

**ORDINANCE NO. 24-339**

**MONTGOMERY TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF MONTGOMERY TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING THE TOWNSHIP ZONING CODE, CHAPTER 230, TO CREATE PROVISIONS FOR “STANDBY GENERATORS”; TO REVISE THE DEFINITION AND PROVISIONS FOR “SPECIAL EVENTS”; TO CREATE SEPARATE PROVISIONS FOR “TEMPORARY OUTDOOR SALES”; TO PERMIT CHANGEABLE-COPY SIGNS FOR INSTITUTIONAL USES LOCATED IN RESIDENTIAL DISTRICTS AND AMEND THE COPY CHANGE RATE; TO CREATE PROVISIONS FOR MENU/DRIVE-THROUGH SIGNS; AND TO PROHIBIT STORAGE ABOVE GROUND OR PARTIALLY ABOVE GROUND OF INFLAMMABLE OR EXPLOSIVE MATERIALS IN EXCESS OF 550 GALLONS**

**WHEREAS**, the Pennsylvania Second Class Township Code and the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101, *et seq.*, authorizes the Board of Supervisors of Montgomery Township (“Board”) to make, amend, and adopt ordinances that are consistent with the constitution and laws of the Commonwealth when necessary for the proper management, care and control of Montgomery Township (“Township”) and the maintenance of peace, good government, health and welfare of the Township and its citizens;

**WHEREAS**, the Board desires to amend the Township Zoning Code, Chapter 230, to make comprehensive changes throughout to better maintain the peace, good government, health and welfare of the Township and its citizens;

**WHEREAS**, the Board of Supervisors of Montgomery Township has determined that it is in the best interest of Montgomery Township to create new provisions for Menu/Drive-Through Signs; and

**WHEREAS**, the Board of Supervisors of Montgomery Township has determined that it is in the best interests of the residents of Montgomery Township to create new provisions for Standby Generators;

**WHEREAS**, the Board of Supervisors of Montgomery Township has determined that it is in the best interest of the residents of Montgomery Township to create new provisions for Temporary Outdoor Sales, and to amend provisions for Special Events and Changeable-Copy Signs; and

**WHEREAS**, the Board of Supervisors of Montgomery Township has determined that it is in the best interests of the residents of Montgomery Township to prohibit storage above ground or partially above ground of inflammable or explosive materials in excess of 550 gallons.

**WHEREAS**, the Board has met the procedural requirements of the Pennsylvania Municipalities Planning Code, for the adoption of the proposed ordinance, including advertising, submission to the planning commissions, and holding a public hearing; and

**WHEREAS**, the Board, after due consideration of the proposed ordinance at a duly advertised public hearing, has determined that the health, safety and general welfare of the residents and guests of the Township will be served by this amendment of the Montgomery Township Zoning Code as set forth below;

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Supervisors of the Montgomery Township, Montgomery County, Pennsylvania, it is hereby enacted and ordained by the authority of same, as follows:

**I. Code Amendment.**

**A. Chapter 230, Zoning, Section 230-123.A, shall be amended to add the following term under “TYPES OF SIGNS”:**

230-123.A      Menu/Drive-Through Sign – a wall or freestanding sign that lists the foods or other products available at drive-through facilities.

**B. Chapter 230, Section 230-127.A, shall be amended to add the following:**

230-127.A.12    Menu/drive-through sign. Menu signs for drive-through establishments are permitted, provided that a maximum of two such signs shall be permitted per drive-through, and:

- (a) A menu sign shall not exceed a height of six feet and shall not exceed an area of 24 square feet.
- (b) In no case shall a menu sign be located in such a way as to cause a safety hazard.
- (c) A menu sign shall not be located where it causes vehicles to stack onto a public right-of-way.
- (d) A menu sign may be equipped with communication and/or point-of-sale equipment.
- (e) The display area of the menu sign shall not face a street.

**C. Chapter 230, Section 230-156, shall be amended to add the following:**

- 230-156.7 Requirements for standby (whole-home) generators. Standby generators. Standby generators, used only on a temporary emergency basis, are permitted in all zoning districts as an accessory use provided that:
- A. The generator must be installed on an approved pad.
  - B. Generators shall be installed per the Manufacturer's Installation Instructions and must be rated by the manufacturer for the installed proximity to a dwelling or primary structure.
  - C. Generators shall be set back behind the front line of the principal structure. For corner lots, the front line of the principal building shall be determined along both street frontages regardless of orientation of the structure.
  - D. Generators shall be located a minimum of three (3) feet from side and rear proper lines in residential districts. In all non-residential districts, generators shall only be installed within the required building envelope and meet all setback requirements of the principal use.
  - E. Any generators whose dimensions exceed 4'x4'x4' shall only be installed within the required building envelope and meet all setback requirements of the principal use.

**D. Chapter 230, Section 230-5, shall be amended to revise the following term:**

Special Event – A temporary event held indoors or outdoors on private or public property that may significantly impact the property, normal vehicular and pedestrian traffic, and/or the safety of citizens and visitors, and/or extends beyond the normal use(s) or standards allowed by Chapter 230, Zoning. A special event shall not include temporary outdoor sales associated with a principal use located on the event site. Temporary outdoor sales part of, and accessory to, existing registered retail businesses in the Township shall comply with §230-132.1.

**E. Chapter 230, Section 126.B(1)(i), shall be amended to read as follows:**

- 230-126.B(1)(i) Signs for a school, church, hospital, sanitarium or other institutions of a similar nature, on the same lot therewith, for the purpose of displaying the name of the institution, provided that the area on one face of the sign shall not exceed 24 square feet, and provided that not more than one sign shall be erected on any one street frontage of any property. On-premise signs for such uses are permitted to be changeable-copy signs, provided that said sign copy is not altered at a rate greater than once per 20 seconds, and the changeable-copy sign area is limited to 16 square feet with a non-changeable background area. Additionally, such signs shall not flash, scroll, fade, revolve, move, or have intermittent lighting or movable characters or animated parts.

**F. Chapter 230, Section 127.A(1)(a)[1], shall be amended to read as follows:**

230-127.A(1)(a)[1] Changeable-copy signs, provided that said sign copy is not altered at a rate greater than once per 20 seconds, and the changeable-copy sign area is limited to 16 square feet with non-changeable background area. Additionally, such signs shall not flash, scroll, fade, revolve, move, or have intermittent lighting or moveable characters or animated parts.

**G. Chapter 230, Section 230-132, shall be amended to read as follows:**

230-132 Special events.

- A. A special event is a temporary event which may significantly impact public or private property, extend beyond the normal use or standards allowed by Chapter 230, Zoning, and exceed normal vehicular and pedestrian traffic. It may require the need for services of the Township's Police and Fire Departments. Such events include, but are not limited to, entertainment, amusement, cultural recognition, sporting events, arts and crafts or trade shows, special seasonal events, special automobile sales/shows, fund-raising events and grand openings or other similar activities. Indoor special events in the RS District require a permit but are not limited by the number of events per year.
- B. Displays and/or demonstrations held by police or emergency service organizations, Township-sponsored or recognized events when conducted on Township-owned property and customary company picnics are exempt unless a tent(s) or temporary structure(s) is erected.
- C. It is the purpose of this policy to provide for the issuance of a special event permit to regulate events on public streets and outdoor use of private and public property of the Township or events that impact the public health, safety, and welfare of the residents and visitors of the Township and to provide for standardized fees, charges and procedures required to administer the permit process, which may be changed from time to time by resolution.
- D. Activities may not inhibit or block safe access by emergency responders or adversely impact access and parking required to adequately serve the facility. Proposed activities may not violate uses permitted in Chapter 230, Zoning, which regulate the subject property.
- E. Permits for special events shall be limited to no more than six times per calendar year. Each permit may not exceed seven days per event. Permits are not nontransferable.
- F. Activities such as hot air ballooning, skydiving events, hang gliding, bungee jumping, etc. are not permitted unless the Zoning Hearing Board approves such activities by special exception. Fireworks displays, unless sponsored by the Township, are prohibited.

**G. The following requirements must be met prior to the issuance of a special event permit.**

- (1) A site plan clearly outlining the property and the proposed area where event shall occur must be submitted for review.
- (2) Any other required permits shall be obtained if lighting, temporary construction or sanitary facilities are proposed.
- (3) All signs must be approved prior to the issuance of the permit.
- (4) Liability insurance is required for events that are held on Township property. A copy of the insurance certificate must be submitted with the policy naming Montgomery Township as an "additional insured."
- (5) For applications that include amplified music, the applicant must submit supplemental information regarding noise. No music shall be permitted between the hours of 10:00 p.m. and 7:00 a.m.
- (6) If food or beverage are included in the event, provisions for appropriate recycling/trash containers must be provided. Montgomery County Health Department approval may also be required.
- (7) If the event includes a tent or temporary structure, a building permit may be required prior to issuance of the permit.
- (8) A detailed statement setting forth, to the satisfaction of the Township, the safety and traffic control measures being taken to protect the public at large while such activity is being conducted.
- (9) Upon compliance with the required items above, a permit may be issued.

**H. Chapter 230, Section 230-132, shall be amended to add the following:**

230-132.1 Temporary outdoor sales.

- A. Outdoor sales shall be permitted as part of an accessory to existing registered retail businesses in the Township.
- B. Permits for temporary outdoor sales shall be limited to no more than six times per calendar year. Each permit may not exceed seven days per sale. Permits are not nontransferable.
- C. The outdoor area devoted to temporary outdoor sales shall not exceed ten (10) percent of the ground floor area of the principal retail establishment.
- D. All applications for outdoor sales must demonstrate that the principal use on the lot will continue to meet all parking requirements during the periods for such sales,

there will be no impact upon circulation (both vehicular and pedestrian), and there will be no significant increase in lighting and noise.

**I. Chapter 230, Zoning, Section 230-150.A, shall be amended to add the state the following under "Prohibited uses":**

230-150. Prohibited uses.

The following uses shall be prohibited in any district in this Township:

- A. The storage above ground or partially above ground of any inflammable or explosive materials in excess of 550 gallons.

**SECTION II. Severability.** The terms, conditions and provisions of this Ordinance are hereby declared to be severable, and, should any portion, part, or provision of this Ordinance be found by a court of competent jurisdiction to be invalid, unenforceable, or unconstitutional, the Montgomery Township Board of Supervisors hereby declares its intent that the Ordinance shall have been enacted without regard to the invalid, unenforceable, or unconstitutional portion, part or provision of this Ordinance, and the remainder of the Ordinance shall remain in force.

**SECTION III. Repealer.** Any and all other Ordinances or parts of Ordinances in conflict with the terms, conditions and provisions of this Ordinance are hereby repealed to the extent of such irreconcilable conflict.

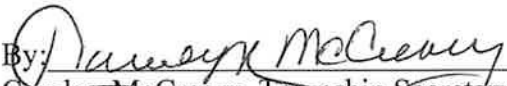
**SECTION IV. Effective Date.** This Ordinance shall become effective upon enactment as provided by law.

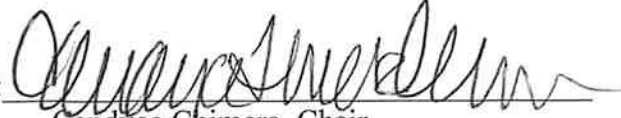
**SECTION V. Failure to Enforce Not a Waiver.** The failure of Montgomery Township to enforce or delay enforcement of any provision of this Ordinance shall not constitute a waiver by Montgomery Township of its rights to future enforcement hereunder.

**ORDAINED AND ENACTED** by the Board of Supervisors of Montgomery Township, Montgomery County, Pennsylvania, this 8<sup>th</sup> day of April, 2024.

**ATTEST:**

**MONTGOMERY TOWNSHIP  
BOARD OF SUPERVISORS**

By:   
Carolyn McCreary, Township Secretary

By:   
Candyce Chimera, Chair  
Montgomery Township Board of Supervisors