

**TOWNSHIP OF WORCESTER
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE 2021-284

**AN ORDINANCE AMENDING VARIOUS
PROVISIONS OF THE TOWNSHIP CODE**

WHEREAS, from time to time, corrections and other revisions are required to be made to Township Code of Worcester Township; and,

WHEREAS, the Commonwealth of Pennsylvania mandates that municipalities have published in a newspaper of general circulation all proposed ordinances that make such corrections and revisions, at a great expense to municipalities; and,

WHEREAS, Worcester Township consolidates such corrections and revisions into one proposed ordinance, in lieu of individual ordinances, so to minimize the expense incurred by the taxpayers in meeting this unfunded advertisement mandate;

NOW, THEREFORE, the Board of Supervisors of Worcester Township, Montgomery County, Pennsylvania hereby ordains and enacts as follows:

SECTION I

1. Chapter 150, Zoning, Section §150-110.8.B shall be deleted in its entirety.
2. Chapter 150, Zoning, Section §150-110.2.A(3) shall be added, and shall read as follows:

All accessory uses and structures shall comply with accordance with Article XXIV.
3. Chapter 150, Zoning, Section §150-177.A(1) shall be deleted in its entirety, and replaced to read:

In the AGR, R-175, and R-AG-175 Districts, structures accessory to single-family residential uses, except those regulated in Subsection A(2) through (9) below, shall be located in the rear yard or side yard only, and no closer than 15 feet to a property line. In all other districts, and at all properties created pursuant to Option 1 or Option 2, as set forth in Article XVIA, Conservation Subdivisions, structures accessory to single-family residential uses, except those regulated in Subsection A(2) through (9) below, shall be located in the rear yard or side yard only, said accessory structures may be erected in the rear yard not closer than 10 feet to the rear property line. Unless otherwise permitted below, accessory structures in any zoning district shall not be higher than 15 feet.

4. Chapter 150, Zoning, Section §150-177.A(3) shall be deleted in its entirety, and replaced to read:

Private swimming pools shall be constructed in accordance with the applicable Township ordinances, and shall be located entirely within the rear yard of the lot on which the pool is located and at least 10 feet behind the closest part of the main building. However, in no case shall the distance from the pool to the side or rear property line be less than 25 feet. In the AGR, R-175, and R-AG-175 districts, excluding properties created pursuant to Option 1 or Option 2, as set forth in Article XVIA, Conservation Subdivisions, the distance from the pool to the side and rear property lines shall be not less than 50 feet. The water edge shall be the line for measurement of these setbacks. All filters, heaters and accessory structures incidental thereto shall meet the same setback criteria. Freestanding spas and hot tubs shall be exempt from the requirement to be located at least 10 feet behind the closest part of the main building.

5. Chapter 150, Zoning, Section §150-182.A, shall be deleted in its entirety, and replaced to read:

A fence or wall of any style up to 48 inches in height, excluding a retaining wall as permitted by this chapter and excluding chain link fence, may be installed up to any side or rear property line in any residential district. A fence or wall of any style up to 60 inches in height, excluding a retaining wall as permitted by this chapter and excluding a chain link fence, may be installed no closer than three feet to any side or rear property line in any residential district.

6. Chapter 150, Zoning, Section §150-182.B, shall be deleted in its entirety, and replaced to read:

No fence or wall, excluding a retaining wall as permitted by this chapter, shall be installed within the required front yard setback, which shall include any area of overlap with a side or rear yard setback, on any property in any zoning district, provided, however, that (1) decorative walls or fences of any style not exceeding 30 inches in height, and (2) fencing that is completely open post and rail and not exceeding 48 inches in height, shall be permitted in the front yard setback in any residential district.

7. Chapter 150, Zoning, Section §150-182.C, shall be deleted in its entirety, and replaced to read:

A fence or wall of any style up to 72 inches in height, excluding chain link fence, may be installed no closer than five feet to any side or rear property line in any nonresidential district.

8. Chapter 150, Zoning, Section §150-14, shall be deleted in its entirety, and replaced to read:

A. Building coverage. Ten percent shall be the maximum total building coverage at each lot.

B. Impervious coverage. Twenty percent shall be the maximum total impervious coverage at each residential, municipal or agricultural lot. Forty percent shall be the maximum total impervious coverage at all other lots.

9. Chapter 130, Subdivision and Land Development, Section §130-26.B.2.c shall be deleted in its entirety, and replaced to read:

The "useable area" for sewage disposal shall be shown on the preliminary plan for each lot. The "useable area" shall be situated beyond the radius of the water supply well and shall conform to all rules and regulations or future amendments thereto of the Pennsylvania Department of Environmental Protection and the Township of Worcester. No portion of an on-site sewage disposal system at any property shall be located within a required front yard, or within the area between ten feet and thirty feet of any property line, unless it is demonstrated to the satisfaction of the Township Engineer that no other location for such system is practical, in the sole discretion of the Township Engineer. In addition, no portion of an on-site sewage disposal system at any property may be located within ten feet of any property line without a waiver being granted by the Board of Supervisors, and no waiver shall be granted unless it is demonstrated to the satisfaction of the Board of Supervisors that no other location for such system is practical, in the sole discretion of the Board of Supervisors.

10. Chapter 78, Garage and Yard Sales, shall be deleted in its entirety.

11. Chapter 41, Fire Prevention, shall be added, and shall read as follows:

§ 41-1 Emergency entry key boxes. Emergency entry key boxes shall be installed on premise at any of the following occupancy classifications, as defined in the 2015 International Building Code, and any successor code or regulation thereto: A-2, A-3, B, E, F, H, I-4, M, and S. Emergency entry key boxes shall likewise be required to be installed at the entrance feature to a gated community, development or property, if required by the Worcester Township Fire Marshal.

A. The make and model of emergency entry key boxes, and the location each box is to be installed, shall be determined by the Worcester Township Fire Marshal.

B. Emergency entry key boxes shall contain the following items, as may be applicable, all of which shall be clearly identified:

- i. keys to locked points of egress, whether on the structure interior or exterior;
- ii. keys to locked mechanical rooms;
- iii. keys to locked elevator rooms;
- iv. keys to elevator controls;
- v. keys to any fenced or secured areas;
- vi. a floor plan of the rooms within the structure;
- vii. an emergency contact list;
- viii. Material Safety Data Sheets (MSDS); and,
- ix. any other keys or item required by the Fire Marshal.

§ 41-2 Truss construction identification. The developer or owner of a non-residential structure, a mixed-use structure, or a multifamily structure that includes more than two dwelling units and that contains truss construction, shall install and maintain a truss emblem to the left of the main entrance at each structure, at a height of not less than five feet above the floor level. The developer or owner of a residential subdivision with dwellings that contain truss construction shall install a truss emblem at a location at or near the entry point to the development, if required by the Worcester Township Fire Marshal. The make and model of the truss emblem, and the location each emblem is to be installed, shall be approved by the Worcester Township Fire Marshal.

§ 41-3 Address identification. Structures shall possess address identification as follows.

- A. All non-residential, mixed-used and multifamily structures shall display the numeric street address and, if any, the name of establishment, at both the front door and rear door of the structure.
- B. In structures with internal service corridors all doors accessing a corridor shall display the street address, unit number, and, if any, the name of the establishment on or adjacent to the door. The Worcester Township Fire Marshal may likewise require signage at any other door that accesses an internal corridor including, but not limited to, doors that access mechanical rooms, restrooms, sprinkler rooms, common areas, fire alarm panel controls, and utility closets.
- C. All other structures shall display the numeric street address on the structure or property at a location that is viewable from the street. All individual numbers and letters shall be legible, and a minimum of four inches in height.

§ 41-4 Violations and penalties. Any person, partnership or corporation, including but not limited to the owner, general agent, contractor, lessee or tenant, who or which shall violate or permit a violation of any provision of this chapter or any other person who commits or takes part or assists in any

such violation shall be liable for a judgment of not more than \$500 per violation, plus all court costs, including reasonable attorney's fees incurred by the Township as a result thereof in a civil enforcement proceeding initiated by a Township official on behalf of the Township before a District Justice. Each day that a violation is continued after notice thereof shall constitute a separate offense, 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 the violation by the District Justice, and thereafter, each day that a violation continues shall constitute a separate violation. Nothing contained in this section shall limit or restrict the power and authority of the Township to pursue remedies for violation of this chapter in civil proceedings before the Court of Common Pleas.

12. Chapter 122, Sewer Rates and Charges, Section §122-11.C, Uniform rates and charges, shall be deleted in its entirety, and replaced to read:

Nothing herein contained shall be deemed to prohibit the Township from entering into separate agreements with owners with respect to sewer rates and charges to be imposed in those cases where, due to unusual circumstances, the sewer rates and charges set forth herein shall be deemed by the Township to be unfair or inequitable. In addition, the Township may assess a fee for the actual volume discharge to the sewer system for properties at which stormwater infiltrates sewer system, and after giving the property owner written notice to correct the condition, and after the property owner has failed to correct the condition within ninety days of said notice.

13. Chapter 122, Sewer Rates and Charges, Section §122-39, shall be retitled "Residential and commercial connections and discharge".

14. Chapter 122, Sewer Rates and Charges, Section §122-39.E shall be added, and shall read as follows:

Tank waste and waste from portable restrooms (Porta-Potties).

15. Chapter 122, Sewer Rates and Charges, Section §122-39.F shall be added, and shall read as follows:

No commercial connection shall discharge waste which exceed the characteristics of typical residential wastewater as defined below:

<u>Sewage Component</u>	<u>Concentration (mg/l)</u>
BOD-5	250
Suspended Solids	250
Total Phosphorus	10
Ammonia (NH3)	20

16. Chapter 122, Sewer Rates and Charges, Section §122-40, shall be deleted in its entirety, and replaced to read:

Violations and penalties. Any person, partnership or corporation, including but not limited to the owner, general agent, contractor, lessee or tenant, who or which shall violate or permit a violation of any provision of this chapter or any other person who commits or takes part or assists in any such violation shall be liable for a judgment of not more than \$500 per violation, plus all court costs, including reasonable attorney's fees incurred by the Township as a result thereof in a civil enforcement proceeding initiated by a Township official on behalf of the Township before a District Justice. Each day that a violation is continued after notice thereof shall constitute a separate offense, 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 the violation by the District Justice, and thereafter, each day that a violation continues shall constitute a separate violation. Nothing contained in this section shall limit or restrict the power and authority of the Township to pursue remedies for violation of this chapter in civil proceedings before the Court of Common Pleas.


SECTION II

1. In the event that any section, subsection or portion of this Ordinance shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this Ordinance. The invalidity of section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance, which can be given effect without such invalid part or parts. It is hereby declared to be the intention of the Township that this Ordinance would have been adopted had such invalid section, clause, sentence, or provision not been included therein.

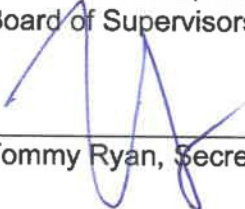
2. To the extent this Ordinance is inconsistent with the Code of Worcester Township, the provisions of this Ordinance shall take precedence. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.
3. The failure of the Township to enforce any provision of this ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.
4. This Ordinance shall become effective immediately upon enactment.

ENACTED AND ORDAINED by the Supervisors of the Township of Worcester, Montgomery County, Pennsylvania on this 19th day of May, 2021.

FOR WORCESTER TOWNSHIP

By: 

Richard DeLello, Chair
Board of Supervisors

Attest: 

Tommy Ryan, Secretary