilities.
  9. Health care facility: at least one parking space for each 250 square feet of gross floor area or fraction thereof.
  10. Residential care facilities for older persons and skilled nursing facilities: one parking space per two permanent beds approved unless otherwise a greater number is determined by the Zoning Officer after taking into consideration the number of units, occupancy per unit and number of employees.
  11. Swim club, golf club or similar recreational area: at least one parking space for each five persons or two families in membership, whichever is applicable.
  12. Fitness centers or spas: at least one space each 250 square feet of gross floor area or fraction thereof.
  13. Other building or use. For any building or open area used for a purpose not covered above, a sufficient number of spaces as determined by the Zoning Officer on the basis of requirements of the individual case and consistent with the principles set forth above for the most comparable use.
  14. Student home: at least three off-street parking spaces; the required off-street parking spaces cannot be located within a required yard.
  15. Short-term rental: at least two parking or garage spaces for every dwelling unit therein. **[Added 1-18-2022 by Ord. No. HR-447]**
  16. Self-storage facility: at least one parking space for each 1,000 square feet of gross floor area or fraction thereof. Parking spaces dedicated to the storage of recreational vehicles, boats, campers,

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trailers, or similar vehicles shall not be considered in the calculation of required parking.

### [Added 9-19-2022 by Ord. No. HR-456]

1. Shared parking. Within the nonresidential districts, off-street parking spaces for separate uses may be provided collectively if the aggregate number of spaces provided is not less than the sum of the spaces required in Table 103.2: Shared Parking Calculation. Table 103.2 is applied in the following manner:
   1. The required number of spaces for each use is calculated according § 208-103C.
   2. The required number of spaces for each use is then applied to the percentages for each time frame, according to the appropriate land use category, in Table 103.2 to determine the number of required spaces. This is done for each time frame category.
   3. The numbers are summed for all land uses within each time frame and the highest sum total in a time frame is the required number of spaces.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  |  | **Weekday** |  |  | **Weekend** |  |
| **Midnight to** | **7:00 a.m. to** | **6:00 p.m. to** | **Midnight to** | **7:00 a.m. to** | **6:00 p.m. to** |
| **Land Use** | **7:00 a.m.** | **6:00 p.m.** | **Midnight** | **7:00 a.m.** | **6:00 p.m.** | **Midnight** |
| Residential | 100% | 100% | 100% | 100% | 100% | 75% |
| Commercial | 0% | 100% | 80% | 0% | 100% | 60% |
| Restaurant | 50% | 70% | 100% | 45% | 70% | 100% |
| Hotel/motel | 100% | 50% | 90% | 100% | 65% | 80% |
| Indoor/ outdoor place of amusement | 0% | 70% | 100% | 5% | 70% | 100% |
| Office | 5% | 100% | 5% | 0% | 40% | 10% |
| Industrial | 5% | 100% | 5% | 0% | 60% | 10% |

1. Reserved parking. However, the Planning Commission may reduce by not more than 25% the number of parking spaces required to be initially paved for a residential use or for a use or establishment, which involves few residents, employees, customers, or visitors relative to building area. In such case, the plan submitted must show that sufficient land is properly identified and reserved to meet the full requirements of this section, at such time as any such additional parking space may be required. If the reduced number of parking spaces proves to be inadequate, the Board of Supervisors will require an increase in the number of available parking spaces to provide adequately for residents, employees, customers, and visitors, up to the full requirement for the building or use involved.

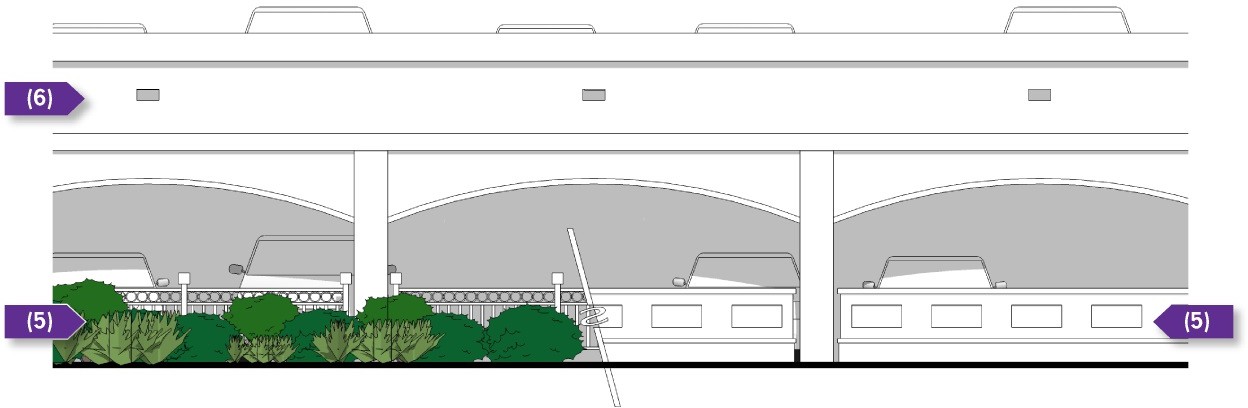
**Table 103.2: Shared Parking Calculation**

1. Parking structure design requirements.
   1. On facades that front on public streets, facade design and screening must mask the interior ramps and create the illusion of horizontality.
   2. All parking structures are subject to the required setback and buffer yard provisions.
   3. Stand-alone parking structures (principal use of a site) are limited to the height of the zoning

district. Attached parking structures are limited to a height that is at least 10 feet less than the principal building height.

* 1. On facades that front on public streets, parking structures must be designed to minimize blank facades through architectural detail and landscape. The design of the exterior of the parking structure must be compatible with the exterior design of the principal structure to the extent that the parking facility is clearly identified with the principal structure. Building materials used for the parking structure must be the same as those used on the principal structure. Where the parking structure is attached to the principal structure, the facade treatment of the principal structure must be extended onto the parking structures. Parking structures as a principal use of a lot must meet the district design standards as applicable.
  2. On portions of the ground floor facade where parking spaces are visible from the public right- of-way, a decorative fence and landscape or a kneewall is required to screen parking spaces. Such fence or kneewall must be a minimum of four feet in height. (See Figure 103.1: Parking Structure Screening.)

### Figure 103.1: Parking Structure Screening

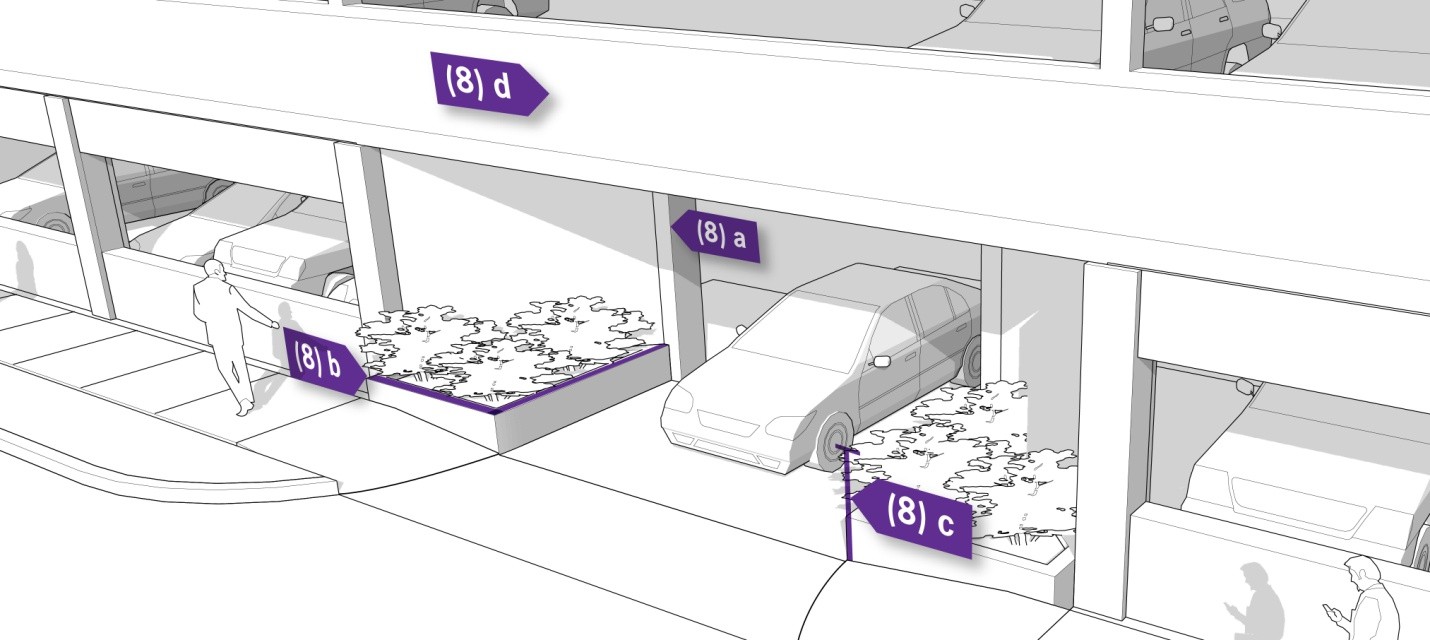
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* 1. For parking structures with rooftop open-air parking, a five-foot parapet wall is required for screening.
  2. Any parking structure or group of parking structures containing 200 or more parking spaces must provide a grade separated pedestrian walkway connecting the parking facility with the principal structure(s).
  3. A vehicular clear sight zone must be included at vehicular exit areas as follows (See Figure 103.2: Clear Sight Zone.):
     1. The facade of vehicular exit areas must be set back from any pedestrian walkway along that facade a minimum of eight feet for the portion of the facade that includes the vehicle exit area and eight feet on each side of the exit opening.
     2. A sight triangle is defined by drawing a line from the edge of the vehicular exit area to a point on the property line abutting the pedestrian walkway eight feet to the side of the exit lane.
     3. In the sight triangle (bound by the parking structure wall, pedestrian walkway and

vehicular exit lane), ground cover, landscape, or decorative wall must be used to act as a buffer between the exit aisle and the pedestrian walkway. Landscape or a decorative wall must not exceed three feet in height in order to maintain driver sight lines to the pedestrian walkway.

* + 1. The upper story facade(s) of the parking structure may overhang the vehicular clear sight zone.

### Figure 103.2: Clear Sight Zone

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**§ 208-104. Off-street loading and unloading space.**

Adequate off-street loading and unloading space with proper access from a street, highway, common service driveway or alley shall be provided on any lot on which a building other than a dwelling, apartment house, rooming house, boardinghouse or permitted accessory use is located. The off-street loading and unloading space shall be in addition to the required off-street parking space, and in no case shall the required space be less than one.

1. Each space shall consist of a twelve-foot by thirty-foot area for vehicles, such as passenger cars and panel or pickup trucks or a fourteen-foot by fifty-five-foot space for larger vehicles, such as buses and tractor-trailer type trucks. The height clearance in both cases shall be at least 15 feet.
2. All areas for the 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, service driveway or alley and shall be so arranged that they may be used without blocking or otherwise interfering with the use of automobile accessways, parking facilities or pedestrianways.
3. For commercial establishments providing drive-through customer service, the following shall apply:
   1. Each door, window, canopy or other position or facility used for such service shall be provided with a separate waiting lane. Each such waiting lane shall be not less than 10 feet wide and 120 feet long.
   2. Each such waiting area shall be located entirely within the confines of the lot, shall be continuously separated from street or property lines by landscaped and curbed planter beds a minimum of 10 feet wide and shall not block or cross normal circulation patterns, entrances or

exits.

### § 208-105. Prohibited uses.

In no district shall a building or lot contain any use which is noxious or offensive by reason of odor, dust, smoke, fumes, vibration, illumination or noise, or which constitutes a public hazard whether by fire, explosion or otherwise.

1. In determining whether a proposed use is or may become noxious, hazardous or offensive, the proposed use or operation shall comply with the following performance standards and with any more specific standards of a nationally recognized agency for a particular business or industry as may subsequently be adopted by resolution or ordinance.
   1. There shall be no emission of smoke, fumes, odor, dust or other particulate matter in such quantities as to be evident or perceptible at the property line of any lot on which a use is conducted, except as follows:
      1. There shall be no emission of noxious, toxic or corrosive fumes, gases or odor and no emission of dust or other particulate matter in excess of the limits set forth by the Pennsylvania Department of Environmental Protection and/or the United States Environmental Protection Agency and/or any other agency having jurisdiction.
      2. In no case shall the smoke emitted exceed a density described as No. 1 measured by a standard Ringelmann Chart as prepared by the United States Bureau of Mines; provided, however, that smoke of a density not in excess of No. 2 on a Ringelmann Chart will be permitted for a period not in excess of four minutes in any thirty-minute period.
      3. A kiln shall be fired by oil, gas or electricity. No individual kiln shall exceed 200 cubic feet in capacity, and no process shall contain a blast or reverberatory furnace or foundry.
   2. The proposed operation or use shall not endanger surrounding areas by reason of an unusual fire, explosion or other safety hazard.
   3. No use shall produce perceptible heat, glare or radiation beyond the property line. All necessary devices shall be so installed as to eliminate glare at the property or boundary line.
   4. No use shall result in electrical or other interference with any use, process, equipment, appliance or device located beyond the property lines of the property on which the use is located.
   5. There shall be no surface or subsurface discharge or disposal of any wastes, either liquid or solid, by any process or in any form without prior written approval of the Pennsylvania Department of Environmental Protection and the Board of Supervisors. Where public sanitary sewers are available within a reasonable distance, such facility or use shall be connected to the sewer system, subject to the regulations and requirements thereof. Where public sanitary sewers are not available, a private sewage treatment plant may be permitted or an existing private plant may be utilized only when approved by the Pennsylvania Department of Environmental Protection and the Board of Supervisors. Provision shall be made for water supply, fire protection, stormwater drainage and other utilities.
2. The applicant for a permit to construct a proposed business or processing use, when requested, shall demonstrate as a condition of approval:
   1. That the proposed use will comply with the standards contained or referred to in Subsection A

above; and

* 1. That adequate provisions will be made to ensure that the proposed use will not be noxious, hazardous or offensive, as defined above.
  2. In order to determine that adequate safeguards are provided, the Zoning Officer may:
     1. Require that the applicant submit necessary information, plans, impartial expert judgments and written assurances;
     2. Obtain the expert advice of official agencies or of private consultants; and
     3. Make such reasonable tests as are deemed necessary.

### § 208-106. Conversion of dwellings.

In Residence, Rural-Conservation, Planned Apartment and Office-Apartment Districts, a single-family detached dwelling, existing at the effective date of this chapter, may be converted into and used as a two-family or a multifamily dwelling for no more than four dwelling units when authorized as a special exception, provided that:

1. The plans for the conversion of said dwelling shall be submitted to the Zoning Hearing Board.
2. Such plans shall provide adequate and suitable parking or storage space, at a safe distance from the public highway, subject to the requirements of § 208-103.
3. Such dwelling shall be subject to the height, area, bulk, width and yard regulations effective in the district wherein the dwelling is situated, except that there shall be a lot area not less than the product of the minimum lot area prescribed in the district regulations and the number of families for the use of which such dwelling is to be converted.
4. There shall be no external alteration of the building except as may be necessary for reasons of safety, and fire escapes and outside stairways shall, where practicable, be located to the rear of the building.
5. The Zoning Hearing Board shall specify the maximum number of families permitted to occupy such dwelling and may prescribe such further conditions and restrictions with respect to the conversion and use of such dwelling and to the use of the lot as the Zoning Hearing Board may consider appropriate.

### § 208-107. Density averaging provisions.

1. Purpose. To achieve a better and more attractive pattern of residential development than is possible under conventional zoning district requirements applicable to individual lots, the lot area requirements of R-1/2 and R-1 Residence Districts may be modified for residential development in compliance with the requirements of this section. Among the objectives of this provision are to:
   1. Allow and encourage flexibility in the design and development of land.
   2. Facilitate the efficient provision of streets and utilities.
   3. Conserve and protect environmentally sensitive areas.
   4. Ensure the protection and preservation of areas or structures with particular historic significance.
   5. Provide a complementary balance of common open space and sound residential development.
2. Area requirements.
   1. The tract of land to be developed shall be in one ownership or shall be the subject of an application filed jointly by all owners of the entire tract.
   2. The tract of land for which a plan is submitted shall be not less than 10 acres in area.
   3. The requirements applicable to an individual lot may be changed as follows:
      1. In an R-1/2 Residence District:
3. There shall be a lot area of not less than 40,000 square feet and a lot width of not less than 150 feet at the building line.
4. There shall be a front yard on each street on which the lot abuts, the depth of which shall be at least 40 feet.
5. There shall be two side yards not less than 50 feet in aggregate width and neither less than 25 feet in width.
6. There shall be a rear yard, the depth of which shall be at least 50 feet.
   * 1. In an R-1 Residence District
7. There shall be a lot area of not less than 20,000 square feet.
8. There shall be a front yard on each street on which the lot abuts, the depth of which shall be at least 25 feet.
9. There shall be two side yards not less than 40 feet in aggregate width and neither less than 15 feet in width.
10. There shall be a rear yard, the depth of which shall be at least 40 feet.
    1. Except for the lot area and yard requirements, all other requirements of the district shall apply.
11. Number of dwelling lots permitted. The purpose of this subsection is to determine the permissible number of lots for which a specific tract may be developed under the density averaging provisions, accounting for the physical uniqueness of each site. To determine that number when applying for development approval pursuant to this provision, an applicant shall be required to submit a yield plan which shall demonstrate compliance with all applicable standard requirements of this chapter and the Township Subdivision and Land Development Ordinance.**215**
    1. To ensure that the site's natural features are accurately taken into account during the process of developing this yield plan, a Natural Features Conservation Plan shall be prepared and submitted with the yield plan. The Natural Features Conservation Plan shall be prepared in compliance with § 181-36D in the Township Subdivision and Land Development. Should application of the density averaging provisions be approved, the Natural Features Conservation Plan shall be resubmitted with the cluster plan, along with all other plans and documentation required by this chapter and the Township Subdivision and Land Development Ordinance.
12. **Editor's Note: See Ch. 181, Subdivision and Land Development.**
    1. Once the number of dwelling units that is achievable from the yield plan has been approved by the Township Planning Commission and Zoning Officer, then that number of dwelling units shall be the maximum number incorporated into a cluster plan. In no case shall the number of dwelling lots permitted on a tract of land exceed the number which would have been permitted were the district regulations not modified in accordance with this provision.
13. Open space.
    1. In order to satisfy the stated purpose of this section, a percentage of the area of the tract shall be designated as common open space reserved for the use of residents of the proposed development, by residents of the Township or by the public in general.
    2. The minimum open space requirement shall be an area equivalent to not less than 25% of the area of the tract that is net of any environmentally sensitive areas such as floodplains, wetlands or steep slopes.
    3. A total of not more than 5% of the open space land area may be covered by impervious surface.
    4. Any area or areas satisfying the minimum open space requirement shall be contiguous to the residential areas of the development, shall have a minimum width of 100 feet and shall be appropriate and in a condition suitable for such uses as active recreation, park sites, woodland and wildlife preserves, floodplain conservation and for the preservation of other scenic or historic features so as to contribute to neighborhood attractiveness, further the purpose of this section and be consistent with the plan and policy for future land use for the Township, and shall contain no structures other than those for outdoor recreational use or historic preservation.
    5. Areas for common open space use may be dedicated to the Township or other governmental agency; conveyed to a private, nonprofit conservation organization; or retained and managed by a legally constituted homeowners' association. To be dedicated to the Township, the area must be acceptable to the Township Board of Supervisors. Satisfactory written agreements or other arrangements acceptable to the Township Board of Supervisors shall be made for the ownership, perpetuation and maintenance of all common areas not dedicated to the Township.
14. General provisions.
    1. The application for development shall be accompanied by a plan or plans for the entire tract, which shall clearly designate the intention of the applicant for the ultimate ownership and maintenance of all common areas and the proposed use of each area of the tract.
    2. No land of such size as to be capable of further subdivision under the regulations of any district shall be included in determining the average lot area or satisfying the requirement for common open space, unless the possibility of such further subdivision is eliminated by a note on the duly recorded subdivision plan, and by a deed restriction, conservation easement or agreement in a form acceptable to the Township Solicitor and duly recorded in the Office of the Recorder of Deeds of Chester County, or by dedication to the Township for park or other open space. Notwithstanding the existence or nonexistence of such deed restrictions, no land that has been included in determining the average lot area may be further subdivided, except that lot line revisions may be permitted where such revisions do not result in the creation of any additional lots.
    3. Each dwelling shall be served by public water supply and by public sanitary sewers, except that in R-1/2 Districts, the Board of Supervisors may approve alternate facilities which will assure

adequate supply and disposal.

1. Conditional uses.
   1. The following conditional uses are permitted when authorized by the Board of Supervisors, following review and recommendation by the Township Planning Commission.
      1. The provisions of § 208-107D above related to required common open space areas may be modified as follows:
2. All or part of the area which would have been designated as common open space may, instead, be allocated to one or more of the proposed lots in order to preserve, perpetuate or maintain the inherent character of a farm, nursery, estate, historic structure or similar permitted residential or agricultural use.
3. The maximum impervious surface for the required common open space may be increased to 10% to preserve the character of a historic structure or for a recreation use on a lot of at least five acres, subject to the requirement that the area with the impervious surface be substantially screened from view at the property line through the use of plantings or berms.
   * 1. Where the minimum open space requirement is increased to an area equivalent to not less than 40% of the area of the tract that is net of any environmentally sensitive areas such as floodplains, wetlands or steep slopes, the area requirements in the R-1/2 District may be modified such that not more than 20% of the lot area may be covered by impervious surface.
     2. Where the minimum open space requirement is increased to an area equivalent to not less than 30% of the area of the tract that is net of any environmentally sensitive areas such as floodplains, wetlands or steep slopes, the area requirements in the R-1 District may be modified such that not more than 40% of the lot area may be covered by impervious surface.
   1. The application for a conditional use shall be made simultaneous to and in conjunction with an application for subdivision under the terms of Chapter 181, Subdivision and Land Development, and subsequent approval of the conditional use application shall be made subject to approval of the subdivision application and vice versa.
   2. In any instance where the Board of Supervisors is required to consider a request for a conditional use in accordance with the provisions of this chapter, the Board shall, to the full extent permitted by law, base its decision on those same factors and standards contained in § 208-150 for the review of special exceptions and variances. The provisions of § 208-150 related to special exceptions and variances shall, therefore, be applicable to conditional uses as well.

### § 208-108. Minimum lot sizes and widths with respect to on-lot sewage disposal and water supply.

In any area of the Township which is not served by sanitary sewers, the lot area requirements shall be not less than those prescribed below. Where the district requirements are more restrictive, the district requirements shall apply.

1. In all sections of the Township which are served neither with sanitary sewers nor with public water supply, lots shall have a minimum area of one acre and a minimum width at the building line of 150 feet.
2. In all sections of the Township which are served with public water supply, but not with sanitary sewers, lots shall have a minimum area of 18,000 square feet and a minimum width at the building line of 85 feet.
3. All apartment houses and multifamily dwellings shall be served by both public water supply and sanitary sewers.

### § 208-109. Front yard projections and exceptions.

1. Projections. No building and no part of a building shall be erected within or shall project into the required front yard except cornices, eaves, gutters or chimneys projecting not more than 18 inches; steps; bay windows not extending through more than one story and not projecting more than five feet; open balconies and terraces; patios and decks; or fences and walls not more than four feet in height.
2. Public transportation shelters. When approved by the Tredyffrin Township Planning Commission, shelters may be located within the required front yard and/or within a road right-of-way.

### § 208-110. Side yard projections.

No building and no part of a building shall be erected within or shall project into the required side yard except cornices, eaves or gutters or chimneys projecting not more than 18 inches; steps, patios and terraces; or fences and walls in accordance with § 208-119 hereof, except as otherwise provided in this chapter.

### § 208-111. Rear yard projections.

No building and no part of a building shall be erected within or shall project into the required rear yard, except the following: cornices, eaves, gutters or chimneys projecting not more than 18 inches; bay windows and balconies not extending through more than one story and not projecting more than five feet; open steps, one-story decks and porches; patios and terraces; or fences and walls in accordance with

§ 208-119 hereof, except as otherwise provided in this chapter.

### § 208-111.1. Yards in corner lots.

1. Side yards. At least one side yard shall be provided, and the applicant may choose which non-front yard is to be considered the side yard.
2. Rear yards. At least one rear yard shall be provided and the applicant may choose which non-front yard is to be considered the rear yard.

### § 208-112. Accessory uses and accessory buildings.

Accessory buildings and structures shall be subject to the following requirements:

1. In the RC, R-1/2, R-1, R-2, R-3 and R-4 Districts:
   1. Private swimming pools, tennis courts, private garages in accordance with § 208-103B(8), sheds and other accessory buildings and structures not specifically covered in Subsection B hereof shall not be located in the area extending the full width of the lot between the principal building and any street line. An accessory building shall be erected six or more feet from the side or rear lot line, as long as the structure does not exceed 144 square feet and is not more than 10 feet in height. Any building exceeding 144 square feet or 10 feet in height must meet the yard and height regulations of the zoning district in which it is located.

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* 1. Paddle tennis court or other similar elevated or enclosed structures for outdoor recreation purposes, when authorized as a special exception. In its deliberations, the Zoning Hearing Board shall give special consideration to the appropriateness of the proposed use in the proposed location, the provisions of § 208-150 and the following:
     1. Such paddle tennis court or recreation structure shall not be located within 40 feet from any property line.
     2. Outdoor lighting shall be designed and arranged to protect adjoining uses from glare or direct reflection, and screening shall be provided to minimize the effects of such a use on adjoining properties.
     3. A site plan shall be submitted indicating the location of proposed use, existing uses, yard dimensions, screening, landscaping, lighting and other features indicating compliance with the above requirements.
  2. In a Rural-Conservation or Residence District, any accessory building or structure which is industrial or nonresidential in appearance, such as a pump station or maintenance shop, shall be located so as not to be observable from a street or property line.

1. Except where the provisions of a zoning district may specifically permit otherwise, in nonresidential districts accessory buildings and structures may be separate from the principal building, provided that such building shall not encroach upon or extend into any of the required yards.

### § 208-113. Building height projections.

Spires, towers, elevator penthouses, mechanical equipment, tanks, satellite dishes, antennas and similar projections shall be included in calculating the height of a building, except that the foregoing projections may exceed the height limitations of the underlying zoning district by not more than 10 feet if such projections do not occupy more than 20% of the area of the uppermost floor or nonpeaked roof. Chimneys shall be excluded in calculating the height of a building.

### § 208-114. Minimum habitable floor area.

No one-story single-family dwelling erected on any lot shall have a floor area of less than 900 square feet, and no two-story single-family dwelling erected on any lot shall have a floor area of less than 1,200 square feet, exclusive of all porch areas (whether enclosed or not) and garage areas.

### § 208-115. Cellular towers and equipment.

1. Purpose. The purpose of these standards for construction and facilities siting is: to accommodate the need for cellular communications antennae while regulating the location and number of towers in the Township; to minimize adverse visual effects of towers through careful design, location and vegetative screening; to avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures; to maximize the use of any new or existing transmission tower to reduce the number of towers needed to serve the community; and to limit radiation emitted by telecommunications equipment so that it will not adversely affect human health.
2. Antennas.
   1. Communications antennas attached to or mounted on an existing public utility building, structure or pole, existing communications tower, water tower or other nonresidential building

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or structure are permitted by right if the height of the antenna does not exceed the height limitations of the applicable zoning district by more than 10 feet, subject to the requirements of

§ 208-113.

* 1. Antennas shall be constructed to simulate the architectural facade and/or color of the building or object to which it is attached.
  2. Communications antennas or satellite dishes larger than two feet in diameter may not be attached to or mounted on residential buildings, including apartments, nursing homes, personal care facilities and boarding schools or dormitories or buildings accessory to these uses.

1. Cellular tower sites.
   1. Use, bulk and height regulations.
      1. A cellular tower site may be permitted, in addition to other permitted uses on the same lot, in the LI Limited Industrial District, the PIP Planned Industrial District or on any parcel used exclusively for municipal use when authorized as a special exception, following review and recommendation by the Planning Commission, so long as the height of the structure does not exceed 75 feet and the proposed development otherwise conforms to all other area and bulk requirements of the district for which it is proposed and the provisions of this section. The standards for review of a communications tower proposed for a special exception review are contained in Subsection C(1)(b) through (e) below.
      2. The applicant shall demonstrate, using technological evidence, that the cellular tower site must go where it is proposed in order to serve the needs of the community based on all providers of the service in the area. Such evidence shall include propagation diagrams and radio frequency studies and the data upon which diagrams and studies rely, submitted with the application at the time of filing, that indicate the height and location are the lowest height and best location to effect the efficient provision of communication services.
      3. The applicant proposing a communications tower is required to demonstrate that it contacted the owners of tall structures within a one-mile radius of the proposed site, whether within or outside the Township, asked for permission to install the antenna on those structures and was denied for reasons other than economic ones. Tall structures include but are not limited to buildings in excess of four stories, water towers, utility poles, support structures of other communications companies and other high structures. The municipality may deny the application to construct a new tower if the applicant has not made a good faith effort to mount the antenna on an existing structure and has not demonstrated that there are no available alternatives. Evidence that one or more of the following was the reason for not selecting such structure is required to demonstrate a good faith effort:
2. The proposed antennas and related equipment would exceed the structural capacity of the existing structure, and its reinforcement cannot be accomplished at a reasonable cost.
3. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure, and the interference cannot be prevented at a reasonable cost.
4. Such existing structures do not have adequate location, space, access or height to

accommodate the proposed equipment or to allow it to perform its intended function.

* + 1. In order to reduce the number of antenna support structures needed in the community in the future, the applicant shall demonstrate that the proposed support structure shall be designed to accommodate other users, including other cellular communications companies and/or local police, fire and emergency responders.
    2. The applicant must demonstrate that the setbacks from the communications tower and all supporting equipment and structures to any property line or right-of-way shall be the largest of the following:

1. One hundred percent of the height of the communications tower; or
2. The minimum setback in the underlying zoning district.
   1. Special development regulations.
      1. A land development plan shall be required for all cell sites, showing the antenna, antenna support structure, building, fencing, buffering, access and all items required in the Township Subdivision and Land Development Ordinance.**216**
      2. A fence shall be required around the antenna support structure and other equipment unless the antenna is mounted on an existing structure. The fence shall be a minimum of six feet in height and shall otherwise comply with the height regulations set forth in § 208-119.
      3. The applicant proposing a communications tower must demonstrate that the tower and any other equipment or building in support of the tower has been designed to blend in with or mimic existing features in the landscape such as trees, light poles, clock towers and flag poles.
      4. The applicant shall provide a plan prepared by a landscape architect showing landscaping that they will install to screen and buffer as much of the support structure and any other ground level features (such as a building) as possible. The landscape plan may incorporate the use of fences and walls that conform with the regulations in § 208-119 to screen and buffer the communications tower site. The proposed landscaping shall comply with the requirements of the Township Subdivision and Land Development Ordinance and the following provisions:
3. Existing vegetation shall be preserved to the maximum extent possible.
4. Where the site abuts residentially developed land, residential zoning districts, residential uses, public land or streets, the site perimeter shall be landscaped with at least one row of deciduous trees, not less than 3 1/2 inches in caliper, spaced not more than 30 feet apart and within 25 feet of the site boundary, as well as at least one row of evergreen trees or shrubs, at least 14 feet high when planted and spaced not more than 15 feet apart and within 40 feet of the site boundary. Alternatives such as walls or fences that conform with the regulations in § 208-119 may be permitted by the Zoning Hearing Board based on security or other reasons.
   * 1. All communication towers located within 750 feet of a structure shall be constructed in compliance with a minimum ninety-mile-per-hour wind load or such greater wind load as
5. **Editor's Note: See Ch. 181, Subdivision and Land Development.**

is appropriate in the opinion of the Township Engineer.

1. General regulations.
   1. All communications towers, antennas and associated equipment shall be maintained and kept in good repair as required by applicable federal, state and municipal law.
   2. All applicants for and operators of any communications tower or radio transmission antenna located within the Township and regulated by the Federal Communications Commission shall provide a copy of a valid operator's license from the Federal Communications Commission for the transmission of radio frequencies from such tower or antenna constructed within the Township.
   3. Any communications tower or radio transmission antennas shall be dismantled within 60 days following the expiration date of the operator's license from the Federal Communications Commission provided to the Township or cessation of use. As a condition of approval of any communications tower, the Township may require financial security for the dismantling and removal of such communications tower.
   4. The applicant shall demonstrate 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.
   5. No antenna support structure may be lighted except when required by the Federal Aviation Administration.
   6. All other uses ancillary to the antenna and associated equipment (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from the antenna or tower site unless otherwise permitted in the zoning district in which the antenna or tower site is located.

### § 208-115.1. Amateur radio antennas. [Added 2-21-2017 by Ord. No. HR-414]

1. Purpose. The purpose of the standards set forth in this section is to accommodate the use of amateur radio antennas and amateur radio antenna support structures while regulating their location; to minimize adverse visual effects of such structures through careful design, location and vegetative screening; to avoid potential damage to adjacent properties from failure of these structures through engineering and careful siting thereof; and to limit radiation emitted by telecommunications equipment so that it will not adversely affect human health.
2. Authorization of use. Amateur radio antennas and amateur radio antenna support structures shall be a use authorized by special exception in the R-C, R-1/2, R-1, R-2, R-3 and R-4 zoning districts, following review and recommendation by the Planning Commission, provided that the use is an accessory use for a single-family detached dwelling.
3. Sites for amateur radio antenna and amateur radio antenna support structures. The applicant proposing an amateur radio antenna or an amateur radio antenna support structure shall be required to demonstrate such proposal's compliance with all of the following:
   1. Amateur radio antennas and amateur radio antenna support structures will not, on a combined basis, exceed 65 feet in height above ground level, measured from the base of the amateur radio antenna support structure or other structure or building to which an amateur radio antenna is attached.
   2. If applicant proposes to construct an amateur radio support structure on a lot having a rear yard, such structure shall be located to the rear of any residential building, and any amateur radio support structure installed on a lot not having a rear yard shall be located on the lot in such a manner so as to minimalize the visual impact of said improvements to the extent possible given the physical features of the lot. Every amateur radio antenna and amateur radio support structure must be located entirely on the same lot as the single-family detached dwelling to which it is accessory.
   3. No more than one amateur radio antenna and amateur radio antenna support structure shall be permitted on any lot.
   4. The setbacks from the amateur radio antenna and amateur radio antenna support structure to any property line or right-of-way shall be the larger of the following:
      1. One hundred percent of the combined height of the amateur radio antenna and amateur radio antenna support structure; or
      2. The minimum setback in the underlying zoning district.
4. Development regulations. The construction and/or installation of an amateur radio antenna or amateur radio antenna support structure must be authorized by properly issued building and zoning permits and shall comply with the special development regulations set forth in § 208-115C(2)(b) through (e) and the general regulations set forth in § 208-115D.

### § 208-116. Heliports and helistops.

1. Where permitted as an accessory use on the same lot with and incidental to a use permitted in the particular zoning district, the heliport or helistop also shall comply with the area, coverage and yard requirements of the applicable zoning district; however, in no case shall any such landing surface be located closer than 300 feet from any property line or residential district boundary line.
2. The landing surface shall be paved and level and shall be at least 60 feet square or, in the case of a circle, shall be at least 60 feet in diameter. Except for rooftop pads, a secondary thirty-foot perimeter area shall contain a gravel or grass cover. Both the landing surface and secondary perimeter shall be well-maintained and shall be kept dirt-free to preclude blowing dust or debris caused by rotor downwash and shall contain no structures or other obstacles other than those required for safety purposes.
3. The entire perimeter area shall be enclosed by a securable, well-constructed fence, a minimum of four feet high, which will serve to prevent unauthorized entry into the landing area. Trees, shrubbery and other landscaping shall be provided in quantities and dimensions deemed necessary by the Planning Commission and Zoning Hearing Board to minimize offensive motor noise and to afford a softening of the visual impact of the landing area. Rooftop pads shall be excluded from these requirements.
4. At least two approach lanes to each landing pad shall be provided and maintained free of obstructions and shall be located not less than 90° apart. Each approach lane shall be located within 45° left or right of the prevailing winds and shall fan out at any angle of 10° from the width of the landing pad to a width of 1,000 feet and shall have a glide angle slope of eight to one measured from the outer edge of the pad.
5. Clear areas for emergency landings of the helicopter in the event of mechanical failure shall be available. Such emergency landing areas shall be located within the normal glide range of the

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helicopter when operating in the approved takeoff or landing lane.

1. An application for a landing pad on a roof shall be accompanied by a certification by a registered structural engineer that the loads imposed by the helicopter will be supported by the structure.
2. All fire and safety equipment provided in conjunction with a heliport or helistop shall be subject to the approval of the Township Fire Marshall.
3. In reviewing any application for a heliport or helistop, the Zoning Hearing Board shall be guided by the standards of review included in § 208-150 and, in addition, may impose restrictions on hours of operation, lighting, noise levels and flight altitude over residential areas and such other requirements as may be appropriate and reasonable to protect the health, welfare and safety of Township residents and their property.
4. No permit shall be used for the construction of a heliport or helistop until the land development plan has been approved by the Planning Commission.
5. In addition to the requirements of the Township, any applicant for a heliport or helistop shall comply with the rules and regulations pertaining thereto of the Bureau of Aviation, Pennsylvania Department of Transportation, the Federal Aviation Administration and/or any other public licensing or regulatory agency involved.
6. It shall be unlawful for any person to land, discharge, load or take off in a helicopter any place within the Township other than at a heliport or helistop which has been authorized in accordance with the foregoing provision of this section, except:
   1. In conjunction with a special event such as an athletic contest, a holiday celebration, parade or similar activity, after seven days' advance written notice has been given to the Township Manager and permission obtained to make such landing and takeoff.
   2. When necessary for law enforcement purposes and for emergencies.
   3. In connection with a construction project where a helicopter is to be used to lift equipment in connection with such project.

### § 208-116.1. Self-storage facilities. [Added 9-19-2022 by Ord. No. HR-456]

Self-storage facilities shall be subject to the following requirements:

1. In addition to any buffering and screening requirements of the underlying zoning district, the outdoor storage of recreational vehicles, boats, campers, trailers or similar vehicles shall be screened by landscaping or fencing designed to conceal the view of all such vehicles from abutting properties.
2. Any outdoor storage of vehicles, as permitted by this section, shall be subject to the requirements of

§ 149-5A(7) of the Property Maintenance Code, related to the storage of uninspected or unregistered motor vehicles.

### § 208-117. Conditional uses.

In any instance where the Board of Supervisors is required to consider a request for a conditional use in accordance with the provisions of this chapter, the following shall apply:

1. Procedure.
   1. An application or request for a conditional use shall be filed with the Zoning Officer on such forms as may be prescribed by § 208-145B of this chapter and, where applicable, such other plans and drawings as may be required by the provisions of the district in which the conditional use is sought. Upon receipt, the Zoning Officer shall refer such application and plans to the Planning Commission which shall, in turn, schedule a public meeting to discuss and review the application prior to submitting its recommendation to the Board of Supervisors.
   2. If the Planning Commission fails to render a decision within 60 days from the date that the application is filed, it shall be deemed that the Commission recommends approval of the application.
   3. After notification by the Zoning Officer that an application has been filed, the Board of Supervisors shall fix a time and place for a public hearing to consider the application and shall give public notice thereof in accordance with the provisions of § 208-147 of this chapter. Such public hearing shall be held within 90 days from the date of application. If after a public hearing the application is amended to a significant degree, the Board of Supervisors shall hold another public hearing following public notice thereof.
   4. The Board of Supervisors may appoint any member of the Board or an independent attorney to serve 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 applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive the decision or findings by the Board and accept the decision or findings of the hearing officer as final.
   5. The Board of Supervisors shall render a decision within 45 days from the last public hearing. Where the Board fails to render the same within 45 days, the decision shall be deemed to have been in favor of the applicant.
   6. The Board of Supervisors may require a memorandum setting for the terms and conditions of approval in a form acceptable to the Township Solicitor and signed by the applicant to be duly recorded in the Office of the Recorder of Deeds of Chester County.
2. Criteria for review of proposed conditional use. The criteria and standards contained in § 208-150 for the review of requests for special exceptions and variance shall be considered by the Planning Commission and Board of Supervisors in evaluating a proposed conditional use.
3. Effect of conditional use approval. A use for which a conditional use is granted shall be deemed to be a conforming use in the zoning district in which such use is located.
4. Extension. A use of a building or a lot authorized as a conditional use, either by decision of the Board of Supervisors or by the enactment of or amendment to this chapter, may be extended within the building or upon the lot only when authorized as a conditional use.
5. Changes. A use of a building or a lot authorized as a conditional use, either by decision of the Board of Supervisors or by the enactment of or amendment to this chapter, may be changed to a use permitted by right without further approval.
6. Expiration of conditional use. Unless otherwise specified by the Board of Supervisors, a conditional use shall expire if the applicant fails to obtain a building permit or apply for subdivision or land development approval, as applicable, within 12 months from the date of authorization thereof, or if, having obtained said building permit, the applicant fails to commence work thereunder within six months from the date of issuance of said permit. A conditional use approval for a development in the

Trout Creek Stormwater Overlay District (TCS) shall not expire for either: **[Amended 10-1-2012 by Ord. No. HR-396]**

* 1. A period of five years; or
  2. For a period of 10 years, if the TCS improvements, including public, quasi-public and private, have been substantially completed, the public stormwater improvements are substantially completed and operational, and the balance of the work has been financially guaranteed in a format satisfactory to the Board of Supervisors.

### § 208-118. Steep slope regulations.

1. Purpose. It is the intent of this section to establish regulations to control the development of areas containing steeply sloped land for the following purposes:
   1. To promote the public health, safety and welfare by the protection of steep slope areas and by encouraging the retention of open space on steep slope areas located and designed so as to constitute a harmonious and appropriate part of the physical development of Tredyffrin Township.
   2. To minimize soil erosion and sedimentation.
   3. To protect watersheds and limit increases in stormwater runoff.
   4. To protect residents of the Township from property damage and personal injury caused by runoff, soil erosion and landslides attributable to nearby development on steeply sloping land.
   5. To minimize the necessity for expenditure of Township funds for corrective public works caused by soil erosion and subsidence, sedimentation and landslides caused by nearby development.
   6. To maintain adequate foliage and vegetative cover on hillsides.
   7. To protect streams from increases in sediment and pollution.
2. General regulations.
   1. Modification of lot area. In every zoning district except the Rural-Conservation District, every lot which contains land in the steep slope classification shall exclude all such land from lot area computations for the purpose of application of the minimum lot area and maximum building and impervious coverage regulations of the applicable zoning district classification.
   2. Construction on steep and very steep slopes. There shall be no excavation, filling, or erection or construction of buildings, roads, driveways, parking areas or other similar structures or impervious surfaces on steep or very steep slopes unless all of the following conditions are met:
      1. Area of slopes proposed for grading or modification may not exceed 10% of the total natural steep slopes on the property. This percentage limitation shall not apply to man- made steep slopes. When claiming that steep slopes are man-made, the applicant shall have the burden of proof to demonstrate that the steep slopes are man-made and shall provide all related documentation and site testing to the satisfaction of the Township Engineer. **[Amended 1-27-2014 by Ord. No. HR-403]**
      2. With respect to grading to remove or fill against existing manmade slopes formed by

ditching, roadway construction or other construction activity and/or filling between existing man-made slopes in cut areas:

1. The slope so affected shall not be a significant or unique natural feature.
2. The area of the steep slopes to be regraded shall not be counted as non-steep slope area for buildable area computations.
3. The grading shall not result in any increase in steep slope area except that the area of steep slopes between 15% and 25% may be increased to the extent that the area of very steep slopes (greater than 25%) is reduced.
4. Plans and engineering reports shall be submitted documenting the stability of the steep slopes created, methods proposed to handle surface runoff concentrations and landscaping and/or other means to be employed to maintain slope surface stability against soil erosion.
   * 1. Areas of slopes which are regraded as permitted above to a slope less than 25% slope may be improved and constructed upon as provided herein.
     2. Any area of steep or very steep slopes which does not exceed, in area, the greater of 500 square feet or 1% of the area of the lot on which it is located and which is to be regraded without creating any new area of steep slope may be regraded and/or have the vegetative cover thereon disturbed. Artificial bands of steep slopes located along highway frontages may also be regraded and/or have the vegetative cover thereon disturbed in order to allow for access onto a lot(s), upon approval of the Township Engineer.
     3. On any lot which does not qualify for an exemption under Subsection B(2)(d) above, no more than 30% of the area with natural slopes of between 15% and 25% shall be regraded and/or shall have vegetative cover thereon disturbed. The Zoning Officer may allow a modification from this restriction for a proposed lot if the Township Engineer determines that such modification would not have any injurious effect on the proposed development site or any adjacent site or if such modification allows the furtherance of the goals for protection of other environmentally sensitive areas. **[Amended 1-27-2014 by Ord. No. HR-403]**
     4. Areas with restrictions due to slopes must be left undisturbed to the extent specified herein and not occupied by structures, driveways, on-lot septic systems, detention basins or other improvements.
     5. Areas with natural slopes over 25% shall be protected such that no more than 10% of the area with such slopes shall be regraded and/or shall have the vegetative cover disturbed. **[Amended 1-27-2014 by Ord. No. HR-403]**
   1. Nothing contained herein shall be construed as precluding the possibility of relief from literal compliance with the terms of this section, provided that application for relief is filed pursuant to

§ 208-145 of this chapter.

1. Liability. Neither the approval or granting of any construction permit or proposed subdivision or site development plan involving any land governed by the provisions of this section by an officer, employee or agency of the Township shall constitute a representation, guaranty or warranty of any kind by the Township or its employees, officials or agencies of the practicality or safety of any structure, use or subdivision and shall create no liability upon, or a cause of action against such public

body, official or employee for any damage that may result pursuant thereto.

### § 208-119. Fences, walls and security gates.

Fences, walls and security gates shall be permitted within required yard areas in accordance with the following:

1. No fence, wall, berm or other structure shall be erected or altered and no hedge, tree, shrub or other vegetation shall be maintained or constructed in the existing or future right-of-way of a street, or in any location where it would obstruct the approach sight distance of any highway, street, driveway, traffic signal, traffic signal sign or crosswalk.
2. All fences shall be erected with the finished side facing adjacent properties. The finished side shall be considered the side without the structural supports.
3. In all districts, an open or solid fence or a wall of not more than four feet in height may be erected within the required front, side or rear yards. The height of a fence shall be measured from the top of the highest point of the fence panel to the bottom of the fence panel, allowing the fence panel to be no more than three inches above the mean level of the ground surrounding the fence panel, and provided that the height of the supporting fence post, including finials, shall not exceed eight inches above the maximum permitted height.
4. In all districts, an open or solid fence or wall of not more than six feet in height may be erected within the required side or rear yards, but not within the required front yard.
5. In LI Limited Industrial and PIP Planned Industrial Park Districts, security fences and enclosure walls of not more than eight feet in height may be erected within the required side and rear yard areas, but not within the required front yard, provided that the fence or wall is not abutting a residential property or residential district.
6. Zoning permits shall be required for all fences and walls which exceed four feet in height.
7. This section shall not restrict retaining walls that are necessary to hold back slopes.

### § 208-120. Home-based businesses.

1. Home-based businesses shall consist of the following two types:
   1. Low-impact home-based businesses: as defined in § 208-6 and as permitted in residential zoning districts shall be governed subject to by the following regulations:
      1. Not more than one person shall be employed by the practitioner of the home-based business, such as a nurse, secretary, clerk, professional or technical assistant, except that two individuals related by blood or marriage who are members of a recognized profession shall be permitted to practice together, each with one employee.
      2. The area used for the practice of a profession or for a studio shall not exceed the lesser of 600 square feet or 50% of the area of the first floor of the dwelling.
      3. There shall be no more than one commercial visit per hour and a maximum of four commercial visits to the premises per day, with all visits falling between the hours of 9:00

a.m. and 9:00 p.m.

* + 1. No external alterations or additions inconsistent with the residential use or appearance of

#### § 208-120 ZONING § 208-120

the dwelling shall be permitted.

* + 1. There shall be no more than one low-impact home-based business in a dwelling or accessory building.
    2. No low-impact home-based business shall be located within 500 feet of any other low- impact home-based business, measured by the shortest distance between the lot on which the proposed use will be located and the lot or lots which contain the existing use. This requirement shall not be imposed if the applicant establishes to the Zoning Hearing Board either that the proposed use is located in a neighborhood which is not primarily residential in character or that the proposed use will not have a substantial tendency to commercialize the neighborhood.
    3. Signs shall comply with the provisions of Article XXV.
    4. In addition to the parking requirements for bed-and-breakfast facilities as per

§ 208-103A(3) when same are proposed, three off-street parking spaces, located to the side or rear of the premises and not in the front yard, shall be required in addition to those otherwise required in the chapter for a single-family dwelling. The perimeter of such parking area shall be continuously landscaped with shrubs of at least 30 inches in height at the time when the business begins.

* + 1. Any lot on which a low-impact home-based business is conducted or proposed shall have a minimum lot size as required in the applicable district, except the Zoning Hearing Board may require a greater minimum lot size if they determine that more acreage is required to maintain the residential character of the property and/or to provide adequate off-street parking and/or to provide adequate visual or noise buffers to neighboring residences.
    2. No more than one business vehicle may be parked on the property on a regular basis. Any trucks, vans or business vehicles shall have loading capacities not exceeding two tons. The business vehicle shall be parked in an enclosed structure or in an area screened from view from neighboring properties and streets.
  1. No-impact home-based businesses: permitted by right in all zoning districts if they satisfy the following requirements:
     1. The business activity must be compatible with the residential use of the property and surrounding residential uses.
     2. The business shall employ no employees other than family members residing in the dwelling.
     3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
     4. There shall be no outside appearance of a business use, including but not limited to parking, signs or lights.
     5. 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.
     6. The business activity may not generate any solid waste or sewage discharge, in volume or

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type, which is not normally associated with residential use in the neighborhood.

* + 1. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.

1. General regulations.
   1. A home-based business shall be conducted within a dwelling which is a permitted principal use and the home of the principal practitioner of the home-based business or in an accessory building thereto which is normally associated with a residential use. The home-based business shall be carried on wholly indoors and comply with the parking requirements of § 208-103.
   2. The area used for the conduct of a home-based business, whether conducted wholly or partly in an accessory building, shall occupy no more than 50% of the total floor are of the first floor of the principal dwelling unit and no more than 600 square feet total, whichever is less.
   3. The appearance of the residential structure or accessory building shall not be altered nor the occupation within the residence conducted in a manner which would cause the premises to differ from its residential character by (including, but not limited to) the use of colors, materials, construction, lighting, show windows or advertising visible outside the premises to attract customers or clients, other than those signs permitted by this section.
   4. There shall be no exterior display, sale or storage of materials, products, equipment or refuse related to the conduct of the home-based business.
   5. There shall be no discharge of potentially dangerous effluent or fumes.
   6. There shall be no production or storage of any material designed for use as an explosive or any other hazardous material or chemical, excluding such quantity of materials as might normally be used on a property of a homeowner not engaged in a home-based business.
   7. No equipment or process shall be used in the conduct of the home-based business which creates noise, vibration, glare, smoke, fumes, odors, dust, electrical interference or other objectionable effects perceptible at or beyond the lot boundaries, or in the case of a multifamily or attached dwelling unit, off the premises of the dwelling or unit. No equipment or process shall be used which creates visible or audible interference in any radio or television receiver of a neighboring property.
   8. No home-based business dependent on heavy use of water, such as pet grooming, shall be permitted unless on-lot sewage facilities are currently and continually certified by the Chester County Health Department, or the Director of the Tredyffrin Township Municipal Authority certifies that there is sufficient capacity in the public sewer system to handle the additional flow generated by the home-based business.

### § 208-120.1. (Reserved)217

**§ 208-121. Modification of common open space areas.**

No modification, removal or release of any restrictions on an area or areas designated as areas for common open space use shall be permitted except upon a finding by the Board of Supervisors, following a public hearing thereon pursuant to public notice called and held in accordance with the provisions of this chapter,

1. **Editor’s Note: Former § 208-120.1, Bed-and-breakfast facilities, was repealed 5-23-2011 by Ord. No. HR-388.**

that the same is consistent with the efficient development and preservation of the entire tract, does not adversely affect either the enjoyment of land abutting upon or across the street from the tract or the public interest and is not granted solely to confer a special benefit upon any person. At any such hearing, any homeowners' association designated in the development plan which created the open space, any recognized civic or homeowners' association which operates within a reasonable distance from the affected site or any entity formed for the express purpose of acquiring and/or maintaining and/or preserving open space lands in the Township and surrounding environs and any property owners or residents adjoining the property at issue shall be deemed to have standing to participate as parties to the proceedings before the Board of Supervisors.

### § 208-122. Public transportation shelters.

Shelters may be allowed in all zoning districts except the Flood Hazard District only when approved by the Tredyffrin Township Planning Commission pursuant to a land development review, when the following criteria are met:

1. Shelter locations shall be determined following consultation with the public transit provider.
2. The shelter shall be at least 10 feet from the cartway's edge or curbline.
3. The shelter shall be located far enough away from streets, access drives, driveways and intersections to maintain a clear sight triangle for drivers of vehicles using those thoroughfares.
4. Except where public transportation shelters may be on opposite sides of the same street, no public transportation shelter shall be placed closer than 1,000 feet to another on the same street.
5. Shelters will be placed only with written consent of the property owner or if located in a street right- of-way with written consent of the adjacent property owner. This consent, binding on said property owner and the owner's successors and assigns, shall be in a form satisfactory for recording which will provide, among other things, said owner's agreement to maintain the shelter and the ground around it in a nuisance-free manner and to remove the shelter when specifically requested to do so by the Township Board of Supervisors for any reason whatsoever. Maintenance of the shelter and the ground around it includes keeping the shelter free from trash, debris and graffiti and removing any handbills, bumper stickers or other labels which are placed thereon by others.
6. Shelters shall not contain advertising beyond the posting of the name of the transit provider, the route stopping at the location, a schedule of transit arrivals and departures and a plaque listing the individual, company or firm that maintains the shelter for the public benefit.

### § 208-122.1. Student housing. [Added 8-26-2010 by Ord. No. HR-384]

1. The following criteria must be met before the Zoning Hearing Board may authorize a special exception for a student home as limited below:
   1. The number of student tenants living in a student home shall not exceed three.
   2. Single-family dwelling has a floor area of at least 1,000 square feet exclusive of basements, garages and accessory buildings. Two-family dwelling has a floor area of at least 2,000 square feet exclusive of basements, garages and accessory buildings.
   3. A student home shall not be located closer than the distance equal to 20 times the required minimum lot width for the type of dwelling used for the student home in the applicable zoning district where the student home is proposed to be located from another student home located on

another lot. The distance between the two student homes shall be measured by the shortest distance between the two lots where the student homes are located.

* 1. A student home shall meet the area and bulk requirements for the type of dwelling used for the student home in the applicable zoning district where such use is proposed.
  2. A buffer area with a width of 10 feet shall be required for student homes along the side and rear lot lines of the subject property.

1. Any student home in the Township shall be subject to chapter 151, Property Registration, of this Code.
2. This section is not intended, nor shall its effect be, to limit any other enforcement remedies which may be available to the Township against an owner, student tenant or guest thereof found in this chapter or applicable law.

### § 208-122.1a. Short-term rentals. [Added 12-5-2022 by Ord. No. HR-459]

1. The following criteria must be met before the Zoning Hearing Board may authorize a special exception for a short-term rental as limited below:
   1. The historic structure to be utilized as a short-term rental must be listed in the 2003 Historic Resources Survey.
   2. The short-term rental use must comply with the parking provisions in§ 208-103C(28). To the extent that proposed new off-street parking would otherwise be visible from neighboring properties, such parking areas shall be completely screened by plant material or a combination of plant material, fencing, or berms to a height of at least four feet.
   3. No square footage added to a historic structure after the date of adoption of this section may be used as a short-term rental.
   4. Site lighting shall be designed to screen the source of illumination and glare completely from adjacent properties.
   5. The applicant shall have the burden of demonstrating that approval of the special exception will not jeopardize the preservation of historic resource(s) contained on the property subject to application. To sustain this burden. the applicant shall present evidence demonstrating the following:
      1. Exact location of the area in which the use is proposed.
      2. The general design, arrangement, texture, material, scale, mass and color of any affected building, structure, or site and the relation of such factors to similar features of other structures on the property.
      3. That the use will not destroy the distinguishing qualities or character of the historic resource and its environment.
      4. Proposed building replacement projects, including complete rebuilds or partial knockdown rebuilds, are not eligible for short-term rental use. Interior renovations are allowed that alter the interior historic nature of the property.
2. Any short-term rental in the Township shall be subject to Chapter 150, Property Registration for

Short-Term Rentals.

1. This section is not intended, nor shall its effect be, to limit any other enforcement remedies which may be available to the Township against an owner, tenant or guest thereof found in this chapter or applicable law.

ARTICLE XXIVA

### Historic Resource Overlay District [Added 5-23-2011 by Ord. No. HR-388]

**§ 208-122.2. Purpose.**

The preservation and protection of historic resources in Tredyffrin Township (the "Township") are in the interests of education, property values, and general welfare of the citizens of the Township. The purposes of this article are:

1. To protect the integrity of the historic resources of Tredyffrin Township;
2. To establish a process by which proposed changes to historic resources are reviewed by Tredyffrin Township;
3. To encourage the continued, viable use of historic resources in Tredyffrin Township;
4. To discourage the unnecessary demolition of historic resources in Tredyffrin Township; and
5. To maintain the property rights of Township residents.

### § 208-122.3. Definitions.

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

CULTURAL STUDIO — A building to present cultural, scientific, or academic lectures or performances or art displays to the general public by a nonprofit entity.

DEMOLITION or DEMOLISH — The razing or destruction, whether entirely or in significant part, of the exterior of a building, structure or site. Demolition includes the removal of a building or structure from its site or the removal, stripping, concealing or destruction of the facade or any significant interior or exterior architectural features which are integral to the historic character of the resource, for whatever purpose, including new construction or reconstruction.

#### DEMOLITION BY NEGLECT —

* 1. The failure to provide ordinary and necessary maintenance and repair to a building or structure designated as an historic resource on the Township Historic Resource Map, except for ruins existing at the time of adoption of this section, whether by ordinary negligence or willful neglect, purpose or design by the owner or any party in possession thereof, which results in the following conditions:
     1. The deterioration of exterior features so as to create or permit a hazardous or unsafe condition to exist.
     2. The deterioration of exterior walls, roofs, chimneys, or windows; the lack of adequate waterproofing; or deterioration of the structural system or foundations which will or could result in permanent damage or loss of exterior features.
  2. Demolition by neglect includes having a building or structure open or vulnerable to vandalism or decay by the elements.

HISTORICAL COMMISSION — The Historical Commission of Tredyffrin Township which advises the Township on matters concerning the preservation of historic resources, the members of which are

appointed by the Board of Supervisors.

HISTORIC OVERLAY DISTRICT — An overlay zoning district as established and applied under this article, designating historic resources within the Township.

HISTORIC RESOURCE(S) — Within the context of this chapter, all buildings, sites, structures, and districts designated on the Historic Resources Map.

HISTORIC RESOURCES MAP — A map adopted as part of this chapter showing historic resources.

### § 208-122.4. Tredyffrin Township Historical Commission.

1. Establishment and membership. There shall be a Historical Commission which shall consist of nine members, all of whom shall be residents of or persons who conduct business in Tredyffrin Township. The Historical Commission shall be appointed by the Board of Supervisors. The membership of the Historical Commission shall include individuals who have an interest in history, archeology, or historic preservation, and to the extent available one registered architect and one licensed real estate professional. The Tredyffrin Township Building Inspector shall serve as an advisor to the Historical Commission but shall not be a member. The terms of the members of the Historical Commission shall not exceed three years, except that the terms of the members newly appointed at the time of adoption of this article shall be so fixed at the discretion of the Board of Supervisors that no more than three members shall be reappointed or replaced during any future calendar year.
   1. Associate membership. An associate member of the Historical Commission shall be a resident of the Township of Tredyffrin. The Historical Commission shall have an unlimited number of associate members. Associate members shall be nonvoting members of the Historical Commission. Associate members shall be nominated and appointed by a majority vote of the Historical Commission. **[Added 11-13-2023 by Ord. No. HR-474]**
2. Organization. The Historical Commission shall annually elect, from its own membership, a Chairperson who will direct the activities of the Historical Commission and such other officers as may be required for the conduct of its business. A quorum shall be not less than a majority of the current membership. The Historical Commission may make, alter, and rescind rules and forms for its procedures consistent with the ordinances of the Township and laws and regulations of the Commonwealth. To the extent necessary, the Solicitor for the Township shall act as counsel to the Historical Commission. The Historical Commission shall conduct business in compliance with Pennsylvania law. The Historical Commission shall submit a report of its activities to the Board of Supervisors by March of each year.
3. Functions and duties. In accordance with the purposes of this article, the Historical Commission shall have the following functions and duties:
   1. Maintain a system for the survey, inventory, and photographic documentation of historic buildings, sites, structures, and objects in Tredyffrin Township.
   2. Conduct research on and nominate significant resources to the national Register of Historic Places and any other appropriate lists or programs.
   3. Make recommendations to the Board of Supervisors concerning revisions, updates, or corrections to the Historic Resource Map on an annual basis or more frequently as deemed necessary by the Historic Commission.
   4. Maintain an updated list which clearly identifies buildings, sites, structures, objects, and districts

and their respective classifications on the Historic Resource Map.

* 1. Advise the Zoning Officer and Board of Supervisors on the issuance of demolition permits for historic resources.
  2. Review and comment on subdivision or land development applications which include historic resources, in accordance with the requirements and procedures of the Tredyffrin Township Subdivision and Land Development Ordinance.**218**
  3. Advise the Board of Supervisors or Zoning Hearing Board on all requests for conditional uses or variances involving historic resources.
  4. Review applications for the rehabilitation, enlargement, or alteration of historic resources and advise the Board of Supervisors thereon.

### § 208-122.5. Applicability.

1. The provisions of the Historic Resource Overlay District shall be deemed to be an overlay on any zoning districts now or hereafter enacted to regulate the use of land in Tredyffrin Township applicable to any property shown on the Historic Resource Map, as amended by the Board of Supervisors by resolution from time to time. The provisions of this chapter shall supersede any and all otherwise applicable requirements of the underlying zoning district.
2. Should any portion of the overlay district be determined to be inapplicable, such portion shall be deemed severable and the remaining portions of this article shall remain in full force and effect. Should this overlay district be determined not to be applicable in whole for any reason, the zoning requirements and other regulatory measures applicable to the property in question shall be those of the underlying zoning district without consideration of this article.
3. Revisions. The Historic Resources Map may be revised from time to time by the Board of Supervisors.
   1. In considering any revision, including additions, deletions, or changes of classification to the Historic Resources Map, the Board shall receive a written recommendation from the Historical Commission stating in detail the reason(s) for any revisions to the Historic Resources Map.
   2. The owner(s) of any property within Tredyffrin Township may propose the inclusion of his or her property on the Historic Resources Map and such property may be included upon recommendation of the Historical Commission and the approval of the Board of Supervisors.
   3. The owner(s) of any property(ies) which are the subject of proposed inclusion on the Historical Resources Map shall be given written notice of the Historical Commission's recommendation to the Board of Supervisors as required for zoning district/map changes in the Zoning Ordinance. Said written notice will specify that the owner(s) must consent to the proposed recommendation within 90 days by sending a written acceptance of the proposed recommendation to the Township Manager or the property will not be added to the Historic Resources Map.
   4. If the owner consents, as a predicate to the inclusion of any property on the Historic Resources Map, the owner(s) of the property shall submit to the Township a declaration on a form prepared by the Township to be recorded in the Office of the Record of Deeds of Chester County against the property providing a record notice of the inclusion of the property on the Historic Resources
4. **Editor's Note: See Ch. 181, Subdivision and Land Development.**

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#### § 208-122.5 ZONING § 208-122.6

Map. The declaration shall be signed by all record owners of the property and in recordable form. Without such signed declaration, the property shall not be added to the Historic Resources Map.

### § 208-122.6. Permitted uses.

The following uses and no other shall be permitted in the Historic Resource Overlay District:

1. Any use permitted in the underlying zoning district in which the property is located.
2. The following additional uses:
   1. A property upon which a historic resource is situated, excluding buildings and structures which do not contribute to the historic resource, which property obtains access from any street, may be used for any one of the following uses, subject to obtaining a recommendation from the Historical Commission and obtaining conditional use approval from the Board of Supervisors:
      1. Bed-and-breakfast, subject to the following conditions:
3. A bed-and-breakfast facility shall be considered a low-impact home-based business and shall be subject to all applicable standards of § 208-120 regarding low-impact home-based businesses. If there is a conflict between § 208-120 and this section, the regulations in this section shall prevail.
4. A bed-and-breakfast facility shall be permitted only in single-family detached owner- occupied dwellings, or existing buildings accessory thereto on the same property, provided that the property on which the dwellings or buildings are situated is located on a collector road.
5. A lot size of not less than 80,000 square feet shall be required for the operation of a bed-and-breakfast facility, provided that:
   1. Parking to meet the requirements of § 208-13 can be provided on the lot without substantially altering its residential character and shall not be located in any required front or side yard area.
   2. An adequate sewage system exists to handle the anticipated sewage flows and the availability of sufficient backup area on the lot has been certified by the Chester County Health Department on the basis of an on-site inspection.
6. The principal use of the property shall remain that of a single-family dwelling.
7. No more than three guest rooms may be offered for bed-and-breakfast purposes on any individual residential property.
8. There shall be provided one full bathroom (including one toilet, wash basin, bath and/or shower) for each two guest rooms.
9. Length of stay shall not exceed seven uninterrupted days for any guest.
10. Meals shall consist of breakfast only, and only for guests of the establishment. Owners shall comply with all federal, state, and local requirements for the preparation, handling, and serving of food.
11. Any amenities (swimming pool, tennis court, etc.) shall be for the sole use of the resident owner and the bed-and-breakfast guests.
12. The owner shall maintain a current guest register.
13. There shall be no kitchen or cooking facilities in any guest suite.
    * 1. Cultural studio, subject to the following conditions if located in a residential zoning district:
14. The use shall be limited to one instructional class at a time with not more than 10 students in the class and not more than two instructors.
15. One off-street parking space shall be provided in the amount equal to half of the permitted occupancy rate, with a minimum of four off-street parking spaces.
    * 1. Gallery or museum, subject to the following conditions if located in a residential zoning district:
16. The area devoted to the use shall be limited to 4,500 square feet.
17. One off-street parking space shall be provided in the amount equal to half of the permitted occupancy rate, with a minimum of four off-street parking spaces.
    * 1. Accessory apartment. This use may be conducted in a structure accessory to the principal dwelling on the property, rather than within the principal dwelling, provided the accessory structure is determined by the Board of Supervisors to be a contributing resource and is identified as such on the Historic Resource Map and subject to the following:
18. The accessory apartment can be the only other single-family dwelling unit on the property.
19. Two off-street parking spaces shall be required for the accessory apartment.
    1. A property upon which an historic resource is situated, excluding buildings and structures which do not contribute to the historic resource, which obtains direct access from a major collector or higher order roadway in the currently enacted Tredyffrin Township Comprehensive Plan, may also be used for any one of the following, subject to obtaining a recommendation from the Historical Commission and obtaining conditional use approval from the Board of Supervisors. Where the facility is located in a residential zoning district, the property owner or manager or lessor of the facility must reside on the premises.
       1. Professional office, limited to one employee per 500 square feet of gross habitable floor area devoted to professional office use.
       2. Artist studio or craft workshop employing not more than five persons. Such crafts shall include model making, rug weaving, lapidary work, furniture making, and similar crafts.
20. For all uses located in a residential zoning district, the following regulations shall apply:
    1. To the extent that proposed new off-street parking would otherwise be visible from neighboring properties, such parking areas shall be completely screened by plant material or a combination of plant material, fencing, or berms to a height of at least four feet.
    2. There shall be no use of show windows or display or advertising visible outside the premises,

other than a single, nonilluminated sign not exceeding two square feet.

* 1. No use shall be permitted which generates noise perceptible at the property line.
  2. Site lighting shall be designed to screen the source of illumination and glare completely from adjacent properties.
  3. No square footage added to a historic resource after January 1, 2011, may be used in the calculations of gross habitable floor area for purposes of this section.

### § 208-122.7. Area and bulk incentives.

The requirements applicable to the underlying zoning district relating to building area, impervious surfaces and front, side, and rear yard setbacks may be modified by up to 15% with respect to historic resources, subject to obtaining a recommendation from the Historical Commission and conditional use approval from the Board of Supervisors. These modifications shall apply to the area of the lot as it existed on January 1, 2011.

1. The additional building area and impervious surface coverages permitted by this section each may not exceed 50% of the building area of the historic resource.
2. Where the requested relief is determined by the Board of Supervisors to be essential to the preservation of the historic resources because without such relief it would not be physically or economically possible to maintain the historic resource, the Board of Supervisors may, by conditional use, reduce such requirements to a greater degree than permitted by this section to protect the historic resource.

### § 208-122.8. Standards for rehabilitation, alteration, or enlargement of conditional use.

1. Standards. Any proposed rehabilitation, alteration, or enlargement of any historic resource shall be in substantial compliance with the Secretary of the Interior's Standards for Rehabilitation, as published in its current edition.
2. Compliance. Determination of compliance with these standards shall be made by written report of the Historical Commission, using the Secretary's Guidelines for Rehabilitating Historic Buildings to apply the standards to each project. The Board of Supervisors' decision on the conditional use shall be made as per the requirements for conditional use in the Zoning Ordinance.

### § 208-122.9. Application procedures for conditional use approval.

In any instance where the Board of Supervisors is required to consider a request for a conditional use in accordance with the provisions of this article, the following shall apply in addition to the requirements of

§ 208-117 of this chapter. Where the requirements of this section expressly conflict with any requirement of § 208-117, the requirements of this section shall be followed.

1. Applicant shall submit the appropriate application, including the following information:
   1. Name and address of the record owner and applicant (if different).
   2. Site plan showing all buildings and structures on the property.
   3. Recent photographs of the historic resource.
   4. A detailed narrative description of the proposed use(s).
   5. Any physical changes proposed for the affected historic resource(s) and the surrounding landscape.
2. The application shall be accompanied by a historic resource impact study where any land development or subdivision is proposed on a property that contains any historic resource(s).
3. The Zoning Officer shall forward the complete application to the Historical Commission. The Historical Commission, at a public meeting, shall review the application for conditional use and shall forward its recommendations to the Board of Supervisors within 60 days from the date the application was filed. In formulating its recommendations, the Historical Commission shall consider each of the criteria imposed by this section for the grant of conditional use approval. If the Historical Commission fails to act within 60 days, the application shall be deemed to be not recommended by the Historical Commission.
4. Any conditional use granted under this subsection shall be subject to the expiration requirements of

§ 208-117F, Expiration of conditional use.

1. Criteria for the grant of conditional use approval. Where a use is permitted in a Historical Resource Overlay District by conditional use, that use shall not be granted unless the following requirements have been satisfied, in addition to those set forth at § 208-150:
   1. The applicant shall have the burden of demonstrating that approval of the application will not jeopardize the preservation of historic resource(s) contained on the property subject to application. To sustain this burden the applicant shall present evidence demonstrating the following:
      1. Exact location of the area in which the work is to be done.
      2. The exterior changes to be made or the exterior character of the structure to be erected.
      3. A list of surrounding structures with their general exterior characteristics.
      4. The effect of the proposed change upon the general historic and architectural nature of the property.
      5. The appropriateness of exterior architectural features of structures involved with the proposed work.
      6. The general design, arrangement, texture, material, scale, mass and color of any affected building, structure, or site and the relation of such factors to similar features of other structures on the property.
      7. That rehabilitation work will not destroy the distinguishing qualities or character of the historic resource and its environment.
      8. Distinctive stylistic features or examples of skilled craftsmanship shall be preserved.
   2. The most current version of the Secretary of the Interior's Standards for Rehabilitation of Historic Structures, as amended, shall be used as a guideline in carrying out any plans involving the rehabilitation, alteration, or enlargement of historic resource(s).
   3. Where plans involving the rehabilitation, alteration, or enlargement of the historic resource(s)

will result in all or portions of any such resource(s) remaining unoccupied, such unoccupied resources shall be securely sealed and barred off and the utilities turned off for safety, in a manner not jeopardizing historical integrity, as per the most current construction techniques for historic structures.

* 1. A means to guarantee the protection of the historical integrity of the subject resource(s), such as the establishment of conservation easement(s) or appropriate covenants in a form acceptable to the Township Solicitor, shall be provided.
  2. The applicant shall have the burden of proving that the historical integrity of the historic resource has been provided for through the design of the building improvements as well as through implementation of buffering, landscaping, lighting, storage, access and traffic management, interior circulation, loading, parking, fencing, signage, and all other land development features.
  3. The applicant shall have the burden of proving that the grant of the application will not be destructive of the integrity of the historic resource or detrimentally affect the value of surrounding properties.
  4. The applicant must comply with the parking requirements for the proposed use as set forth in this article. The Board of Supervisors may prohibit any additional parking between the right-of- way and the facade of the building if the Board of Supervisors finds such parking would negatively impact the historical integrity of the resource.
  5. The applicant must comply with the requirements of this chapter with respect to signage. The Board of Supervisors may condition approval on a reduction in the size of the signage if it finds that the permitted signage will obstruct views required to assure the safety of the public or to retain the historic nature of the property.
  6. The Board of Supervisors may attach conditions to achieve the objectives set forth in this section and to promote the public health, safety, and welfare, which conditions may relate to any aspect of the proposed use of the property, including but not limited to buffering, parking, signage, traffic volume and flow, hours of operation, noise, and odor emissions.
  7. Where the Board of Supervisors waives any requirement which thereby increases the rate or volume of stormwater generated on the property, the additional rate and/or volume of runoff caused by such waiver shall be controlled for the one-hundred-year storm.

### § 208-122.10. Demolition of historic resources.

1. Demolition by neglect. No historic resource shall be demolished by neglect.
2. Demolition permits. No historic resource shall be demolished, in whole or in part, unless approved by the Board of Supervisors in accordance with the procedures as provided in this article, the Zoning Ordinance, and the Township Building and Fire Codes.
3. Application requirements for historic resources. In addition to applicable requirements under the Township Building and Fire Codes, any applicant seeking a permit to demolish a historic resource shall provide the following information with regard to that historic resource:
   1. The identity of the owner of record;
   2. Site plan showing all buildings and structures on the property;
   3. Recent photographs of the resource proposed for demolition, including internal features;
   4. Reasons for the proposed demolition;
   5. Method of proposed demolition;
   6. A statement of future use of the site and of the materials from the demolished resource; and
   7. In any instance where there is a claim that a historic resource cannot be used for any purpose for which it is or may be reasonably adapted, or where a permit application for demolition is based, in whole or in part, on financial hardship, the applicant shall submit financial documentation as requested by the Board of Supervisors.
4. Review by the Historical Commission. All applications for demolition of any property listed on the Historic Resource Map shall be submitted to the Historical Commission and no permit shall be issued without the completion of such review. The Historical Commission shall determine whether issuance of a demolition permit is in the public interest. The Historical Commission shall submit their recommendation to the Board of Supervisors not later than 60 days from the date application was filed. If the Historical Commission fails to act within 60 days, the application shall be deemed to be not recommended by the Historical Commission.
5. After review, the Historical Commission shall make a written report to the Board of Supervisors setting forth its recommendation regarding proposed demolition.
6. Within 45 days from receipt of the Historical Commission's recommendation, the Board of Supervisors will consider the Historical Commission's recommendation with regard to application for demolition of the historic resource at a public hearing. The property owner will be given a minimum of 10 days' notice of the meeting. The Board of Supervisors will consider evidence, reports, or testimony from interested parties and will render a decision either to deny or approve the application for demolition within 30 days of the meeting. If the Board of Supervisors fails to act within the time frames provided in this subsection, the application shall be deemed denied.

ARTICLE XXV

**Signs**

**[Amended 1-5-1981 by Ord. No. HR-54; 2-27-1984 by Ord. No. HR-80; 5-1-1989 by Ord. No. HR-124; 8-16-2004 by Ord. No. HR-329; 12-2-2013 by Ord. No. HR-399; 8-17-2020 by Ord. No.**

**HR-437]**

**§ 208-123. Purpose and intent.**

1. The purpose of this article is to develop a comprehensive system of sign regulations to:
   1. Promote the safety of persons and property by providing that signs:
      1. Do not create traffic hazards by distracting or confusing motorists, or impairing motorists' ability to see pedestrians, other vehicles, obstacles or to read traffic signs.
      2. Do not create a hazard due to collapse, fire, collision, decay or abandonment.
      3. Promote the aesthetic quality, safety, health, and general welfare and the assurance of protection of adequate light and air within the Township by regulation of the posting, displaying, erection, use and maintenance of signs.
   2. Promote the efficient transfer of information through the use of signs and to permit such use, but not necessarily in the most profitable form or format available for such use.
   3. Protect the public welfare and enhance the overall appearance and economic value of the landscape, and to preserve the unique natural and historic environment that distinguishes the Township in accordance with Article I, § 27 of the Pennsylvania Constitution. The protection of the Township's historic resources, environment and aesthetics from the impacts of signage is a matter of critical importance to all residents and businesses in the Township.
2. It is further declared that these regulations are minimum standards provided to safeguard the life, health, property and public welfare by regulating and controlling the design quality, materials, construction, size, illumination, location and maintenance of all signs and sign structures while at the same time attempting to provide functional flexibility, encourage variety, and to create an incentive to relate signage to the basic principles of sound planning, development and use of residential, commercial and industrial properties.

### § 208-123.1. Signs in general.

Any sign hereafter erected in the Township which is exposed to public view shall conform with the provisions of this chapter and any other ordinance or regulation of the Township or the state or federal government relating to the erection, alteration or maintenance of signs. In the event of conflicting regulations, the most restrictive regulation shall prevail.

1. No sign, other than exempt signs, shall be erected without first obtaining a sign permit from the Code Enforcement Officer. Permit applications for signs in special development districts and signs larger than six square feet in area in other districts shall be accompanied by a plan, drawn to scale, showing details of the sign, its size and location on the building and/or lot. Permits for window signs and manual changeable-copy signs shall be valid as long as there is no change in the area, location and type of such signs which have been authorized by permit. Fees for sign permits and deposits for temporary signs shall be paid in accordance with a fee schedule adopted by resolution by the Board of Supervisors.
2. All signs shall be kept in a proper state of repair, in accordance with the requirements of the Township's Building Code, Property Maintenance Code**219** and other pertinent regulations.
3. No sign other than official signs shall be erected within or project over the right-of-way of any public street or sidewalk, except as hereafter provided.
4. No sign shall be erected that is of such character, form, shape or color that it imitates or resembles any official traffic sign, signal or device or that has any characteristics which are likely to confuse or dangerously distract the attention of the operator of a motor vehicle on a public street.
5. No freestanding or projecting sign shall be erected at the intersection of any streets improved for vehicular traffic within the triangular areas formed by the right-of-way lines and a line connecting them at points 25 feet from their intersection unless the topmost portion of said sign is less than two feet or the bottommost portion of said sign is more than eight feet above curb grade; and provided, further, that no part of its means of support has a single or combined horizontal dimension exceeding eight inches. In no case shall any sign be so erected that it impedes the vision of motorists or pedestrians or otherwise endangers their safety.
6. No mobile signs, bench signs, vehicle signs, permanent sidewalk, sandwich or A-frame signs, animated signs, or signs that emit smoke, vapor or noise shall be permitted. No signs which flash, move, rotate or oscillate shall be permitted. No sign, banner, pennant, streamer or similar device constructed of cloth, light fabric, cardboard or other like material or no whirling or similar lighting device shall be displayed outside a building, except where the Zoning Hearing Board shall authorize such a use on a temporary basis as a special exception.
7. Awning and canopy signs, when permitted, are subject to the following: (See Figure 123.1: Awning/ Canopy Signs.)
   1. A minimum vertical clearance of eight feet is required.
   2. Projection limited to 18 inches from the curbline, when a structure is constructed at the right-of- way line, or 18 inches from the edge of any adjoining walkway.
   3. Any support posts must maintain a minimum separation of five feet between posts, and between the posts and any building wall.
   4. Signs must be made of a durable, weather-resistant material like canvas, canvas-like material, nylon, vinyl-coated fabric, or metal.
   5. Printing is limited to 30% of each surface area.
   6. Lettering attached to and erected above the top of a solid awning is permitted to a maximum height of 24 inches.
   7. The printed area may be illuminated with external illumination, which must be focused on the printed area. Backlit awnings are prohibited.
8. **Editor's Note: See Ch. 80, Building Construction, and Ch. 149, Property Maintenance, respectively.**

### Figure 123.1: Awning/Canopy Signs

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1. Under-awning/walkway signs, when permitted, are subject to the following: (See Figure 123.2: Under-Awning/Walkway Signs.)
   1. Must be attached to the underside of an awning, canopy, arcade, or covered walkway and may not project beyond such structure.
   2. A minimum vertical clearance of eight feet is required.
   3. Under-awning/walkway signs must be made of wood, metal or plastic, and may not be illuminated by any means.

### Figure 123.2: Under-Awning/Walkway Signs

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1. Projecting signs, when permitted, are subject to the following:
   1. A minimum vertical clearance of eight feet is required.
   2. No part of any projecting sign may be more than 12 feet above ground or walkway level.
   3. Projecting signs must be spaced 25 feet apart.
   4. Projecting signs may be internally illuminated or externally illuminated, which must be focused on the sign face.
2. The total area of all window signs, unless further restricted by district regulations, shall not exceed 25% of the glass area of the window in which placed, provided that glass area coverage may be increased to 50% for a total of not more than seven days in any three-month period.
3. No roof sign shall be permitted, and no sign shall project above the main cornice line of the building to which a sign is affixed, except in O, LI or PIP Districts, in which case a sign with a solid back may project not more than 24 inches above such cornice line.
4. Super graphics, when permitted, shall be the sole sign or graphic permitted on a given wall and shall not be used in conjunction with any other sign on the same facade.
5. All temporary signs, other than marquee signs, manual changeable-copy signs and exempt signs and signs defined in Subsection O below, shall require a permit valid for a specified period not exceeding 30 days. Not more than one temporary sign shall be authorized for any property during any twelve- month period, except that up to four temporary signs, that individually do not exceed six square feet, may be placed on any privately owned property for a period of 45 days before and seven days after any primary, general, special or municipal election.
6. The following temporary signs may be permitted when authorized as a special exception subject to the following criteria and the general standards prescribed in § 208-150:
   1. Signs on property owned or leased by a not-for-profit youth recreational league or leagues, provided that:
      1. The signs are not erected within any required yard as defined by the zoning district governing the location of the property where the signs are to be erected.
      2. Sign content is not visible from any street or adjacent property.
      3. The signs individually shall not exceed 12 square feet in area.
      4. The signs shall not exceed four feet in height.
      5. The signs shall not be illuminated.
      6. The signs are erected and maintained only during a period that shall not exceed the lesser of the league playing season or five months of one calendar year.
      7. Not more than 20 signs may be erected on or adjacent to each playing field.
7. The following signs are exempt from the need to secure permits:
   1. Decorations for a recognized, officially designated holiday, provided that they do not create a traffic or fire hazard, and provided that provision is made for their removal within 30 days after the holiday.
   2. Official signs.
   3. Markers erected at a memorial or historic location when not more than six square feet in area when authorized by the federal, state, or county government or Township Board of Supervisors.
   4. Change in the copy of a changeable-copy sign, once a permit for that sign has been issued.
   5. Temporary signs not exceeding four square feet may be erected within a one-mile radius of and on a property where a yard or garage sale is being held, not more than seven days prior to such yard or garage sale; and must be removed within 48 hours after the sale.
   6. Temporary signs not exceeding six square feet may be erected on a lot which is for sale or rent, or where contractors, mechanics, painters, paperhangers and/or artisans are performing work, during the period that the lot or structure on the lot is for rent or sale or until the contracting work is complete.

### § 208-124. Signs in Residence and Rural-Conservation Districts.

In RC, R-1/2, R-1, R-2 and R-3 Zoning Districts, signs are permitted for the following purposes only and only under the following conditions:

1. General provisions.
   1. No freestanding sign shall exceed four feet in height.
   2. No freestanding sign shall be erected within the side yard required in the district in which it is located.
   3. Only the following signs may be externally illuminated and then only in such a manner that the source of light shall not be visible from the street or from any normal vantage point:
      1. A sign erected on the same property as a physician, dentist, District Justice, a hospital, or such other persons or establishments whose services in an emergency are considered essential to public health, safety and welfare.
      2. A sign erected on the same property as a school, church, club, multifamily use or other permitted nonresidential use, provided that said sign is illuminated only between the hours of dusk and 12:00 midnight, prevailing time.
   4. Internally illuminated signs are prohibited.
2. Identification signs.
   1. Wall signs or freestanding signs erected on the same lot as a permitted home occupation or use accessory to a dwelling is located, provided that only one such sign is erected on, adjacent to or facing each street frontage of any property in single or separate ownership and that it does not exceed two square feet in total area. Such sign shall not be illuminated except as provided in

§ 208-124A(3) above.

* 1. Wall signs or freestanding signs erected on the same property as a school, college, church, hospital, sanitarium, municipal building, farm, club or other permitted use other than a dwelling or a use accessory to a dwelling, provided that such signs whether erected as wall signs or freestanding signs do not exceed a total area along any one street equal to one square foot for every 10 linear feet of street frontage or 24 square feet, whichever is less.

1. Freestanding signs. Freestanding signs may be erected on the same property as a school, college, church, hospital, sanitarium, municipal building, farm, club or other permitted use other than a dwelling or use accessory to a dwelling, provided that such sign does not exceed four square feet in area, except those signs erected within a unified development area in accordance with § 208-130 hereof.
2. Temporary signs.
   1. Signs erected on a property that is for sale or rent, provided that:
      1. The area of such sign shall not exceed 12 square feet.
      2. Not more than one such sign shall be erected on, adjacent to or facing each street upon which the property fronts.
      3. Such signs are removed within 14 days of the signing of an agreement of real estate sale or rental.
   2. Signs erected on a property where contractors, mechanics, painters, paperhangers or artisans are performing work, provided that:
      1. The area of such sign shall not exceed 12 square feet.
      2. Not more than one such sign shall be erected on, adjacent to or facing each street upon which the property fronts.
      3. Such signs are erected and maintained only during the period that such persons are performing work on the premises upon which the sign or signs are erected.

### § 208-125. Signs in R-4 Residence and PA Planned Apartment Districts.

In R-4 Residence and PA Planned Apartment Districts, signs are permitted for the following purposes only and only under the following conditions:

1. General provisions.
   1. No freestanding sign shall exceed six feet in height.
   2. No wall sign or projecting sign may be placed above the first floor of the building upon which it is attached.
   3. No freestanding sign shall be erected within the side yard required in the district in which it is located.
   4. Signs permitted in these districts may only be internally illuminated and only between dusk and 12:00 midnight, prevailing time, except that signs erected on the same property as a physician, dentist, District Justice, hospital and such other persons or establishments whose services in an emergency are considered essential to public health, safety and welfare may be illuminated without time restriction.
2. Identification signs.
   1. Wall signs or freestanding signs erected on the same lot as a permitted home occupation or use accessory to a dwelling is located, provided that only one such sign is erected on, adjacent to or facing each street frontage of any property in single or separate ownership and that it does not

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exceed two square feet in total area. Such sign shall not be illuminated except as provided in

§ 208-125A(4) above.

* 1. Wall signs or freestanding signs erected on the same property as a school, college, church, hospital, sanitarium, municipal building, farm, club or other permitted use other than a dwelling or a use accessory to a dwelling, provided that such signs whether erected as wall signs or freestanding signs do not exceed a total area along any one street equal to one square foot for every 10 linear feet of street frontage or 24 square feet, whichever is less.
  2. Signs at a residential use.
     1. Freestanding signs erected on the same property as a residential complex, limited to one such sign placed on, adjacent to or facing each street upon which the property fronts, and provided that no such sign shall exceed 20 square feet in area.
     2. Wall signs or projecting signs erected and attached to a building, provided that not more than one such sign is placed upon any building and that the total area of any such sign shall not exceed four square feet.

1. Freestanding signs. Freestanding signs may be erected on the same property as a school, college, church, hospital, sanitarium, municipal building, farm, club or other permitted use other than a dwelling or use accessory to a dwelling and may be erected only on the lot to which it relates, provided that such sign does not exceed four square feet in area, except those signs erected within a unified development area in accordance with § 208-130 hereof.
2. Temporary signs.
   1. Signs erected on a property that is for sale or rent, provided that:
      1. The area of such sign shall not exceed 12 square feet.
      2. Not more than one such sign shall be erected on, adjacent to or facing each street upon which the property fronts.
      3. Such signs are removed within 14 days of the signing of an agreement of real estate sale or rental.
   2. Signs erected on a property where contractors, mechanics, painters, paperhangers or artisans are performing work, provided that:
      1. The area of such sign shall not exceed 12 square feet.
      2. Not more than one such sign shall be erected on, adjacent to or facing each street upon which the property fronts.
      3. Such signs are erected and maintained only during the period that such persons are performing work on the premises upon which the sign or signs are erected.

### § 208-126. Signs in C-1 and C-2 Districts.

In the C-1 and C-2 Districts the following signs are permitted:

1. Freestanding signs.
   1. No more than one freestanding sign is permitted per street frontage. One additional freestanding

sign is permitted along any street frontage of 300 feet or more.

* 1. Freestanding signs are limited to the following dimensions:
     1. In the C-1 District, freestanding signs are limited to 20 feet in height and 40 square feet in area.
     2. In the C-2 District, freestanding signs are limited to 25 feet in height and 50 square feet in area.
  2. A manual changeable-copy or digital changeable-copy sign is permitted as part of or in conjunction with a freestanding sign and may be no more than 10 square feet of the total permitted sign area.
  3. Freestanding signs must be installed at least 10 feet from any lot line.

1. Wall signs. One square foot of sign area is permitted per linear foot of the building facade where the sign is to be installed, with a maximum of 40 square feet permitted.
2. Projecting signs.
   1. One projecting sign is permitted per establishment with frontage on the right-of-way.
   2. Projecting signs are limited to the following dimensions:
      1. In the C-1 District, projecting signs are limited to 12 square feet in area.
      2. In the C-2 District, projecting signs are limited to 20 square feet in area.
3. Awning and canopy signs. Awning and canopy signs are permitted for all ground floor establishments.
4. Under-awning/walkway signs.
   1. One sign is permitted per business establishment with frontage on the right-of-way or walkway.
   2. Under-awning/walkway signs are limited to a maximum of six square feet in sign area.
5. Residential/noncommercial uses. Signs erected on the same property as a residential or other noncommercial use are subject to the provisions of § 208-125B.
6. Internal lot signs.
7. Temporary signs.
   1. Signs erected on a property that is for sale or rent, provided that:
      1. The area of such sign shall not exceed 12 square feet.
      2. Not more than one such sign shall be erected on, adjacent to or facing each street upon which the property fronts.
      3. Such signs are removed within 14 days of the signing of an agreement of real estate sale or rental.
   2. Signs erected on a property where contractors, mechanics, painters, paperhangers or artisans are

performing work, provided that:

* + 1. The area of such sign shall not exceed 12 square feet.
    2. Not more than one such sign shall be erected on, adjacent to or facing each street upon which the property fronts.
    3. Such signs are erected and maintained only during the period that such persons are performing work on the premises upon which the sign or signs are erected.

1. Permitted illumination.
   1. Freestanding, wall, and projecting signs may be internally or externally illuminated.
   2. Awning and canopy signs may only be externally illuminated, and all lighting shall be directed onto the printed area of the awning or canopy.
   3. No light from an internally or externally illuminated sign may project more than 0.10 footcandle of light into a street or onto a neighboring property.

### § 208-127. Signs in O, LI, and PIP Districts.

In the O, LI, and PIP Districts, the following signs are permitted:

1. Freestanding signs.
   1. No more than one freestanding sign is permitted per street frontage. One additional freestanding sign is permitted along any street frontage of 300 feet or more. However, in the case of a complex of three or more office buildings constructed, operated, and identified as a unified project, one additional freestanding sign may be erected at each entrance to the complex.
   2. Freestanding signs are limited to six feet in height and 32 square feet in area.
   3. Freestanding signs must be installed not less than 10 feet from any lot line.
2. Wall signs. One square foot of sign area is permitted per linear foot of the building facade where the sign is to be installed, with a maximum of 40 square feet permitted.
3. Building skyline wall sign. (See Figure 127.1: Building Skyline Identification Sign.)
   1. Building skyline wall signs are permitted only for structures of 40 feet or more in height.
   2. The size of the building skyline wall sign is limited to one square foot per linear foot of the facade where it is mounted, to a maximum size of 150 square feet.
   3. The building skyline wall signs must be placed within the top 15 feet of the structure and cannot cover any fenestration or architectural features. Such signs must be designed as a wall sign and cannot be mounted on the roof.
   4. Additional sign area from general wall sign permissions cannot be added to the permitted sign area for building skyline identification wall signs.

### Figure 127.1: Building Skyline Identification Sign

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1. Awning and canopy signs. Awning and canopy signs are permitted for any ground floor retail or restaurant establishment.
2. Residential/noncommercial uses. Signs erected on the same property as a residential or other noncommercial use are subject to the provisions of § 208-125B.
3. Internal lot signs.
4. Temporary signs.
   1. Signs giving notice of the sale or rental of the property on which the sign is located, provided that:
      1. The area of such sign shall not exceed 12 square feet.
      2. Not more than one such sign shall be erected on, adjacent to or facing each street upon which the property fronts.
      3. Such signs are removed within 14 days of the signing of an agreement of real estate sale or rental.
   2. Signs of contractors, mechanics, painters, paperhangers or artisans performing work on the property upon which the sign is erected, provided that:
      1. The area of such sign shall not exceed 12 square feet.
      2. Not more than one such sign shall be erected on, adjacent to or facing each street upon which the property fronts.
      3. Such signs are erected and maintained only during the period that such persons are performing work on the premises upon which the sign or signs are erected.
5. Permitted illumination.
   1. Freestanding, wall, and building skyline signs may be internally or externally illuminated.
   2. Awning and canopy signs may only be externally illuminated, and all lighting shall be directed onto the printed area of the awning or canopy.
   3. No light from an internally or externally illuminated sign may project more than 0.10 footcandle of light into a street or onto a neighboring property.

### § 208-128. Signs in TD Transit Districts and TCD Town Center Districts.

In TD Transit Districts and TCD Town Center Districts, signs are permitted for the following purposes only and only under the following conditions:

1. Signs at businesses.
   1. Freestanding signs. Not more than one freestanding sign may be placed on, adjacent to or facing each street upon which the property fronts. In the case of a shopping center or group of four or more commercial uses on a single lot with more than 300 linear feet of frontage on a street, two freestanding signs may be placed on, adjacent to or facing said street. In no case shall the total area of all such signs on any single sign pylon exceed 40 square feet.
      1. No freestanding sign may be erected closer than 10 feet to any side property line.
      2. The topmost edge of freestanding signs shall not be more than 15 feet above ground level. All other signs, including facade-mounted signs, shall not be more than 18 feet above ground level or not more than 24 inches above the main cornice line of the building on which erected, whichever is the lesser distance.
   2. Wall signs. The total area of all wall signs placed on or facing any one street frontage on any lot shall not exceed 10% of the facade area of the ground floor of the portion of the building which it occupies or 100 square feet, whichever is less.
   3. Projecting signs. The total area of all projecting signs erected on a single commercial use or establishment shall not exceed six square feet.
   4. Sign design. Signs shall be compatible with conforming signs of contiguous establishments.
   5. Special signs. Special signs other than those set forth may be permitted as a conditional use by the Board of Supervisors.
2. Residential/noncommercial uses. Signs erected on the same property as a residential or other noncommercial use shall be ground-mounted (monument signs) and shall be subject to the provisions of § 208-125B hereof.
3. Internal lot signs.
4. Temporary signs.
   1. Signs giving notice of the sale or rental of the property on which the sign is located, provided that:
      1. The area of such sign shall not exceed 12 square feet.
      2. Not more than one such sign shall be erected on, adjacent to or facing each street upon which the property fronts.
      3. Such signs are removed within 30 days of the signing of an agreement of real estate sale or rental.
   2. Signs of contractors, mechanics, painters, paperhangers or artisans performing work on the property upon which the sign is erected, provided that:
      1. The area of such sign shall not exceed 12 square feet.
      2. Not more than one such sign shall be erected on, adjacent to or facing each street upon which the property fronts.
      3. Such signs are erected and maintained only during the period that such persons are performing work on the premises upon which the sign or signs are erected.

### § 208-129. (Reserved)

**§ 208-130. Signs in unified development area.**

In order to facilitate the movement of traffic within a unified development area, signs may be permitted within such development areas in addition to any other signs allowed by other sections of this chapter in accordance with the following:

1. General provisions.
   1. The signs, except those permitted by other sections of this chapter, may be erected and/or replaced by only the overall developer of the unified development area or his successor.
   2. The location, size, design and maintenance responsibility of such signs shall be shown in a master sign plan prepared by the overall developer (or his successor) and approved by the Planning Commission pursuant to the general provisions of § 208-136 (Special site plan review and procedural requirements). Applications for revisions to the master sign plan may be made by only the overall developer (or his successor) and shall be processed as prescribed in

§ 208-136 as for revised development plans.

1. Internal lot signs.
   1. Signs may be erected at the intersections of intercommunity service roads within the unified development area. Such signs shall not exceed 20 square feet in area and shall be limited to one at each corner of the intersection.
   2. Signs erected at various locations within the unified development area. No such sign shall exceed 60 square feet in area and shall be limited to a total of two signs plus one additional sign per 150 acres (to a maximum of six such signs).
   3. Internal lot signs shall be at least 10 feet from any lot line.
2. Identification signs.
   1. One freestanding sign, not to exceed 75 square feet in area, may be erected at not more than three major entrances to the unified development area.
   2. A freestanding sign, not exceeding 50 square feet in area, may be erected in a planned office park within the unified development area at not more than three locations within the overall boundaries of the office park.

### § 208-131. Billboards.

The erection of a billboard shall be permitted by conditional use only in the C-1, C-2, O, and LI Districts, subject to the following:

1. Billboards shall be subject to the general standards prescribed in § 208-117 and the regulations of

§ 208-123.1. In the event of a conflict among § 208-117, § 208-123.1 and this § 208-131, the most restrictive regulation shall prevail.

1. The applicant for conditional use approval for a billboard shall have the burden of proving compliance with all applicable criteria and regulations. Documents and plans necessary to establish compliance shall be submitted to the Township with the conditional use application.
2. A billboard shall be subject to the following size restrictions according to the posted speed limit of the road abutting the lot on which the billboard is located.

**Billboard Size Restrictions**

**Posted Speed Limit (miles per hour)**

Maximum sign area (square feet)

**<35**

60

**36 to 45**

100

**46 to 55**

150

**56 to 65**

300

**Limited access**

300

1. Height and location of a billboard.
   1. The height of a billboard shall be measured from the average grade based on the area found within a fifty-foot radius of the outer limit of the sign structure.
   2. The lowest edge of a billboard shall be at least seven feet above the finished grade.
   3. Billboards shall have a maximum height of 24 feet.
2. Billboard setbacks.
   1. Billboards shall be set back a minimum of five feet from the ultimate street right-of-way.
   2. Billboards shall be set back a minimum of 40 feet from any abutting lot boundary measured linearly along the nearest street frontage from the nearest point of the billboard to the closest abutting lot boundary.
   3. Billboards shall be located not less than 50 feet from any building or structure located on the same lot, as measured linearly between the nearest points between the billboard, including the support structure, and the building or structure.
   4. Billboards shall be located not less than 500 feet from any residential use, as measured linearly in all directions from the nearest points between the billboard, including support structures, and the structure containing the residential use.
   5. Billboards shall be located not less than 500 feet from any other billboard on either side of the road measured linearly between the nearest points of each billboard, including support structures.
   6. Billboards shall not be attached to the external wall or otherwise affixed to any part of any building and shall not extend over any public property or right-of-way.
   7. Billboards shall not be located on sewer rights-of-way, or water, electric, or petroleum pipelines

and set back a minimum of 24 feet from any easement.

* 1. Billboards shall not be located on a bridge.

1. There shall be no more than one billboard per lot. Vertically or horizontally stacked billboards shall not be permitted.
2. Billboards may be double-faced, provided that the two faces are the same size and are positioned as mirror images that are parallel and not offset from each other in any direction.
3. Construction and maintenance.
   1. All plans for billboards shall be certified by a licensed engineer registered in Pennsylvania.
   2. All billboards shall be constructed in accordance with industry-wide standards established by the Outdoor Advertising Association of America and the Institute of Outdoor Advertising, or their successor organizations. All billboards shall be structurally sound and maintained in good condition and in compliance with the Pennsylvania Uniform Construction Code.
   3. The rear face of a single-face billboard shall be painted and maintained with a single neutral color.
   4. Every three years, the owner of the billboard shall have a structural inspection made of the billboard by a licensed engineer registered in Pennsylvania and shall provide to the Township a certificate certifying that the billboard is structurally sound.
   5. All maintenance, cleaning and repair, including repair of torn or worn copy and removal of paint or other material used to deface the sign shall be performed promptly. In the event the Township notifies the owner or lessee of any damage, vandalism, or graffiti on the billboard, the owner or lessee shall repair or correct the problem within 48 hours of such notification. If repairs and corrections are not timely, the Township shall have the right, but not the obligation, to make repairs or corrections and be reimbursed the cost thereof by the owner or lessee.
   6. A billboard shall be properly and adequately secured to prevent unauthorized access.
   7. A bond or other security, in the form and amount satisfactory to the Township, shall be posted with the Township to ensure that the billboard will be properly removed after the termination of use.
4. All billboards shall be identified on the structure with the name, address, and phone number of the owner of such sign.
5. Landscaping and screening requirements.
   1. Landscaping shall be provided at the base of all newly constructed billboards. Trees and shrubbery, including evergreen and flowering trees, of sufficient size and quantity shall be used to achieve the purpose of this section.
   2. Trees having a breast height diameter ("BHD") greater than four inches, which are removed for construction of the sign shall be replaced on-site at a ratio of one replacement tree for each removed tree using native species with a BHD of no less than three inches.
   3. Billboards shall be screened from any abutting property used or zoned for residential use. Such screening shall consist of evergreen trees of at least 15 feet in height at the time of planting that

form a continuous visual buffer along or near the property line abutting the residential use or lot.

* 1. If at the time of planting the evergreens do not provide for adequate screening, a temporary, nonvegetative screen may be required at the discretion and approval of the Township. This screening shall not exceed the height of the existing sign and shall be removed at the expense of the sign owner or lessee owner at such time the evergreens provide for adequate screening as determined by the Township.

1. All billboards shall comply with any and all applicable state and/or federal regulations. In the event any other applicable regulation is in conflict with the provisions of this section, the more stringent regulation shall apply.
2. Application/plan requirements. Plans submitted for billboards shall show the following:
   1. The location of the proposed sign on the lot with the required sign setbacks from the property line and ultimate right-of-way.
   2. The location and species of existing trees.
   3. The distance to the nearest existing billboard.
   4. The distance to the nearest right-of-way, property line, building, structure, nonbillboard, billboard, intersection, interchange, safety rest area, bridge, residential district, or institutional use, sewer rights-of-way, and water, electric or petroleum pipelines.
   5. Site plan containing all of the applicable requirements set forth in the Township Zoning Code, as amended.
   6. Certification under seal by a licensed engineer that the billboard, as proposed, is designed in accordance with all federal, state, and local laws, codes, and professional standards.
3. Illumination of billboards. Lighting shall comply with the Illuminating Engineering Society of North America's (IESNA) recommended practices and criteria in the IESNA Lighting Handbook, including but not limited to criteria for full-cutoff fixtures.
   1. Billboards may be externally illuminated, provided that:
      1. All light sources are designed, shielded, arranged, and installed to confine or direct all illumination to the surface of the billboard and away from adjoining properties.
      2. Light sources shall not be visible from any street or adjoining properties.
      3. All lighting shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their vision and ability to safely traverse the road or sidewalk.
      4. If adjacent to residential zoning districts, the billboard shall be illuminated only from dusk to 12:00 midnight. All lighting fixtures shall be equipped with devices which automatically extinguish the lighting at 12:00 midnight.
   2. Internally illuminated and digital changeable-copy sign billboards are prohibited.
4. In applying for conditional use, the applicant bears the burden of proof to establish that the proposed billboard will not project more than 0.10 footcandle of light into a street or onto a neighboring

property, and create a public health or safety hazard in the manner and location that it is proposed and in the manner by which it is to be operated.

### § 208-132. Nonconforming signs.

1. All signs erected prior to the enactment of this chapter or subsequent amendments, which are not in conformity with the use provisions thereof, shall be deemed legally nonconforming signs.
2. All signs erected prior to the enactment of this chapter or subsequent amendments, which are not in conformity with the dimensional, setback or lighting provisions thereof, shall be deemed legally nonconforming signs.
3. The erection or replacement of any sign that is legally nonconforming under this section, including change in copy or their structural supports and mechanical facilities, shall be made in strict compliance with the provisions of this chapter, including the requirement of seeking conditional use in the case of a billboard.
4. For the purpose of regulation and enforcement, the Code Enforcement Officer shall make and maintain a list of all nonconforming signs in the Township together with the date of the sign permit issued for the erection of a sign. If no permit was issued for a sign four square feet or larger in area, a registration fee as set from time to time by resolution of the Board of Supervisors shall be charged. This list shall be filed in the office of the Code Enforcement Officer and used to assure proper abatement of nonconforming signs as provided herein.

### § 208-132.1. Maintenance, cleaning and repair of signs.

All maintenance, cleaning and repair, including repair of torn or worn copy and removal of paint or other material used to deface the sign, shall be performed promptly. In the event the Township notifies the owner or lessee of any damage, vandalism, or graffiti on the billboard, the owner or lessee shall repair or correct the problem within 48 hours of such notification. If repairs and corrections are not timely, the Township shall have the right, but not the obligation, to make repairs or corrections and be reimbursed the cost thereof by the owner or lessee.

### § 208-132.2. Removal of unsafe, unlawful or abandoned signs.

1. Unsafe or unlawful signs.
   1. Whenever a sign becomes structurally unsafe and/or poses a potential threat to the safety of a building or premises or endangers the public safety, and such condition becomes known to the Zoning Officer, he/she shall give written notice to the owner of the premises on which the sign is located that such sign must be made safe within five days, unless the Zoning Officer shall deem appropriate a more extended period for compliance.
   2. Where, in the opinion of the Zoning Officer and the Township building official, any sign as described above constitutes an imminent hazard to public safety necessitating immediate action, the Zoning Officer shall be empowered to take those measures he/she deems appropriate to secure, stabilize, or remove such sign without the written notice to the owner of the premises otherwise required by that section. Any expense directly incurred to secure, stabilize, or remove such sign shall be charged to the owner of the property. Where the owner fails to pay, the Township may file a lien upon the property on which such sign was situated in the amount of the costs incurred by the Township to secure, stabilize, or remove the sign.
   3. Failure of the Zoning Officer to remove, or require the removal of, any unsafe sign as described in this section shall create no liability upon, nor any cause of action against, the Zoning Officer or any other Township official or employee for damage or injury that may occur as a result of such sign.
2. Abandoned signs.
   1. It shall be the responsibility of the owner of any property upon which an abandoned sign is located to remove such sign within 180 days of the sign becoming abandoned as defined in this section. Removal of an abandoned sign shall include the removal of the entire sign, including the sign face, supporting structure, structural trim, and all associated electrical components, when applicable.
   2. Where the owner of the property on which an abandoned sign is located fails to remove such sign in 180 days, the Township may remove such sign after the Zoning Officer gives written notice to the sign owner. Any expense directly incurred in the removal of such sign shall be charged to the owner of the property. Where the owner fails to pay, the Township may file a lien upon the property for the purpose of recovering all reasonable costs, including reasonable attorney fees incurred by the Township, associated with the removal of the sign.

ARTICLE XXVI

**Administration**

**[Amended 3-24-1980 by Ord. No. HR-44; 8-15-1983 by Ord. No. HR-76; 2-27-1984 by Ord. No. HR-80; 3-18-1985 by Ord. No. HR-90; 12-15-1986 by Ord. No. HR-106; 12-3-1991 by Ord. No.**

**HR-189; 1-25-1993 by Ord. No. HR-207; 5-1-2006 by Ord. No. HR-352]**

**§ 208-133. Enforcement.**

This chapter shall be enforced by a Zoning Officer designated by the Board of Supervisors who shall examine all applications for permits, issue permits only for construction and uses which are in accordance with the requirements of this chapter, record and file all applications for permits with any accompanying plans or documents, which shall be matters of public record, and make such reports as the Board of Supervisors may require. Permits for construction and uses which are a special exception or a variance from the requirements of this chapter shall be issued only upon the order of the Zoning Hearing Board. The provisions of this chapter shall be enforced by the issuance of stop, cease and desist orders by the Zoning Officer, by the instituting of appropriate actions or proceedings at law or in equity and by reasonable fines. See § 208-158 regarding penalties.

### § 208-134. Requirements for permits.

It shall be unlawful for any person to commence work for the erection, alteration or occupancy of any building or structure for which a permit is required until a permit has been duly issued. The following permits are required.

1. Zoning permits. Zoning permits shall be required prior to the erection of or addition to any structure or portion thereof.
2. Building permits. A building permit shall be required as specified in Chapter 80, Building Construction, of the Township Code.
3. Use and occupancy permits.
   1. A use and occupancy permit for a nonresidential use shall be required prior to occupancy of a new building, change of occupant or the change in use of a building or land; and prior to the change or extension of a nonconforming use.
   2. A use and occupancy permit for a residential use shall be required prior to occupancy of a new building and prior to the change or extension of a nonconforming use.

### § 208-135. Application for permits.

All applications for permits shall be made in writing on forms furnished by the Township and shall include all other plans, documents and information as may be necessary to enable the Zoning Officer to ascertain compliance with this chapter and all other pertinent ordinances.

### § 208-136. (Reserved)

**§ 208-137. Issuance of permits.**

1. Zoning permits. No zoning permit shall be issued until the Zoning Office has certified that the proposed building, structure or addition complies with the provisions of this chapter.
2. Building permits. No building permit shall be issued until the Zoning Officer has certified that the proposed building, structure or alteration complies with the provisions of this chapter and all other applicable ordinances.
3. Use and occupancy permits. No use and occupancy permit shall be issued until the Zoning Officer has certified that the proposed use and the proposed building, structure or alteration complies with the provisions of this chapter and all other applicable ordinances.

### § 208-138. Permit requirements for absorptive sound barriers. [Added 8-14-2006 by Ord. No. HR-355]

It shall be unlawful for any person to commence work, without a permit as required in this section, constructing, expanding, developing, or allowing the use of any property which will increase the sound level in a residential area if the activity involved is not exempt in accordance with § 208-102.1A.

1. A zoning permit shall be required prior to any person constructing, expanding, developing, or allowing the use of any property which increases the sound level in a residential area if the activity involved is not exempt in accordance with § 208-102.1A. The application for permit shall include plans and reports establishing compliance with the provisions of § 208-102.1, in addition to the requirements of § 208-135.
2. A building permit shall be required for the construction of absorptive sound barriers.
3. If the proposed activity does not involve an increase in the sound level in excess of the limits established in § 208-102.1, the person undertaking such activity may file plans and reports establishing the prospective sound level which will result from such activity with a request for a waiver from the requirement that absorptive sound barriers be constructed as part of the project. If the Zoning Officer concludes that such waiver should be granted, no building permit for absorptive sound barriers shall be required.

### § 208-139. Fees.

Fees required in the administration of this chapter shall be paid in accordance with the provisions of the Building Code of Tredyffrin Township or such other ordinance or fee resolution as shall be adopted by the Board of Supervisors and shall be paid to the Township. Each applicant for a permit, appeal, special exception, variance or amendment shall, at the time of making application, pay a fee for the cost of administration or of advertising, mailing notices and transcribing testimony.

### § 208-140. (Reserved)

ARTICLE XXVII

**Zoning Hearing Board**

**[Amended 4-2-1990 by Ord. No. HR-145; 1-7-1991 by Ord. No. HR-159; 10-7-1991 by Ord. No. HR-182; 9-14-1998 by Ord. No. HR-277; 10-19-1998 by Ord. No. HR-278; 5-1-2006 by Ord. No.**

**HR-351]**

**§ 208-141. Creation of the Zoning Hearing Board.**

The Zoning Hearing Board is hereby created in accordance with the provisions of Article IX of the Pennsylvania Municipalities Planning Code (MPC), Act 247, as amended.**220**

### § 208-142. Membership of the Zoning Hearing Board.

The membership of the Zoning Hearing Board shall consist of three residents of the Township who shall be appointed and serve as provided by law, and at least one but not more than three residents of the Township to serve as alternate members of the Zoning Hearing Board. An alternate member shall be entitled to participate in all proceedings and discussions of the Board as provided by law in § 208-144. Members and alternate members of the Zoning Hearing Board shall hold no other office in the Township. Removal of Zoning Hearing Board members shall be governed by the provisions of the laws of the commonwealth.

### § 208-143. Zoning Hearing Board functions and power.

The Zoning Hearing Board shall have the functions and powers prescribed by law. In accordance with the provisions of Article IX of the MPC, the Zoning Hearing Board:

1. Shall hear and decide appeals where it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of this chapter or the Zoning Map or any valid rule or regulation governing the action of the Zoning Officer.
2. Shall hear requests for variances where it is alleged that the provisions of this chapter inflict unnecessary hardship upon the applicant, subject to the standards prescribed by law and contained in

#### § 208-150B.

1. Shall hear and decide requests for special exceptions where this chapter states that a special exception may be granted or denied by the Zoning Hearing Board in accordance with express standards and criteria contained in this chapter.
2. May hear all challenges to the validity of this chapter or to the Zoning Map involving issues of fact and of interpretation which properly come before the Zoning Hearing Board in accordance with law and shall take evidence and make a record thereof as prescribed by the MPC.
3. Shall comply with the provisions and standards of § 208-150 in granting any variance or special exception.

### § 208-144. Organization of the Zoning Hearing Board.

1. 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 three members of the Zoning Hearing Board, but the Zoning Hearing Board may appoint a Hearing Officer from its own membership to conduct any hearing on its behalf
2. **Editor's Note: See 53 P.S. § 10101 et seq.**

and the parties may waive further action by the Zoning Hearing Board as provided in § 908 of the MPC.

1. The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure, consistent with this chapter and laws of the commonwealth. The Zoning Hearing 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.

### § 208-145. Appeals to the Zoning Hearing Board.

1. Appeals from determinations of the Zoning Officer and proceedings to challenge this chapter may be filed with the Zoning Hearing Board by any officer or agency of the Township or by any person aggrieved. Requests for a variance and special exception may be filed with the Zoning Hearing Board by any landowner or any tenant with the permission of such landowner. An appeal to the Zoning Hearing Board shall be taken within a reasonable time as provided by the Zoning Hearing Board's rules of procedure by filing a notice both with the Zoning Hearing Board and the Zoning Officer, and the Zoning Officer shall forthwith transmit to the Zoning Hearing Board all the papers constituting the record upon which the action appealed from was taken. The raising of issues and the filing of certain proceedings before the Zoning Hearing Board also shall be subject to the time limitations contained in § 914.1 of the MPC.
2. An appeal or request for a special exception or variance from the terms of this chapter shall be filed with the Zoning Officer and shall state:
   1. The name and address of the applicant.
   2. The name and address of the owner of the real estate to be affected by the proposed special exception or variance.
   3. A brief description and location of the real estate to be affected by such proposed change.
   4. A statement of the present zoning classification of the real estate in question, the improvements thereon and the present use thereof.
   5. A statement of the section of this chapter under which the variance or special exception requested may be allowed and the reasons why it should be granted.
   6. A reasonably accurate description of the present improvements and the additions intended to be made under this application, indicating the size of such proposed improvements, material and general construction thereof. In addition, at the discretion of the Zoning Hearing Board, there shall be attached a plot plan of the real estate to be affected, prepared by a registered engineer or land surveyor, indicating the location and size of the lot and size of the improvements now erected and proposed to be erected thereon.
3. Planning Commission review. Appeals to the Zoning Hearing Board that will involve the subdivision of land or land development pursuant to Chapter 181, Subdivision and Land Development, shall be forwarded to the Planning Commission prior to a public hearing for review. The Planning Commission shall review the application and related documents as a sketch plan and provide comments to the Zoning Hearing Board. Failure by the Planning Commission to review an application or provide comments shall not invalidate action taken by the Zoning Hearing Board. **[Added 12-7-2015 by Ord. No. HR-412]**

### § 208-146. Public hearings.

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the requirements of the MPC and any pertinent provisions of this chapter or the rules of the Zoning Hearing Board. Upon the filing with the Zoning Hearing Board of an appeal or a request for a special exception or variance from the terms of this chapter, the Zoning Hearing Board shall fix a time and place for a public hearing thereon and shall give notice thereof in accordance with the provisions of § 208-147. The Chairman or Acting Chairman of the Zoning Hearing Board or the Hearing Officer presiding shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers. The Zoning Hearing 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 45 days subject to the additional requirements of the MPC. Where the Zoning Hearing Board has the power to render a decision and the Zoning Hearing Board or the Hearing Officer, as the case may be, fails to render the same within 45 days, the decision shall be deemed to have been rendered in favor of the applicant. The parties to the hearing shall be any person who is entitled to notice in § 208-147 without special request therefor who has made timely appearance of record before the Zoning Hearing Board and any other person permitted to appear by the Zoning Hearing Board. Records of the proceedings shall be kept and copies and notices of Zoning Hearing Board decisions shall be provided as required by the MPC.

### § 208-147. Notice of public hearings.

In any case where the Zoning Hearing Board shall hold a public hearing, it shall give notice as follows, which notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing:

1. By publishing a notice thereof, not more than 30 days and not less than seven days in advance of such hearing, once each week for two successive weeks, in a newspaper of general circulation in the Township.
2. By mailing due notice thereof to the applicant and other parties in interest.
3. By mailing notice thereof to the Township Manager and to the Township Supervisor representing the Election District in which the lot or building is located, the Zoning Officer and the Township and County Planning Commission.
4. By mailing a notice thereof to every resident or association of residents of the Township who shall have registered their names and addresses for this purpose with the Zoning Hearing Board for the current year.
5. When the Zoning Hearing Board shall so order, by mailing notice thereof to the owner if his residence is known or to the occupier of every lot on the same street within 500 feet of the lot or building in question and of every lot not on the same street within 150 feet of said lot or building. Failure to give the notice required by this subsection shall not invalidate any action taken by the Board.

### § 208-148. Expiration of special exceptions and variances.

Unless otherwise specified by the Zoning Hearing Board, a special exception or variance shall expire if the applicant fails to obtain a building or occupancy permit within 12 months from the date of the decision of the Zoning Hearing Board.

### § 208-149. Zoning appeals to court.

Zoning appeals from decisions of the Zoning Hearing Board and appeals upon reports of the Zoning Hearing Board in proceedings to challenge the validity of the Zoning Chapter and Map may be taken by any party before the Zoning Hearing Board or any officer or agency of the Township to the Court of Common Pleas of Chester County in accordance with the provisions of Article IX of the MPC. All such zoning appeals shall be filed not later than 30 days after issuance of the notice of decision or report of the Zoning Hearing Board.

### § 208-150. Standards for review of proposed special exception or variance.

1. In any instance where the Zoning Hearing Board is required to consider a request for a special exception or variance in accordance with the provisions of this chapter, the Zoning Hearing Board shall, to the full extent permitted by law, consider the following factors where appropriate:
   1. Give full consideration to the size, scope, intent and character of the special exception or variance desired and assure itself that such request is consistent with the spirit, purpose and intent of this chapter.
   2. Consider the suitability of the property for the use desired and the extent to which the new or expanded use is susceptible to regulation by appropriate conditions and safeguards.
   3. Consider the public interest in or the need for the proposed change and determine that the proposal will serve the best interests of the Township, the convenience of the community (where applicable) and the public health, safety, morals and general welfare.
   4. Consider, where pertinent, the effects of the proposed change with respect to the most appropriate use of land; conserving the value of buildings; safety from fire, panic and other dangers; adequacy of light and air; the overcrowding of land; congestion of population; and the adequacy of public and community services.
   5. Take into consideration the character and type of development in the area surrounding the location for which the request is made and determine that the proposed change or modification, as permitted, will constitute an appropriate use in the area and will not substantially injure or detract from the use of surrounding property or from the character of the neighborhood.
   6. Guide the development of highway frontage insofar as possible so as to limit the total number of access points, reduce the need for on-street parking and encourage the frontage of buildings on parallel marginal roads perpendicular to the highway.
   7. Consider the probable effects of proposed development on highway congestion and ensure the adequate highway access arrangements are provided in order to protect major highways from undue congestion and hazard. Each applicant for special exception or variance shall establish the effect of the proposed development on the reserve capacity of the public roads and road intersections providing access to and in the area of the subject property. No special exception nor variance shall be granted if an effect thereof will be to materially increase traffic congestion on said roads or at said road intersections.
   8. If the special exception or variance is sought in an area which has been designated as a unified development area in the Comprehensive Plan of the Township, consider whether the proposed development is substantially consistent with the criteria and objectives of said Comprehensive Plan and with the specific plan of development presented to the Board of Supervisors when any

zoning change affecting the area in question was granted.

* 1. If a variance is sought in a Flood Hazard District Area, the Zoning Hearing Board shall follow the standards of review in § 208-15C.
  2. If a special exception or variance is sought to permit the installation of a communications tower and/or antenna, the Zoning Hearing Board shall follow the standards of review in § 208-115; provided, that if the special exception or variance is sought to permit the installation of an amateur radio antenna and/or an amateur radio antenna support structure, the Zoning Hearing Board shall follow the standards of review in § 208-115.1. **[Amended 2-21-2017 by Ord. No. HR-414]**
  3. In the Trout Creek Stormwater Overlay District (TCS), and as part of a conditional use application, the applicant shall identify the specific public stormwater improvements being proposed. Plans and/or documentation shall be submitted in sufficient detail to: **[Added 10-1-2012 by Ord. No. HR-396]**
     1. Present the proposed general layout for the tract, including the project-specific and public stormwater improvements, buildings, streets, landscaping or screening, vehicular and pedestrian circulation, and parking and explain the proposed land use(s), with a table listing the amount of total nonresidential square footage and/or the total number of dwelling units, and a separate table listing the incentives utilized from this article and the respective improvements required for the incentives;
     2. Demonstrate how the public stormwater improvements are consistent with the recommendations contained in the 2010 Trout Creek Watershed Study and Stormwater Best Management Practice Analysis, as amended, referenced in § 208-160;
     3. Demonstrate how the public stormwater improvements are consistent with the purpose and meet the standards of this article, and Chapter 174, Stormwater Management;
     4. Demonstrate the applicant's ability to achieve the proposed public stormwater improvements;
     5. Present a long-term operations and maintenance plan that includes ownership, maintenance and funding responsibilities of all applicable parties for the public stormwater improvements and that is consistent with the requirements of Chapter 174, Stormwater Management;
     6. Confirm that all necessary repairs and maintenance to the public stormwater improvements are conducted within a ninety-day time frame measured from the date of written notice from the Township, or as deemed appropriate by the Township Engineer;
     7. Commit to conduct annual inspection and maintenance of the public stormwater improvements and submit an annual certification by a professional engineer whose area of expertise is stormwater management, water resources, or hydraulics and hydrology, that they continue to perform as per the approved plans to the Township;
     8. Demonstrate, where applicable, how continuous flow measurement data (rainfall, stream depth and flow) will be collected for a period sufficient to demonstrate compliance with the stormwater management provisions of this chapter; and
     9. Provide other information and supporting documentation necessary to reasonably inform

the Board of Supervisors and public as to how the improvements serve the best interests of the Township and provide any other information requested by the Board of Supervisors.

1. In the case of a variance, in addition to any applicable standards of this section above, the more specific requirements or criteria contained in Article IX of the MPC shall apply. The Zoning Hearing Board may grant a variance, provided that the following findings are made where relevant in a given case:
   1. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship required by law is due to such conditions and not the circumstances or conditions generally created by the provisions of this chapter in the neighborhood or district in which the property is located.
   2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
   3. That such unnecessary hardship has not been created by the appellant.
   4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
   5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
2. In granting any variance or special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this chapter, as it may deem necessary to implement the purposes of the Township Subdivision and Land Development Ordinance**221** and this chapter, which conditions and safeguards may relate to, but not be limited to: aesthetics, screening, lighting, noise, safety and the minimizing of noxious, offensive or hazardous elements. Each special exception shall be clearly authorized by a provision of this chapter and shall comply with any more specific standards relating to such exception contained in this chapter.
3. In the case of a request for a special exception or variance, it shall be the responsibility of the applicant to present such evidence as is necessary to demonstrate that the proposed use or modification complies with the pertinent criteria or standards set forth in this section.

### § 208-151. (Reserved)

1. **Editor's Note: See Ch. 181, Subdivision and Land Development.**

ARTICLE XXVIII

**Amendments**

**[Amended 12-13-1991 by Ord. No. HR-189; 10-19-1998 by Ord. No. HR-278; 5-1-2006 by Ord. No.**

**HR-252]**

**§ 208-152. Power of amendment.**

The Board of Supervisors may, from time to time, supplement, change, modify or repeal this chapter, including the Zoning Map, by amending the chapter in accordance with the provisions of Article VI of the Pennsylvania Municipalities Planning Code**222** and this article.

### § 208-153. General procedural requirements.

1. In conjunction with an application to amend the zoning classification of a property, a sketch plan must be submitted pursuant to § 181-35 of the Township Subdivision and Land Development Ordinance.
2. The Board of Supervisors shall submit each proposed zoning amendment, other than one prepared by the Township Planning Commission, to the Planning Commission at least 30 days prior to any hearing which is to be held on the proposed amendment to provide the Planning Commission with an opportunity to submit its recommendations prior to final action. In reviewing a proposed zoning amendment, the Planning Commission shall consider whether or not such proposed change or amendment would be, in the view of the Commission, consistent with and desirable in furtherance of the Comprehensive Plan upon which this chapter is based, as the same may be modified from time to time. The Commission shall transmit its conclusion thereon, together with its reasons, to the Board of Supervisors. The Board of Supervisors shall take such conclusion and reasons into consideration in reaching its decision, but shall not be bound thereby.
3. At least 30 days prior to the Board of Supervisors' public hearing on the amendment, the proposed amendment shall be submitted to the Chester County Planning Commission for review and recommendations.
4. Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing on the proposed amendment. The Board of Supervisors, by resolution adopted at a stated meeting, shall fix the time and place of the public hearing and cause notice thereof to be given in accordance with the provisions of § 208-154.
5. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially or further revised to include land previously not affected by it, the Board of Supervisors shall hold another public hearing as required by law pursuant to public notice before proceeding to vote on the amendment.

### § 208-154. Notice of public hearing.

Notice of any hearing to be held by the Board of Supervisors on a proposed amendment shall be given as follows:

1. By publishing a notice thereof, not more than 30 days and not less than seven days in advance of such hearing, once each week for two successive weeks in a newspaper of general circulation in the
2. **Editor's Note: See 53 P.S. § 10101 et seq.**

Township.

1. By mailing a notice thereof to every resident or association of residents of the Township who shall have registered their names and addresses for this purpose with Zoning Hearing Board for the current year.
2. Where the proposed amendment involves a Zoning Map change, notice of the public hearing shall be mailed at least 30 days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records.
3. The notices shall state the time and place of the hearing and the particular nature of the proposed amendment. Full opportunity to be heard will be given to any citizen and all parties in interest attending such hearing.
4. Proposed zoning amendments shall not be enacted unless notice of proposed enactment is given in the manner required in Subsections A through D above and shall include the time and place of the meeting at which passage will be considered and a reference to a place within the municipality where copies of the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Board of Supervisors shall publish the proposed ordinance or amendment once in one newspaper of general circulation in the municipality not more than 60 days nor less than seven days prior to passage. Publication of the proposed ordinance or amendment shall include either the full text thereof or the title and a brief summary setting forth all the provisions in reasonable detail. If the full text is not included:
   1. A copy thereof shall be supplied to a newspaper of general circulation at the time the public notice is published; and
   2. An attested copy of the proposed ordinance shall be filed in the Chester County Law Library or other county office designated by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances.
5. In the event substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment, the governing body shall, at least 10 days prior to enactment, readvertise, in one newspaper of general circulation in the municipality, a brief summary setting forth all the provisions in reasonable detail, together with a summary of the amendments.

### § 208-155. Amendments: unified development area.

1. Purpose. The unified development area (UDA) regulations are designed to implement the Comprehensive Plan recommendations for tracts such as Chesterbrook. The UDA, referenced in the Comprehensive Plan, is intended to be a master planned community in which special consideration shall be given to existing uses, highways, vehicular and pedestrian circulation, pedestrian amenities and compatible architecture and landscaping.
2. Development plan required. Applications for an amendment or amendments within any area designated in the Comprehensive Plan of Tredyffrin Township as a unified development area shall be accompanied by development plans for the affected tract or tracts. The plans shall be drawn to a scale of not less than one inch equals 100 feet and shall contain information sufficient to guide future development of the tract or tracts, including criteria relating to:
   1. The location and use of land areas by zoning classification;
   2. The location, use and disposition to be made of open space and other common areas and facilities;
   3. The provisions to be made for primary vehicular circulation systems; and
   4. The general provisions to be made for sewage and waste disposal, water supply, stormwater drainage and similar facilities, soil erosion and sedimentation control and other infrastructure.
3. Action on development plan. The development plans shall be submitted to the Planning Commission of the Township for its recommendation, which shall be made in writing to the Board of Supervisors within 30 days of submission. Thereafter, the Board of Supervisors shall specifically determine if the application for amendment or amendments is in accordance with the spirit and intent of the Comprehensive Plan relating to unified development areas.
4. Plan consistency. The development plans shall be approved only if they are consistent with the intent and purpose of the unified development area as set forth in the Comprehensive Plan, and only if they provide for the following:
   1. Consideration for the ecology of the tract or tracts with particular reference to preservation of streams and lakes, protection against soil erosion and water contamination and provision for flood control.
   2. Reservation for open space of at least 25% of the tract or tracts. This percentage includes only specifically designated open space areas. The term "open space," as used in this chapter, shall refer to land to be held and maintained in private ownership or dedicated to the public which shall not be used or developed except for recreational, scenic or conservation purposes.
   3. A variety of types of compatible residential and nonresidential uses.
   4. Location of land uses in the plans which takes account of the following:
      1. Suitability with respect to topography and drainage.
      2. Probable impact on municipal services, utilities and facilities.
      3. Compatibility with surrounding land use.
      4. Relationship of location to existing or probable sources of danger or nuisance.
      5. Preservation of environmentally sensitive areas.
   5. Facilities and road design to insure safety and protect against congestion from vehicular traffic resulting from the proposed land development plan.
   6. A program for the ownership of the proposed open space, which will secure proper maintenance and preservation thereof for open space purposes, which program may include but shall not be limited to one or more of the following alternatives:
      1. The creation of an organization comprised of property owners within the unified development area. Such organization shall not be dissolved nor shall it dispose of any common open space which it may own, by sale or otherwise, without first offering to dedicate same to the Township. In assessing whether the organization described in the plan is adequate, the governing body shall consider the type and structure of the organization from the perspective of its capacity for raising revenue, meeting its obligations and

properly maintaining facilities.

* + 1. Continuing ownership by the original developer, his successors or assigns of improved recreational area, which improvements may include such uses as tennis club, golf course and swim club.
  1. Preservation of historic sites and structures.
  2. A variety of recreational facilities.

1. Adoption of amendments; effect of plan approval. In the event the land development plans are approved by the Board of Supervisors, they may adopt an amendment or amendments, in accordance with the procedural provisions of the Pennsylvania Municipalities Planning Code, Act 247, as amended,**223** to the Zoning Map of the Township to rezone the tract or tracts to such existing use districts as will permit the implementation of the plans. If such amendment or amendments are adopted, the landowner and/or developer shall be bound to comply in all material respects with the approved plans submitted, as well as with the limitations contained in the standard use districts. The developer, in turn, shall have a vested right to proceed according to the plans and zoning amendment or amendments for a period of 15 years, provided that application for building permits to begin development is made within two years of enactment of zoning to allow for implementation of the plans, and provided that the developer does not abandon the plans at any time by failing to take action thereunder for a continuous period of two years.
2. The provisions of this section shall apply to all pending applications for approval of development plans for any unified development area, including applications in form limited to requests for extensive changes to the Zoning Map. If the provisions hereof have been met by an applicant or developer and the appropriate Township authorities, he, she, it or they need not repeat procedures already performed.
3. **Editor's Note: See 53 P.S. § 10101 et seq.**

ARTICLE XXIX

**Violations, Penalties and Remedies**

**[Amended 8-15-1983 by Ord. No. HR-76; 10-19-1998 by Ord. No. HR-278; 5-1-2006 by Ord. No.**

**HR-252]**

**§ 208-156. Violations.**

Failure to secure a permit, when required, previous to the erection, construction, extension or alteration and addition to a building or failure to secure a use and occupancy permit shall be a violation of this chapter.

### § 208-157. Notice of violation.

When written notice of a violation of any of the provisions of this chapter has been served by the Zoning Officer on the owner, agent or occupant, contractor or builder, such violation shall be discontinued immediately.

### § 208-158. Violations and penalties.

1. 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 therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than $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 the chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the Township.
2. 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.
3. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the municipality the right to commence any action for enforcement pursuant to this section.

### § 208-159. Remedies.

If any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used or any hedge, tree, shrub or other growth is maintained in violation of this chapter or any regulations made pursuant hereto, in addition to other remedies provided by law, any appropriate action or proceeding, whether by legal process or otherwise, may be instituted or taken to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use or to restrain, correct or abate or prevent any illegal act, conduct, business or use in or about such premises.

ARTICLE XXX

### Trout Creek Stormwater Overlay District [Added 10-1-2012 by Ord. No. HR-396]

**§ 208-160. Purpose.**

The Trout Creek Stormwater Overlay District (TCS) is intended to provide for public stormwater improvements, in addition to the stormwater requirements of Chapter 174, the Stormwater Management Ordinance, in the Trout Creek watershed in a manner consistent with the 2010 Trout Creek Watershed Study and Stormwater Best Management Practice Analysis, as amended, and consistent with the 2009 Tredyffrin Township Comprehensive Plan, as amended. Such improvements may be stormwater management facilities, stream restoration or watershed improvements, or other related improvements deemed to be of public benefit to the community by the Board of Supervisors. The TCS is also intended to ensure that public stormwater improvements provide a clear defined reduction in the frequency and extent of downstream flooding and accelerated erosion, immediately downstream from a development site, and demonstrate improvement to impaired water bodies in the Township as defined by the Commonwealth of Pennsylvania in its current integrated list. Flexibility in granting waivers from Chapter 181, Subdivision and Land Development, to reduce impervious coverage and improve stormwater management will be encouraged.

### § 208-161. Overlay District concept.

The following provisions shall apply to the TCS:

1. The provisions of §§ 208-162 and 208-163 in the TCS District are applicable only to parcels with an elevation no higher than 400 feet from sea level to ensure that public stormwater improvements would be effective within the Trout Creek Watershed, as delineated in Appendix A,**224** that:
   1. Provide the following minimum acreage:
      1. Nonresidential parcels have a minimum lot area of five acres;
      2. Residential parcels have a minimum lot area of 15 acres:
   2. Provide access only to collector or arterial roads, as identified in the Tredyffrin Township Comprehensive Plan of 2009, Table 2.7.1, Roadway Functional Classification, as amended, excluding emergency access.
   3. Provide public stormwater improvements that:
      1. Recharge, evapotranspirate, and/or provide on-site capture and reuse of the total volume of stormwater generated by the proposed development during the two-year/twenty-four- hour storm;
      2. Exceed the baseline peak rate control requirements in § 174-23, Table 23.1, Stormwater Peak Rate Control and Management Standards, by at least 25% for all design storms (calculated before the application of any of the exemptions set forth in Chapter 174) from the proposed development condition; and
      3. For development sites specifically identified in the 2010 Trout Creek Stormwater Study,
2. **Editor’s Note: Appendix A is on file in the Township offices.**

demonstrate compliance with the proposed rate and quantity reductions identified in the final report.

1. For sites that were developed prior to adoption of this article and do not meet current stormwater requirements, impervious coverage may be increased 10% above the by-right limit of the underlying zoning district or the site's level of impervious coverage as of January 1, 2012, provided at least 25% of the site's existing impervious coverage is brought into compliance with the current stormwater requirements of Chapter 174, Stormwater Management. All additional proposed impervious coverage, such as but not limited to, parking lot expansion, building additions, etc., also must comply with the requirements of Chapter 174. If the site does not also comply with § 208-161A, then the provisions of §§ 208-162 and 208-163 do not apply.
2. The TCS may be utilized as an overlay in all zoning districts, subject to meeting the requirements of this article.
3. In the case of conflict between the provisions of requirements of this article and any other provision of Chapter 208, Zoning, the provisions of this article shall prevail.
4. The rate and volume control requirements of this article for public stormwater improvements must be met on a project-wide or tract-wide basis, as part of the conditional use application.
5. All stormwater management facilities, specifically including all public stormwater improvements, must be inspected according to the requirements of Chapter 174, Stormwater Management, and the plan approved pursuant to § 208-150A(11)(e) regarding maintenance responsibilities. Reports shall be submitted to the Township Engineer by January 30 of each year documenting all routine and nonroutine inspections, maintenance and repairs made to the public stormwater improvements for the previous calendar year and will be available for public review.
6. Porous pavement, green roofs, and capture and reuse systems shall be allowed for the purpose of achieving the volume control requirements of § 208-161A.
7. Where conditions warrant on development sites with streams, post-construction monitoring may be required by the Township Engineer to demonstrate compliance with the stormwater management provisions of this article.

### § 208-162. Use regulations.

For sites that comply with § 208-161A, the following uses are permitted when authorized as a conditional use pursuant to § 208-117, provided that the applicant demonstrates to the reasonable satisfaction of the Board of Supervisors, following a review and submission of a recommendation or comments by the Planning Commission to the Board of Supervisors for its consideration, that the authorization will provide public stormwater improvements as required in this article.

1. For portions of the tract where the underlying zoning district is nonresidential:
   1. Any use permitted in the underlying district.
   2. Accessory restaurant uses within a permitted office building or medical office building, provided the uses are clearly incidental and subordinate to the primary office use and do not exceed 10% of the gross floor area of the building or 10,000 square feet, whichever is less. If outdoor consumption of food is proposed, it shall meet all of the following requirements:
      1. Outdoor seating must be contiguous to the establishment preparing the food being served

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and shall not extend beyond the limits of the frontage.

* + 1. If any outdoor seating extends into any public right-of-way, an unobstructed walkway at least six feet wide shall be maintained for pedestrian circulation.
  1. For parcels that abut expressways, as identified in the Tredyffrin Township Comprehensive Plan of 2009, Table 2.7.1, Roadway Functional Classification, as amended, or for parcels that abut one-way expressway access roads as defined in § 208-164B, hotels, including such accessory uses as recreation facilities for use only by registered hotel guests, restaurants, lounges, meeting rooms and other common areas;
  2. Structured parking facilities designed to serve the uses on the site. Such parking facilities need not meet the requirements of § 208-103C(1), (2) and (3).

1. For portions of the tract where the underlying zoning district is residential:
   1. Any use permitted in the underlying zoning district.
   2. Age-targeted housing in the form of single-family detached, single-family semidetached (twins) and single-family attached (townhouses).
2. For any portion of the tract:
   1. public stormwater improvements required by this section.
   2. Accessory uses as permitted in § 208-12G, subject to the requirements thereof, provided that in the TCS, such use may include storage within a completely enclosed building in conjunction with a permitted use.
   3. Signs when erected and maintained in accordance with the provisions of Article XXV and the signage requirements of the underlying zoning district.

### § 208-163. Tract, area, bulk, height and buffer requirements.

For sites that comply with § 208-161A, every building or use shall comply with the following requirements, in addition to the requirements of § 208-117 for conditional use approval. In the case of a group or combination of buildings erected on a lot or lots in accordance with a unified plan, the group as a unit shall comply.

1. Tract setback requirements.
   1. Nonresidential buildings and structures must be set back from any property line a distance of at least 50 feet or a distance at least equal to the height of the building, whichever is greater.
   2. Residential buildings must be set back at least 50 feet from any property line.
2. Building and impervious coverage.
   1. The coverage ratios of the underlying zoning district shall apply. However, when a contiguous property covers more than one nonresidential underlying zoning district, the applicant may determine permitted impervious and building coverage on a tract-wide basis by combining the allowable building and impervious coverage ratios of the underlying nonresidential zoning districts.
   2. For the purpose of calculating allowable building and impervious coverage, areas with public

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stormwater improvements may be included in lot area.

* 1. For single-family attached dwellings, 200 square feet of additional impervious coverage per dwelling unit for residential decks, patios or other outside paving shall be planned for and accommodated in the initial stormwater management system and may be added after the initial occupancy of the home.

1. Nonresidential zoning districts.
   1. Height.
      1. The by-right height permitted in the underlying zoning district may be increased by one story (not to exceed 14 feet).
      2. The height of any parking structure shall not exceed 75% of the height of the tallest principal building on the subject property.
   2. Buffer. Along each existing property line which directly abuts a residential district or use, a buffer area of not less than 20 feet in width shall be provided, subject to the provisions of

§ 208-102B. The buffer area may be within any required yard or setback.

1. Residential zoning districts.
   1. Density. Density may be increased up to 2.3 times the rate permitted in the underlying zoning district. The rate permitted in the underlying zoning district shall be demonstrated through the submission of a by-right plan that complies with the requirements of that underlying zoning district.
   2. Building size and placement. No unit shall be less than 24 feet in width. A minimum building separation distance of at least 10 feet for single-family semidetached dwelling units (twins) and at least 20 feet for all other buildings shall be provided. No more than six units may be attached in any single building.
   3. Height. The height of any residential building or structure shall not exceed 35 feet, except that the height of any single-family attached building or structure shall not exceed 45 feet if the units are set back at least 75 feet from any existing property line shared by a residential district or use.
   4. Buffer. Along each tract property line adjacent to an existing residential use or district, a buffer area of not less than 20 feet in width shall be provided, subject to the provisions of § 208-102B. The Board of Supervisors may reduce this requirement if it is determined that a buffer of less than 20 feet in width will provide adequate protection to an abutting property or district, or if the public stormwater improvement is located within the buffer area.
2. Special development regulations. Notwithstanding the provisions of § 181-3 (Interpretation) of Chapter 181, Subdivision and Land Development, due to the public stormwater improvements required in this overlay district, the requirements of § 181-51 (Recreational facilities and open space land) of Chapter 181, Subdivision and Land Development, shall not apply.
3. Parking. The parking regulations of § 208-103 shall apply, with the following exceptions.
   1. Office.
      1. There shall be at least one parking space for each 250 square feet of gross floor area or fraction thereof.

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* + 1. Shared parking is permitted subject to the following requirements:

1. Provide a parking demand analysis for each use that exceeds 2,400 square feet of gross floor area for approval by the Township Engineer that demonstrates adequate parking will be provided for the uses on site during peak hours. The analysis should generally be consistent with the published recommendations of the Institute of Traffic Engineers (ITE). Data collected from similar or comparable uses to the proposed use also may be submitted for review. For any change of use involving shared parking, a new parking demand analysis shall be submitted as determined necessary by the Zoning Officer.
2. Demonstrate that the shared parking shall be located no further than 500 feet from the entrance to the buildings and uses they are intended to serve.
3. Provide a written, legally binding agreement among the owners of record, their tenants and those with which parking facilities are shared for review and approval by the Township.
   1. The required parking spaces shall be a minimum of nine feet wide and a minimum of 18 feet in length. On-street parallel parking spaces shall be a minimum of seven feet wide and a minimum of 22 feet in length.
   2. Off-street surface parking for nonresidential uses may be located in any required yard, except that such parking areas shall not be located closer than 50 feet to any street line for office uses. The area between such parking areas and street lines may be used for sidewalks and landscaping, as required by Chapter 181, Subdivision and Land Development.

### § 208-164. Zoning bonuses.

Sites that comply with § 208-161A may be eligible for the following incentives, in addition to the incentives in §§ 208-162 and 208-163 above. To be eligible, the public stormwater improvements must meet the requirements of § 208-161A(3), and exceed the baseline peak rate control requirements in Chapter 174, Stormwater Management, by 50% for all design storms (calculated before the application of any of the exemptions set forth in Chapter 174), in addition to the requirements of § 208-117 for conditional use approval. In the case of a group or combination of buildings erected on a lot or lots in accordance with a unified plan, the group as a unit shall comply.

1. Residential uses. Density may be increased up to 4.5 times the rate permitted in the underlying zoning district, provided the public stormwater improvements meet the requirements of § 208-161A(3), and exceed the baseline peak rate control requirements in Chapter 174, Stormwater Management, by 50% for all design storms. The rate permitted in the underlying zoning district shall be demonstrated through the submission of a by-right plan that complies with the requirements of that underlying zoning district.
2. Height for nonresidential buildings. For parcels that abut expressways, as identified in the Tredyffrin Township Comprehensive Plan of 2009, Table 2.7.1, Roadway Functional Classification, as amended, or for parcels that abut one-way expressway access roads, the by-right building height may be increased by two stories (not to exceed 28 feet for the two stories). For purposes of this Subsection B, the term "expressway access road" shall be defined as any one-way road with direct access to or from an on-ramp or an off-ramp for an expressway. Properties will be deemed to abut an expressway if the property abuts the expressway or would abut the expressway but for the intervention of a public right-of-way including, without limitation, a walking trail or an abandoned railway.

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1. Building and impervious coverage.
   1. Impervious coverage may be increased up to the limits provided in Subsection C(1)(a) or (b) below, provided at least two times the amount of additional impervious cover sought is converted to porous paving that complies with current stormwater management requirements. A secondary, conventional inlet/piping system or other drainage element will be required to ensure transmission of surface water into the underground storage and infiltration bed. An operations and maintenance plan for long-term maintenance of the porous paving system also will be required to be submitted and approved by the Township Engineer, and recorded along with the stormwater management plan at the Chester County Recorder of Deeds.
      1. For nonresidential uses, impervious coverage may be increased up to 10% above the by- right limit if the conditions in § 208-164C(1) are met.
      2. For residential uses, impervious coverage may be increased up to 5% above the by-right limit if the conditions in § 208-164C(1) are met.
   2. If a green roof is included on any building, a credit of 50% of the area of the green roof will be applied to the calculation of impervious coverage; provided, however, that the foregoing credit shall have no effect on the calculation of impervious area pursuant to meeting the requirements of Chapter 174 or the requirements for public stormwater improvements in this article.
   3. Building coverage requirements in the underlying district shall not apply.

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## Disposition List

§ 208-164 TREDYFFRIN CODE § DL-1

## Chapter DL DISPOSITION LIST

### The following is a chronological listing of legislation of the Township of Tredyffrin adopted since the publication of the Code, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).] Information regarding legislation which is not included in the Code nor on this list is available from the office of the Township Secretary. The last legislation reviewed for the original publication of the Code was Ord. No. HR-271, adopted 6-1-1998. A complete listing, including disposition, of all legislation reviewed in conjunction with the original publication of the Code is on file in the office of the Township Secretary.

**§ DL-1. Disposition of legislation.**

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| **Ordinance No.** | **Adoption Date** | **Subject** | **Disposition** |
| HR-272 | 7-23-1998 | Zoning Map amendment | NCM |
| HR-273 | 7-23-1998 | Zoning amendment | Ch. 208 |
| HR-275 | 8-17-1998 | Subdivision and land development amendment | Ch. 181 |
| HR-276 | 9-14-1998 | Vehicles and traffic amendment | Ch. 195 |
| HR-277 | 9-14-1998 | Zoning amendment | Ch. 208 |
| HR-278 | 10-19-1998 | Adoption of Code | Ch. 1, Art. I |
| HR-279 | 2-4-1999 | Tax rates amendment | NCM |
| HR-280 | 1-25-1999 | Nonuniformed Employees Money Purchase Pension Plan | Repealed 12-17-2012 |
| HR-281 | 1-25-1999 | Employee and Supervisor Section 457 Deferred Compensation Plan | Repealed by Ord. No. HR-411 |
| HR-282 | 2-25-1999 | Vehicles and traffic amendment | Ch. 195 |
| HR-283 | 4-5-1999 | Nonuniformed Employees Money Purchase Pension Plan amendment; Employee and Supervisor Section 457 Deferred Compensation Plan amendment | Repealed 12-17-2012; repealed by Ord. No. HR-411 |
| HR-284 | 5-17-1999 | Park and Recreation Board amendment | Ch. 35 |
| HR-285 | 11-1-1999 | Property acquisition | NCM |
| HR-286 | 2-28-2000 | Vehicles and traffic amendment | Ch. 195 |
| HR-287 | 6-5-2000 | Vehicles and traffic amendment | Ch. 195 |
| HR-288 | 7-10-2000 | Vehicles and traffic amendment | Ch. 195 |
| HR-289 | 9-18-2000 | Zoning amendment | Ch. 208 |

§ DL-1 DISPOSITION LIST § DL-1

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| **Ordinance No.** | **Adoption Date** | **Subject** | **Disposition** |
| HR-290 | 10-2-2000 | Air pollution amendment; alarm systems amendment; curbing of dogs amendment; carnivals and fairs amendment; sale of air guns amendment; discharge of firearms amendment; littering amendment; nuisances amendment; parks and playgrounds amendment; peace and good order amendment; peddling and soliciting amendment; minibikes amendment | Ch. 64; Ch. 68; Ch. 71,  Art. II; Ch. 92; Ch. 108, Art. I; Ch. 108, Art. II; Ch. 126; Ch. 131; Ch.  138; Ch. 141; Ch. 143; Ch. 197, Art. I |
| HR-291 | 10-16-2000 | Sewers and sewage disposal: wastewater treatment amendment | Ch. 163, Art. V |
| HR-292 | 11-6-2000 | Pensions: Pennsylvania Municipal Retirement System | Ch. 39, Art. II |
| HR-293 | 11-6-2000 | Vehicles and traffic amendment | Ch. 195 |
| HR-294 | 1-22-2001 | Vehicles and traffic amendment | Ch. 195 |
| HR-295 | 2-26-2001 | Street vacation | NCM |
| HR-296 | 2-26-2001 | Vehicles and traffic amendment | Ch. 195 |
| HR-297 | 2-26-2001 | Vehicles and traffic amendment | Ch. 195 |
| HR-298 | 3-19-2001 | Employee and Supervisor Section 457 Deferred Compensation Plan | Repealed by Ord. No. HR-411 |
| HR-299 | 7-16-2001 | Zoning amendment | Ch. 208 |
| HR-300 | 8-20-2001 | Parks and playgrounds amendment | Ch. 138 |
| HR-301 | 8-20-2001 | Vehicles and traffic amendment | Ch. 195 |
| HR-302 |  |  | NCM |
| HR-303 | 4-15-2002 | Acquisition of property | NCM |
| HR-304 | 5-6-2002 | Vehicles and traffic amendment | Ch. 195 |
| HR-305 | 8-19-2002 | Zoning amendment | Ch. 208 |
| HR-306 |  |  | NCM |
| HR-307 |  |  | NCM |
| HR-308 | 7-15-2002 | Sewers and sewage disposal: wastewater treatment amendment | Ch. 163, Art. V |
| HR-309 | 8-19-2002 | Vehicles and traffic amendment | Ch. 195 |
| HR-310 | 9-16-2002 | Sewers, utilities and sewage disposal amendment | Ch. 163 |

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| **Ordinance No.** | **Adoption Date** | **Subject** | **Disposition** |
| HR-311 | 12-16-2002 | Pensions: Nonuniformed Employees Money Purchase Pension Plan amendment; Employee and Supervisor Section 457 Deferred Compensation Plan amendment | Repealed 12-17-2012; repealed by Ord. No. HR-411 |
| HR-312 | 1-6-2003 | 2003 tax rate | NCM |
| HR-313 | 2-24-2003 | Delaware Valley Health Insurance Trust | Superseded by Ord. No. HR-409 |
| HR-314 | 3-3-2003 | Zoning Map amendment | NCM |
| HR-315 | 6-16-2003 | Subdivision and land amendment | Ch. 181 |
| HR-316 | 7-14-2003 | Vehicles and traffic amendment | Ch. 195 |
| HR-317 | 7-14-2003 | Peace and good order amendment | Ch. 141 |
| HR-318 | 8-18-2003 | Valley Forge Sewer Authority Drainage Area | Ch. 163, Art. IV |
| HR-319 |  |  | NCM |
| HR-320 | 10-28-2003 | Incur debt | NCM |
| HR-321 | 12-15-2003 | Zoning amendment | Ch. 208 |
| HR-322 |  | 2004 tax levy | NCM |
| HR-323 | 1-26-2004 | Environmental Advisory Council amendment | Ch. 16 |
| HR-324 | 3-1-2004 | Delaware Valley Insurance Trust | Ch. 23, Art. V |
| HR-325 | 3-1-2004 | Vehicles and traffic amendment | Ch. 195 |
| HR-326 | 4-5-2004 | Valley Forge Sewer Authority Drainage Area amendment | Ch. 163, Art. IV |
| HR-327 | 5-3-2004 | Building construction amendment; fire prevention repealer; plumbing repealer | Ch. 80; Ch. 111; Ch. 145 |
| HR-328 | 5-3-2004 | Registration of contractors | Ch. 96 |
| HR-329 | 8-16-2004 | Zoning amendment | Ch. 208 |
| HR-330 | 9-30-2004 | Bond ordinance | NCM |
| HR-331 | 10-18-2004 | Building construction amendment | Ch. 80 |
| HR-332 | 11-29-2004 | Street vacation | NCM |
| HR-333 | 11-29-2004 | Acquisition of right- of-way | NCM |
| HR-334 | 1-3-2005 | Taxation: Emergency and municipal services tax | Ch. 186, Art. I |
| HR-335 | 1-24-2005 | Emergency and municipal services tax amendment | Ch. 186, Art. II |

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| **Ordinance No.** | **Adoption Date** | **Subject** | **Disposition** |
| HR-336 | 3-21-2005 | Wastewater treatment amendment | Ch. 163, Art. V |
| HR-337 | 4-4-2005 | Zoning amendment | Ch. 208 |
| HR-338 | 4-4-2005 | Parks and playgrounds amendment | Ch. 138 |
| HR-339 | 4-18-2005 | Zoning Map amendment | NCM |
| HR-340 | 4-18-2005 | Zoning amendment | Ch. 208 |
| HR-341 | 5-16-2005 | Wastewater treatment amendment | Ch. 163, Art. V |
| HR-342 | 6-13-2005 | Zoning amendment | Ch. 208 |
| HR-343 | 7-18-2005 | Zoning amendment | Ch. 208 |
| HR-344 | 8-15-2005 | Vehicles and traffic amendment | Ch. 195 |
| HR-345 | 9-26-2005 | Zoning Map amendment | NCM |
| HR-346 | 9-26-2005 | Building construction amendment | Ch. 80 |
| HR-347 | 3-20-2006 | Emergency and municipal services tax amendment | Ch. 186, Art. I |
| HR-348 | 5-1-2006 | Zoning amendment | Ch. 208 |
| HR-349 | 5-1-2006 | Zoning Map amendment | NCM |
| HR-350 | 5-1-2006 | Zoning Map amendment | NCM |
| HR-351 | 5-1-2006 | Subdivision and land development amendment | Ch. 181 |
| HR-352 | 5-1-2006 | Zoning amendment | Ch. 208 |
| HR-353 | 5-22-2006 | Acquisition of land | NCM |
| HR-354 | 6-12-2006 | Incur debt | NCM |
| HR-355 | 8-14-2006 | Zoning amendment (noise control) | Ch. 208 |
| HR-356 | 10-2-2006 | Cable television: Verizon Cable franchise agreement | Ch. 88, Art. V |
| HR-357 | 10-16-2006 | Zoning amendment | Ch. 208 |
| HR-358 | 5-7-2007 | Zoning amendment | Ch. 208 |
| HR-359 | 8-20-2007 | Property maintenance | Ch. 149 |
| HR-360 | 9-10-2007 | Zoning amendment | Ch. 208 |
| HR-361 | 9-10-2007 | Subdivision and land development amendment | Ch. 181 |
| HR-362 | 9-10-2007 | Zoning Map amendment | NCM |
| HR-363 | 10-15-2007 | Taxation: local services tax amendment | Ch. 186, Art. I |
| HR-364 | 10-15-2007 | Storm sewers: prohibited discharges | Ch. 172, Art. I |
| HR-365 | 12-3-2007 | Alarm systems amendment | Ch. 68 |

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| **Ordinance No.** | **Adoption Date** | **Subject** | **Disposition** |
| HR-366 | 12-3-2007 | Vehicles and traffic amendment | Ch. 195 |
| HR-367 | 1-7-2008 | 2008 tax rate | NCM |
| HR-368 | 1-28-2008 | Nonuniformed Employees Money Purchase Pension Plan amendment | Repealed 12-17-2012 |
| HR-369 | 4-7-2008 | Sewers, utilities and sewage disposal: wastewater treatment amendment | Ch. 163, Art. V |
| HR-370 | 4-28-2008 | Zoning amendment | Ch. 208 |
| HR-371 | 4-28-2008 | Vehicles and traffic amendment | Ch. 195 |
| HR-372 | 5-19-2008 | Bond | NCM |
| HR-373 | 12-1-2008 | Zoning amendment | Ch. 208 |
| HR-374 | 1-5-2009 | 2009 tax rate | NCM |
| HR-375 | 4-6-2009 | Stormwater management; subdivision and land development amendment | Ch. 174; Ch. 181 |
| HR-376 | 4-20-2009 | Administration of government amendment | Ch. 4 |
| HR-377 | 6-15-2009 | Vehicles and traffic amendment | Ch. 195 |
| HR-378 | 6-15-2009 | Sewers, utilities and sewage disposal: Valley Forge Sewer Authority Drainage Area amendment | Ch. 163, Art. IV |
| HR-379 | 11-9-2009 | Bond | NCM |
| HR-380 | 12-21-2009 | Sewer utility rate | See § 163-7 |
| HR-381 | 12-21-2009 | Nonuniformed Employees Money Purchase Pension Plan amendment | Repealed 12-17-2012 |
| HR-382 | 6-4-2010 | Bond | NCM |
| HR-383 | 8-16-2010 | Property registration for student homes | Ch. 151 |
| HR-384 | 8-16-2010 | Zoning amendment | Ch. 208 |
| HR-385 | 10-18-2010 | Parks and playgrounds amendment | Ch. 138 |
| HR-386 | 10-18-2010 | Streets and sidewalks: snow and ice removal amendment; vehicles and traffic amendment | Ch. 177, Art. II; Ch. 195 |
| HR-387 | 5-23-2011 | Sewers, utilities and sewage disposal: Valley Forge Sewer Authority Drainage Area amendment | Ch. 163, Art. IV |

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| **Ordinance No.** | **Adoption Date** | **Subject** | **Disposition** |
| HR-388 | 5-23-2011 | Historical District repealer; zoning amendment | Ch. 114, reference only; Ch. 208 |
| HR-389 | 6-20-2011 | Cable television franchise | Ch. 88, Art. II |
| HR-390 | 9-19-2011 | Subdivision and land development amendment | Ch. 181 |
| HR-391 | 10-3-2011 | Zoning Map amendment | NCM |
| HR-392 | 11-14-2011 | Bond | NCM |
| HR-393 | 2-27-2012 | Administration of government amendment | Ch. 4 |
| HR-394 |  | Refunding bonds | NCM |
| HR-395 | 9-17-2012 | Zoning amendment | Ch. 208 |
| HR-396 | 10-1-2012 | Zoning amendment | Ch. 208 |
|  | 12-17-2012 | Nonuniformed Employees Money Purchase Pension Plan repealer | Ch. 39, Art. III, footnote only |
| HR-397 | 1-7-2013 | 2013 tax rate | NCM |
| HR-398 | 5-13-2013 | Pensions: post-employment benefits trust fund | Ch. 39, Art. V |
| HR-399 | 12-2-2013 | Subdivision and land development amendment; zoning amendment | Ch. 181; Ch. 208 |
| HR-400 | 12-2-2013 | Bond | NCM |
| HR-401 | 12-16-2013 | Planning Commission amendment | Ch. 43 |
| HR-402 | 1-27-2014 | Subdivision and land development amendment | Ch. 181 |
| HR-403 | 1-27-2014 | Zoning amendment | Ch. 208 |
| HR-404 | 3-17-2014 | Zoning amendment | Ch. 208 |
| HR-405 | 11-17-2014 | Vehicles and traffic amendment | Ch. 195 |
| HR-406 | 12-15-2014 | Parks and playgrounds amendment | Ch. 138 |
| HR-407 | 3-16-2015 | Subdivision and land development amendment | Ch. 181 |
| HR-408 | 3-16-2015 | Intergovernmental agreements: PSATS Unemployment Compensation Group Trust | Ch. 23, Art. VI |
| HR-409 | 5-11-2015 | Delaware Valley Health Insurance Trust | Ch. 23, Art. IV |
| HR-410 | 7-13-2015 | Zoning amendment | Ch. 208 |
| HR-411 | 7-13-2015 | Section 457 Deferred Compensation Plan | Ch. 39, Art. IV |

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| **Ordinance No.** | **Adoption Date** | **Subject** | **Disposition** |
| HR-412 | 12-7-2015 | Subdivision and land development amendment; zoning amendment | Ch. 181; Ch. 208 |
| HR-413 | 1-19-2016 | Emergency communications systems | Ch. 104 |
| HR-414 | 2-21-2017 | Zoning amendment | Ch. 208 |
| HR-415 | 6-19-2017 | Municipal claims: attorney's fees for collection of delinquent accounts | Ch. 129, Art. I |
| HR-416 | 6-19-2017 | School crossing guards | Ch. 48 |
| HR-417 | 10-16-2017 | Zoning amendment | Ch. 208 |
| HR-418 | 11-8-2017 | Vehicles and traffic amendment | Ch. 195 |
| HR-419 | 11-8-2017 | Vehicles and traffic amendment | Ch. 195 |
| HR-420 | 2-20-2018 | Zoning Amendment | Ch. 208 |
| HR-421 | 9-17-2018 | Peddling and Soliciting Amendment | Ch. 143 |
| HR-422 | 10-22-2018 | Building Construction Amendment | Ch. 80 |
| HR-423 | 10-1-2018 | Streets and Sidewalks: Street Excavations Amendment | Ch. 177, Art. I |
| HR-424 | 10-22-2018 | Vehicles and Traffic Amendment | Ch. 195 |
| HR-425 | 11-7-2018 | Nuisances Amendment; Parks and Playgrounds Amendment | Ch. 131; Ch. 138 |
| HR-426 | 1-2-2019 | 2019 Tax Rate | NCM |
| HR-427 | 3-18-2019 | Vehicles and Traffic Amendment | Ch. 195 |
| HR-428 | 4-22-2019 | Solid Waste Amendment | Ch. 168 |

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| **Ordinance No.** | **Adoption Date** | **Subject** | **Disposition** | **Supp. No.** |
| HR-429 | 5-13-2019 | Vehicles and Traffic Amendment | Ch. 195 | 70 |
| HR-430 | 10-7-2019 | Stormwater Management Amendment | Ch. 174 | 70 |
| HR-431 | 11-6-2019 | Vehicles and Traffic Amendment | Ch. 195 | 71 |
| HR-432 | 11-6-2019 | General Obligation Note | NCM | 71 |
| HR-433 | 12-16-2019 | Budget | NCM | 71 |
| HR-434 | 12-16-2019 | 2020 Tax Rate | NCM | 71 |
| HR-435 | 5-18-2020 | Vehicles and Traffic Amendment | Ch. 195 | 71 |
| HR-436 | 5-18-2020 | Zoning Amendment | Ch. 208 | 71 |

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| **Ordinance No.** | **Adoption Date** | **Subject** | **Disposition** | **Supp. No.** |
| HR-437 | 8-17-2020 | Zoning Amendment | Ch. 208 | 72 |
| HR-438 | 10-19-2020 | Pensions: Pennsylvania Municipal Retirement System Amendment | Ch. 39, Art. II | 73 |
| HR-439 | 10-19-2020 | Parks and Playgrounds Amendment | Ch. 138 | 73 |
| HR-440 | 10-19-2020 | Environmental Advisory Council Amendment | Ch. 16 | 73 |
| HR-441 | 11-16-2020 | Pensions: Section 457 Deferred Compensation Plan Amendment | Ch. 39, Art. IV,  attachments only | 73 |
| HR-442 | 12-7-2020 | Budget (The full 2021 budget is available on the Township website and is on file at the Township Building for viewing.) | NCM | 74 |
| HR-443 | 12-7-2020 | 2021 Tax Rate | NCM | 74 |
| HR-444 | 9-20-2021 | Vehicles and Traffic Amendment | Ch. 195 | 74 |
| HR-445 | 12-20-2021 | Budget | NCM | 74 |
| HR-446 | 12-20-2021 | 2022 Tax Rate | NCM | 74 |
| HR-447 | 1-18-2022 | Zoning Amendment | Ch. 208 | 74 |
| HR-448 | 3-21-2022 | Parks and Recreation Board Amendment | Ch. 35 | 75 |
| HR-449 | 3-21-2022 | Parks and Playgrounds Amendment | Ch. 138 | 75 |
| HR-450 | 4-18-2022 | Building Construction Amendment | Ch. 80 | 76 |
| HR-451 | 5-23-2022 | Cable Television: Cable Television Franchise Amendment | Ch. 88, Art. II | 76 |
| HR-452 | 6-21-2022 | Vehicles and Traffic Amendment | Ch. 195 | 76 |
| HR-453 | 7-18-2022 | Acquisition of Land | NCM | 76 |
| HR-454 | 9-19-2022 | Single-Use Plastics | Ch. 165 | 77 |
| HR-455 | 9-19-2022 | Fees | NCM | 77 |
| HR-456 | 9-19-2022 | Zoning Amendment | Ch. 208 | 77 |
| HR-457 | 10-5-2022 | Lease | NCM | 78 |

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| **Ordinance No.** | **Adoption Date** | **Subject** | **Disposition** | **Supp. No.** |
| HR-458 | 11-1-2022 | Sewers, Utilities and Sewage Disposal: Valley Forge Sewer Authority Drainage Area Amendment | Ch. 163, Art. IV | 78 |
| HR-459 | 12-5-2022 | Zoning Amendment | Ch. 208 | 78 |
| HR-460 | 12-5-2022 | Property Registration for Short-Term Rentals | Ch. 150 | 78 |
| HR-461 | 12-5-2022 | Zoning Amendment | Ch. 208 | 78 |
| HR-462 | 12-19-2022 | Budget | NCM | 78 |
| HR-463 | 12-19-2022 | 2023 Tax Rate | NCM | 78 |
| HR-464 | 12-19-2022 | Lease | NCM | 78 |
| HR-465 | 3-20-2023 | Lease | NCM | 79 |
| HR-466 | 4-17-2023 | Zoning Map Amendment | NCM | 79 |
| HR-467 | 6-20-2023 | Vehicles and Traffic Amendment | Ch. 195 | 79 |
| HR-468 | 8-28-2023 | Cable Television: Cable Television Franchise Amendment | Ch. 88, Art. II | 79 |
| HR-469 | 8-28-2023 | Sewers, Utilities and Sewage Disposal: Trout Run/ Panhandle Drainage Area Amendment | Ch. 163, Art. II | 79 |
| HR-470 | 8-28-2023 | Woodland Conservation | Ch. 203 | 79 |
| HR-471 | 8-28-2023 | Subdivision and Land Development Amendment | Ch. 181 | 79 |
| HR-472 | 9-18-2023 | Lease | NCM | 79 |
| HR-473 | 10-10-2023 | Zoning Amendment | Ch. 208 | 80 |
| HR-474 | 11-13-2023 | Zoning Amendment | Ch. 208 | 80 |
| HR-475 | 12-4-2023 | Vehicles and Traffic Amendment | Ch. 195 | 80 |
| HR-476 | 12-4-2023 | Lease | NCM | 80 |
| HR-477 | 12-18-2023 | Budget | NCM | 80 |
| HR-478 | 12-18-2023 | 2024 Tax Rate | NCM | 80 |
| HR-479 | 12-18-2023 | Bond | NCM | 80 |
| HR-480 | 2-20-2024 | Taxation: Property Tax | Ch. 186, Art. V | 81 |

**Ordinance No. Adoption Date**

HR-481 6-17-2024

**Subject**

Sewers, Utilities and Sewage Disposal: Valley Forge Sewer Authority Drainage Area Amendment

Acquisition of Land

**Disposition**

Ch. 163, Art. IV

**Supp. No.**

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HR-482

6-17-2024

NCM

81