

UPPER DUBLIN TOWNSHIP ORDINANCES

<u>No.</u>	<u>Date</u>	<u>Description</u>
800	02/12/1991	Participation in Delaware Valley Insurance Trust (pooled coverage for physical damage)
801	02/12/1991	Traffic signal maintenance agreement with Upper Moreland
802	03/12/1991	Belmont Avenue easement condemnation
803	06/11/1991	Rezones 471 Pennsylvania Avenue (Clean Machine Car Wash) from B-Residential District to CR-Commercial-Retail District, Class I
804	06/11/1991	Authorizes participation in the Delaware Valley Worker's Compensation Trust
805	09/10/1991	Amends Title 10, Required area and yard regulations
806	09/10/1991	Amends Title 9, Landscape Regulations
807	09/10/1991	Amends Title 10, Professional Offices in Residential Districts
808	10/01/1991	General Obligation Bond for Library / Township Building Expansion
809	11/12/1991	Sewer Use Ordinance – Ambler Jointure
810	12/10/1991	Appropriates specific funds for 1992
811	12/11/1991	Sets tax rate for 1992
812	01/14/1992	Set Meeting Dates for 1992
813	03/11/1992	“No Parking” on Meetinghouse Road
814	03/24/1992	Bond Issue for purchase of DVISCO
815	04/14/1992	Establishes Fort Washington Industrial Park Sewer District
816	04/21/1992	Ordains Highland Avenue Sewer Project
817	05/12/1992	Amends Title 4 re: Plumbing Code
818	05/12/1992	Amends Ordinance 690 – MIPP ordinance for Ambler Treatment Plant

UPPER DUBLIN TOWNSHIP ORDINANCES

<u>No.</u>	<u>Date</u>	<u>Description</u>
819	05/12/1992	Amends Title 2 – Charging for tax certifications
820	06/09/1992	Amends Title 2 – creates Upper Dublin Library
821	06/09/1992	Ordains Norristown Road Sewer Project
822	06/09/1992	Amends Title 5 re: sewer connections
823	06/09/1992	Curb replacement project
824	07/14/1992	Amends Title 10 re: Exposition Center
825	08/11/1992	Dog Waste Removal
826	08/11/1992	Curb & Sidewalk Construction, Grading
827	10/13/1992	Amends Title 5 re: Nuisances
828	10/13/1992	Refinancing of General Obligation Bonds
829	11/10/1992	Reapportions Wards
830	12/08/1992	Hauling of Materials
831	12/15/1992	Appropriates specific sums for 1993
832	12/15/1992	Fixes tax rates for 1993
833	12/15/1992	Fixes department fee rates for 1993
834	01/12/1993	Sets meeting dates for 1993
835	01/12/1993	Refinancing of Sewer Debt
836	02/09/1993	Increases Township Fees (various Titles)
837	02/09/1993	Increase Tax Collector Compensation
838	03/09/1993	Amends Title 5 re: Towing
839	05/11/1993	Amends Title 10 re: Non-Conforming Uses
840	05/11/1993	Fire Escrow Law

UPPER DUBLIN TOWNSHIP ORDINANCES

<u>No.</u>	<u>Date</u>	<u>Description</u>
841	05/11/1993	Ordains Fulton Road Sewer Project
842	06/01/1993	Earned Income Tax – one percent
843	06/01/1993	Amends Title 7 re: alarms
844	07/13/1993	Highland Avenue Sewer Project Assessments
845	08/10/1993	Amends Titles 2 & 5 re: sewer connection fee at \$3,500
846	08/10/1993	Amends Title 7 re: prohibition of truck traffic on Fort Washington Avenue between Limekiln & Welsh
847	08/10/1993	Amends Title 4 re: prohibition of open burning
848	09/14/1993	Code of Ethics
849	09/14/1993	Amends Title 10 re: gross vehicle weight
850	09/14/1993	Amends Title 10 re: fines and penalties for zoning code violations
851	09/14/1993	Amends Title 10 re: criteria for grant of conditional use
852	09/14/1993	Amends Title 10 re: burden of proof for special exceptions
853	09/14/1993	Amends Title 10 re: expiration of time for special exceptions or variances
854	09/14/1993	Amends Title 10 re: criteria for professional office in single family residence
855	09/14/1993	Amends Title 10 re: redefinition of Floodplain District boundaries
856	09/14/1993	Amends Title 10 re: temporary signs
857	10/12/1993	Amends Titles 3 & 10 re: professional surveyors
858	10/12/1993	Amends Title 10 re: group homes
859	10/12/1993	Authorizes Delaware Valley Workers' Comp. Trust participation
860	12/14/1993	Appropriates specific funds for 1994

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<u>No.</u>	<u>Date</u>	<u>Description</u>
861	12/14/1993	Fixes tax rates for 1994
862	01/03/1994	Establishes meeting dates for 1994
863	01/11/1994	Spraying Ordinance
864	02/08/1994	Amends Title 10 re: permitted size of Expo Center
865	03/08/1994	Endorses the amended Articles of Agreement for Consortium
866	06/14/1994	Amends Title 10 Zoning to define Personal Care Facility
867	06/14/1994	Amends Title 10 Zoning to repeal Article 18
868	06/14/1994	Amends Title 10 Zoning, Article 9 to add Section 9.07 "Handicap Accessible Parking"
869	06/14/1994	Amends Title 10 Zoning by amending Tax Map Block 12 Dresher
870	06/14/1994	Amends Title 8 Streets and Highways to establish Shade Tree Commission
871	06/14/1994	Construction of sidewalk at 501 and 1300/1301 Office Center Dr.
872	07/12/1994	Benefit Assessment for Sanitary Sewer Lines along Fulton Road
873	08/09/1994	Benefit Assess for Sanitary Sewer Lines along Fulton Rd. (amend)
874	11/09/1994	Sewer Use Ordinance
875	11/09/1994	Butler Pike Sanitary Sewer Ordinance
876	12/13/1994	Appropriates specific funds for 1995
877	12/13/1994	Fixes tax rates for 1995
878	12/13/1994	Landscape Ordinance
879	01/10/1995	Codification Ordinance
880	01/10/1995	Amends BOCA Code re: construction standards
881	01/10/1995	Amends BOCA Code re: standards for one and two story dwellings

UPPER DUBLIN TOWNSHIP ORDINANCES

<u>No.</u>	<u>Date</u>	<u>Description</u>
882	01/10/1995	Amends BOCA Code re: hazardous waste
883	01/10/1995	Amends BOCA Code re: plumbing standards
884	01/10/1995	Amends BOCA Code re: mechanical standards
885	01/10/1995	Amends BOCA Code re: property maintenance
886	01/10/1995	Adopts new local discharge limitation for the Ambler Wastewater Treatment Plant
887	01/10/1995	Municipal Claims
888	01/10/1995	Sets 1995 meeting dates
889	02/14/1995	Amends Zoning re: Floodplain Conservation District
890	02/14/1995	Sewer Rent Payments
891	03/14/1995	Police Pension Fund and Pension Fund
892	03/14/1995	"Official Township Map"
893	03/14/1995	Cable Television Franchises
894	05/09/1995	Cable Television Franchise Ordinance Revision
895	09/12/1995	Amends Zoning Code to include "Senior Assisted Living Residence"
896	10/10/1995	Ordains Limekiln Pike Sewer Project
897	11/14/1995	Refinancing of 1991 General Obligation Bond
898	12/12/1995	Budget Ordinance for 1996
899	12/12/1995	Sets Tax Rates for 1996

UPPER DUBLIN TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 800

AN ORDINANCE AUTHORIZING THE PARTICIPATION OF UPPER DUBLIN TOWNSHIP IN THE DELAWARE VALLEY INSURANCE TRUST FOR THE PURPOSE OF POOLING CERTAIN RISKS WITH OTHER MUNICIPALITIES IN ACCORDANCE WITH THE PENNSYLVANIA INTERGOVERNMENTAL COOPERATION LAW AND THE PENNSYLVANIA POLITICAL SUBDIVISION TORT CLAIMS ACT.

The Board of Commissioners of Upper Dublin Township, Montgomery County, Pennsylvania does hereby enact and ordain:

SECTION 1: That the Board of Commissioners of Upper Dublin Township is hereby authorized to execute the agreements listed below and any other agreements necessary for the participation of Upper Dublin Township in the Delaware Valley Insurance Trust for the limited purposes described herein.

1. The Delaware Valley Insurance Trust Participation Agreement, as amended (hereinafter referred to as the "Participation Agreement");
2. The Delaware Valley Insurance Trust Agreement, as amended (hereinafter referred to as the "Trust Agreement")

which agreements, as amended, are attached hereto as Exhibits "A" and "B", respectively and are on file for inspection and review at the offices of Upper Dublin Township, Montgomery County, Pennsylvania. Although these agreements may be amended subsequent to the enactment of this Ordinance, in no event shall any such amendments or modifications materially adversely affect the right of Upper Dublin Township to participate in the Delaware Valley Insurance Trust, for the limited purpose described herein.

SECTION 2: That participation of Upper Dublin Township in the Delaware Valley Insurance Trust is authorized for the limited purpose of providing adequate and affordable insurance coverage for automobile physical damage claims at the lowest possible cost and to protect Upper Dublin Township from the volatility and high premiums of the commercial insurance market for such coverage.

SECTION 3: As set forth in the Participation and Trust Agreements, as amended, the following conditions, among others, apply to the participation of Upper Dublin Township in the Delaware Valley Insurance Trust:

1. That each participating municipality meets the admission and eligibility requirements set forth therein;

2. That Upper Dublin Township agrees to pay all annual premiums or contributions when due as provided in the Participation and Trust Agreements, as amended, for the aforementioned automobile physical damage coverage;
3. That Upper Dublin Township use its best efforts to provide appropriations for the payment of any contributions or premiums required by the Trust for the aforementioned automobile physical damage coverage;
4. That Upper Dublin Township 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 Upper Dublin Township cooperate fully with the Trust's service and fiscal agents, attorneys, claims adjustors and any other agents or employees of the Trust with respect to the investigation, defense and settlement of claims;
6. That Upper Dublin Township designate a contact person to be responsible for all contacts with the Trust;
7. That Upper Dublin Township provide any information to the Administrator or Board of Trustees as may be required to effect the purposes and objectives of the Trust.

SECTION 4: That Upper Dublin Township agrees to participate in the Trust for a minimum period of two (2) years and thereafter may withdraw under the following conditions, subject to the right of arbitration, under the Trust and Participation Agreements, as amended:

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 By-Laws; 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.

SECTION 5: The effective date of the participation of Upper Dublin Township in the Delaware Valley Insurance Trust for the limited purposes described herein will be January 1, 1991.

SECTION 6: Each participating municipality delegates to the Board of Trustees of the Delaware Valley Insurance Trust the powers enumerated in the Trust Agreement, as amended, including the right to expel Participants under certain conditions.

SECTION 7: As set forth in the automobile physical damage Endorsement to the Trust Coverage Document, attached hereto as Exhibit "C", Upper Dublin Township shall be provided coverage for all first party automobile physical damage claims.

SECTION 8: All contributions or premiums paid by Upper Dublin Township shall be made with funds appropriated by Upper Dublin Township for that purpose. If permitted under state and federal law, Upper Dublin Township may incur debt for the purpose of financing any excess insurance coverage, as set forth in the Participation and Trust Agreements, as amended.

SECTION 9: The organizational structure of the Trust shall consist of a Board of Trustees, an administrator, a claims administration/loss control consultant and various service agents appointed by the Board of Trustees in accordance with the Participation and Trust Agreements, as amended.

SECTION 10: As set forth in the Participation and Trust Agreements, as amended, the funds required for the operation of the Trust shall be provided by the participating municipalities through annual appropriations.

SECTION 11: 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.

SECTION 12: As a condition of participating in the Delaware Valley Insurance Trust Upper Dublin Township agrees:

1. That it will timely pay all annual premiums and contributions as may be required by the Board of Trustees;
2. That it will appoint a representative to sit on the Board of Trustees and designate a contact person for the purpose of communi-

cating with the Trust or its representatives;

3. That it will agree not to withdraw from the Trust for a period of two (2) years following its admission to the Trust for the limited purpose described herein;
4. That it may withdraw from the Trust only upon satisfaction of the conditions set forth in the Participation and Trust Agreements, as amended;
5. That it agrees to perform all covenants contained in the Participation and Trust Agreements, as amended, and delegate to the Board of Trustees the powers and authorities enumerated in of the Participation and Trust Agreements, as amended;
6. That it will comply with all the conditions set forth in the Trust Coverage Document, as amended, governing the handling of claims, including the defense and settlement thereof;
7. That it will appropriate the funds needed to pay all contributions and premiums as may be required by the Board of Trustees in accordance with the Participation and Trust Agreements, as amended;
8. 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 claims data which may be requested by the Board of Trustees or their designee.

SECTION 13: This Ordinance is being enacted pursuant to Title 53 Pennsylvania Consolidated Statutes, Annotated, Section 56502.

Duly presented and unanimously adopted by the Board of Commissioners of Upper Dublin Township, in public meeting held this 12th day of February, 1991.

Attest: Gregory N. Klemick
Secretary
Board of Commissioners of
Upper Dublin Township

Robert M. [Signature]
President
Board of Commissioners of
Upper Dublin Township

ENDORSEMENT NO.

In consideration of the contributions paid and subject to the terms, conditions and exclusions contained herein the Trust Coverage Document is hereby amended to include coverage for first party automobile physical damage claims, which coverage is provided to all participants of the Delaware Valley Insurance Trust and the townships of Upper Merion and Upper Dublin.

The Business Automobile Liability coverage part of the Trust Coverage Document is hereby amended to include coverage for first party automobile physical damage claims, as set forth below:

AUTOMOBILE PHYSICAL DAMAGE COVERAGE

A. Coverage Agreement

1. The Trust hereby agrees, subject to the limitations, exclusions, terms, definitions and conditions set forth herein, to pay on behalf of a Covered party, any "loss" to a covered auto or its equipment when such "loss" is caused by:

- a. Collision with another object;
- b. A covered automobile's overturn; and
- c. Any other cause

subject to the following exclusions.

B. Exclusions

1. The Trust will not pay for any "loss" caused by, or resulting from, any of the following. Such "loss" is excluded regardless of any other cause or event that contributes concurrently or in any sequence for the "loss".

- a. Nuclear Hazard

1. The explosion of any weapon employing atomic fission or fusion or;

2. Nuclear reaction or radiation or radioactive contamination, however caused.

b. War or Military Action

1. War, including undeclared or civil war;

2. Warlike action by a military force, including action in hindering or defending against an actual or expected attack by any government, sovereign or other authority using military personnel or other agents or

3. Insurrection, rebellion, revolution, usurped power, or action taken by governmental authority in hindering or defending against any of these.

2. Other Exclusions

a. The Trust will not pay for any "loss" to any of the following:

1. Tape decks or other sound reproduction equipment unless permanently installed in a covered auto;

2. Tapes, records or other sound reproduction devices designed for use with sound production equipment.

3. Sound receiving equipment designed for use as a citizen's band radio, two way mobile radio or telephone or scanning monitor receiver, including its antennas and other accessories, unless permanently installed in the dash or console opening normally used by the auto manufacturer for the installation of a radio.

b. The Trust will not pay for nay "loss" caused by, or resulting from, any of the following, unless caused by another "loss" that is covered.

1. Wear and tear, freezing, mechanical or electrical breakdown.

2. Blowouts, punctures, or other road damage to tires.

C. Limit of Insurance

The most The Trust will pay for any "loss" in any one accident is the lesser of:

1. The actual cash value of the damaged or stolen property as of the time of the "loss";

2. The cost of repairing or replacing the damaged or stolen property with other property of like kind and quality.

But in no event will the Trust be obligated to pay more than \$1 million per accident regardless of the number of covered autos involved in that accident.

D. Deductible

For each covered "loss", the Trust's obligation to pay for repair, return or replacement damages for stolen property will be reduced by the applicable deductible shown in the Declarations.

E. Conditions

1. Appraisal

As a condition for recovering for a "loss" under this coverage

part, an appraisal of the physical damage to the covered auto must be completed. If the Trust and a covered party disagree on the amount of the value either may demand an appraisal of the "loss". In this event, each party will select a competent appraiser. The two appraisers will select a competent and impartial umpire. The appraisal will state separately the actual amount of the "loss". If they fail to agree they will submit their difference to the umpire. A decision agreed to by any two of them will be binding. Each party will:

- a. Pay its chosen appraiser and
- b. Bear the other expenses of the appraiser and umpire equally.

2. Duties in the event of an accident, claims or "loss"

a. If there is a "loss" to a covered auto or its equipment, the covered party must also do the following:

1. Promptly notify the police if the covered auto or any of its equipment is stolen.

2. Take all reasonable steps to protect the covered auto from further damage. Also keep a record of your expenses for consideration in the settlement of the claim.

3. Permit the Trust or its agents to inspect the covered auto and records proving the "loss" before its repair or disposition.

4. Agree to examination under oath at the Trust's request and give the Trust or its agents a signed statement of your answers.

3. "Loss" payment - Physical Damage Coverage

At its option the Trust may:

a. Pay for, repair or replace damaged or stolen property;

b. Return the stolen property at the Trusts' expense. The Trust will pay for any damage that results to the auto from the theft; or

c. Take all or any party of the damaged or stolen property at an agreed or appraised value.

4. Transfer of rights of recovery against others to the Trust

If any person or organization to or for whom the Trust makes payment under this coverage has rights to recover damages from another, those rights are transferred to the Trust. That person or organization must do everything necessary to secure the Trust's rights and must do nothing after the accident or "loss" to impair them.

5. No benefits to Bailee - Physical Damage Coverage

The Trust will not recognize any assignment or grant any coverage for the benefit of any person or organization holding, storing or transporting property for a fee, regardless of any other provision herein.

E. Definitions

Except as otherwise indicated below, all terms used in this coverage part are defined as set forth at pages 19-21 of the Trust Coverage Document.

"Loss" - Means direct or accidental loss or damage, and does

not include any consequential losses or damages such as lost revenue, legal fees and expenses unrelated to the repair or replacement of a covered automobile.

ORDINANCE NO. 801

AN ORDINANCE OF THE TOWNSHIP OF UPPER DUBLIN PURSUANT TO THE INTERGOVERNMENTAL COOPERATION ACT TO ADOPT AN AGREEMENT BETWEEN THE TOWNSHIP OF UPPER DUBLIN AND THE TOWNSHIP OF UPPER MORELAND TO PROVIDE FOR THE MAINTENANCE OF TRAFFIC SIGNALS.

WHEREAS, pursuant to the Intergovernmental Cooperation Act, Act No. 180 of 1972, as amended 53 P.S. #481 et seq. (the "Act"), Upper Dublin Township is authorized to enter into agreements, to cooperate with other governmental bodies in the provision of services and exercise of the governmental functions; and

WHEREAS, the Township of Upper Moreland has been performing certain services with respect to the maintenance of traffic signals for various communities and the Township of Upper Dublin wishes to avail itself of this service and to formalize the arrangements for the performance of these services under the procedures of the Act.

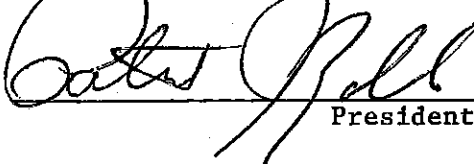
NOW, THEREFORE, BE IT RESOLVED that the Commissioners of Upper Dublin Township hereby enacts and ordains as follows:

Section 1. The Inter-Municipal Traffic Signal Maintenance Agreement in the form attached hereto as Exhibit "A" is hereby approved and the appropriate officers of the Township of Upper Dublin are hereby authorized to execute said Agreement on behalf of the Township of Upper Dublin and to carry out the terms of said Agreement.

ENACTED and ORDAINED this 12th day of February, 1991.

By:

UPPER DUBLIN TOWNSHIP



President

Attest:



Secretary

INTER-MUNICIPAL TRAFFIC SIGNAL MAINTENANCE AGREEMENT

THIS AGREEMENT, made this 5th day of November, 1990 by and between the Township of Upper Moreland and the communities located in Montgomery County Pennsylvania listed on attached Exhibit "A", which is incorporated herein by reference.

WHEREAS, the Pennsylvania Inter-Governmental Cooperation Law, and the various Municipal Codes, namely those of the Cities, Boroughs and the Townships of the First and Second Class, of the Commonwealth of Pennsylvania authorize agreements entered into by and between the municipalities which provide for various inter-governmental services including the installation, maintenance and repair of traffic signal devices; and

WHEREAS, the parties hereto desire to establish the Traffic Signal Maintenance Program described herein which will be administered by Upper Moreland Township.

AND NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the parties intending to be legally bound hereby, covenant and agree for themselves, their successors and assignees as follows:

1. Subject to the following provisions, Upper Moreland Township agrees that its traffic signal maintenance crew will provide various services as further described herein, to the municipalities who are parties to this Agreement.

2. The services provided by Upper Moreland Township pursuant to this Agreement shall consist of the installation, maintenance and repair of traffic signal devices within the participating

municipalities.

3. The rates charged for the traffic signal maintenance services provided herein are set forth and attached as Exhibit "B" which is incorporated herein by reference.

4. Each participating municipality may terminate its participation in the traffic signal maintenance program, effective on the last date of any calendar month provided that ninety (90) days written notice prior to termination is given to the Manager of Upper Moreland Township. Upper Moreland Township may remove a participating municipality from the traffic signal maintenance program for just cause effective on the last date of any calendar month provided that ninety (90) days prior written notice of removal is given to the Manager of the Township whose participation in the program is to be terminated.

5. All traffic signal maintenance equipment and/or lighting inventory (trucks, lights etc.) will be the sole property of Upper Moreland Township and stored by Upper Moreland Township in its place of business at 117 Park Avenue, Willow Grove, Pennsylvania. All members of the traffic signal maintenance signal crew are the employees of Upper Moreland Township and will report directly to the supervisor designated by that Township.

6. All requests for traffic signal repair, maintenance or installation shall be directed to the Upper Moreland Township Public Works Department as early in the day as possible for scheduling. Each participating municipality shall designate a responsible official whom Upper Moreland Township traffic signal

maintenance personnel shall communicate regarding questions or directives concerning traffic signal maintenance and/or service.

7. Requests for traffic signal maintenance services shall be communicated in accordance with the paragraph above and shall be responded to by the traffic signal maintenance crew within a reasonable period of time in accordance with the priorities established by the municipal participants in this program. Any emergency requests for traffic signal maintenance services must be orally designated as such by the person requesting those services.

8. Each participating municipality shall provide at least one copy of a municipal street map (at a scale not less than one inch equals eight hundred feet, 1" = 800') and a complete listing of traffic signals containing the number, location and type of traffic signals which exist in that municipality and shall inform Upper Moreland Township of any new or additional traffic signals installed and/or accepted by that municipality within thirty (30) days of installation and/or acceptance.

9. Each participating municipality shall indemnify, defend and hold harmless Upper Moreland Township, its municipal and elected officials, officers, agents and/or employees, including the traffic signal maintenance crew, against:

a. Any and all claims, suits, demands, judgments, liabilities, losses or awards of whatsoever kind and nature, including but not limited to property damage, loss of use of property, personal or bodily injuries, death of any person (including personal injuries or death of any participating municipality's employees, servants, agents and elected officials) arising from any services provided by Upper Moreland Township in accordance with this Agreement, including any actions or inactions of

Upper Moreland Township traffic signal maintenance personnel.

b. Any and all fees, costs and expenses arising out of or relating to paragraph (a) above, including, but not limited to reasonable counsel fees incurred by Upper Moreland Township in defense of any claims, demands, lawsuits or other proceedings arising out of the provision of traffic signal maintenance services by Upper Moreland Township pursuant to this Agreement, including any actions or inactions of Upper Moreland Township traffic signal personnel.

9. As proof of its financial ability to fulfill the indemnification and defense obligations set forth in paragraph 8 above, each participating municipality shall provide Upper Moreland Township with a certificate of insurance, or other evidence of insurance coverage from a municipal self-insurance risk pool or trust, which coverage shall include the following:

Coverage	Minimum Limits
<u>General Liability</u>	
Comprehensive General Liability, including (as applicable):	\$1,000,000 per occurrence, combined single limit
Premises and Operations	
Underground, Explosion and Collapse	
Products and Completed Operations	
Contractual Liability	
Personal Injury Liability	
Broad Form Property Damage	
Independent Contractors	
Liability (if subcontractors are to be utilized)	

The above-described coverage shall be maintained by each participating municipality throughout its participation in the Traffic Signal Maintenance Program established under this Agreement. If commercial insurance is obtained by a participating municipality, then that participant shall cause Upper Moreland

Township, its municipal and elected officials, agents, servants and employees to be included as additional named insureds on its commercial liability policies for the purpose of providing coverage for the indemnification and defense obligations assumed by that participating municipality in paragraph 8 above. If the participating municipality is a member of a self-insurance risk pool or trust, then that municipality shall produce other evidence of such coverage in the form of an endorsement or other documentation certifying that such coverage has been obtained by that participating municipality.

10. Direct costs for services rendered to each participating municipality shall be billed on a monthly basis payable to Upper Moreland Township within thirty (30) days of receipt. Direct costs shall include:

a. Parts, materials and supplies used to repair the traffic signal.

b. Labor cost - Costs shall be determined by the number of work hours expended on service call multiplied by each crew member's current hourly rate. Time shall be charged from the time of departure to the time of return to Upper Moreland Township.

c. Equipment - Any and all traffic signals and related equipment used in service calls and/or used as replacement traffic signals shall be charged on a per cost basis, including shipment. Each participating municipality shall have the right to request copies of any invoices for traffic signal

equipment procured by Upper Moreland Township as part of this program so that equipment charges can be confirmed.

11. Overhead charges shall be billed on a quarterly basis.

These costs shall include:

- a. Vehicle maintenance and amortization
- b. Labor/Benefit charges, including but not limited to: hospitalization, pension, social security, workers compensation, life insurance, prescriptions, etc.

12. Each participating municipality shall be assessed on a quarterly basis for the overhead charges described in paragraph 11 above based upon that participant's percentage of the total points assigned to all program participants. Points assigned to each participant shall be determined as follows:

Traffic Controller	1 point
School Signal	1/2 point
Other	1/4 point

13. Equipment Replacement Fee - additional fees shall be charged on a quarterly basis to provide a capital reserve fund for the replacement of the traffic signal maintenance vehicle currently used in the program by Upper Moreland Township.

14. In addition to the costs and fees referenced in paragraphs 10 and 13 above, each participating municipality shall pay an initial capital equipment and inventory fee to Upper Moreland Township which fee is payable upon execution of this Agreement in an amount not to exceed \$300.00 per traffic signal controller, flashing warning device and school signal. Said fees shall be deposited into a separate fund controlled by Upper

Moreland Township to be used exclusively for the Traffic Signal Maintenance Program. Specifically, monies from this fund will be used for the establishment of the equipment inventory required to service those traffic signals for which Upper Moreland Township is responsible under the program and the capitalization of maintenance equipment utilized in the Traffic Signal Maintenance Program, including any trucks and other vehicles.

15. This Agreement shall be construed, interpreted and applied in accordance with the laws of the Commonwealth of Pennsylvania.

16. The invalidity or unenforceability of any part of this Agreement shall not effect the validity and enforceability of the remainder. This Agreement constitutes the entire and only Agreement between the parties relating to the subject matter hereof. Any representation, promise or condition in connection with such subject matter which is not incorporated in this Agreement shall not be binding upon any party hereto. No modification or waiver of this Agreement shall be valid unless in writing and duly signed by all parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as set forth below.

ATTEST:

BY: _____
Secretary

ATTEST:

BY: _____
Secretary

ATTEST:

BY: _____
Secretary

ATTEST:

BY: _____
Secretary

ATTEST:

BY: Joseph K. Bloome
Secretary

ATTEST:

BY: _____
Secretary

ATTEST:

BY: _____
Secretary

AMBLER BOROUGH

BY: _____
Manager

CHELTENHAM TOWNSHIP

BY: _____
Manager

JENKINTOWN BOROUGH

BY: _____
Manager

LOWER GWYNEDD

BY: _____
Manager

UPPER DUBLIN

BY: Gregory N. Klimick
Manager

LOWER MORELAND

BY: _____
Manager

WARRINGTON

BY: _____
Manager

ATTEST:

BY: _____
Secretary

ATTEST:

BY: _____
Secretary

ATTEST:

BY: _____

ATTEST:

BY: Daniel A. Parker

WHITPAIN TOWNSHIP

BY: _____
Manager

UPPER SOUTHAMPTON TOWNSHIP

BY: _____
Manager

WARMINSTER TOWNSHIP

BY: _____
Manager

UPPER MORELAND TOWNSHIP

BY: Brian Z. Mook

ORDINANCE No. 802

AN ORDINANCE OF THE TOWNSHIP OF UPPER DUBLIN PROVIDING FOR THE LAYING OUT, CONDEMNATION OF RIGHTS OF WAY AND CONSTRUCTION OF STORM SEWER FACILITIES FROM BELMONT AVENUE TO THE SANDY RUN CREEK IN UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA.

WHEREAS, in accordance with Section 2401 of the First Class Township Code of the Commonwealth of Pennsylvania, Upper Dublin Township has the authority to ordain the installation of facilities for the disposal of storm sewerage; and

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

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

Section 1: A portion of a storm sewer line shall be constructed across certain private properties as more particularly described on the plans attached hereto and made a part hereof (the "Plans").

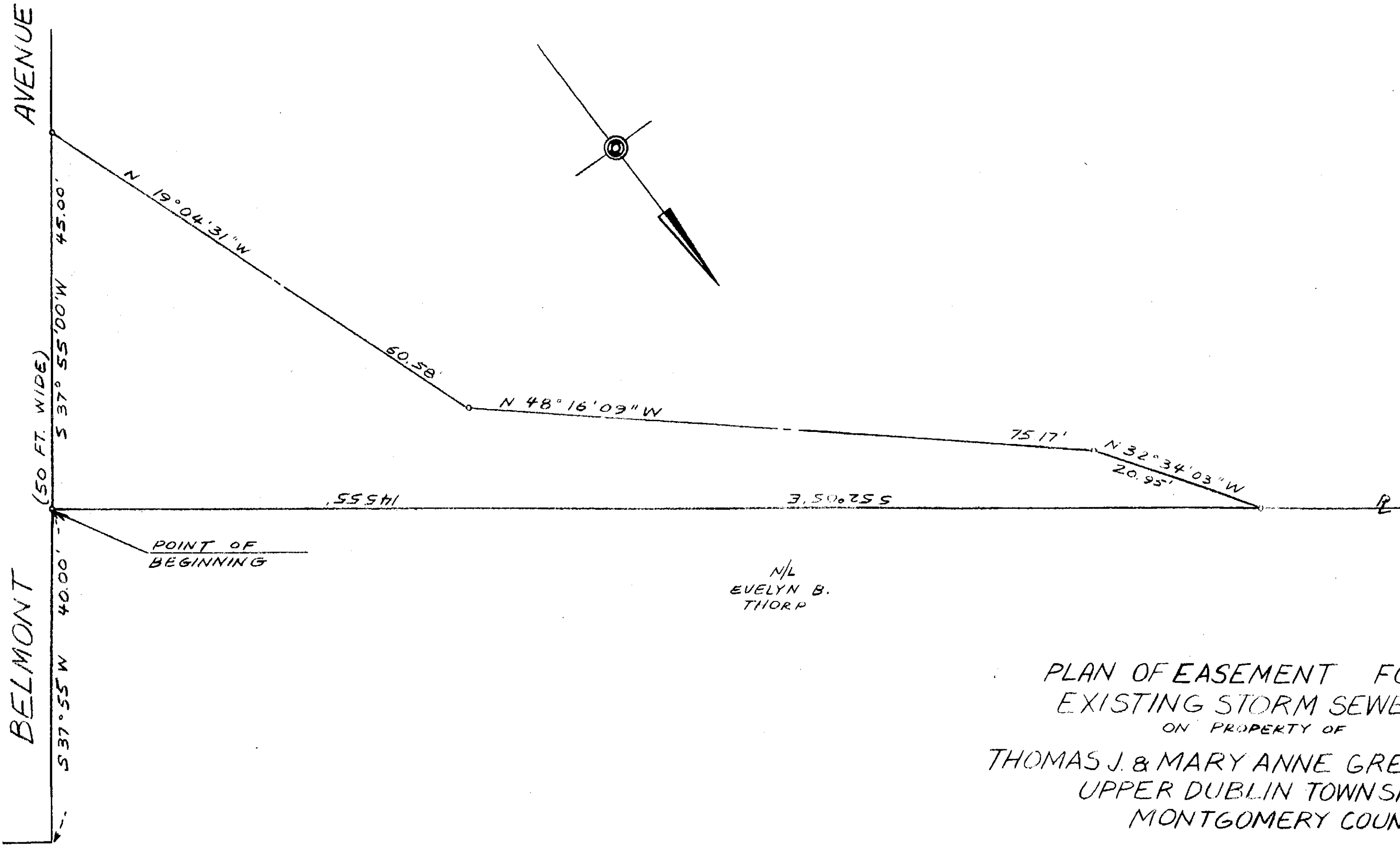
Section 2: The condemnation for the purpose of such storm sewer of permanent rights-of-way of varying width, as shown by the aforesaid Plans, by the filing of a Declaration of Taking, pursuant to the Act of June 22, 1964, P.L. 84, as amended, 26 P.S. Sec. 1-101 et seq., the "Eminent Domain Code," is hereby authorized.

ENACTED AND ORDAINED this 12th day of March, A.D. 1991.

TOWNSHIP OF UPPER DUBLIN
BOARD OF COMMISSIONERS

By *Patricia M. Hill*
President

Attest *Gregory N. Klemick*
Secretary

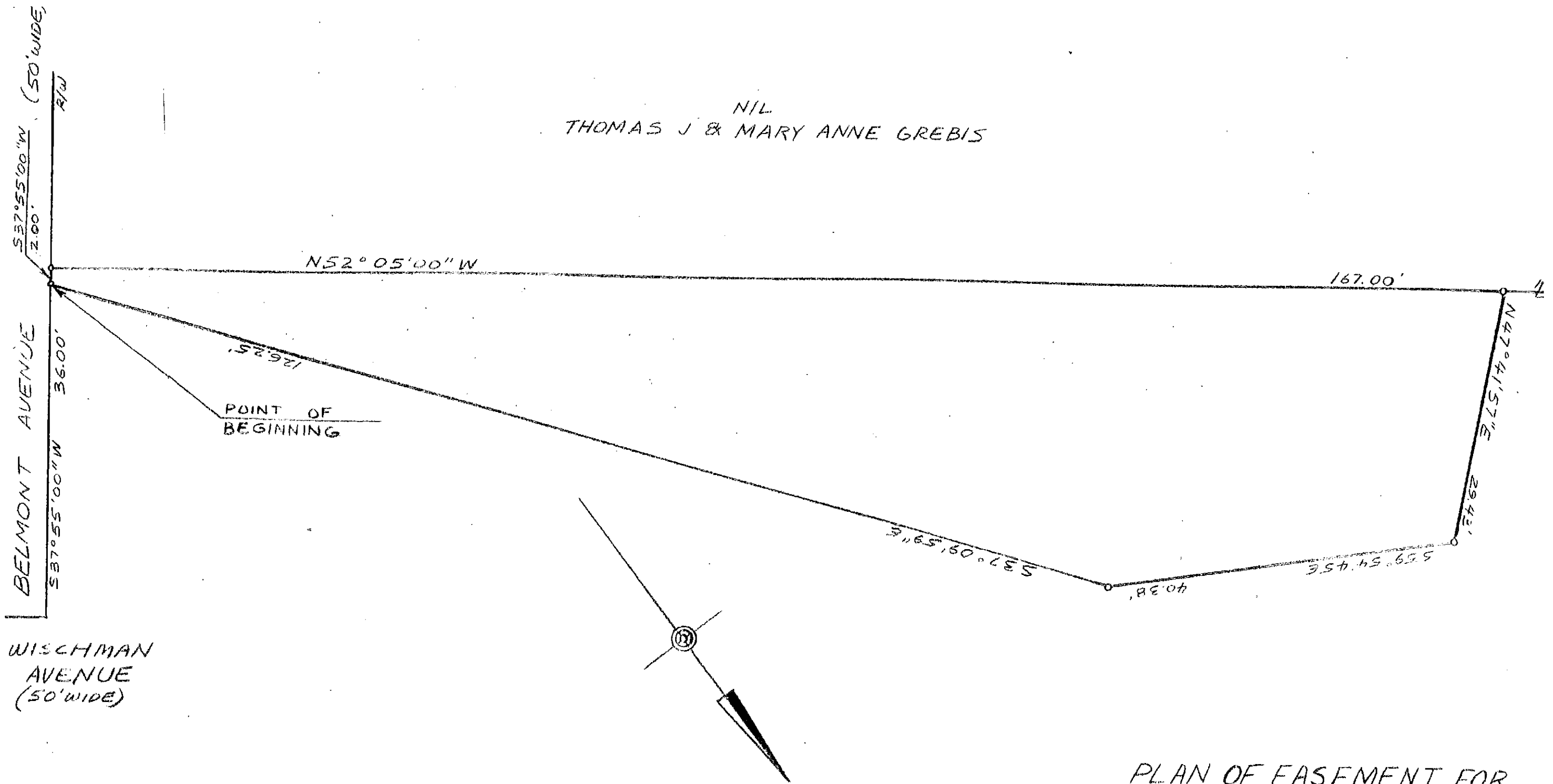


PLAN OF EASEMENT FOR
 EXISTING STORM SEWER
 ON PROPERTY OF
 THOMAS J. & MARY ANNE GREBIS
 UPPER DUBLIN TOWNSHIP
 MONTGOMERY COUNTY

WISCHMAN
 AVENUE
 (50 FT. WIDE)

SCALE: 1"=10' DATE: 11/8/90

NIL
THOMAS J & MARY ANNE GREBIS



PLAN OF EASEMENT FOR
STORM SEWER
ON PROPERTY OF
EVELYN B. THORP
UPPER DUBLIN TOWNSHIP
MONTGOMERY COUNTY

SCALE: 1"=10' DATE: 11/4/90

ORDINANCE No. 803

AN ORDINANCE TO AMEND THE UPPER DUBLIN TOWNSHIP CODE, TITLE 10, ZONING, BY AMENDING THE ZONING MAP DESIGNATING THE PROPERTY LOCATED AT 471 PENNSYLVANIA AVENUE FROM B-RESIDENTIAL DISTRICT TO CR-COMMERCIAL DISTRICT CLASS I.

The Board of Commissioners of the Township of Upper Dublin does hereby ENACT AND ORDAIN that Title 10 of the Upper Dublin Township Code entitled "The Upper Dublin Zoning Ordinance" shall be amended as follows:

Section 1: The Zoning Map of the Upper Dublin Zoning Ordinance, as amended, is further amended by designating the following described parcels from B-RESIDENTIAL DISTRICT to CR-COMMERCIAL DISTRICT CLASS I:

ALL THAT CERTAIN lot or tract of ground with the improvements thereon erected situate in the Township of Upper Dublin, County of Montgomery and State of Pennsylvania, bounded and described according to a plan prepared for Frank A. Peirce, dated 6/25/1965, by C. Raymond Weir Associates, Inc., Ambler, Pennsylvania, and recorded in Deed Book C-5, page 22 on 4/4/1966 in the Office for the Recording of Deeds in Norristown, Pennsylvania, as follows, to wit:

BEGINNING at a point a corner in the center line of Pennsylvania Avenue 60 feet wide, the line between the Townships of Upper Dublin and Whitemarsh a corner of land of Humble Oil Company said point being North 45 degrees 15 minutes West 247.25 feet from a point at the intersection of the center line of Pennsylvania Avenue with the center line of Commerce Drive 70 feet wide extending to the Northeast; thence along the center line of Pennsylvania Avenue North 45 degrees 15 minutes West 100 feet to a point a corner of land of Village Square, Inc.; thence along the same crossing the Northeast side of Pennsylvania Avenue North 44 degrees 45 minutes East 283.28 feet to a point a corner of land about to be conveyed to Village Square Inc.; thence along the same South 45 degrees 14 minutes 30 seconds East 277.48 feet to a point in line of land of Delaware Valley Industrial Properties; thence along the same South 43 degrees 47 minutes West 128.22 feet to a point a corner of land of the Humble Oil Company aforesaid; thence along the same two following courses and distances, viz: (1) North 45 degrees 14 minutes 30 seconds West 179.62 feet to a point a corner; (2) South 44 degrees 45 minutes West 155.00 feet to the point and place of beginning.

CONTAINING in area 1.173 Acres of land be the same more or less, having a lot area of 1.104 Acres more or less.

BEING PARCEL NUMBER 54-00-13390-002.

ENACTED AND ORDAINED this 11th day of June, A.D. 1991.

BOARD OF COMMISSIONERS
TOWNSHIP OF UPPER DUBLIN

Attest Gregory M. Lemick Secretary
By Patricia Galle President

UPPER DUBLIN TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 804

AN ORDINANCE AUTHORIZING THE PARTICIPATION OF UPPER DUBLIN TOWNSHIP IN THE DELAWARE VALLEY WORKERS COMPENSATION TRUST IN ACCORDANCE WITH THE PENNSYLVANIA INTERGOVERNMENTAL COOPERATION LAW AND THE PENNSYLVANIA POLITICAL SUBDIVISION TORT CLAIMS ACT.

The Board of Commissioners of Upper Dublin Township, Montgomery County, Pennsylvania does hereby enact and ordain:

SECTION 1: That the Board of Commissioners of Upper Dublin Township is hereby authorized to execute the Delaware Workers Compensation Intergovernmental Agreement for the participation of Upper Dublin 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 the offices of Upper Dublin Township, 801 Loch Alsh Avenue, Fort Washington, Pennsylvania. This Agreement may be amended after the enactment of this Ordinance to conform to any requirements imposed by the Commonwealth of Pennsylvania Department of Labor and Industry Bureau of Workers' Compensation.

SECTION 2: That the participation of Upper Dublin Township in the Delaware Valley Workers Compensation Trust is authorized for the purposes of enabling Upper Dublin Township to obtain a self-insurance exemption for the payment of workers' compensation claims from the Pennsylvania Department of Labor and Industry pursuant to 77 P.S. §501 and ultimately reduce the cost of workers' compensation claims through the creation of a joint fund to be used for the payment of workers' compensation claims on behalf of all participants in the Delaware Valley Workers Compensation Trust.

SECTION 3: As set forth in the Delaware Valley Workers Compensation Intergovernmental Agreement, the following conditions, among others, apply to the participation of Upper Dublin Township in the Delaware Valley Workers Compensation Trust:

1. That each participating municipality meets the admission and eligibility requirements set forth therein;
2. That each participating municipality agrees to pay all annual contributions and any assessments which are required for the creation of the General Operating and Restricted Surplus Funds created pursuant to the Delaware Valley Workers Compensation Intergovernmental Agreement;

3. That each participating municipality use its best efforts to provide appropriations for the payment of any contributions or assessments required by the Trust for the payment of workers' compensation benefits;
4. That each participating municipality institute any and all loss prevention measures or risk management procedures as may be required for the purpose of minimizing or eliminating risks to its employees which 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;
6. That each participating municipality designate a contact person to be responsible for all contacts with the Trust;
7. That each participating municipality provide any information to the Administrator or Board of Trustees as may be required to effect the purposes and objectives of the Trust;
8. That each participating municipality comply with all applicable statutes and regulations governing the payment of workers' compensation claims, including, but not limited to, the Pennsylvania Workmen's Compensation Act.

SECTION 4: That the participation of Upper Dublin Township in the Delaware Valley Workers Compensation Trust will not be effective unless and until it is granted a self-insurance exemption for the payment of workers' compensation claims by the Pennsylvania Department of Labor and Industry pursuant to 77 P.S. §501 and any regulations promulgated thereunder.

SECTION 5: That Upper Dublin Township agrees to participate in the Trust for a minimum period of two (2) years, subject to the requirement that it continue to retain a self-insurance exemption for the payment of workers' compensation claims from the Pennsylvania Department of Labor and Industry. After the expiration of that minimum two year period, each participating municipality may withdraw under the following conditions, subject to the right of arbitration as provided in the Delaware Valley Workers Compensation Intergovernmental Agreement:

1. An opinion is rendered by the Trust certified actuary that such 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 Contribution, as determined by the Board of Trustees in accordance with the Delaware Valley Workers Compensation Intergovernmental Agreement and any By-Laws adopted by the Participants pursuant to that Agreement; 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, and 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. As used herein, the term "debt" include any municipal bonds, certificates, letters of credit or other instruments of municipal indebtedness.

SECTION 6: The effective date of the participation of Upper Dublin Township in the Delaware Valley Workers Compensation Trust will be January 1, 1992 provided that a self-insurance exemption for the payment of workers' compensation claims is obtained by it from the Pennsylvania Department of Labor and Industry before that date.

SECTION 7: Each participating municipality delegates to the Board of Trustees of the Delaware Valley Workers Compensation Trust the powers enumerated in the Intergovernmental Agreement, including the right to expel Participants under certain conditions.

SECTION 8: All contributions and assessments paid by Upper Dublin Township shall be made with funds appropriated by the Board of Commissioners of Upper Dublin Township for that purpose.

SECTION 9: The organizational structure of the Trust shall consist of a Board of Trustees, an administrator, a claims administration/loss control consultant and various service agents appointed by the Board of Trustees in accordance with the Delaware Valley Workers Compensation Intergovernmental Agreement and any By-Laws adopted pursuant thereto.

SECTION 10: As set forth in the Delaware Valley Workers Compensation Intergovernmental Agreement, the funds required for the creation and operation of the Trust shall be provided by the participating municipalities through annual appropriations.

SECTION 11: 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.

SECTION 12: As a condition of participating in the Delaware Valley Workers Compensation Trust, Upper Dublin 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 representatives;
3. Agree not to withdraw from the Trust for a period of two (2) years following its admission to the Trust, provided that it maintains a self-insurance exemption for the payment of workers compensation benefits from the Pennsylvania Department of Labor and Industry;
4. Withdraw from the Trust only upon satisfaction of the conditions set forth in the Delaware Valley Workers Compensation Intergovernmental Agreement;
5. Perform all covenants contained in the Delaware Valley Workers Compensation Intergovernmental 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 Intergovernmental Agreement governing the handling and payment of claims, including the defense and settlement thereof;
7. Appropriate the funds needed to pay all contributions and assessments as may be required by the Board of Trustees in accordance with the Delaware Valley Workers Compensation Intergovernmental 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 their designee.

SECTION 13: This Ordinance is being enacted pursuant to Section 1502 of the First Class Township code, as amended, 53 P.S. Section 56563.

Duly presented and unanimously adopted by the Board of Commissioners of Upper Dublin Township, in a public meeting held this 11 day of June, 1991.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

By: Robert Gollis
President

Attest: Gregory N. Klemick
Secretary

ORDINANCE No. 805

AN ORDINANCE TO AMEND THE UPPER DUBLIN TOWNSHIP CODE, TITLE 10, ZONING, ARTICLE 10, "CR" COMMERCIAL-RETAIL DISTRICT, SECTION 10.03, REQUIRED AREA AND YARD REGULATIONS.

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

SECTION 1: That Section 10.03, 1, Front Yard, shall be deleted in its entirety and read as follows:

1. Front Yard. There shall be a front yard on each lot, the depth of which shall not be less than forty (40) feet. For all corner lots there shall be a front yard on each street of not less than forty (40) feet. Parking is permitted in the front yard provided no parking shall be permitted within fifteen (15) feet of the near side lines of the abutting streets or intersection rights-of-way. Provided further that there shall be no vision obstructions.

SECTION 2: That Section 10.03, 2, Side Yard, shall be amended by the deletion of the last sentence and read as follows:

2. Side Yard. On a lot abutting any Residential District, there shall be a side yard abutting the district having a width of twenty (20) feet or a width equal to that required on the Residential District, whichever is larger.

ENACTED AND ORDAINED this 10th day of September, 1991.

TOWNSHIP OF UPPER DUBLIN
BOARD OF COMMISSIONERS

By *Patricia Jell*
President

Attest *Gregory N. Klemick*
Secretary

ORDINANCE No. 806

AN ORDINANCE TO AMEND THE UPPER DUBLIN TOWNSHIP CODE, TITLE 9, LAND DEVELOPMENT AND SUBDIVISION, SECTION 4.19, LANDSCAPE REGULATIONS.

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

SECTION 1: That Section 4.19, Landscape Regulations, 2, Areas Where Landscaping Required, (c) (1), which reads:

Landscape a perimeter strip of at least twenty-five (25) feet wide between the street line on which the property fronts and the parking or vehicular use area.

shall be amended to read:

Landscape a perimeter strip at least fifteen (15) feet wide between the street line on which the property abuts and the parking or vehicular use area.

ENACTED AND ORDAINED this 10th day of September 1991.

TOWNSHIP OF UPPER DUBLIN
BOARD OF COMMISSIONERS

Attest Gregory N. Klemick Secretary
By Patent Hall President

ORDINANCE No. 807

AN ORDINANCE AMENDING THE UPPER DUBLIN TOWNSHIP CODE, TITLE 10, ZONING, TO DEFINE THOSE PROFESSIONS WHICH QUALIFY FOR A SPECIAL EXCEPTION FOR PROFESSIONAL OFFICES IN RESIDENTIAL DISTRICTS WITHIN THE TOWNSHIP.

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

Section 1: That Section 4.07(B)(5)(c) of Title 10, Chapter 1, Article 4 (defining those professions which qualify for special exception), be deleted and the following substituted therefor:

A professional office limited to practitioners licensed by the Commonwealth of Pennsylvania as a: doctor, lawyer, dentist, psychologist, psychiatrist, engineer, architect, accountant or a rabbi, priest or minister affiliated with a local religious institution. Provided that the office is for no more than two (2) residents and is located in a dwelling or in a building accessory thereto, and no sign or advertisement is shown other than a sign not larger than six (6) inches by eighteen (18) inches bearing only the name and occupation (words only) of the practitioner, and provided further that the profession is conducted by the occupants only with not more than two (2) persons from outside the residence to assist in such use. Parking must be provided off street and must have two (2) spaces for the dwelling unit and at least three (3) additional spaces all of which shall be located in the side or rear yard. (A parking space is nine and one-half feet by nineteen feet (9 1/2' x 19'.) The gross office space shall not exceed six hundred (600) square feet.

Section 2: That Section 4.07(B)(5)(d) of Title 10, Chapter 1, Article 4, is hereby deleted in its entirety.

ENACTED AND ORDAINED this 10th day of September A.D. 1991.

TOWNSHIP OF UPPER DUBLIN
BOARD OF COMMISSIONERS

By *Patricia Jell* President

Attest

Gregory N. Kemick
Secretary

TOWNSHIP OF UPPER DUBLIN
Montgomery County, Pennsylvania

ORDINANCE NO. 808

AUTHORIZING THE INCURRENCE OF NONELECTORAL DEBT OF THE TOWNSHIP BY THE ISSUANCE OF \$2,170,000 AGGREGATE PRINCIPAL AMOUNT GENERAL OBLIGATION BONDS, SERIES OF 1991, FOR THE PURPOSE OF PROVIDING FUNDS FOR AND TOWARD A CAPITAL PROJECT TO BE UNDERTAKEN BY THE TOWNSHIP CONSISTING GENERALLY OF THE CONSTRUCTION OF AN ADDITION TO THE TOWNSHIP BUILDING FOR USE AS LIBRARY FACILITIES AND ADDITIONAL TOWNSHIP ADMINISTRATIVE OFFICES; AUTHORIZING THE PREPARATION OF A DEBT STATEMENT AND OTHER DOCUMENTATION; COVENANTING TO CREATE A SINKING FUND AND TO BUDGET, APPROPRIATE AND PAY DEBT SERVICE ON THE BONDS; PLEDGING THE FULL FAITH, CREDIT AND TAXING POWER OF THE TOWNSHIP FOR THE PROMPT AND FULL PAYMENT OF THE BONDS; SETTING FORTH THE SUBSTANTIAL FORM OF THE BONDS; SETTING FORTH THE STATED PRINCIPAL MATURITY DATES AND AMOUNTS, INTEREST RATES AND INTEREST PAYMENT DATES, PLACE OF PAYMENT, SINKING FUND PROVISIONS AND OTHER DETAILS OF THE BONDS; PROVIDING FOR THE SALE OF THE BONDS; ACCEPTING A PROPOSAL FOR THE PURCHASE OF THE BONDS; AUTHORIZING THE PROPER TOWNSHIP OFFICERS TO CONTRACT FOR THE SERVICES OF A PAYING AGENT, SINKING FUND DEPOSITORY AND BOND REGISTRAR; AND AUTHORIZING OTHER NECESSARY ACTION.

WHEREAS, the Township of Upper Dublin (the "Township") is a township of the first class, governed by an Act of Assembly of the Commonwealth of Pennsylvania, Act of June 24, 1931, P.L. 1206, reenacted and amended May 27, 1949, P.L. 1955, as further amended (the "First Class Township Code"); and

WHEREAS, the Township has determined to undertake a capital project (the "Project") consisting of the construction of an addition to the Township Building for use as library facilities and additional Township administrative offices; and

WHEREAS, the Township has the power and authority under the Local Government Unit Debt Act of the Commonwealth of Pennsylvania, Act 52 of 1978, approved April 28, 1978, as amended (the "Act") to incur indebtedness and to issue bonds to finance the Project; and

WHEREAS, the Township proposes to issue \$2,170,000 aggregate principal amount of its General Obligation Bonds, Series of 1991 (the "Bonds") for the purpose of financing the Project and paying the costs and expenses of issuing the Bonds; and

WHEREAS, the Township has received a proposal for the purchase of the Bonds and now desires to authorize the issuance of the Bonds for the purposes stated above.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Township of Upper Dublin and IT IS HEREBY ORDAINED, as follows:

Section 1. Authorization of Project and Incurrence of Debt; Useful Life of Project. The Township hereby approves the Project described in the preamble to this Ordinance. The Township shall incur indebtedness pursuant to the Act in the amount of \$2,170,000 for the purpose of financing the Project and paying the costs and expenses of issuing the Bonds. It is hereby determined and declared that the estimated useful life of the Project is forty (40) years and that the Township has obtained realistic estimates of the costs of the Project through bid prices or professional cost estimates from persons qualified by experience to provide such estimates.

Section 2. Authorization of Issuance of Bonds. The Township shall issue, pursuant to this Ordinance, \$2,170,000 aggregate principal amount of its General Obligation Bonds, Series of 1991 to finance the costs of the Project authorized in Section 1 hereof.

Section 3. Type of Indebtedness. The indebtedness authorized by this Ordinance is nonelectoral debt.

Section 4. Execution of Debt Statement, Bonds and Other Documents. The President or Vice President of the Board of Commissioners and the Township Secretary or Treasurer and their successors are hereby authorized to prepare and verify the Debt Statement required by Section 410 of the Act, to execute and deliver the Bonds in the name and on behalf of the Township and to take all other action required by the Act or this Ordinance in order to effect the issuance of the Bonds. Said officers or any of them are further authorized to apply to the Department of Community Affairs for approval of the debt herein authorized and to file with such application a transcript of the proceedings including a certified copy of this Ordinance, the Debt Statement, a Borrowing Base Certificate signed by the appropriate officials of the Township or by the accountants of the Township responsible for auditing its financial affairs, and to take any and all such further action and to execute and deliver such other documents as may be necessary or proper to comply with all requirements of the Act or to carry out the intent and purpose of this Ordinance.

Section 5. Type of Bonds. The Bonds when issued will be general obligation bonds.

Section 6. Covenant to Pay Debt Service - Pledge of Taxing Power. The Township hereby covenants with the registered owners of the Bonds: (a) that the Township will include in its budget for each year, commencing with the fiscal year ending December 31, 1992, the amount of the debt service on the Bonds which will be payable in each such fiscal year so long as the Bonds shall remain outstanding; (b) that the Township shall appropriate such amounts to the payment of such debt service; and (c) that the Township shall duly and punctually pay or cause to be paid from the sinking fund hereinafter created the principal of the Bonds and the interest thereon on the dates and at the place and in the manner stated in the Bonds according to the true intent and meaning thereof. For such budgeting, appropriation and payment the Township hereby pledges its full faith, credit and taxing power. This covenant shall be specifically enforceable.

Section 7. Form of Bonds. The Bonds shall be substantially in the following form with appropriate omissions, insertions and variations:

(FORM OF BOND)

(BOND TEXT - FACE OF BOND)

TOWNSHIP OF UPPER DUBLIN
(Montgomery County, Pennsylvania)

GENERAL OBLIGATION BOND, SERIES OF 1991

No. R-

\$ _____

Interest Rate

Maturity Date

Dated Date
October 15, 1991

CUSIP

REGISTERED OWNER:

PRINCIPAL SUM:

Dollars

The Township of Upper Dublin, Montgomery County, Pennsylvania (the "Township"), a municipal corporation of the Commonwealth of Pennsylvania, for value received, hereby promises to pay to the registered owner hereof on the maturity date set forth above the principal sum set forth above, unless this Bond shall have been called for redemption and payment of the redemption price shall have been duly made or provided for, and to pay interest thereon semiannually on April 15 and October 15 of each year commencing April 15, 1992 (each, an "Interest Payment Date"), at the annual rate specified above, calculated on the basis of a 360-day year of twelve 30-day months until the principal sum is paid or has been provided for. This Bond will bear interest from the most recent Interest Payment Date to which interest has been paid or duly provided for or, if no interest has been paid, from October 15, 1991. The principal of this Bond is payable upon presentation and surrender hereof at the principal corporate trust office of Fidelity Bank, National Association, Philadelphia, Pennsylvania (the "Paying Agent"). Interest on this Bond will be paid on each Interest Payment Date by check or draft mailed to the person in whose name this Bond is registered on the registration books of the Township maintained by the Paying Agent, as bond registrar, at the address appearing thereon at the close of business on the last day of the calendar month next preceding such Interest Payment Date (the "Regular Record Date"). Any such interest not so timely paid or duly provided for shall cease to be payable to the person who is the registered owner

hereof as of the Regular Record Date, and shall be payable to the person who is the registered owner hereof at the close of business on a Special Record Date for the payment of such defaulted interest. Such Special Record Date shall be fixed by the Paying Agent whenever moneys become available for payment of the defaulted interest, and notice of the Special Record Date and payment date shall be given by first class mail to the registered owners of the Bonds not less than fifteen (15) days prior to the Special Record Date. The principal of and interest on this Bond are payable in lawful money of the United States of America.

REFERENCE IS HEREBY MADE TO THE FURTHER PROVISIONS OF THIS BOND SET FORTH ON THE REVERSE HEREOF, WHICH PROVISIONS SHALL FOR ALL PURPOSES HAVE THE SAME EFFECT AS IF SET FORTH HEREIN.

This Bond shall not be entitled to any benefit under the Ordinance or be valid or become obligatory for any purpose until this Bond shall have been authenticated by the Paying Agent by execution of the certificate endorsed hereon.

IN WITNESS WHEREOF, the Township of Upper Dublin, Montgomery County, Pennsylvania has caused this Bond to be signed in its name and on its behalf by the facsimile signature of the President of its Board of Commissioners and a facsimile impression of its corporate seal to be hereunto affixed, duly attested by the facsimile signature of its Secretary.

TOWNSHIP OF UPPER DUBLIN

By: (facsimile signature)
President, Board
of Commissioners

Attest: (facsimile signature)
Secretary

(SEAL)

(FORM OF AUTHENTICATION CERTIFICATE)

DATE OF AUTHENTICATION

Authentication Certificate

This Bond is one of the Township of Upper Dublin General Obligation Bonds, Series of 1991, described in the within mentioned Ordinance.

The Text of Opinion printed hereon is the text of opinion of Saul, Ewing, Remick & Saul on file with the undersigned, which was dated and delivered on the date of delivery of and payment for the Bonds.

FIDELITY BANK, NATIONAL
ASSOCIATION, Paying Agent

By: _____
Authorized Officer

(BOND TEXT - BACK OF BOND)

This Bond is one of a duly authorized issue of General Obligation Bonds, Series of 1991, of the Township in the aggregate principal amount of \$2,170,000 (the "Bonds") issued in fully registered form in the denomination of \$5,000 or any integral multiple thereof, all of like date and tenor, except as to dates of maturity, rates of interest and provisions for redemption, and all issued in accordance with the Local Government Unit Debt Act of the Commonwealth of Pennsylvania, Act 52 of 1978 approved April 28, 1978, as amended (the "Act"), and pursuant to an Ordinance of the Board of Commissioners of the Township duly enacted on October 1, 1991 (the "Ordinance"). The Bonds are issued for the purpose of providing funds for and towards the costs of the capital project described in the Ordinance.

The Act provides that this Bond, its transfer and the income therefrom, including any profits made on the sale thereof, shall at all times be free from taxation for state and local purposes within the Commonwealth of Pennsylvania, but this exemption shall not extend to gift, estate, succession or inheritance taxes or to any other taxes not levied directly on this Bond, the transfer thereof, the income therefrom or the realization of profit on the sale thereof.

The Bonds maturing on and after October 15, 1997 are subject to redemption prior to maturity at the option of the Township, as a whole or from time to time in part in any order of maturity and within a maturity by lot on October 15, 1996 or on any date thereafter, in either case upon payment of a redemption price of 100% of principal amount, together with accrued interest to the date fixed for redemption.

For the purpose of selection of Bonds for redemption, any Bond of a denomination greater than \$5,000 shall be treated as representing such number of separate Bonds, each of the denomination of \$5,000, as is obtained by dividing the actual principal amount of such Bond by \$5,000. Any Bond which is to be redeemed only in part shall be surrendered at the principal corporate trust office of the Paying Agent, together with a duly executed instrument of transfer in form satisfactory to the Paying Agent, and the registered owner of such Bond shall receive, without service charge, a new Bond or Bonds of any authorized denomination as requested by such registered owner in aggregate principal amount equal to and in exchange for the unredeemed portion of the principal of the Bond so surrendered.

Notice of any redemption shall be given by first-class mail, postage prepaid, mailed by the Paying Agent not less than thirty (30) days nor more than sixty (60) days prior to the redemption date to each registered owner of Bonds at their addresses as they appear on the Bond register maintained by the Paying Agent. Such notice shall also be mailed to The Bond Buyer, or if no longer published, to such substitute financial journal as shall be acceptable to the Paying Agent. Such notice shall be given in the name of the Township, shall identify the Bonds to be redeemed (and, in the case of a partial redemption of any Bonds, the respective principal amounts thereof to be redeemed), shall specify the redemption date and the redemption price, and shall state that on the redemption date the Bonds called for redemption will be payable at the principal corporate trust office of the Paying Agent and that from the date of redemption interest will cease to accrue. The Paying Agent shall use "CUSIP" numbers (if then generally in use) in notices of redemption as a convenience to Bond owners, provided that any such notice shall state that no representation is made as to the correctness of such numbers either as printed on the Bonds or as contained in any notice of redemption and that reliance may be placed only on the identification numbers prefixed "R-" printed on the Bonds. Failure to mail any notice of redemption, or any defect therein, or in the mailing thereof, with respect to any Bond shall not affect the validity of any proceeding for the redemption of other Bonds so called for redemption.

With respect to any optional redemption of the Bonds, if at the time of mailing such notice of redemption, the Township shall not have deposited with the Paying Agent moneys sufficient

to redeem all the Bonds called for redemption, such notice may state that it is conditional, that is, subject to the deposit of the redemption moneys with the Paying Agent not later than the opening of business on the redemption date, and such notice shall be of no effect unless such moneys are so deposited.

The Bonds are transferable by the owners thereof, subject to payment of any required tax, fee or other governmental charge, upon presentation and surrender at the principal corporate trust office of the Paying Agent, together with a duly executed instrument of transfer in form satisfactory to the Paying Agent. The Paying Agent shall not be required: (i) to issue, transfer or exchange any of the Bonds during a period beginning at the close of business on the fifth (5th) day next preceding the day on which notice of redemption is to be given and ending at the close of business on the day on which such notice is given, or (ii) to transfer or exchange any Bond selected for redemption in whole or in part.

The Township and the Paying Agent may treat the person in whose name this Bond is registered on the bond register maintained by the Paying Agent as the absolute owner of this Bond for all purposes and neither the Township nor the Paying Agent shall be affected by any notice to the contrary.

No recourse shall be had for the payment of the principal of or interest on this Bond, or for any claim based hereon, against any member, officer or employee, past, present or future, of the Township or of any successor body, as such, either directly or through the Township or through any such successor body, under any constitutional provision, statute or rule of law, or by the enforcement of any assessment or by any legal or equitable proceeding or otherwise, and all such liability of such members, officers or employees is released as a condition of and as consideration for the execution and issuance of this Bond.

The Township hereby designates the Bonds as "qualified tax-exempt obligations" within the meaning of Section 265 (b)(3)(B) of the Internal Revenue Code of 1986, as amended.

It is hereby certified that the approval of the Department of Community Affairs of the Commonwealth of Pennsylvania for the Township to issue and deliver this Bond has been duly given pursuant to the Act; that all acts, conditions and things required by the laws of the Commonwealth of Pennsylvania to exist, to have happened or to have been performed, precedent to or in the issuance of this Bond or in the creation of the debt of which this Bond is evidence, exist, have happened and have been performed in regular and due form and manner as required by law; that this Bond, together with all other indebtedness of the Township, is within every debt and other limit prescribed by the Constitution and the statutes of the Commonwealth of Pennsylvania;

that the Township has established a sinking fund for the Bonds and shall deposit therein amounts sufficient to pay the principal of and interest on the Bonds as the same shall become due and payable; and that for the prompt and full payment of all obligations of this Bond, the full faith, credit and taxing power of the Township are hereby irrevocably pledged.

ASSIGNMENT AND TRANSFER

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

PLEASE INSERT SOCIAL SECURITY OR OTHER IDENTIFYING NUMBER OF ASSIGN-

EE

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints

_____ attorney to transfer said Bond on the books of the within named Paying Agent, with full power of substitution in the premises.

Dated:

Signature Guaranteed by:

(Bank, Trust Company or Firm)

NOTICE: The signature to this Assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

(Authorized Signature)

[END OF FORM OF BOND]

Section 8. Terms of Bonds. The Bonds shall be issued in fully registered form, in denominations of \$5,000 or any integral multiple thereof, shall be dated as of October 15, 1991,

shall bear interest from such date payable semiannually on April 15 and October 15 of each year commencing April 15, 1992 (each, an "Interest Payment Date") until maturity or the date fixed for redemption, at the annual rates and shall mature on October 15 of the years as set forth in the Bond Amortization Schedule attached hereto and made a part hereof.

The principal of the Bonds shall be payable in lawful money of the United States of America upon presentment and surrender thereof at the principal corporate trust office of Fidelity Bank, National Association, Philadelphia, Pennsylvania which is hereby appointed paying agent, registrar and sinking fund depository (the "Paying Agent") for the Bonds. Interest on the Bonds will be paid on each Interest Payment Date by check or draft mailed to the persons in whose names the Bonds are registered at the address appearing thereon at the close of business on the last day of the calendar month next preceding such Interest Payment Date.

Section 9. Redemption of Bonds. The Bonds maturing on and after October 15, 1997 shall be subject to redemption prior to maturity at the option of the Township, as a whole or from time to time in part in any order of maturity and within a maturity by lot on October 15, 1996 or any date thereafter, in either case upon payment of a redemption price of 100% of principal amount, together with accrued interest to the date fixed for redemption.

Notice of any redemption shall be given by first class mail, postage prepaid, mailed by the Paying Agent not less than thirty (30) days nor more than sixty (60) days before the redemption date to the registered owners of the Bonds at their addresses as they appear on the Bond register maintained by the Paying Agent. Such notice shall also be mailed to The Bond Buyer or if no longer published, to such substitute financial journal as shall be acceptable to the Paying Agent. Such notice shall be given in the name of the Township, shall identify the Bonds to be redeemed (and, in the case of a partial redemption of any Bonds, the respective principal amounts thereof to be redeemed), shall specify the redemption price, and shall state that on the redemption date the Bonds called for redemption will be payable at the corporate trust office of the Paying Agent and that from the date of redemption interest will cease to accrue. The Paying Agent shall use "CUSIP" numbers (if then generally in use) in notices of redemption as a convenience to Bond owners, provided that any such redemption notice shall state that no representation is made as to the correctness of such numbers either as printed on the Bonds or as contained in any notice of redemption and that reliance may be placed only on the identification numbers prefixed "R-" printed on the Bonds. Failure to mail any notice of redemption, or any defect therein, or in the mailing thereof, with

respect to any Bond shall not affect the validity of any proceedings for redemption of other Bonds so called for redemption.

Section 10. Sale of Bonds. The Bonds shall be sold at private sale by negotiation as hereinafter set forth in Section 13. After due consideration, the Board of Commissioners hereby finds and determines, on the basis of all the information available, that a private sale of the Bonds by negotiation is in the best financial interest of the Township.

Section 11. Creation of and Deposits in Sinking Fund. The Township covenants that it shall hereafter maintain a sinking fund designated "Township of Upper Dublin General Obligation Bonds, Series of 1991 Sinking Fund" (the "Sinking Fund") segregated from all other funds of the Township to be held by the Paying Agent (or such substitute or successor Paying Agent which shall hereafter be appointed in accordance with the provisions of the Act) in the name of the Township, but subject to withdrawal only by the Paying Agent.

The Township covenants and agrees to deposit in the Sinking Fund no later than April 15 and October 15 of each year beginning April 15, 1992 amounts equal to the debt service payable on the Bonds on such dates as set forth in the Bond Amortization Schedule attached hereto, or such greater or lesser amount as at the time shall be sufficient to pay the principal of and interest on the Bonds as they become due on each such date.

Pending application to the purpose for which the Sinking Fund is established, the President of the Board of Commissioners or the Township Secretary is hereby authorized and directed to cause the moneys therein to be invested or deposited and insured or secured as permitted and required by Section 1004 of the Act. All income received on such deposits or investments during each applicable period shall be added to the Sinking Fund and shall be credited against the deposit next required to be made in the Sinking Fund.

The Paying Agent is hereby authorized and directed to pay from the Sinking Fund the principal of and interest on the Bonds as the same become due and payable in accordance with the terms thereof and the Township hereby covenants that such moneys, to the extent required, will be applied to such purpose.

All moneys deposited in the Sinking Fund for the payment of the Bonds which have not been claimed by the registered owners thereof after two years from the date when payment is due, except where such moneys are held for the payment of outstanding checks, drafts or other instruments of the Paying Agent, shall be returned to the Township. Nothing contained herein shall relieve the Township of its liability to the registered owners of the unrepresented Bonds.

Section 12. No Taxes Assumed. The Township shall not assume the payment of any tax or taxes in consideration of the purchase of the Bonds.

Section 13. Award and Sale of Bonds. The Bonds are hereby awarded and sold at private sale by negotiation to First Fidelity Bank, National Association, of Philadelphia, Pennsylvania (the "Underwriter"), at a price of \$2,142,332.50 in accordance with the other terms and conditions set forth in the proposal of the Underwriter dated October 1, 1991 which is hereby approved and accepted. A copy of said proposal shall be attached to this Ordinance and lodged with the official minutes of this meeting. The proper officers of this Township are hereby authorized and directed to endorse the acceptance of this Township on said contract and to deliver executed copies thereof to the Underwriter.

Section 14. Contract with Paying Agent. The proper officers of the Township are authorized to contract with the Paying Agent in connection with the performance of its duties as paying agent, registrar and sinking fund depository on usual and customary terms, including an agreement on the part of the Paying Agent to observe and comply with the provisions of this Ordinance and of the Act.

Section 15. Application of Proceeds of the Bonds-Fees and Expenses. The proceeds of the Bonds shall be deposited with the Paying Agent or other depository. Upon receipt of such proceeds, the Township (or Paying Agent on behalf of the Township) shall pay the costs and expenses of issuing the Bonds, including the fees and expenses of the Solicitor, Bond Counsel and Paying Agent, printing costs, insurance premium, if any, and miscellaneous expenses, and the proper officers of the Township are hereby authorized to pay or cause to be paid such costs and expenses from the proceeds of the Bonds upon presentation of proper invoices therefor. The accrued interest paid by the Underwriter of the Bonds shall be deposited in the Sinking Fund. The proceeds remaining in such account after payment of such expenses including any interest or investment earnings realized thereon, shall be transferred to an account of the Township for application to pay the costs of the Project.

Section 16. Federal Tax Covenants. The Township hereby covenants not to take or omit to take any action so as to cause interest on the Bonds to be no longer excluded from gross income for purposes of federal income taxation and to otherwise comply with the requirements of Sections 103 and 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), and all applicable regulations promulgated with respect thereto, throughout the term of the Bonds. The Township further covenants that it will make no investments or other use of the proceeds of the Bonds which would cause the Bonds to be "arbitrage bonds" as

defined in Section 148 of the Code. The Township further covenants to comply with the rebate requirements (including the prohibited payment provisions) contained in Section 148(f) of the Code and any regulations promulgated thereunder, to the extent applicable, and to pay any interest or penalty imposed by the United States for failure to comply with said rebate requirements, to the extent applicable.

The Township hereby represents and warrants, after due investigation and to the best of its knowledge, that: (i) the Township is a governmental unit with general taxing powers; (ii) the Bonds are not "private activity bonds" within the meaning of Section 141 of the Code; (iii) ninety-five percent (95%) or more of the net proceeds of the Bonds are to be used for local governmental activities of the Township; and (iv) the aggregate face amount of all tax-exempt obligations (other than "private activity bonds") issued or to be issued by the Township (and all "subordinate entities" thereof) during the 1991 calendar year including the Bonds is not reasonably expected to exceed \$5,000,000. The Township hereby authorizes the proper officers of the Township to execute a certificate to that effect at the time of the closing.

The Township hereby represents and warrants, after due investigation and to the best of its knowledge, that (i) the Bonds are not "private activity bonds" within the meaning of Section 141 of the Code and (ii) the aggregate face amount of "qualified tax-exempt obligations" within the meaning of Section 265(b)(3)(B) of the Code (which includes qualified 501(c)(3) bonds but not any other private activity bonds) issued or to be issued by the Township (and all "subordinate entities" thereof) during the 1991 calendar year, including the Bonds, is not reasonably expected to exceed \$10,000,000. The Township hereby designates the Bonds as a "qualified tax-exempt obligation" within the meaning of Section 265(b)(3)(B) of the Code. The Township hereby authorizes the proper officers of the Township to execute a certificate to that effect at the time of the closing.

Section 17. Execution and Authentication of Bonds. As provided in Section 4, the Bonds shall be executed by the President or the Vice President of the Board of Commissioners of the Township and the Secretary or Treasurer of the Township and each such execution shall be by manual or facsimile signature. The Bonds shall be authenticated by the manual signature of an authorized officer of the Paying Agent, which shall also certify that the approving opinion of Bond Counsel, which shall be printed on each Bond, is an accurate reproduction of the approving opinion delivered at the closing for the Bonds.

Section 18. Officers Authorized to Act. For the purpose of expediting the closing and the issuance and delivery of the Bonds, or in the event that the President of the Board of

Commissioners or the Secretary of the Township shall be absent or otherwise unavailable for the purpose of executing documents, or for the purpose of taking any other action which they or either of them may be authorized to take pursuant to this Ordinance, the Vice President of the Board of Commissioners or the Township Treasurer, respectively, are hereby authorized and directed to execute documents, or otherwise to act on behalf of the Township in their stead.

Section 19. Approval of Official Statement. The Preliminary Official Statement dated September 26, 1991, in the form presented to this meeting, is hereby approved and "deemed final" by the Township as of its date for purposes of United States Securities and Exchange Commission Rule 15c2-12. A Final Official Statement, substantially in the form of the Preliminary Official Statement and also containing the final terms of the Bonds, shall be prepared and delivered to the Underwriter within seven (7) business days from the date hereof, and the Township hereby approves the use thereof in connection with the public offering and sale of the Bonds.

Section 20. Bond Insurance. If deemed financially advantageous to the Township in connection with the issuance of the Bonds, the officers of the Township are hereby authorized to purchase a policy of insurance guaranteeing the payment of the principal of and interest on the Bonds, to pay the premium for such policy from the proceeds of the Bonds and to execute such documents as may be necessary to effect the issuance of such policy. If applicable, the Bonds issued under this Ordinance may include a statement of the terms of such insurance policy and the Authentication Certificate of the Paying Agent appearing on each Bond may include a statement confirming that the original or a copy of the insurance policy is on file with the Paying Agent.

Section 21. Further Action. The proper officers of the Township are hereby authorized and directed to take all such action, execute, deliver, file and/or record all such documents, publish all notices and otherwise comply with the provisions of this Ordinance and the Act in the name and on behalf of the Township.

Section 22. Act Applicable to Bonds. This Ordinance is enacted pursuant to, and the Bonds issued hereunder shall be subject to, the provisions of the Act and all the mandatory provisions thereof shall apply hereunder whether or not explicitly stated herein.

Section 23. Contract with Bond Owners. This Ordinance constitutes a contract with the registered owners of the Bonds outstanding hereunder and shall be enforceable in accordance with the provisions of the laws of the Commonwealth of Pennsylvania.

Section 24. Severability. In case any one or more of the provisions contained in this Ordinance or in any Bond shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision of this Ordinance or of said Bonds, and this Ordinance or said Bonds shall be construed and enforced as if such invalid, illegal or unenforceable provisions had never been contained therein.

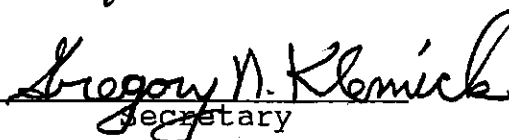
Section 25. Repealer. All ordinances and parts of ordinances heretofore enacted to the extent that the same are inconsistent herewith are hereby repealed.

Section 26. Effective Date. This Ordinance shall take effect on the earliest date permitted by the Act.

ENACTED AND ORDAINED this 1st day of October, 1991.

BOARD OF COMMISSIONERS
TOWNSHIP OF UPPER DUBLIN

By: 
President Board of
Commissioners

Attest: 
Secretary

CERTIFICATE OF SECRETARY

The undersigned, Secretary of the Township of Upper Dublin DOES HEREBY CERTIFY that:

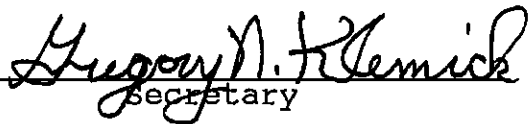
The foregoing Ordinance authorizing \$2,170,000 aggregate principal amount General Obligation Bonds, Series of 1991 of the Township was duly moved and seconded and enacted by a majority vote of all the Board of Commissioners of said Township at a duly called and convened public meeting of said Board held on October 1, 1991; that public notice of said meeting was given as required by law; that the roll of the Board of Commissioners was called and such Commissioners voted or were absent as follows:

<u>Name</u>	<u>Vote</u>
Patrick J. Zollo, President	
Harry E. Lenz, Vice President	
James B. Bockius	
Charles M. Bolig	
Norton A. Freedman	
Judy Herold	
Richard R. Rulon	

and that such Ordinance and the votes thereon have been duly recorded in the minutes.

I further certify that such Ordinance has not been altered, amended, modified, suspended or repealed and is still in full force and effect as of the date of the delivery of this Certificate.

WITNESS my hand and seal of the Township this 1st day of October, 1991.


Secretary

(TOWNSHIP SEAL)

SUPPLEMENTAL CERTIFICATE

I certify that such Ordinance has not been altered, amended, modified, suspended or repealed and is still in full force and effect as of the date of the delivery of this Certificate.

WITNESS my hand and seal of the Township this 1st day of October, 1991.

Gregory N. Kernick
Secretary

(Seal)

TOWNSHIP OF UPPER DUBLIN

Ordinance No. _____

BOND AMORTIZATION SCHEDULE

<u>Date</u>	<u>Principal</u>	<u>Annual Rate</u>	<u>Interest</u>	<u>Total Debt Service and Sinking Fund Deposit</u>
4/15/1992			\$ 63,957.50	\$ 63,957.50
10/15/1992	\$ 100,000.00	4.60000%	63,957.50	163,957.50
4/15/1993			61,657.50	61,657.50
10/15/1993	100,000.00	4.80000%	61,657.50	161,657.50
4/15/1994			59,257.50	59,257.50
10/15/1994	105,000.00	5.00000%	59,257.50	164,257.50
4/15/1995			56,632.50	56,632.50
10/15/1995	115,000.00	5.20000%	56,632.50	171,632.50
4/15/1996			53,642.50	53,642.50
10/15/1996	120,000.00	5.40000%	53,642.50	173,642.50
4/15/1997			50,402.50	50,402.50
10/15/1997	125,000.00	5.60000%	50,402.50	175,402.50
4/15/1998			46,902.50	46,902.50
10/15/1998	130,000.00	5.80000%	46,902.50	176,902.50
4/15/1999			43,132.50	43,132.50
10/15/1999	140,000.00	5.90000%	43,132.50	183,132.50
4/15/2000			39,002.50	39,002.50
10/15/2000	145,000.00	6.00000%	39,002.50	184,002.50
4/15/2001			34,652.50	34,652.50
10/15/2001	155,000.00	6.10000%	34,652.50	189,652.50
4/15/2002			29,925.00	29,925.00
10/15/2002	165,000.00	6.20000%	29,925.00	194,925.00
4/15/2003			24,810.00	24,810.00
10/15/2003	175,000.00	6.30000%	24,810.00	199,810.00
4/15/2004			19,297.50	19,297.50
10/15/2004	185,000.00	6.40000%	19,297.50	204,297.50
4/15/2005			13,377.50	13,377.50
10/15/2005	200,000.00	6.50000%	13,377.50	213,377.50
4/15/2006			6,877.50	6,877.50
10/15/2006	210,000.00	6.55000%	6,877.50	216,877.50
TOTAL	\$ 2,170,000.00		\$ 1,207,055.00	\$ 3,377,055.00

TOWNSHIP OF UPPER DUBLIN

ORDINANCE No. 809

AN ORDINANCE OF THE TOWNSHIP OF UPPER DUBLIN AMENDING SECTION 2.5 OF ORDINANCE NO. 690, ENTITLED "SPECIFIC POLLUTANT LIMITATIONS," TO COMPLY WITH THE REQUIREMENTS OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY RULES AND REGULATIONS.

IT IS HEREBY ORDAINED AND ENACTED that Section 2.5 of Ordinance No. 690, the Sewer Use Ordinance, be amended by deleting therefrom the entire Section and substituting therefor the following:

"No person shall discharge wastewater containing in excess of:

	mg/l
Arsenic	0.01
Cadmium	0.04
Chromium, total	1.23
Copper	0.19
Cyanide, total	0.10
Lead	0.20
Mercury	0.0003
Nickel	0.02
Silver	0.005
Zinc	0.16

All wastewater entering the municipal collection system shall be pretreated to normal domestic levels unless otherwise stated in writing by Township by way of User Permit. These levels shall be:

*BOD - 250 mg/l

*Ammonia Nitrogen - 25 mg/l as N

*Suspended Solids - 250 mg/l

*TKN - 40 mg/l as N

"Township shall impose a surcharge by Resolution, by its rate ordinance, or by including same in any permit for any violation by these limitations."

All other provisions of the Sewer Use Ordinance No. 690 shall remain in full force and effect.

ENACTED AND ORDAINED this 12th day of November, A.D. 1991.

TOWNSHIP OF UPPER DUBLIN
BOARD OF COMMISSIONERS

BY *Patricia Bell*
President

Attest *Gregory N. Klemick*
Secretary

ANNUAL BUDGET OF THE TOWNSHIP OF UPPER DUBLIN FOR THE YEAR 1992

ORDINANCE NO. 810

AN ORDINANCE OF UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR THE SPECIFIC PURPOSES OF THE MUNICIPAL GOVERNMENT, HEREINAFTER SET FORTH, DURING 1992.

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

SECTION 1: That for the expenses for the fiscal year 1992 the following amounts are hereby appropriated from the revenues available for the current year for the specific purposes set forth below, which amounts are more fully itemized in the Budget Form.

SUMMARY OF ALL ESTIMATED RECEIPTS

Receipts from Current Tax Levy	\$ 7,161,336
Receipts from Taxes of Prior Years	10,000
Other Revenue Receipts	<u>5,027,010</u>
TOTAL ESTIMATED RECEIPTS AND CASH	\$12,198,346

SUMMARY OF ALL APPROPRIATIONS

GENERAL GOVERNMENT	
Administration and Finance	\$ 845,984
Treasurer and Tax Collector	14,332
Library	238,607
Municipal Buildings	<u>128,602</u>
TOTAL	\$ 1,227,525
PROTECTION TO PERSONS AND PROPERTY	
Police	\$ 2,388,472
Fire	<u>722,500</u>
TOTAL	\$ 3,110,972
SEWER OPERATION AND TREATMENT	
Operations	\$ 770,654
Treatment	<u>1,182,308</u>
TOTAL	\$ 1,952,962
PUBLIC HEALTH AND SANITATION	
Health	\$ 47,355
Sanitation	<u>1,625,516</u>
TOTAL	\$ 1,672,871

HIGHWAY MAINTENANCE	\$ 1,438,631
DEBT SERVICE	\$ 841,744
CAPITAL PROJECTS	
Sewer	\$ 335,824
Road, Storm Sewer, Equipment and Buildings	649,982
Parks and Recreation	<u>84,940</u>
TOTAL	\$ 1,070,746
PARKS AND RECREATION	\$ 589,395
REGULATIONS, PLANNING AND ZONING	\$ 267,500
MISCELLANEOUS	<u>\$ 26,000</u>
TOTAL APPROPRIATIONS	\$12,198,346

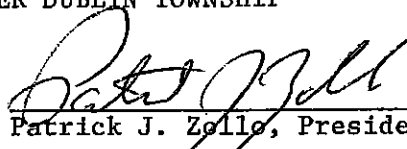
SECTION 2: An estimate of the specific items making up the amounts appropriated to the respective departments is on file in the office of the Township of Upper Dublin, Montgomery County, Pennsylvania.

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

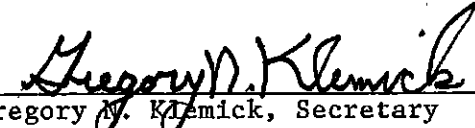
ENACTED AND ORDAINED this 10th day of December 1991.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

BY:


Patrick J. Zollo, President

ATTEST:


Gregory N. Klemick, Secretary

ORDINANCE NO. 811

AN ORDINANCE OF UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, FIXING THE TAX RATE FOR THE YEAR 1992 FOR GENERAL PURPOSES, THE TAX RATE FOR THE YEAR 1992 FOR DEBT SERVICE, THE TAX RATE FOR THE YEAR 1992 FOR FIRE PROTECTION, THE TAX RATE FOR THE YEAR 1992 FOR PARKS AND RECREATION, THE ASSESSMENT FOR THE YEAR 1992 FOR FIRE HYDRANTS, AND ESTABLISHING DISCOUNTS AND PENALTY THEREFOR.

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

SECTION 1: Tax Rates for General Purposes

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 1992, as follows:

Tax rate for General Purposes, the sum of. 20.24 mills
on each dollar of assessed valuation, or the sum of. 202.4 cents
on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

	<u>Mills on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for General Purposes	20.24 mills	202.4 cents

SECTION 2: Tax Rate for Debt Service

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 1992, as follows:

Tax rate for Debt Service, the sum of. 7.07 mills
on each dollar of assessed valuation, or the sum of. 70.7 cents
on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

	<u>Mills on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for Debt Service	7.07 mills	70.7 cents

SECTION 3: Tax Rate for Fire Protection

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 1992, as follows:

Tax rate for Fire Protection, the sum of. 2.00 mills
on each dollar of assessed valuation, or the sum of 20.0 cents
on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

	<u>Mills on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for Fire Protection	2.00 mills	20.0 cents

SECTION 4: Tax Rate for Parks and Recreation

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 1992, as follows:

Tax rate for Parks and Recreation, the sum of. 3.90 mills
on each dollar of assessed valuation, or the sum of. 39.0 cents
on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

	<u>Mills on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for Parks and Recreation	3.90 mills	39.0 cents

SECTION 5: Assessment for Fire Hydrants

That the cost and maintenance of fire hydrants for fire protection, with the Fire and Water District of Upper Dublin Township, established by Ordinance No. 543, is hereby distributed by a special tax for the fiscal year 1992, as follows:

Special tax for fire hydrants, the sum of.35 mills
on each dollar of assessed valuation, or the sum of. 3.5 cents
on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

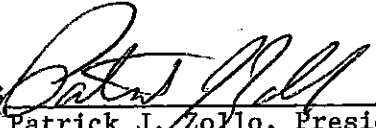
	<u>Mills on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Special Tax for Fire Hydrants	.35 mills	3.5 cents

SECTION 6: Discounts and Penalty

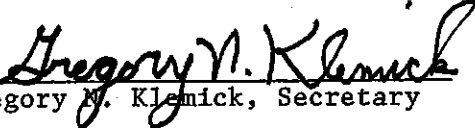
All taxpayers shall be entitled to a discount of two per centum (2%) from the amount of tax levied upon property, upon making payment of amount of such tax within sixty (60) days of the date of the tax notice. All taxpayers who shall fail to make payment of any such taxes charged against them within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

ENACTED AND ORDAINED THIS 10th day of December, 1991.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

BY: 
Patrick J. Zollo, President

ATTEST:


Gregory N. Klemick, Secretary

AN ORDINANCE OF UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, ESTABLISHING THE DATES OF THE REGULAR MEETINGS OF THE COMMISSIONERS OF THE TOWNSHIP OF UPPER DUBLIN DURING THE YEAR 1992.

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

SECTION 1. A workshop of the Commissioners of the Township of Upper Dublin for the year 1992 shall be held on the first Tuesday of each month at 6:30 PM, local time.

SECTION 2. The Parks and Recreation/Library Committee meeting for the year 1992 shall be held on the first Tuesday of each month at 8:00 PM, local time.

SECTION 3. The regular stated monthly meeting of the Commissioners of the Township of Upper Dublin for the year 1992 shall be held on the second Tuesday of each month unless the same shall be a legal holiday, in which case the meeting will be held on the next regular business day following, at 7:30 PM, local time.

SECTION 4. The Public Safety, Works and Services Committee meeting for the year 1992 shall be held on the third Tuesday of each month at 7:30 PM, local time.

SECTION 5. The Planning and Environment Committee meeting for the year 1992 shall be held on the fourth Tuesday of each month at 7:30 PM, local time.

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

SECTION 7. All meetings shall be held in the Township Building, 801 Loch Alsh Avenue, Fort Washington, Pennsylvania, unless otherwise specifically directed.

ENACTED and ORDAINED this 14th day of January 1992.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

By: Richard R. Paul
President

Attest: Gregory N. Klemick
Secretary

ORDINANCE NO. 813


AN ORDINANCE providing for the placement of no parking signs along both sides of Meetinghouse Road from Joel Drive to Schirra Drive, Ambler.

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

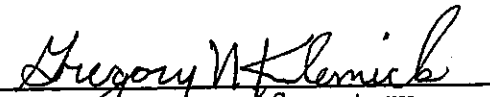
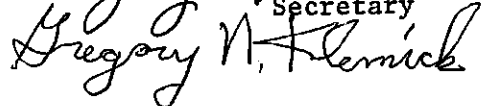
Section 1. That No Parking signs shall be placed along both sides of Meetinghouse Road, from Joel Drive to Schirra Drive, Ambler.

ENACTED AND ORDAINED this 10th day of March, 1992.

BOARD OF COMMISSIONERS
TOWNSHIP OF UPPER DUBLIN

By: 
President

Attest:


Secretary


TOWNSHIP OF UPPER DUBLIN

Montgomery County, Pennsylvania

ORDINANCE NO. 814- 1992

SUPPLEMENTING ORDINANCE NO. 700 OF 1985 RELATING TO THE ISSUANCE OF GUARANTEED SEWER REVENUE BONDS AND AUTHORIZING THE INCURRENCE OF NONELECTORAL DEBT BY THE ISSUANCE OF \$5,498,216.25 GUARANTEED SEWER REVENUE BONDS, SERIES OF 1992, AS ADDITIONAL BONDS UNDER ORDINANCE NO. 700 OF 1985 AND THIS SUPPLEMENTAL ORDINANCE TO PROVIDE FUNDS FOR AND TOWARDS THE ACQUISITION OF SEWAGE TREATMENT PLANT AND RELATED FACILITIES AND CONSTRUCTION OF AN EXPANSION AND IMPROVEMENTS THERETO AND TO PAY ISSUANCE COSTS; ESTABLISHING THE TERMS AND CONDITIONS OF THE SERIES OF 1992 BONDS; PLEDGING SEWER REVENUES OF THE TOWNSHIP AS SECURITY FOR SAID BONDS; GUARANTEEING THE PAYMENT OF THE SERIES OF 1992 BONDS AND PLEDGING THE TOWNSHIP'S FULL FAITH, CREDIT AND TAXING POWER THEREFOR; FINDING AND DETERMINING THAT IT IS IN THE BEST FINANCIAL INTEREST OF THE TOWNSHIP TO SELL ITS SERIES OF 1992 BONDS AT A PRIVATE NEGOTIATED SALE; ACCEPTING A PROPOSAL FROM FIRST FIDELITY BANK, N.A., NEW JERSEY, FOR THE PURCHASE OF THE BONDS AT PRIVATE NEGOTIATED SALE; AUTHORIZING THE DISBURSEMENT OF THE PROCEEDS OF THE SALE THEREOF; PROVIDING FOR ADDITIONAL DEPOSITS TO THE SINKING FUND FOR THE SERIES OF 1992 BONDS; AUTHORIZING THE FILING OF A TRANSCRIPT OF PROCEEDINGS WITH THE DEPARTMENT OF COMMUNITY AFFAIRS; AND AUTHORIZING OTHER NECESSARY ACTION.

Saul, Ewing, Remick & Saul
3800 Centre Square West
Philadelphia, PA 19102

TOWNSHIP OF UPPER DUBLIN

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RECITALS

WHEREAS, the Township of Upper Dublin (the "Township"), a municipal corporation of the Commonwealth of Pennsylvania (the "Commonwealth"), has determined to acquire the existing Wastewater Treatment Plant of Delaware Valley Industrial Sewage, Inc. (the "Plant") which serves a portion of the Township; and

WHEREAS, the Township has heretofore issued \$1,950,000 aggregate principal amount Guaranteed Sewer Revenue Bonds, Series of 1985 (the "1985 Bonds") pursuant to an ordinance enacted by the Township on December 3, 1985 (the "Original Ordinance") to refund certain outstanding obligations of the Upper Dublin Township Municipal Authority and to provide funds for certain sewer improvement projects; and

WHEREAS, the Township has determined to undertake a project (the "1992 Project") consisting of the acquisition of the Plant and an adjacent tract of land, the construction of an expansion and other capital improvements and renovations to the Plant (the "Improvements") and the payment of issuance costs; and

WHEREAS, the Board of Commissioners of the Township (the "Board") after due deliberation has found and determined that it is in the best financial interests of the Township to finance the 1992 Project through the private negotiated sale of \$5,498,216.25 Guaranteed Sewer Revenue Bonds, Series of 1992 (the "1992 Bonds"), with an aggregate maturity value of \$11,310,000, pursuant to this Supplemental Ordinance which is enacted as a supplement to the Original Ordinance (the "Supplemental Ordinance") (the Original Ordinance as supplemented and amended by this Supplemental Ordinance is hereinafter collectively referred to as the "Ordinance"); and

WHEREAS, the Board has reviewed a proposal for the purchase of the 1992 Bonds from First Fidelity Bank, N.A., New Jersey, as underwriter; and

WHEREAS, the Board desires to authorize the issuance of the 1992 Bonds, to provide for the financing of the costs of the 1992 Project and to approve other matters relating thereto.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF UPPER DUBLIN, in order to secure payment of the principal of and interest on the Bonds issued and outstanding under the Ordinance, including the 1992 Bonds, according to their tenor, to secure the performance and observance of all covenants and conditions therein and herein contained and to declare the terms and conditions upon which the Bonds shall be secured, and in consideration of the covenants herein contained and of the purchase and acceptance of the Bonds

by the Holders thereof, the Township, intending to be legally bound, by these presents does hereby ratify and confirm the transfer, assignment and pledge under the Ordinance of all its right, title and interest in and to the Sewer Revenues as defined herein, upon terms herein set forth, to the Paying Agent, as defined herein, in trust for the equal and proportionate use, benefit and security of all present and future Holders of the Bonds for the payment of the principal of and interest on the Bonds when payable according to their tenor and to secure the performance of and compliance with covenants and conditions of the Bonds and the Ordinance without preference, priority or distinction as to lien or otherwise, except as provided in the Ordinance, of any one Bond over any other Bond, so that each Bond issued under the Ordinance shall have the same right, lien and privilege thereunder, and the principal of and interest on the Bonds shall be secured equally and proportionately thereby, AND DOES HEREBY ORDAIN AS FOLLOWS:

ARTICLE I

DEFINITIONS, PRELIMINARY MATTERS
AND PROCEEDINGS UNDER ACT

Section 1.01. Terms Defined in the Original Ordinance or Recitals. In this Supplemental Ordinance, except as otherwise expressly provided or unless the context clearly otherwise requires, the singular includes the plural, the masculine includes the feminine, all definitions and references to documents include all amendments or supplements thereto, all definitions of entities or persons include its or their respective successors and assigns and the terms defined in the Original Ordinance or in the foregoing recitals to this Supplemental Ordinance shall have the meanings therein set forth.

Section 1.02. Other Definitions. For all purposes of this Supplemental Ordinance, except as otherwise expressly provided or unless the context clearly otherwise requires:

(1) All references in this Supplemental Ordinance to designated "Articles", "Sections" and other subdivisions of this Supplemental Ordinance are to the designated Articles, Sections or other subdivisions of this instrument as originally executed. The words "herein", "hereof" and "hereunder", and other words of similar import, refer to this Supplemental Ordinance or the Ordinance, as appropriate, as a whole and not to any particular Article, Section or other subdivision unless otherwise specified.

(2) The term "Agreement of Sale" means that certain agreement between the Township and the Sellers providing for the purchase by the Township of a certain parcel of real property containing approximately 3.1 acres and located adjacent to the site of the Plant.

(3) The term "Asset Purchase Agreement" means that certain agreement between the Township and DVIS providing for the purchase by the Township of the Plant and related facilities.

(4) The term "DVIS" means Delaware Valley Industrial Sewage, Inc. in its capacity as seller under the Asset Purchase Agreement.

(5) The term "Sellers" means South Brunswick Industrial Properties Limited Partnership and Pennland Properties Corp. in their capacities as sellers under the Agreement of Sale.

(6) The term "Underwriter" means First Fidelity Bank, N.A., New Jersey, in their capacity as underwriter for the sale of the 1992 Bonds.

Section 1.03. Supplemental Ordinance To Constitute Contract. In consideration of the purchase and acceptance of the Bonds authorized to be issued hereunder by those who shall purchase the same from time to time, this Supplemental Ordinance shall be deemed to be and shall constitute a contract between the Township and the holders of all such Bonds; and the covenants and agreements herein set forth to be performed on behalf of the Township shall be for the benefit, protection and security of holders of all such Bonds, all of which, regardless of the time or times of their issue or maturity, shall be of equal rank, without preference, priority or distinction of any such Bond over any other thereof except as expressly provided therein, herein or in the Ordinance.

Section 1.04. Increase in Indebtedness. The gross nonelectoral indebtedness of the Township shall be increased in the aggregate amount of \$5,498,216.25 for the purpose of providing funds for and towards the costs of the 1992 Project. Such nonelectoral indebtedness shall be evidenced by the \$5,498,216.25 principal amount of 1992 Bonds, which shall be issued as guaranteed revenue bonds as hereinafter authorized.

Section 1.05. Debt Statement and Other Proceedings Authorizing Bonds. The President of the Board and Township Secretary or Treasurer are hereby authorized and directed to execute and file the debt statement required by the Act and to apply to the Department of Community Affairs for approval of the proceedings authorizing the issuance of the Bonds, and to execute and file with said Department any and all documents required to be submitted as part of said application for approval. Such officers are further hereby authorized and directed to prepare and file any statements required by the Act that are necessary to qualify the 1985 Bonds and 1992 Bonds for exclusion from the appropriate debt limit as self-liquidating debt. The Township hereby approves the Engineer's Certification of BCM Engineers Inc. in the form presented to this meeting relating to the exclusion of the debt evidenced by the Bonds from the net debt of the Township as self-liquidating debt pursuant to Section 206 of the Act.

Section 1.06. Covenant as to Debt Service. The Township hereby covenants with the holders from time to time of the outstanding Bonds: (a) that the Township will include in its Annual Budget for each Fiscal Year the amounts of the debt service on the outstanding Bonds which will be payable in each such fiscal year so long as any of such Bonds shall remain outstanding; (b) that the Township will appropriate to and deposit in the Sinking Fund established under this Ordinance, from the Sewer Revenues hereinafter pledged and, to the extent of any deficiency, from its general revenues, such amounts for the payment of such debt service; and (c) that the Township will duly

and punctually pay out of its Sewer Revenues deposited in the Sinking Fund and, to the extent necessary, out of its general revenues so deposited, the principal of every Bond and the interest thereon on the dates, at the places and in the manner stated in the Bonds according to the true intent and meaning thereof; and for such budgeting, appropriation and payment, the Township hereby pledges its full faith, credit and taxing power. The covenant contained herein shall be specifically enforceable.

Section 1.07. Pledge of Sewer Revenues. The Township hereby confirms that all Sewer Revenues are irrevocably pledged for the payment of the principal of, premium, if any, and interest on the Bonds, and for the further benefit and security of the holders or registered owners of the Bonds, a security interest has been granted in and to all Sewer Revenues.

Section 1.08. Guaranty of Bonds. The Township guarantees that the Sewer Revenues pledged pursuant to the Ordinance will be sufficient for the payment of the principal of and interest on the Bonds, and, to the extent, if any, that such Sewer Revenues shall be insufficient, it will budget, appropriate and pay the principal of and interest on the Bonds from its general revenues; and for such guaranty, budgeting, appropriation and payment the Township hereby pledges its full faith, credit and taxing power.

Section 1.09. Taxes Not Assumed. The Township does not assume the payment of any taxes with respect to the Bonds.

Section 1.10. Bond Insurance. The officers of the Township are hereby authorized to purchase a policy of insurance guaranteeing the payment of the principal of and interest on the 1992 Bonds from Financial Guaranty Insurance Company, to pay the premium for such policy from the proceeds of the 1992 Bonds and to execute such documents as may be necessary to effect the issuance of such policy. The 1992 Bonds issued under this Ordinance may include a statement of the terms of such insurance policy and the Authentication Certificate of the Paying Agent appearing on each 1992 Bond may include a statement confirming that the original or a copy of the insurance policy is on file with the Paying Agent.

ARTICLE II

CONCERNING THE 1992 BONDS AND 1992 PROJECT

Section 2.01. Authorization, Terms and Form of 1992 Bonds; Approval of 1992 Project. There shall be initially issued hereunder the \$5,498,216.25 Guaranteed Sewer Revenue Bonds, Series of 1992, described herein for the purpose of paying the costs of the 1992 Project. The 1992 Bonds shall be fully registered bonds and shall be dated as of the date of issuance, shall be in the denomination, shall mature, and shall bear interest as more particularly set forth in Section 2.05. 1992 Bonds may also be issued under the Ordinance in lieu of 1992 Bonds theretofore issued which have been mutilated, lost, destroyed or stolen.

The Township shall undertake and hereby approves the 1992 Project described in the recitals hereto. The estimated costs of the 1992 Project are as set forth on Exhibit A attached hereto and made a part hereof. It is hereby determined and stated that the realistic estimated useful life of the 1992 Project is forty (40) years.

The 1992 Bonds shall be substantially in the following form with appropriate insertions, omissions and variations:

(FORM OF 1992 BOND)

UNITED STATES OF AMERICA
COMMONWEALTH OF PENNSYLVANIA

No. R-

TOWNSHIP OF UPPER DUBLIN
Montgomery County, PennsylvaniaGUARANTEED SEWER REVENUE BOND,
SERIES OF 1992ORIGINAL
PRINCIPAL
AMOUNT PER
\$5,000APPROXIMATE
YIELD TO
MATURITYMATURITY VALUEMATURITY DATEDATED DATECUSIP

April 24, 1992

MATURITY VALUE:

DOLLARS

TOWNSHIP OF UPPER DUBLIN, a municipal corporation existing under and by virtue of the laws of the Commonwealth of Pennsylvania (the "Township"), for value received, hereby promises to pay to the registered owner hereof or registered assigns, the maturity value set forth above, which constitutes the principal amount hereof, together with interest accrued on said principal amount to produce the approximate yield to maturity per year stated hereon, compounded initially on November 1, 1992, and semiannually thereafter on May 1 and November 1 of each year. Upon presentation and surrender hereof, the principal and interest at maturity on this Bond is payable to the registered owner hereof in lawful money of the United States of America at the principal corporate trust office of Continental Bank, Norristown, Pennsylvania, as paying agent (the "Paying Agent").

REFERENCE IS HEREBY MADE TO THE FURTHER PROVISIONS OF THIS BOND SET FORTH ON THE REVERSE HEREOF, WHICH PROVISIONS SHALL FOR ALL PURPOSES HAVE THE SAME EFFECT AS IF SET FORTH IN THIS PLACE.

This Bond shall not be entitled to any benefit under the Ordinance or be valid or become obligatory for any purpose until this Bond shall have been authenticated by the Paying Agent by execution of the certificate endorsed hereon.

IN WITNESS WHEREOF, TOWNSHIP OF UPPER DUBLIN, Montgomery County, Pennsylvania, has caused this Bond to be signed in its name by the facsimile signature of the President of the Board of Commissioners and a facsimile of its corporate seal to be hereunto affixed and duly attested by the facsimile signature of its Secretary.

TOWNSHIP OF UPPER DUBLIN

(Seal)

By: _____ (Signature)
President, Board of
Commissioners

Attest: _____ (Signature)
Secretary

(FORM OF AUTHENTICATION CERTIFICATE)

This Bond is one of the Township of Upper Dublin Guaranteed Sewer Revenue Bonds, Series of 1992, described in the within mentioned Ordinance.

The Text of Opinion printed hereon is the text of the opinion of Saul, Ewing, Remick & Saul, Bond Counsel, on file with the undersigned, which was dated and delivered on the date of delivery of and payment for the 1992 Bonds.

Date of Authentication:

CONTINENTAL BANK,
as Paying Agent

By: _____
Authorized Officer

[FORM OF REVERSE OF 1992 BOND]

This Bond is one of a duly authorized issue of \$5,498,216.25 Guaranteed Sewer Revenue Bonds, Series of 1992 (the "1992 Bonds") with an aggregate maturity value of \$11,310,000, of the Township dated the date of initial issuance and delivery thereof and is issued pursuant to the Local Government Unit Debt Act of the Commonwealth (Act No. 52 approved April 28, 1978), as amended (the "Act"). The 1992 Bonds are issued in fully registered form in denominations, as to maturity value, of \$5,000 and any integral multiple thereof. The 1992 Bonds are all of like date and tenor, except as to date of maturity and approximate yield to maturity, are all issued pursuant to the Act and an ordinance enacted by the Board of Commissioners of the Township on March 24, 1992 (the "Supplemental Ordinance"), which ordinance supplemented and amended an Ordinance enacted by the Township on December 3, 1985 (the "Original Ordinance") (the Original Ordinance as amended and supplemented by the Supplemental Ordinance, is hereinafter collectively referred to as the "Ordinance"). The 1992 Bonds, together with the Township's outstanding Guaranteed Sewer Revenue Bonds, Series of 1992 and all other bonds hereafter issued under the Ordinance (collectively the "Bonds") are all equally and ratably secured under the Ordinance by a pledge of the Township's sewer revenues and certain other income and moneys as provided in the Ordinance.

The 1992 Bonds are issued for the purpose of providing funds for and towards the costs of the acquisition of a sewage treatment plant and related facilities, and the construction of certain improvements and renovations to the plant as described in the Ordinance and the payment of the costs of issuance of the 1992 Bonds. The Township has guaranteed the payment of all obligations due on the Bonds, including the 1992 Bonds, and for this purpose has unconditionally pledged its full faith, credit and taxing power.

Reference is hereby made to the Original Ordinance and the Supplemental Ordinance, executed copies of which are on file at the principal office of the Paying Agent, for a statement of the particular revenues of the Township pledged for the payment of the Bonds, the nature, extent and manner of enforcement of the security, the terms and conditions under which the Ordinance may be amended or modified, the rights of the holders of the Bonds and of the Paying Agent with respect to such security, and the terms and conditions under which the Bonds are issued and under which additional bonds may be issued.

The 1992 Bonds are not subject to redemption prior to maturity.

As provided by the Act, this 1992 Bond, its transfer, and the income therefrom (including any profits made on the sale thereof) shall at all times be free from taxation within the Commonwealth of Pennsylvania, but this exemption shall not extend to gift, succession or inheritance tax or any other tax not levied directly on this 1992 Bond, the receipt of income therefrom or the realization of gains on the sale thereof.

The 1992 Bonds are transferable by the owners thereof, subject to payment of any required tax, fee or other governmental charge, upon presentation and surrender at the principal corporate trust office of the Paying Agent, together with a duly executed instrument of transfer in form satisfactory to the Paying Agent, and thereupon one or more new registered 1992 Bonds, of authorized denominations and for the same aggregate maturity value, series designation, maturity and approximate yield to maturity, will be issued to the designated transferee or transferees. The 1992 Bonds are exchangeable by the owners thereof, subject to the payment of any required tax, fee or other governmental charge, upon presentation and surrender thereof at the principal corporate trust office of the Paying Agent, for a like aggregate principal amount of 1992 Bonds of the same series designation, maturity and approximate yield to maturity of any authorized denomination, as requested by the owner surrendering the same.

The Township and the Paying Agent may treat the person in whose name the 1992 Bond is registered on the bond register maintained by the Paying Agent as the absolute owner of this 1992 Bonds for all purposes and neither the Township nor the Paying Agent shall be affected by any notice to the contrary.

No recourse shall be had for the payment of the principal or redemption price of or interest on this 1992 Bond, or for any claim based hereon or on the Ordinance, against any member, officer or employee, past, present or future, of the Township or of any successor body, as such, either directly or through the Township or any successor body, under any constitutional provision, statute or rule of law, or by the enforcement of any assessment or by any legal or equitable proceeding or otherwise.

In case an event of default as defined in the Ordinance shall occur, the principal of all Bonds then outstanding under the Ordinance, may be declared or may become due and payable and any such declaration may thereafter be waived, all upon the conditions and in the manner and with the effect provided in the Ordinance.

The Township designates this 1992 Bond as a qualified tax-exempt obligation as described in Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

It is hereby certified that the approval of the Department of Community Affairs of the Commonwealth of Pennsylvania for the Township to issue and deliver this 1992 Bond has been duly given pursuant to the Act; that all acts, conditions and things required by the laws of the Commonwealth of Pennsylvania to exist, to have happened or to have been performed, precedent to or in the issuance of this 1992 Bond or in the creation of the debt for which this 1992 Bond is evidence, exist, have happened and have been performed in regular and due form and manner as required by law; that this 1992 Bond, together with all other indebtedness of the Township, is within every debt and other limit prescribed by the Constitution and the statutes of the Commonwealth of Pennsylvania; that the Township has established with the Paying Agent, as Sinking Fund Depositary, a sinking fund for this 1992 Bond and shall deposit therein amounts sufficient to pay the principal of and interest on this 1992 Bond as the same shall become due and payable; and that for the prompt and full payment of all obligations of this 1992 Bond, the full faith, credit and taxing power of the Township are hereby irrevocably pledged.

ASSIGNMENT AND TRANSFER

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

PLEASE INSERT SOCIAL SECURITY OR OTHER IDENTIFYING NUMBER OF ASSIGNEE

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints

_____ attorney
to transfer said Bond on the books of the within named Paying Agent, with full power of substitution in the premises.

Dated:

Signature Guaranteed by:

(Bank, Trust Company or Firm)

NOTICE: The signature to this Assignment must correspond with the name as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatever.

(Authorized Signature)

[END OF 1992 BOND FORM]

Section 2.02. Finding As To Private Negotiated Sale and Sale of 1992 Bonds to the Underwriter. As required by Section 701 of the Act, the Township hereby finds, determines and declares, after due investigation, that it is in the best financial interests of the Township to award the 1992 Bonds to the Underwriter pursuant to private negotiated sale.

The 1992 Bonds are hereby awarded and sold at private negotiated sale to the Underwriter, First Fidelity Bank, N.A., New Jersey, at a price of \$5,428,113.99 and in accordance with the terms and conditions contained in the proposal of the Underwriter presented to this meeting, which is hereby accepted. A copy of said proposal shall be attached to this Ordinance and lodged with the official minutes of this meeting and is hereby incorporated herein by reference. Such award and sale is conditional, however, upon all provisions of this Ordinance becoming effective and upon the approval of the Department of Community Affairs for the Commonwealth of Pennsylvania for the issuance of the 1992 Bonds.

Section 2.03. Place, Manner and Source of Payment of 1992 Bonds. The principal of and interest on the 1992 Bonds issued and to be issued hereunder shall be payable as provided in the form of 1992 Bond set forth herein, in lawful money of the United States of America. The principal of and interest on the 1992 Bonds shall be payable out of the Sewer Revenues of the Township, and out of other moneys, if any, held by the Paying Agent hereunder, to the extent and as provided in the Ordinance, and, from the general tax revenues of the Township in the event Sewer Revenues are not sufficient for such purpose.

Section 2.04. Execution and Authentication of 1992 Bonds. The 1992 Bonds issued hereunder shall be executed and authenticated as provided for in Sections 2.07 and 2.08 of the Original Ordinance.

Section 2.05. Maturities and Further Terms of 1992 Bonds. The 1992 Bonds shall be in the denomination, as to maturity value, of \$5,000 or any integral multiple thereof, shall be dated as of the date of delivery of the 1992 Bonds, shall bear interest at the approximate annual yields to maturity and shall mature as set forth in Exhibit B attached hereto and made a part hereof.

The 1992 Bonds shall not be subject to redemption prior to maturity.

Section 2.06. Authentication and Delivery of 1992 Bonds. The Township shall execute and deliver to the Paying Agent for authentication the \$5,498,216.25 principal amount of 1992 Bonds described in Sections 2.01 and 2.05, and thereupon, the Paying Agent shall authenticate the 1992 Bonds and deliver them to or upon the order of the Township, but only upon receipt of the proceeds of sale of the 1992 Bonds and of the following:

- (a) A certified copy of this Supplemental Ordinance;

(b) A certificate of the Pennsylvania Department of Community Affairs issued pursuant to the Act approving the incurrence of the debt of the Township evidenced by the 1992 Bonds;

(c) The documents required by Section 3.03 of the Original Ordinance; and

(d) An opinion of bond counsel approving the validity of the 1992 Bonds.

Section 2.07. Disbursement of Proceeds of 1992 Bonds. The Township shall also furnish to the Paying Agent at the time the 1992 Bonds are authenticated a Closing Statement signed by the President or Vice-President of the Board showing: (i) the amount of proceeds to be received by the Township from the sale of the 1992 Bonds; (ii) the amounts presently payable or to be reserved for the costs and expenses of the financing; (iii) the amounts to be paid on account of the acquisition prices under the Asset Purchase Agreement and Agreement of Sale and for expenses of such acquisitions; (iv) the amounts, if any, presently payable for engineering fees and expenses and other costs of the 1992 Project; and (v) the amount to be deposited in the Construction Fund created pursuant to Section 4.02 of the Original Ordinance.

The proceeds of the sale of the 1992 Bonds and all other available funds shall be paid over to the Paying Agent and shall be deposited by it in a settlement account, from which the Paying Agent under the written direction of the President or Vice-President of the Board shall make the payments and deposits and set aside the reserves, if any, set forth in the Closing Statement.

Any reserves which shall be set up in the settlement account shall be disbursed from time to time by the Paying Agent pursuant to further written directions of the President or Vice-President of the Board and any balance ultimately remaining in any such reserve shall upon final written direction of the President or Vice-President of the Board be transferred by the Paying Agent to the Construction Fund.

Section 2.08. Ownership of 1992 Bonds. The Township and the Paying Agent may treat the person in whose name any 1992 Bond is registered on the books of the Paying Agent as the absolute owner of such 1992 Bond for all purposes whether or not such 1992 Bond shall be overdue, and neither the Township nor the Paying Agent shall be affected by any notice to the contrary. Any consent, waiver or other action taken by any bondholder shall be conclusive and binding upon such bondholder, his heirs, successors or assigns, and upon all transferees of such 1992 Bond whether or not notation of such consent, waiver or other action

shall have been made on such 1992 Bond or on any 1992 Bond issued in exchange therefor, or upon registration of transfer thereof.

Section 2.09. Construction Fund Disbursements for 1992 Project. The proceeds of the 1992 Bonds deposited in the Construction Fund and other moneys held therein shall be invested in accordance with Section 4.04 of the Original Ordinance and shall be disbursed for Costs of the 1992 Project upon filing with the Paying Agent of the requisitions and certificates of the character contemplated by Section 4.03 of the Original Ordinance. All funds required to complete the 1992 Project, in excess of the 1992 Bond proceeds and other moneys available in the Construction Fund, shall be provided by the Township from its sewer fund balances.

ARTICLE III

SINKING FUND

Section 3.01. Sinking Fund. Under the Ordinance the Township has established and it presently maintains a Sinking Fund for all Bonds, held by the Paying Agent (or such substitute or successor Paying Agent which shall hereafter be appointed in accordance with the provisions of the Act) in the name of the Township, but subject to withdrawal only in accordance with the provisions of the Ordinance. The Sinking Fund shall be held and maintained for the equal and proportionate benefit and security of the holders of outstanding Bonds, except as otherwise provided in the Ordinance.

The Paying Agent shall create a new account within the Sinking Fund to be known as the "1992 Bonds Payment Account." The Township shall pay to the Paying Agent for deposit in the 1992 Bonds Payment Account of the Sinking Fund not later than thirty (30) days prior to May 1, 1993, May 1, 1994 and May 1 and November 1 of each year thereafter beginning May 1, 1995, an amount equal to the maturity value of the 1992 Bonds on each such date, representing the principal and accrued interest on the 1992 Bonds payable on each such date.

The Sinking Fund deposits required to meet the maturity value (principal and interest) payments on the 1992 Bonds shall be those set forth in Exhibit B attached hereto and made apart hereof, or such other amount as shall be necessary to pay such maturity value on the payment dates.

The President or Vice President of the Board and the Secretary or Assistant Secretary of the Township are authorized to enter into a contract with Continental Bank, Norristown, Pennsylvania, for its services as Paying Agent for the 1992 Bonds.

Section 3.02. Payment of 1992 Bonds. The Paying Agent, without further action of the Township, is hereby authorized and directed to pay from the 1992 Bonds Payment Account of the Sinking Fund the principal of and interest on the 1992 Bonds and the Township hereby covenants that such moneys, to the extent required, will be applied to pay all interest on the 1992 Bonds and the principal of all 1992 Bonds as and when such 1992 Bonds shall mature by their express terms.

Section 3.03. Redemption of 1985 Bonds. The Township covenants that the 1985 Bonds will be called for redemption and redeemed by the Paying Agent prior to maturity out of moneys to be set aside in the Sinking Fund at a price of par, in the

principal amounts and on the dates set forth in Exhibit B hereto. Such redemptions shall be made in accordance with the terms of Article VII of the Original Ordinance.

Section 3.04. Relation to Ordinance. All the provisions of the Ordinance relating to the funds and accounts held by the Paying Agent thereunder shall be fully applicable to the 1992 Bonds.

ARTICLE IV

MISCELLANEOUS

Section 4.01. Default. If the Township shall fail to pay the principal of or interest on any Bond when due or shall otherwise default in the performance of any of its obligations under the Ordinance, under the Bonds or under the Act, the holders or the registered owners of the Bonds, as the case may be, shall be entitled to all of the rights and remedies provided by the Act in the event of such default and as provided under the Ordinance.

Section 4.02. Relation to Original Ordinance. Except as otherwise expressly provided herein or therein to the contrary, all the provisions of the Original Ordinance, (including, without limitation, the provisions relating to Additional Bonds, funds and accounts, covenants of the Township, defeasance, defaults and remedies) shall apply equally for the benefit of the owners of 1992 Bonds, and the owners of the 1992 Bonds shall own such Bonds subject to all said provisions.

Section 4.03. Execution of 1992 Bonds; Other Action. The proper officers of the Township, as identified in the Ordinance, are hereby authorized to execute the 1992 Bonds, to deliver the 1992 Bonds to the Underwriter upon receipt of the purchase price thereof, and to take such other action as may be necessary or proper to effect the issuance of said 1992 Bonds or otherwise to comply with the Act or the Ordinance.

Section 4.04. Approval of Official Statement. The Preliminary Official Statement dated March 20, 1992, in the form presented to this meeting, is hereby approved and "deemed final" by the Township as of its date for purposes of United States Securities and Exchange Commission Rule 15c2-12. A Final Official Statement, substantially in the form of the Preliminary Official Statement and also containing the final terms of the 1992 Bonds, shall be prepared and delivered to the Underwriter within seven (7) business days from the date hereof, and the Township hereby approves the use thereof in connection with the public offering and sale of the 1992 Bonds.

Section 4.05. Tax Covenants. The Township hereby covenants not to take or omit to take any action so as to cause interest on the 1992 Bonds to be no longer excluded from gross income for the purposes of federal income taxation and to otherwise comply with the requirements of Sections 103 and 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), and all applicable regulations promulgated with respect thereto, throughout the term of the 1992 Bonds. The Township

further covenants that it will make no investments or other use of the proceeds of the 1992 Bonds which would cause any of the 1992 Bonds to be an "arbitrage bond" as defined in Section 148 of the Code. The Township further covenants to comply with the rebate requirements (including the prohibited payment provisions) contained in Section 148(f) of the Code and any regulations promulgated thereunder, to the extent applicable, and to pay any interest or penalty imposed by the United States for failure to comply with said rebate requirements, to the extent applicable. The Township hereby designates each of the 1992 Bonds as a "qualified tax-exempt obligation" within the meaning of Section 265(b)(3)(B) of the Code.

Section 4.06. Repealer. All ordinances and parts of ordinances heretofore adopted to the extent that the same are inconsistent in any manner herewith are hereby repealed.

ENACTED AND ORDAINED this 24th day of March, 1992.

BOARD OF COMMISSIONERS
TOWNSHIP OF UPPER DUBLIN

By: Richard R. Paul
President, Board of
Commissioners

Attest: Gregory A. Klemich
Secretary

TOWNSHIP OF UPPER DUBLIN
GUARANTEED SEWER REVENUE BONDS,
SERIES OF 1992
EXHIBIT A

ESTIMATED PROJECT COSTS

Purchase Price of Existing Treatment Plant	\$4,300,000.00
Purchase Price of Adjacent Land	\$ 205,000.00
Expansion of Treatment Plant Capacity (Including Reserve for Escalation and Contingency)	\$1,000,000.00
Renovation and Improvement of Existing Plant	\$ 250,000.00
Expenses of Acquisition (Engineering Fees, Title Insurance and other Costs)	\$ 60,000.00
Bond Insurance Premium	\$ 50,895.00
Underwriter Discount	\$ 70,102.28
Costs of Issuance (Legal, Paying Agent, Rating Fees, Printing and Other Financing Expenses)	\$ 148,085.00
Project Contingency	<u>\$ 30,771.28</u>
TOTAL ESTIMATED COSTS	\$6,114,853.56

TOWNSHIP OF UPPER DUBLIN
GUARANTEED SEWER REVENUE BONDS,
SERIES OF 1992

EXHIBIT B

BOND AMORTIZATION AND DEBT SERVICE REQUIREMENTS SCHEDULES

The Bond Amortization and Debt Service Requirements Schedules are attached as pages B-2 and B-3. Page B-2 represents the Bond Amortization and Debt Service Requirements Schedule for the 1992 Bonds. Page B-3 represents the total restructured debt service requirements for the 1985 Bonds and 1992 Bonds after giving effect to the early redemption of the 1985 Bonds as shown on Page B-3. The Township hereby confirms its approval of the restructured bond repayment plan reflected on page B-3 hereof and confirms its covenant contained in Section 3.03 of the foregoing Ordinance that the 1985 Bonds shall be redeemed on each May 1 and November 1 from November 1, 1992 to and including May 1, 1995 in the respective principal amounts shown in the "1985 Bonds Redeemed" column of Page B-3 attached hereto.

EXHIBIT B
TOWNSHIP OF UPPER DUBLIN
MONTGOMERY COUNTY, PENNSYLVANIA
GUARANTEED SEWER REVENUE BONDS, SERIES OF 1992
PROPOSED DEBT SERVICE REQUIREMENTS

DATE	PRINCIPAL	YIELD	PRICE	INTEREST	MATURITY AMOUNT	FISCAL YEAR DEBT SERVICE
1-May-92						
1-Nov-92						\$0.00
1-May-93	\$4,742.70	5.25%	94.854	\$257.30	\$5,000.00	
1-Nov-93	0.00	5.25%	92.427	0.00		5,000.00
1-May-94	4,489.90	5.40%	89.798	510.10	5,000.00	
1-Nov-94	0.00	5.40%	87.437	0.00		5,000.00
1-May-95	4,244.40	5.50%	84.888	755.60	5,000.00	
1-Nov-95	202,409.20	5.50%	82.616	42,590.80	245,000.00	250,000.00
1-May-96	260,295.75	5.60%	80.091	64,704.25	325,000.00	
1-Nov-96	253,207.50	5.60%	77.910	71,792.50	325,000.00	650,000.00
1-May-97	248,275.50	5.75%	75.235	81,724.50	330,000.00	
1-Nov-97	234,022.40	5.75%	73.132	85,977.60	320,000.00	650,000.00
1-May-98	229,690.50	5.85%	70.674	95,309.50	325,000.00	
1-Nov-98	223,161.25	5.85%	66.665	101,838.75	325,000.00	650,000.00
1-May-99	214,613.75	6.00%	66.035	110,386.25	325,000.00	
1-Nov-99	208,364.00	6.00%	64.112	116,636.00	325,000.00	650,000.00
1-May-00	198,396.25	6.25%	61.045	126,603.75	325,000.00	
1-Nov-00	192,387.00	6.25%	59.196	132,613.00	325,000.00	650,000.00
1-May-01	187,776.60	6.35%	56.902	142,223.40	330,000.00	
1-Nov-01	176,483.20	6.35%	55.151	143,516.80	320,000.00	650,000.00
1-May-02	169,398.40	6.45%	52.937	150,601.60	320,000.00	
1-Nov-02	169,233.90	6.45%	51.283	160,766.10	330,000.00	650,000.00
1-May-03	159,750.50	6.55%	49.154	165,249.50	325,000.00	
1-Nov-03	154,683.75	6.55%	47.595	170,316.25	325,000.00	650,000.00
1-May-04	148,047.25	6.65%	45.553	176,952.75	325,000.00	
1-Nov-04	143,282.75	6.65%	44.087	181,717.25	325,000.00	650,000.00
1-May-05	134,828.80	6.75%	42.134	185,171.20	320,000.00	
1-Nov-05	134,501.40	6.75%	40.758	195,498.60	330,000.00	650,000.00
1-May-06	124,198.20	6.75%	39.428	190,801.80	315,000.00	
1-Nov-06	127,769.00	6.75%	38.140	207,231.00	335,000.00	650,000.00
1-May-07	116,361.60	6.85%	36.363	203,638.40	320,000.00	
1-Nov-07	116,024.70	6.85%	35.159	213,975.30	330,000.00	650,000.00
1-May-08	105,381.40	6.85%	33.994	204,618.60	310,000.00	
1-Nov-08	111,754.60	6.85%	32.869	228,245.40	340,000.00	650,000.00
1-May-09	163,667.00	6.85%	31.780	351,333.00	515,000.00	
1-Nov-09	41,482.80	6.85%	30.728	93,517.20	135,000.00	650,000.00
1-May-10	156,095.60	6.90%	29.452	373,904.40	530,000.00	
1-Nov-10	34,164.00	6.90%	28.470	85,836.00	120,000.00	650,000.00
1-May-11	148,613.40	6.90%	27.521	391,386.60	540,000.00	
1-Nov-11	29,263.30	6.90%	26.603	80,736.70	110,000.00	650,000.00
1-May-12	167,154.00	6.90%	25.716	482,846.00	650,000.00	650,000.00
	<u>\$5,498,216.25</u>			<u>\$5,811,783.75</u>	<u>\$11,310,000.00</u>	

EXHIBIT B
TOWNSHIP OF UPPER DUBLIN
MONTGOMERY COUNTY, PENNSYLVANIA
PROJECTED REQUIREMENTS AFTER RESTRUCTURED
GUARANTEED SEWER REVENUE BONDS, SERIES OF 1992

DATE	1985 BONDS DEBT SERVICE	1985 BONDS REDEEMED	1992 BONDS DEBT SERVICE	TOTAL REQUIREMENTS	FISCAL YEAR DEBT SERVICE
1-May-92	\$77,138.75			\$77,138.75	
1-Nov-92	127,138.75	\$175,000.00		302,138.75	\$379,277.50
1-May-93	67,035.63	280,000.00	\$5,000.00	352,035.63	
1-Nov-93	108,910.63	190,000.00		298,910.63	650,946.26
1-May-94	42,859.38	310,000.00	5,000.00	357,859.38	
1-Nov-94	83,328.13	210,000.00		293,328.13	651,187.51
1-May-95	16,425.00	330,000.00	5,000.00	351,425.00	
1-Nov-95	52,050.00		245,000.00	297,050.00	648,475.00
1-May-96			325,000.00	325,000.00	
1-Nov-96			325,000.00	325,000.00	650,000.00
1-May-97			330,000.00	330,000.00	
1-Nov-97			320,000.00	320,000.00	650,000.00
1-May-98			325,000.00	325,000.00	
1-Nov-98			325,000.00	325,000.00	650,000.00
1-May-99			325,000.00	325,000.00	
1-Nov-99			325,000.00	325,000.00	650,000.00
1-May-00			325,000.00	325,000.00	
1-Nov-00			325,000.00	325,000.00	650,000.00
1-May-01			330,000.00	330,000.00	
1-Nov-01			320,000.00	320,000.00	650,000.00
1-May-02			320,000.00	320,000.00	
1-Nov-02			330,000.00	330,000.00	650,000.00
1-May-03			325,000.00	325,000.00	
1-Nov-03			325,000.00	325,000.00	650,000.00
1-May-04			325,000.00	325,000.00	
1-Nov-04			325,000.00	325,000.00	650,000.00
1-May-05			320,000.00	320,000.00	
1-Nov-05			330,000.00	330,000.00	650,000.00
1-May-06			315,000.00	315,000.00	
1-Nov-06			335,000.00	335,000.00	650,000.00
1-May-07			320,000.00	320,000.00	
1-Nov-07			330,000.00	330,000.00	650,000.00
1-May-08			310,000.00	310,000.00	
1-Nov-08			340,000.00	340,000.00	650,000.00
1-May-09			515,000.00	515,000.00	
1-Nov-09			135,000.00	135,000.00	650,000.00
1-May-10			530,000.00	530,000.00	
1-Nov-10			120,000.00	120,000.00	650,000.00
1-May-11			540,000.00	540,000.00	
1-Nov-11			110,000.00	110,000.00	650,000.00
1-May-12			650,000.00	650,000.00	
	<u>\$574,886.27</u>	<u>\$1,495,000.00</u>	<u>\$11,310,000.00</u>	<u>\$13,379,886.27</u>	650,000.00

CERTIFICATE OF TOWNSHIP SECRETARY

The undersigned, Secretary of the Township of Upper Dublin, Montgomery County, Pennsylvania, DOES HEREBY CERTIFY that:

1. The foregoing Ordinance authorizing \$5,498,216.25 principal amount Guaranteed Sewer Revenue Bonds, Series of 1992 of the Township was duly moved and seconded and enacted by a majority vote of the entire Board of Commissioners of said Township at a duly called and convened public meeting of said Board held on March 24, 1992, that public notice of said meeting was given as required by law; and that the roll of Board of Commissioners was called and the members thereof voted or were absent as follows:

<u>Name</u>	<u>Vote</u>
Richard R. Rulon, President	Aye
Charles M. Bolig, Vice-President	Aye
James B. Bockius	Aye
Cathleen Goettner	Aye
Judy Herold	Aye
Jules J. Mermelstein	Aye
Robert J. Pesavento	Aye

2. Said Ordinance has not been altered, amended, modified, suspended or repealed and is still in full force and effect as of the date of the delivery of this Certificate.

WITNESS my hand and the seal of the Township this 24th day of March, 1992.

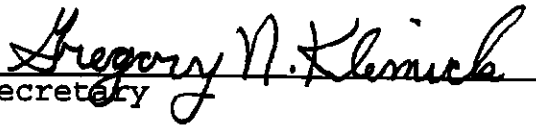
Gregory A. Kernick
Secretary

(SEAL)

SECRETARY'S CERTIFICATE

The undersigned, Secretary of the Township of Upper Dublin, hereby certifies that the attached is a true and correct copy of an Ordinance which was duly enacted by the Board of Commissioners of the Township of Upper Dublin at a regular meeting of said Board duly called and held on March 24, 1992, and at which a quorum was present and voting throughout. I further certify that said Ordinance is still in full force and effect and has not been amended or repealed.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Township of Upper Dublin, this 24th day of April, 1992.


Secretary

(Township Seal)

TOWNSHIP OF UPPER DUBLIN
Montgomery County, Pennsylvania

ORDINANCE NO. 815

AN ORDINANCE TO AMEND THE UPPER DUBLIN TOWNSHIP CODE, TITLE 2, CHAPTER 1 "FEES, RATES AND PERMITS" AS WELL AS TITLE 2, CHAPTER 10 "SEWER DISTRICT" SO AS TO CREATE THE FORT WASHINGTON INDUSTRIAL PARK SEWER DISTRICT, ESTABLISH SEWER RENTAL FEES WITHIN SAID SEWER DISTRICT AND AUTHORIZE OTHER NECESSARY ACTION.

WHEREAS, the Township of Upper Dublin (the "Township"), a municipal corporation of the Commonwealth of Pennsylvania has determined to acquire the existing wastewater treatment and collection system of Delaware Valley Industrial Sewage, Inc. ("DVISCO") which serves a portion of the Township; and

WHEREAS, the Board of Commissioners of the Township has decided to create a new sewer district consisting of DVISCO's franchise area and to impose sewer rental rates on properties located within the new sewer district.

NOW, THEREFORE, the Board of Commissioners of the Township of Upper Dublin do hereby ENACT and ORDAIN as follows:

SECTION 1. Section 1.01 of Title 2, Chapter 10 of the Upper Dublin Township Code is hereby deleted and the following substituted therefor:

"Section 1.01 Consolidation and creation of Sewer Districts"

- (a) The sewer districts known as Rose Valley, Fort Washington, North Oreland, Sandy Run, Fitzwatertown, North Fitzwatertown, Meetinghouse, Aidenn Lair and Chelsea Avenue, are hereby dissolved as separate districts and reincorporated as one district, to be known as the Upper Dublin Township Sewer District.
- (b) A new sewer district is hereby created, to be known as the Fort Washington Industrial Park Sewer District. The Fort Washington Industrial Park Sewer District shall be coterminous with the existing franchise area issued by the Pennsylvania Public Utility Commission to Delaware Valley Industrial Sewage, Inc., as more particularly described in Exhibit A attached hereto and incorporated herein by reference. The Fort Washington Industrial Park Sewer District is generally bounded on the south by the Pennsylvania Turnpike, including the toll plaza and cloverleaf intersection with Route 309, and Pennsylvania

Avenue, including five commercial establishments on the western side of Pennsylvania Avenue (the U.S. Post Office, 510 Pennsylvania Avenue, 512 Pennsylvania Avenue, 514 Pennsylvania Avenue, and 520 Pennsylvania Avenue). The Fort Washington Industrial Park Sewer District is further generally bounded on the west by Commerce Drive and Route 309, and on the north by Highland Avenue, Camphill Road, and Susquehanna Road.

- (c) All of the costs of the sewer system located in the Upper Dublin Township Sewer District shall be apportioned to the Upper Dublin Township Sewer District, and all of the costs of the sewer system located in the Fort Washington Industrial Park Sewer District shall be apportioned to the Fort Washington Industrial Park Sewer District.

SECTION 2. Section 1.02 of Title 2, Chapter 10 of the Upper Dublin Township Code is hereby modified by being retitled as "Area of Upper Dublin Township Sewer District", the replacement of the phrase "new sewer district" on the first line of the first paragraph with the phrase "Upper Dublin Township Sewer District", and the addition at the end of the second paragraph of the phrase "except to the extent such properties are located within the Fort Washington Industrial Park Sewer District".

SECTION 3. Section 1.03 of Title 2, Chapter 10 of the Upper Dublin Township Code is hereto modified by the deletion of the existing paragraph (a), the renumbering of the existing paragraph (b) as paragraph (c), and the addition of new paragraphs (a) and (b) as follows:

- "(a) There is hereby imposed upon each property located within the Upper Dublin Township Sewer District sewer rental fees based on the rates set forth in Section 2.02 of Title 2, Chapter 1, FEES, RATES AND PERMITS of the Upper Dublin Township Code.
- (b) There is hereby imposed upon each property located within the Fort Washington Industrial Park Sewer District sewer rental fees based on the rates set forth in Section 2.03 of Title 2, Chapter 1, FEES, RATES AND PERMITS of the Upper Dublin Township Code."

SECTION 4. Section 2.02 of Title 2, Chapter 1 of the Upper Dublin Township Code is hereby retitled "Sewer Rental Rates for Upper Dublin Township Sewer District" and the phrase "served by the Sewer System" on the first and second lines thereof shall

be deleted and replaced with the phrase "located in the Upper Dublin Township Sewer District".

SECTION 5. A new Section 2.03 of Title 2, Chapter 1 of the Upper Dublin Township Code is hereby added as follows:

"Section 2.03 Sewer Rental Rates for Fort Washington Industrial Park Sewer District"

The sewer rental rates for properties located in the Fort Washington Industrial Park Sewer District shall be assessed as follows:

Quantity Charges

Gallon of sewer use is assumed to equal water meter registration.

	<u>Rate per 1,000 Gallons</u>
For the first 5,000 Gallons per quarter	\$8.183
For the next 15,000 Gallons per quarter	7.707
For the next 25,000 Gallons per quarter	6.622
For the next 55,000 Gallons per quarter	5.537
For the next 100,000 Gallons per quarter	4.190
For all over 200,000 Gallons per quarter	3.497

Minimum Charges

Minimum charges, dependent upon the size water meter through which water service is provided, will be made to each customer for each meter as follows (subject to the special provision set forth below):

<u>Size of Meter</u>	<u>Minimum Charge Per Quarter</u>
5/8" or 3/4"	\$ 40.92
3/4"	71.74
1"	102.57
1-1/2"	189.63
2"	416.20
3"	802.57
4"	1,192.41
6"	2,279.85

Special Provision:

The total billing applicable to customers for any quarter shall not be less than fifty percent (50%) of the maximum quarterly billing of the preceding four quarters.

The customer shall pay the minimum charge only when the amount resulting by applying the meter rates to the quantity of sewage is less than the said minimum charge. When such amount is greater than said minimum charge, then the former shall constitute the bill for service rendered.

Allowance will be made to any customer for water not released into the Township's mains, provided that the customer, at his own expense, shall install a meter and arrange his piping in such a manner that the water not released into the mains can be accurately measured."

SECTION 6. Section 2.03 "Discounts and Penalty" of Title 2, Chapter 1 of the Upper Dublin Township Code is hereby preserved and renumbered as Section 2.04.

SECTION 7. All connection fees, discounts, penalties and other rules and regulations heretofore existing with respect to the Upper Dublin Township Sewer District and/or the sewer system located therein shall, upon the effective date of this Ordinance, become applicable to the Fort Washington Industrial Park Sewer District and the sewer system located therein; provided, however, that all properties located in the Fort Washington Industrial Park Sewer District may continue to be billed on a quarterly basis, notwithstanding the amount of their annual sewer rental bill. The Township reserves the right to, and may from time to time, adopt, revise and amend and readopt such rules and regulations as it deems necessary and proper for the use and operation of the sewer systems, and all such rules and regulations shall be and become a part of this Ordinance.

SECTION 8. The proper officers of the Township are hereby authorized and directed to execute such documents and take such further action as may be necessary or proper to carry out the intent and purpose of this Ordinance.

SECTION 9. All prior Ordinances and Resolutions of this Township or portions thereof which are inconsistent with this Ordinance are hereby repealed.

SECTION 10. If any of the provisions, sections, sentences, clauses or parts of this Ordinance or the application of any provisions hereof shall be held to be invalid, such invalidity shall not affect or impair the remainder of this

Ordinance, it being the intention of the Township that such remainder shall be and remain in full force and effect.

SECTION 11. This Ordinance shall become effective upon the acquisition by the Township of the wastewater treatment and collection system currently owned by Delaware Valley Industrial Sewage, Inc.

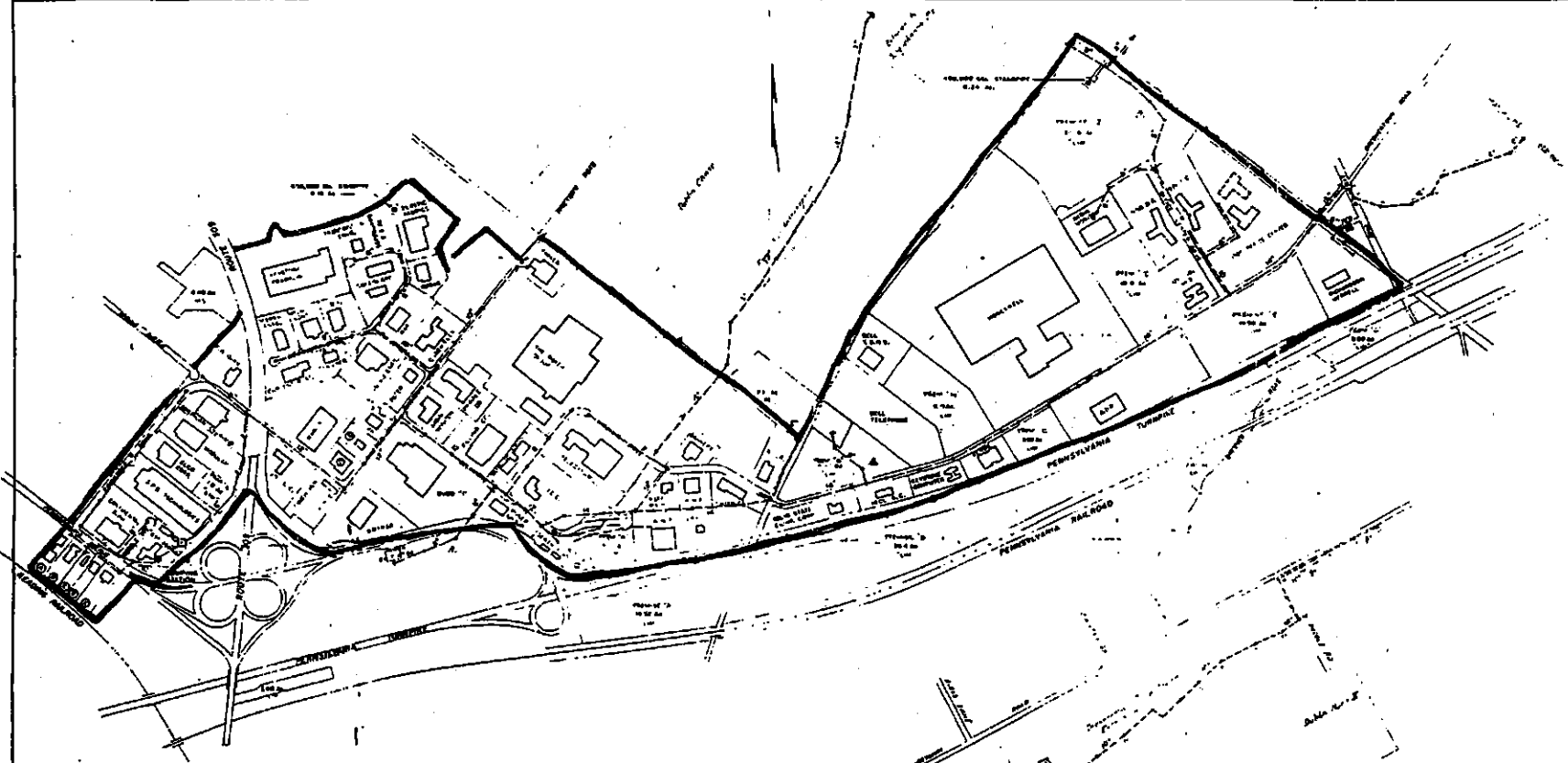
DULY ENACTED by the Board of Commissioners of the Township of Upper Dublin this 14th day of April, 1992.

COMMISSIONERS OF UPPER DUBLIN TOWNSHIP

By: Charles M. Boley
President

ATTEST:

By: Gregory N. Klemick
Secretary
Gregory N. Klemick



- BUILDING LEGEND**
- U.S. POST OFFICE
 - DR. ROMA, INC.
 - BRASS BROS.
 - AMERICAN DRUGS
 - ◇ B&O TELEPHONE
 - △ U.S. NATIONAL BLDG.
 - ▽ UNIVERSITY PUBLISHERS
 - ⊠ HERRINGTAL

NOTE: THE SEWERAGE AND SANITATION PLAN IS TO BE CONSIDERED AS A FINAL DESIGN PLAN BY THE ENGINEER AND SHALL BE SUBJECT TO THE APPROVAL OF THE LOCAL HEALTH DEPARTMENT.

- 1. DESIGN: JULY 1976
- 2. DESIGN: JULY 1976
- 3. DESIGN: JULY 1976
- 4. DESIGN: JULY 1976

AREA PLAN
FORT WASHINGTON OFFICE CENTER
 DELAWARE VALLEY INDUSTRIAL SEWAGE COMPANY
 Fort Washington, Pa.
 SANITARY SEWER SYSTEM-PLAN

Scale: Approx. 1" = 400' Drawn: JUL. 13, 1976 Desig. No. 1024

CERTIFICATE OF TOWNSHIP SECRETARY

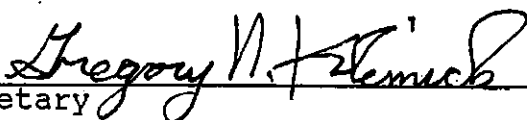
The undersigned, Secretary of the Township of Upper Dublin, Montgomery County, Pennsylvania, DOES HEREBY CERTIFY that:

1. The foregoing Ordinance creating a new Fort Washington Industrial Park Sewer District was duly moved and seconded and enacted by a majority vote of the entire Board of Commissioners of said Township at a duly called and convened public meeting of said Board held on April 14, 1992, that public notice of said meeting was given as required by law; and that the roll of Board of Commissioners was called and the members thereof voted or were absent as follows:

<u>Name</u>	<u>Vote</u>
Richard R. Rulon, President	ABSENT
Charles M. Bolig, Vice-President	YES
James B. Bockius	ABSENT
Cathleen Goettner	ABSENT
Judy Herold	YES
Jules J. Mermelstein	YES
Robert J. Pesavento	YES

2. Said Ordinance has not been altered, amended, modified, suspended or repealed and is still in full force and effect as of the date of the delivery of this Certificate.

WITNESS my hand and the seal of the Township this 14th day of April, 1992.


Secretary

(SEAL)

MRZ-LT89.DOC

ORDINANCE NO. 816

AN ORDINANCE PROVIDING FOR THE DESIGN, LAYING OUT, CONSTRUCTION AND INSTALLATION OF A PUBLIC SANITARY SEWER COLLECTION LINE ON THE SOUTHWEST SIDE OF HIGHLAND AVENUE BETWEEN PINETOWN ROAD AND CAMP HILL ROAD, AND IN AND THROUGH CERTAIN PRIVATE PROPERTIES LOCATED ON HIGHLAND AVENUE; PROVIDING FOR THE CONDEMNATION OF RIGHTS OF WAY AND PERMANENT AND TEMPORARY EASEMENTS ACROSS PRIVATE PROPERTY TO ACCOMMODATE SAID SEWERS AND FACILITIES; PROVIDING FOR THE PAYMENT OF COSTS OF CONSTRUCTION BY ASSESSMENT BY THE BENEFIT METHOD; PROVIDING FOR THE PAYMENT OF AMOUNTS ASSESSED IN INSTALLMENTS AND THE COLLECTION THEREOF; PROVIDING FOR THE LIENING OF PROPERTY SUBJECT TO ASSESSMENT; AND AUTHORIZING OTHER NECESSARY ACTION.

WHEREAS, in accordance with Article XXIV of the First Class Township Code of the Commonwealth of Pennsylvania, Upper Dublin Township has the authority to establish and construct sewers and drainage systems for the disposal of sanitary wastewater sewerage; and

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

WHEREAS, in accordance with Article XIX of the First Class Township Code of the Commonwealth of Pennsylvania, Upper Dublin Township has the authority to condemn private property for the construction and installation of sanitary wastewater sewer facilities; and

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

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

SECTION I. SANITARY WASTEWATER SEWER FACILITIES

(a) A public sanitary sewer collection line shall be constructed on the southwest side of Highland Avenue between Pinetown Road and Camp Hill Road, Upper Dublin Township, Montgomery County, Pennsylvania, in accordance with plans to be prepared by

an engineering firm to be retained for such purpose by the Board of Commissioners (hereinafter "Engineer"), and shall be interconnected to the existing sanitary wastewater sewer system in place in the Township (hereinafter "the Project").

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

SECTION II. ASSESSMENT OF COSTS

(a) The costs of construction and installation of the sewer system, aforesaid, shall be assessed as provided by law upon the several abutting properties benefited, improved and accommodated by the said sewer system.

(b) The officers of the Township are authorized and directed to execute and file a petition to the Court of Common Pleas of Montgomery County, Pennsylvania, for the appointment of viewers to assess benefits, as provided by law.

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

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

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

SECTION III. INSTALLMENT PAYMENT PRIVILEGES

Any owner of property assessed shall have the option of paying the assessment over a term of five (5) years from the due date of the assessment in twenty (20) equal quarterly installments plus interest at the rate of six percent (6%) per annum on the unpaid balance, provided that:

(a) The property owner shall, within thirty (30) days following the date of service of the notice of assessment and the bill therefor, deliver to the Township the owner's written notice of election to pay in installments in form required by the Township and to be prepared by the Township Manager; and

(b) Pay the first installment due on the assessment, together with a one-time charge of Fifty Dollars (\$50.00) additional for preparation and filing of lien documents and satisfaction costs, concurrently with the delivery of the notice of election to pay in installments, aforesaid; and

(c) Thereafter pay each quarterly installment together with interest as aforesaid not later than the expiration of each quarterly period succeeding the due date of the assessment; and

(d) A lien for municipal claim shall be duly filed by the Township Solicitor for the unpaid balance of the assessment plus a penalty of five percent (5%) of the unpaid balance and interest, as aforesaid; provided further, however, that such lien shall not be prosecuted so long as the installments are timely paid. Upon default in the payment of any installment the entire unpaid balance, plus penalty and interest and costs, shall become immediately due and payable and shall be collected as provided by law.

ENACTED AND ORDAINED this 4 day of April, 1992.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

By: Richard R. Rulon
Richard R. Rulon, President

Attest: Gregory N. Klemick
Gregory N. Klemick, Secretary
Gregory N. Klemick

AN ORDINANCE
NO. 017

AN ORDINANCE AMENDING the Code of the Township of Upper Dublin, Title III thereof, entitled Building and Construction, Chapter 4, Plumbing Code, by changing certain existing water conservation standards for plumbing fixtures and fittings; by setting forth new standards for water conservation measures for plumbing fixtures and fittings not heretofore regulated; and by setting forth exemptions and/or special provisions for special purpose equipment.

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

Section 1. The Code of the Township of Upper Dublin, Title III thereof, entitled Building and Construction, Chapter 4, Plumbing Code, Section 1.03, Amendments, shall be amended to provide henceforth as follows:

§1.03 Amendments.

* * * * *
* * * * *

ARTICLE 12 PLUMBING FIXTURES

* * * * *
* * * * *

P-1216 Conservation of Water: On all new plumbing installations, and on alteration or replacement of existing plumbing fixtures where feasible, the following plumbing fixtures must be installed:

(a) Water closets and urinals shall not exceed an average of 1.6 use a maximum of four (4) gallons of water per flushing cycle over a range of test pressures from 20 to 80 psi. The fixture shall perform in accordance with the test requirements of the ANSI A112.19.2M and ANSI A112.19.6M.

(b) Orifice control element shall be installed in the shower heads. Shower head, wash basins and kitchen faucets need to have installed aquamizer automatic flow on all new and replacement faucets. Regulating water flow should be two and five tenths (2.5) gallons per minute on all shower heads and orifice to control gallon flow to the faucets. The showerhead fixture shall perform in accordance with the test requirements of ANSI A112.18.1M. The sink and lavatory faucets shall perform in accordance with the test requirements of ANSI A112.18.1M.

(c) Urinals shall be installed so that the flushing cycle is controlled automatically and that each urinal or section is thoroughly flushed. Urinal water consumption shall not exceed an average of 1.5 gallons per flush cycle over a range of test pressures from 20 to 80 psi. The fixtures shall perform in accordance with the test requirements of the ANSI A112.19.2M and ANSI A112.19.6M.

Section 2. The Code of the Township of Upper Dublin, Title III thereof, entitled Building and Construction, Chapter 4, Plumbing Code, shall be amended by adding a new subsection 1.03.1, entitled Special Provisions, which shall provide as follows:

1.03.1. Special Provisions

(a) Special Purpose Equipment. The performance standards of Article 12, Section P-1216, shall not apply to fixtures and fittings such as emergency showers, aspirator faucets, and blowout fixtures that, in order to perform a specialized function, cannot meet the specific standards.

(b) Exemptions. Any persons may apply to the Township of Upper Dublin for an exemption to the terms of Article 12, Section P-1216 which may be granted by the Board of Commissioners, upon proof that some other device, system or procedure will save as much or more water as those set forth herein, or that those set forth herein cannot be complied with, without undue hardship.

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

Section 4. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

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

ENACTED AND ORDAINED this 12th day of May, 1992.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

ATTEST:

Richard R. Rulon
Richard R. Rulon, Chairman

Gregory N. Klemick
Gregory N. Klemick, Secretary

Gregory N. Klemick

ORDINANCE NO. 818

AN ORDINANCE OF THE TOWNSHIP OF UPPER DUBLIN AMENDING SECTION 2.5 OF ORDINANCE NO. 690, ENTITLED "SPECIFIC POLLUTANT LIMITATIONS", SO AS TO RESTATE THE CURRENT STANDARDS CREATED FOR THEM AND TO INCLUDE POLLUTANTS AND COMPUTABLE POLLUTANTS FOR WHICH NO LIMITS ARE CURRENTLY SET, TO COMPLY WITH THE REQUIREMENTS OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY RULES AND REGULATIONS.

IT IS HEREBY ORDAINED AND ENACTED that Section 2.5 of Ordinance No. 690, the Sewer Use Ordinance, be amended by deleting therefrom the entire Section and substituting therefor the following:

"No person shall discharge wastewater containing in excess of:

TOXIC POLLUTANTS	mg/l
Arsenic	0.01
Barium	NL
Boron	NL
Cadmium	0.04
Chromium (total)	1.23
Chromium (hexavalent)	NL
Copper	0.19
Cyanide	0.10
Cyanide (free)	NL
Endrin	NL
Fluoride	NL
Iron	NL
Lead	0.20
Lindane	NL
Mercury	0.0003
Methoxychlor	NL
Nickel	0.02
Phenol	NL
Phenols (total)	NL
Selenium	NL
Silver	0.005
Tin	NL
Total Halogenated Organics	NL
Total for all Priority Pollutants	NL
Toxaphene	NL
Vanadium	NL
Zinc	0.16
2,4-D	NL
2,4,5-TP Silver	NL

All wastewater entering the municipal collection system shall be pretreated to normal domestic levels unless otherwise stated in writing by Ambler by way of User Permit. These levels shall be:

Computable Pollutants

*BOD	250
*Total Suspended Solids	250
*Ammonia Nitrogen	25
*TKN as Nitrogen	40
*Total Phosphorous as P	NL
*Total Dissolved Solids	NL

* Upper Dublin Township shall impose a surcharge by Resolution, by its rate Ordinance, or by including same in any permit for any violation of these limitations."

All other provisions of the Sewer Use Ordinance No. 690 shall remain in full force and effect.

ENACTED AND ORDAINED this 12th day of May, 1992.

TOWNSHIP OF UPPER DUBLIN
UPPER DUBLIN TOWNSHIP

By Richard R. Paulson
President

Attest:

Gregory N. Clemick
Secretary
Gregory N. Clemick

ORDINANCE NO. 819

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF UPPER DUBLIN, TITLE 2, ENTITLED ADMINISTRATION, CHAPTER 5, ENTITLED TAXATION, AND ARTICLE II ENTITLED REALTY TRANSFER TAX, TO ADD A NEW SECTION TO PERMIT THE TOWNSHIP TAX COLLECTOR TO ASSESS, COLLECT AND RETAIN A FEE FOR PREPARATION OF CERTIFICATIONS OF REAL ESTATE TAXES DUE OR PAID FOR PROPERTIES WITHIN THE TOWNSHIP.

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

Section 1. The Code of the Township of Upper Dublin, Title 2, entitled Administration, Chapter 5, entitled Taxation, Article 2, entitled Realty Transfer Tax, shall be amended to include a new section as follows:

Sec. 2.10 Real Estate Tax Certification Fee.

There shall be a fee for preparing and providing by mail a real estate tax certification fee for any single tax parcel within the Township, which fee shall be \$20, and which fee shall be assessed and collected by the Township Tax Collector and retained by the Tax Collector for providing such services.

Section 2. Nothing in this Ordinance or in Title 2 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Title 3 prior to the adoption of this amendment.

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


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

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

ENACTED AND ORDAINED this 12th day of May, 1992.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

ATTEST:


RICHARD R. RULON, PRESIDENT


GREGORY N. KLEMICK, SECRETARY

ORDINANCE No. 820

AN ORDINANCE TO AMEND the Code of the Township of Upper Dublin, Title 2 thereof, entitled Administration, by providing for the creation of an Upper Dublin Public Library; by providing for the creation of a Library Board of Directors; by setting forth rules and regulations for the appointment, terms, compensation and organization of the Library Board of Directors; by providing for the control, accounting, and audit of library funds; by setting forth rules and regulations for the use of libraries and by providing penalties for violation of library rules and/or injury of library property.

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

Section 1. The Code of the Township of Upper Dublin, Title 2 thereof, entitled Administration, shall be amended by adding a new Chapter 14, entitled Library Board of Directors, which shall provide as follows:

Chapter 14
LIBRARY BOARD OF DIRECTORS

- Sec. 1.01 Definitions.
- Sec. 1.02 Creation of Upper Dublin Public Library.
- Sec. 1.03 Creation of Library Board of Directors; adoption of rules and regulations.
- Sec. 1.04 Library Board of Directors; terms of office; vacancies; compensation.
- Sec. 1.05 Organization of Library Board of Directors; Bond of Treasurer.
- Sec. 1.06 Library Board of Directors to control funds; accounts to be audited.
- Sec. 1.07 Annual report.
- Sec. 1.08 Use of libraries; rules and regulations.
- Sec. 1.09 Title to property.
- Sec. 1.10 Establishment of branches and other agencies.
- Sec. 1.11 Retention of library property after notice to return.
- Sec. 1.12 Injury of library property; violations and penalties.

Sec. 1.01 Definitions.

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

LIBRARY - Local Library as defined in the Library Code of the Commonwealth of Pennsylvania, act of June 14, 1961, P.L. 324, Art. I, et seq., as amended, 24 P.S. §4101 et seq. as the same may be amended.

MUNICIPAL AUTHORITIES - The members of the Board of Commissioners of Upper Dublin Township.

MUNICIPALITY - Upper Dublin Township, Montgomery County, Pennsylvania.

PERSON - Includes individuals, corporations, firms, associations and their servants, agents or employees.

Sec. 1.02 Creation of Upper Dublin Public Library.

There is hereby established and created a free, public, nonsectarian library in the Township of Upper Dublin to be known as the Upper Dublin Public Library, which library shall serve the informational, educational and recreational needs of all the residents of the municipality, by providing free access including free lending and reference services, to an organized and currently useful collection of printed items and other materials and to the services of a staff trained to recognize and provide for these needs.

Sec. 1.03 Creation of Library Board of Directors; adoption of rules and regulations.

There is hereby created a Library Board of Directors consisting of citizens of Upper Dublin Township to be appointed by the Board of Commissioners to be known as the "Library Board of Directors," which Library Board shall have the authority to adopt such rules and regulations as may be necessary for the purpose of carrying out the intent of this chapter. Such regulations for the planning, conducting and maintaining of a free, public, nonsectarian library for the use of the residents of Upper Dublin Township shall be vested in the members of said Library Board. In carrying out the provisions of this chapter, the members of said Library Board may be guided by the standards laid down by the Department of Education of the Commonwealth of Pennsylvania or any other similar body or organization which promulgates standards which

would carry out the intent of this chapter. Said Library Board shall have the authority to prepare and adopt rules and regulations which, in its opinion, shall effectuate the provisions of this chapter, provided that such rules and regulations shall not become effective until approved by the Board of Commissioners.

Sec. 1.04 Library Board of Directors; terms of office; vacancies; compensation.

The affairs of the public library in Upper Dublin Township established by this chapter or any amendments thereto, or both, shall be under the control of said Library Board of Directors to be composed of not less than five nor more than seven members. The Board of Commissioners of the township shall appoint the members and fill any vacancies occurring from any cause. The first appointees shall be appointed, as nearly as is possible, as follows: one-third (1/3) for one (1) year, one-third (1/3) for two (2) years and one-third (1/3) for three (3) years. All appointments to fill the places of those whose terms expire shall be for a term of three (3) years. Vacancies shall be filled for the unexpired terms. All members of the Library Board shall serve until their successors have been appointed. No member of this Library Board shall receive any salary for his or her services as such.

Sec. 1.05 Organization of Library Board of Directors; Bond of Treasurer.

The Library Board of Directors shall organize as soon as may be after appointment by electing a President, a Secretary and a Treasurer from its membership and such other officers and agents as the Library Board may deem necessary. The Treasurer shall give bond to the municipality, with satisfactory surety, in such amount as the Board of Commissioners may determine.

Sec. 1.06 Library Board of Directors to control fund; accounts to be audited.

All moneys appropriated for the establishment or maintenance, or both, of a free, public, nonsectarian library, as established by this chapter, and all moneys, if any, received from other sources for its use, shall be under the exclusive control and shall be disbursed under the direction of the Library Board of Directors, who shall make an annual report to the proper municipal authorities of the moneys

Sec. 1.09 Title to property.

The real and equitable title to all the real and personal property which may be acquired by said Library Board of Directors, either by deed, gift, devise, bequest or purchase, shall be vested in Upper Dublin Township, but the Library Board of said library shall and will control and administer such real and personal property.

Sec. 1.10 Establishment of branches and other agencies.

The Library Board of Directors may establish branches, deposit stations, traveling libraries and such other agencies as it may deem necessary to bring the books within convenient reach of all the residents, subject to the approval of said Board of Commissioners.

Sec. 1.11 Retention of library property after notice to return.

Whoever retains any book, pamphlet, magazine, newspaper, manuscript, map or other property belonging in or to or on deposit with the library for a period exceeding thirty (30) days after such library has given written notice to return the same, shall, upon conviction in summary proceedings, be sentenced to pay a fine of not more than twenty-five dollars (\$25) and costs of prosecution to be paid over by the magistrate imposing such fine to the library. Any person in default of payment of such fine and costs shall undergo imprisonment in the county jail for a period not exceeding ten (10) days.

Notice may be given by personal service on the borrower or by mailing written notice by letter, by first-class mail, to the borrower's address on file with the library. Notice will refer to the Library Code of the Commonwealth of Pennsylvania and shall contain a demand that the property be returned.

Sec. 1.12 Injury of library property violations and penalties.

Anyone who shall willfully cut, mutilate, mark or otherwise injure any book, pamphlet, volume, map, chart, magazine, newspaper, painting, engraving or other property of or deposited in the free library established by reason of this chapter, shall be deemed to be guilty of a misdemeanor and may

be prosecuted for said offense before any court of competent jurisdiction and, upon conviction thereof, shall be liable to a fine or not more than twenty-five dollars (\$25) and costs of prosecution or to imprisonment in the county jail for a term not exceeding fifteen (15) days, or both, at the discretion of the court; said fine, when collected, shall be for the use of said library against which the aforesaid offense was committed.

Section 2. Nothing in this Ordinance or in Title 2 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Title 3 prior to the adoption of this amendment.

Section 3. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 4. This Ordinance shall take effect and be in force as of July 1, 1992.

ENACTED AND ORDAINED this 9th day of June, 1992.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

ATTEST:

RICHARD R. RULON, PRESIDENT

Gregory N. Klemick
GREGORY N. KLEMICK, SECRETARY

DSP\Ordinance\Library.UDT

ORDINANCE NO. 821

AN ORDINANCE PROVIDING FOR THE DESIGN, LAYING OUT, CONSTRUCTION AND INSTALLATION OF A PUBLIC SANITARY SEWER COLLECTION LINE BEHIND CERTAIN PRIVATE PROPERTIES SITUATE ON THE SOUTH SIDE OF NORRISTOWN ROAD FROM THE REAR OF PREMISES LOCATED AT 1837 NORRISTOWN ROAD, WEST TO CHAUCER DRIVE; PROVIDING FOR THE CONDEMNATION OF RIGHTS OF WAY AND PERMANENT AND TEMPORARY EASEMENTS ACROSS PRIVATE PROPERTY TO ACCOMMODATE SAID SEWERS AND FACILITIES; PROVIDING FOR THE PAYMENT OF COSTS OR CONSTRUCTION BY ASSESSMENT BY THE BENEFIT METHOD; PROVIDING FOR THE LIENING OF PROPERTY SUBJECT TO ASSESSMENT; AND AUTHORIZING OTHER NECESSARY ACTION.

WHEREAS, in accordance with Article XXIV of the First Class Township Code of the Commonwealth of Pennsylvania, Upper Dublin Township has the authority to establish and construct sewers and drainage systems for the disposal of sanitary wastewater sewerage; and

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

WHEREAS, in accordance with Article XIX of the First Class Township Code of the Commonwealth of Pennsylvania, Upper Dublin Township has the authority to condemn private property for the construction and installation of sanitary wastewater sewer facilities; and

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

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

SECTION I. SANITARY WASTEWATER SEWER FACILITIES

(a) A public sanitary sewer collection line shall be constructed behind certain private properties situate on the south side of Norristown Road from the rear of premises located at 1837 Norristown Road, west to Chaucer Drive, Upper Dublin Township,

Montgomery County, Pennsylvania, in accordance with plans to be prepared by an engineering firm to be retained for such purpose by the Board of Commissioners (hereinafter "Engineer"), and shall be interconnected to the existing sanitary wastewater sewer system in place in the Township (hereinafter "the Project").

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

SECTION II. ASSESSMENT OF COSTS

(a) The costs of construction and installation of the sewer system, aforesaid, shall be assessed as provided by law upon the several abutting properties benefited, improved and accommodated by the said sewer system.

(b) The officers of the Township are authorized and directed to execute and file a petition to the Court of Common Pleas of Montgomery County, Pennsylvania, for the appointment of viewers to assess benefits, as provided by law.

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

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

(e) If any assessment shall remain unpaid at the expiration of thirty (30) days following the service of the notice, it shall be the duty of the Township Solicitor to collect the same, with interest from the thirtieth (30th) day after the service of the notice, by action of assumpsit or by filing a lien or municipal claim therefor against the property of such owner, with a penalty of five percent (5%) of the amount of such assessment, together

with interest and costs as provided by law. When an owner has two or more lots against which there is an assessment for the same improvement, all of such lots may be embraced in one claim. 56

ENACTED AND ORDAINED this 9th day of June, 1992.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

By: Richard R. Rulon, President

Attest: Gregory N. Klemick
Gregory N. Klemick, Secretary

AN ORDINANCE
NO. 822

AN ORDINANCE TO AMEND the Code of the Township of Upper Dublin, Title 5, Health and Sanitation, Chapter 10, Sewer Connections, Section 1.01, Definitions, paragraph (e) to amend the definition of "Occupied Building" to include structures, a portion or all of which, are situate 300 feet or less from the nearest edge of the right of way; and to include a new paragraph (h) to define the term "Right of Way".

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

Section 1. The Code of the Township of Upper Dublin, Title 5 thereof, entitled Health and Sanitation, Chapter 10 thereof, entitled Sewer Connections, Section 1.01 thereof, entitled Definitions shall be amended in part to provide as follows:

Sec. 1.01. Definitions.

* * * * *
* * * * *

(e) "Occupied Building" means any structure erected and intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sanitary sewage and industrial wastes, or either thereof, is, or may be discharged, and a portion or all of which structure is situate 300 feet or less from the nearest edge of the right of way.

* * * * *
* * * * *

(h) "Right of Way" includes the cartway and the shoulder of the street or road in which a sewer main is located.

Section 2. Nothing in this Ordinance or in Title 5 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Title 5 prior to the adoption of this amendment.

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

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

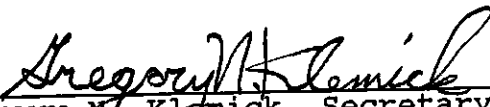
Section 4. This Ordinance shall take effect and be in force from and after its approval as required by law.

Approved by the Board this 9th day of June, 1992

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

Richard R. Rulon, President

ATTEST:



Gregory M. Klemick, Secretary

AN ORDINANCE
NO. 825

AN ORDINANCE providing for the design, laying out, construction and installation of replacement curbs along certain portions of Applewood Drive, Brentwood Drive, Cavan Drive, Crestview Drive, Dublin Road, East Bruce Drive, Jill Road, Kenmare Drive, Main Street, Madison Avenue, Meetinghouse Road, Randolph Avenue, Virginia Drive, and Woodlyn Avenue, in the Township of Upper Dublin, Montgomery County, Pennsylvania.

WHEREAS, in accordance with Article XXIII, Section 2303 of the First Class Township Code of the Commonwealth of Pennsylvania, Upper Dublin Township has the authority to provide for the reconstruction, repair and recurbing of sidewalks and curbs; and

WHEREAS, it is deemed to be in the best interest of certain residents of the Township and the health and welfare of the community to require such replacement curbs be installed in certain sections of the Township.

NOW, THEREFORE, the Board of Commissioners of the Township of Upper Dublin, Montgomery County, Pennsylvania, does hereby enact and ordain that:

SECTION 1. CURB REPLACEMENT.

- (a) Curb replacement shall be constructed along certain properties in the Township of Upper Dublin, Montgomery County, Pennsylvania, as indicated on Exhibit "A" attached hereto.
- (b) Curb replacement on the above-referenced properties shall be done in accordance with the details provided by the Township Engineer.
- (c) The effective date of this ordinance is retroactive to include any curbing done before the date of passage.
- (d) Cost of curb replacement, repair or improvement shall be paid by the property owner and may be collected by action of assumpsit, or the Township may file a municipal lien against the property. Said municipal lien shall be filed within six (6) months after completion of the curb replacement, repair or improvement.

Approved by the Board this

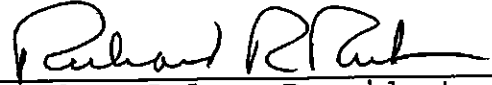
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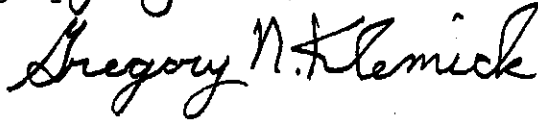
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, 1992.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN



Richard R. Rulon, President

ATTEST:


Gregory N. Klemick, Secretary

gphjr:lsp
udtord\curbs
June 2, 1992

AN ORDINANCE
NO. 824

AN ORDINANCE, TO AMEND THE CODE OF THE TOWNSHIP OF UPPER DUBLIN, TITLE 10 THEREOF, ENTITLED ZONING, DEFINING EXHIBITION CENTERS, PERMITTING EXHIBITION CENTERS NOT HAVING MORE THAN 175,000 SQUARE FEET OF GROSS FLOOR AREA AS A CONDITIONAL USE IN "LIM"-LIMITED INDUSTRIAL ZONING DISTRICTS AND PROVIDING PARKING REQUIREMENTS FOR SUCH USE, INCLUDING PROVISION FOR 25% RESERVE PARKING.

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

Section 1. The Code of the Township of Upper Dublin, Title 10 thereof, entitled Zoning, Article 2, "Definitions", Section 2.01, **Definitions**, shall be amended by the addition of subsection AAE, to provide as follows:

§2.01 Definitions

* * * * *
* * * * *

AAE "Exhibition Center" - A building or group of buildings used for trade, consumer and recreational shows and expositions which cater to commercial and leisure time interests through the exposition marketplace and not primarily, through retail sales.

Section 2. The Code of the Township of Upper Dublin, Title 10 thereof, entitled Zoning, Article 12, "LIM-Limited Industrial District", Section 12.01, **Use Regulations**, subsection J. relating to uses permitted as a conditional use, shall be amended by the addition of paragraph (b) to read as follows:

Sec. 12.01. Use Regulations.

* * * * *
* * * * *

J. The following uses are permitted as a conditional use by the Board of Commissioners in accordance with the provisions of Article 22:

* * * * *
* * * * *

b. An Exhibition Center, not having more than 175,000 square feet of gross floor area, provided the Board of Commissioners determines that:

1. Such use is consistent with Section 12.00, Declaration of Legislative Intent.

2. Such use will not adversely affect the health, safety or welfare of the neighborhood.
3. Adequate provision has been made to accomodate increased traffic on public streets.

A maximum of twenty-five (25%) percent of the required parking to be held in reserve if the applicant can show, to the satisfaction of the Board of Commissioners, that the additional parking will not be needed. Regardless of the number of spaces actually developed, a parking area to accommodate the aggregate number of parking spaces normally required shall be fully designed, and the area which is proposed to be eliminated shall be shown on the land development plan as "Parking Reserve Area". The Parking Reserve Area shall be considered in calculating the impervious surface ratio. The Parking Reserve Area shall be planted with vegetative cover and integrated into the site's land development plan. Such area shall be required to be developed as designed if and when the Zoning Officer determines the need.

Section 3. The Code of the Township of Upper Dublin, Title 10 thereof, entitled Zoning, Article 9, "Off-Street Parking and Loading", Section 9.00, **Required Off-Street Parking Facilities**, subsection 3, shall be amended by the addition of paragraph (k) to read as follows:

- (k) Exhibition Center: One (1) parking space for every one hundred (100) square feet of floor area devoted to exhibition center use, or fraction thereof.

Section 4. Nothing in this Ordinance or in Title 10 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Title 10 prior to the adoption of this amendment.

Section 5. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

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

Approved by the Board this 14th day of July, 1992.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

By: _____

ATTEST:

Gregory N. Klemick

AN ORDINANCE
NO. 825

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF UPPER DUBLIN, TITLE 5, THEREOF ENTITLED HEALTH AND SANITATION, TO INCLUDE A NEW CHAPTER 11, ENTITLED CURBING OF DOGS, TO REGULATE DOGS ON PUBLIC OR PRIVATE PROPERTY OTHER THAN THAT OF THE OWNER OR PERSON IN CHARGE OR CONTROL OF THE DOG IN THE TOWNSHIP OF UPPER DUBLIN.

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

Section 1. The Code of the Township of Upper Dublin, Title 5, thereof entitled Health and Sanitation shall be amended to include a new Chapter 11, entitled "Curbing of Dogs" to provide as follows:

* * * * *

CHAPTER 11
CURBING OF DOGS

Sec.1.01 Dogs on Private or Public Property

No person owning, harboring, keeping or in charge of any dog shall cause or allow such dog to soil, defile, or defecate upon any other person's private property without the permission of such other person or upon any public property. Where such person shall immediately remove all feces deposited by the dog and dispose of the same in a sanitary manner, the nuisance created by defecation shall be considered abated, and such person shall not be in violation of this Chapter.

Section 1.02 Guide Dogs

Guide dogs accompanying a blind person, dogs used to assist any other physically handicapped person, or dogs used in any police or fire activities shall be exempt from provisions of this Chapter.

Section 1.03 Enforcement

(A) The provisions of this Chapter shall be enforced by the Health Department and the Animal Control Officer, their duly authorized representatives, any officer of the township or any affected party.

(B) In undertaking the enforcement of this Chapter, the township is assuming only to promote the general welfare. The township is not assuming, nor is it imposing on any of its officers or employees, an obligation for breach of which it is liable in money damages to any person who claims that any breach proximately caused injury.

(C) A violation of this Chapter shall not be considered negligence per se.

Section 1.04 Citizen Suits

(A) Except as provided in Section 1.04(B) below, any citizen may commence a civil action on his own behalf against any person except the township, Commonwealth or United States, or any department or agency thereof, to enforce the provisions of this Chapter.

(B) No action may be commenced under this subsection:

(1) Prior to thirty (30) days after the plaintiff has given written notice of the alleged violation to the Health Enforcement Officer and to the alleged violator; or

(2) If the township has commenced and is diligently prosecuting a civil or criminal proceeding against the alleged violator that incorporates the citizen's cause of action.

(C) For the purpose of this subsection, the term "citizen" means any person or persons having an interest which is or may be adversely affected.

Section 1.05 Penalty

Any person who shall violate any of the provisions of this chapter shall be liable, on conviction thereof in a summary proceeding, to pay a fine of not less than twenty-five dollars (\$25) nor more than three hundred dollars (\$300) for each offense, unless a lesser penalty is provided thereunder. Whenever such person shall have been notified by service of a citation in a summary proceeding, by service of a notice of violation by the Health Enforcement Officer or by receipt of a written notification from an affected person that he or she is committing such violation of this Chapter, each day that he or she shall thereafter continue the violation shall constitute a separate offense punishable by a like fine.

Section 2. Nothing in this Ordinance or in Title 5 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Title 5 prior to the adoption of this amendment.

Section 3. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

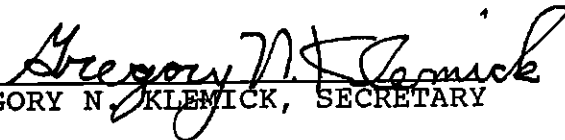
Section 4. This Ordinance shall take effect and be in force sixty (60) days from and after its approval as required by law.

ENACTED AND ORDAINED this 11th day of August, 1992.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

RICHARD R. RULON, PRESIDENT

ATTEST:


GREGORY N. KLEMICK, SECRETARY

AN ORDINANCE
NO. 826

AN ORDINANCE TO AMEND the Code of the Township of Upper Dublin, Title 3 thereof, entitled Building and Construction, Chapter 2, Curbs and sidewalk construction, by adding a new section which shall provide for the grading, construction and repair of sidewalks and curbs.

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

Section 1. The Code of the Township of Upper Dublin, Title 3 thereof, entitled Building and Construction, Chapter 2, Curbs and Sidewalk Construction, shall be amended by adding thereto a new Section 1.00.1, Grading, construction and repair of sidewalks and curbs, which shall provide henceforth as follows:

Sec. 1.00.1 Grading, construction and repair of sidewalks and curbs.

- (a) It shall be the duty of all owners of property abutting upon any public street within the Township, upon receipt of a notice to do so, from the Township Public Works Department, and within 30 days after receipt thereof, to construct in front of their respective properties and at the owner's expense, a sidewalk and curb, or either of them, of the kind, quality and dimensions set forth in the notice and in accordance with the Township's Engineering Standards.
- (b) It shall be the duty of all owners of property abutting upon any public street within the Township, to keep and maintain the sidewalk and curb in front of their respective properties in good order, condition and repair. Within 30 days after receipt of a notice from the Township, and at owner's expense, the sidewalk and curb, or either of them shall be replaced or repaired as specified in the notice and in accordance with the Township's Engineering Standards.
- (c) Upon failure of the property owner to do the work set forth in the notice as mentioned in paragraphs (a) and (b) above the Township shall have the work performed and charge the costs thereof to the owner. The Township, either by its own employees, or by an independent contractor, shall do the work and charge the costs thereof to the owner. Upon failure of the owner to pay the costs of this sidewalk or curb work within thirty (30) days after demand, the Township shall in addition to all other remedies, file a municipal lien or claim against the premises

involved, with such additional charges and penalties as are prescribed by law.

- (d) Any person failing or refusing to comply with the provisions of this Chapter, or who shall unlawfully construct or reconstruct any curb, sidewalk, not in accordance with the provisions hereof, or to the lines and grades furnished by the Township Public Works Department, shall forfeit and pay a sum of not more than Six Hundred Dollars (\$600.00) for each and every offense, to be recovered as such penalties are now collectible by law.

Section 2. Nothing in this Ordinance or in Title 3 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Title 3 prior to the adoption of this amendment.

Section 3. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

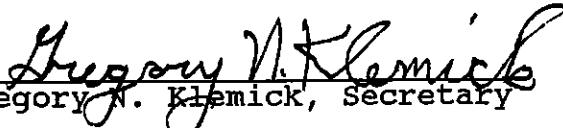
Section 4. This Ordinance shall take effect and be in force from and after its approval as required by law.

Approved by the Board this 11th day of August, 1992

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

Richard R. Rulon, President

ATTEST:


Gregory N. Klemick, Secretary

AN ORDINANCE
NO. 027

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF UPPER DUBLIN, TITLE 5, THEREOF, ENTITLED HEALTH AND SANITATION, CHAPTER 6, PUBLIC NUISANCES, BY MODIFYING SECTION 1.07 TO EMPOWER TOWNSHIP OFFICIALS TO PROHIBIT AND REMOVE ANY NUISANCE AND TO SET FORTH THE REMEDIES AVAILABLE TO THE TOWNSHIP.

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

Section 1. The Code of the Township of Upper Dublin, Title 5 thereof, entitled Health and Sanitation, Chapter 6, Public Nuisances, Section 1.07, Enforcement, shall be amended to provide as follows:

Sec. 1.07 Enforcement

~~It shall be the duty of the Department of Public Health and the duly designated officials of the Township to enforce the terms of this ordinance and secure compliance with the requirements thereof.~~

The Department of Public Health and the duly designated officials of the Township shall have the power to prohibit and remove any nuisance, and to order the occupant or user of public or private property, by appropriate action, at the expense of such owner, occupant or user, to correct and remove such nuisance, within such reasonable time as the Township Official shall determine, in default of which, the Township may cause the same to be done and collect the cost thereof, together with a penalty of ten percent (10%) of such cost, in the manner provided by law for the collection of municipal claims, or by action of assumpsit, or may seek relief by bill in equity.

Section 2. Nothing in this Ordinance or in Title 5 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Title 5 prior to the adoption of this amendment.

Section 3. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as

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


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

Approved by the Board this day of , 1992.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

Richard R. Rulon, President

ATTEST:


Gregory N. Klemick, Secretary

udtord\nuisance

TOWNSHIP OF UPPER DUBLIN
Montgomery County, Pennsylvania

ORDINANCE NO. 828

AUTHORIZING THE INCURRENCE OF NONELECTORAL DEBT OF THE TOWNSHIP OF UPPER DUBLIN BY THE ISSUANCE OF \$3,515,000 AGGREGATE PRINCIPAL AMOUNT GENERAL OBLIGATION BONDS, SERIES OF 1992, FOR THE PURPOSE OF REFUNDING THE TOWNSHIP'S OUTSTANDING GENERAL OBLIGATION BONDS, SERIES OF 1978, GENERAL OBLIGATION BONDS, SERIES OF 1988, AND GENERAL OBLIGATION BONDS, SERIES OF 1990, AND PAYING THE COSTS OF THE FINANCING; AUTHORIZING THE PREPARATION AND FILING OF A DEBT STATEMENT AND OTHER DOCUMENTATION; COVENANTING TO CREATE A SINKING FUND AND TO BUDGET, APPROPRIATE AND PAY DEBT SERVICE ON THE BONDS; PLEDGING THE FULL FAITH, CREDIT AND TAXING POWER OF THE TOWNSHIP FOR THE PROMPT AND FULL PAYMENT OF THE BONDS; SETTING FORTH THE SUBSTANTIAL FORM OF THE BONDS; SETTING FORTH THE STATED PRINCIPAL MATURITY DATES AND AMOUNTS, INTEREST RATES AND INTEREST PAYMENT DATES, PLACE OF PAYMENT, SINKING FUND PROVISIONS, AND OTHER DETAILS OF THE BONDS; FINDING THAT A PRIVATE NEGOTIATED SALE OF THE BONDS IS IN THE BEST FINANCIAL INTEREST OF THE TOWNSHIP; ACCEPTING A PROPOSAL FOR THE PURCHASE OF THE BONDS; AUTHORIZING THE PROPER TOWNSHIP OFFICERS TO CONTRACT FOR THE SERVICES OF A PAYING AGENT AND SINKING FUND DEPOSITARY; AND AUTHORIZING OTHER NECESSARY ACTION.

WHEREAS, the Township of Upper Dublin (the "Township") is a township of the first class, governed by an Act of Assembly of the Commonwealth of Pennsylvania, Act of June 24, 1931, P.L. 1206, reenacted and amended May 27, 1949, P.L. 1955, as further amended (the "First Class Township Code"); and

WHEREAS, the Township has heretofore issued \$2,030,000 principal amount of its General Obligation Bonds, Series of 1978 (the "1978 Bonds"), \$2,125,000 principal amount of its General Obligation Bonds, Series of 1988 (the "1988 Bonds") and \$1,000,000 principal amount of its General Obligation Bonds, Series of 1990 (the "1990 Bonds"; the 1978 Bonds, the 1988 Bonds and the 1990 Bonds are collectively referred to hereinafter as the "Prior Bonds") and is granted the power by the Local Government Unit Debt Act of the Commonwealth of Pennsylvania, Act 52 of 1978, approved April 28, 1978, as amended (the "Act") to

incur indebtedness and to issue bonds for the purpose of re-funding its outstanding indebtedness; and

WHEREAS, the Township has determined to refund the Prior Bonds (the "Refunding Program"). The 1978 Bonds are outstanding in the principal amount of \$1,000,000. The 1988 Bonds are outstanding in the principal amount of \$1,780,000. The 1990 Bonds are outstanding in the principal amount of \$845,000.

WHEREAS, the Township proposes to issue \$3,515,000 aggregate principal amount of its General Obligation Bonds, Series of 1992 (the "Bonds") for the purpose of financing the Refunding Program and paying the costs and expenses of issuing the Bonds.

WHEREAS, the Township has received a proposal for the purchase of the Bonds and now desires to authorize the issuance of the Bonds for the purpose of financing the costs of the Refunding Program and to accept the proposal for the purchase of the Bonds.

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Township of Upper Dublin and IT IS HEREBY ORDAINED, as follows:

Section 1. Authorization of Refunding Program and Incurrence of Indebtedness; Purpose of Refunding Program. The Township shall undertake the Refunding Program described in the recitals hereto and shall incur indebtedness, pursuant to the Act in the amount of \$3,515,000 for the purpose of providing funds for and toward the costs of said Refunding Program, including the payment of the expenses of the financing. It is hereby determined and stated that the purpose of the Refunding Program is to reduce the debt service that would otherwise be payable on the Prior Bonds as shown on the Schedule of Annual Debt Service Savings attached hereto as Exhibit A and made a part hereof.

Section 2. Authorization of Issuance of Bonds. The Township shall issue, pursuant to this Ordinance, \$3,515,000 aggregate principal amount of its General Obligation Bonds, Series of 1992 to finance the Refunding Program as provided in Section 1 hereof.

Section 3. Type of Indebtedness. The indebtedness authorized by this Ordinance is nonelectoral debt.

Section 4. Execution of Debt Statement, Bonds and Other Documents. The President or Vice President of the Board of Commissioners, the Township Secretary or Treasurer and their successors are hereby authorized and directed to prepare, verify and file the Debt Statement required by Section 410 of the Act,

to execute and deliver the Bonds in the name and on behalf of the Township and to take all other action required by the Act or this Ordinance in connection with the issuance of the Bonds. Said officers or any of them are further authorized to apply to the Department of Community Affairs for approval of the debt herein authorized and to file with such application a transcript of the proceedings including a certified copy of this Ordinance, the Debt Statement, a Borrowing Base Certificate signed by the appropriate officials of the Township or by the accountants of the Township responsible for auditing its financial affairs and to take any and all such further action and to execute and deliver such other documents as may be necessary or proper to comply with all requirements of the Act or to carry out the intent and purpose of this Ordinance. The said officers are further hereby authorized if, in their opinion, it is advisable to do so, to prepare and file such statements and documents as may be required by Article II of the Act in order to qualify all or any portion of the existing indebtedness of the Township and of the above authorized indebtedness as subsidized debt or as self-liquidating debt.

Section 5. Type of Bonds. The Bonds when issued will be general obligation bonds.

Section 6. Covenant to Pay Debt Service - Pledge of Taxing Power. The Township hereby covenants with the registered owners of the Bonds: (a) that the Township has or will include in its budget for the fiscal year ending December 31, 1993, and in its budgets for each fiscal year thereafter, the amount of the debt service on the Bonds which will be payable in each such fiscal year so long as any of the Bonds shall remain outstanding; (b) that the Township shall appropriate from its general revenues such amounts to the payment of such debt service; and (c) that the Township shall duly and punctually pay or cause to be paid from the sinking fund hereinafter created or any other of its revenues or funds the principal of every Bond and the interest thereon on the dates and at the place and in the manner stated in the Bonds according to the true intent and meaning thereof. For such budgeting, appropriation and payment the Township hereby pledges its full faith, credit and taxing power. This covenant shall be specifically enforceable. The amounts to be budgeted, appropriated and paid pursuant to the foregoing covenant are those set forth in Exhibit B attached hereto and made a part hereof which are hereby incorporated in the foregoing covenant with the same effect as if the same were specified in the text of such covenant.

Section 7. Form of Bonds. The Bonds shall be substantially in the following form with appropriate omissions, insertions and variations:

(FORM OF FACE OF BOND)

TOWNSHIP OF UPPER DUBLIN
(Montgomery County, Pennsylvania)

GENERAL OBLIGATION BOND, SERIES OF 1992

No. R \$ _____

Interest Rate	Maturity Date	Dated Date	CUSIP
		December 1, 1992	

REGISTERED OWNER:

PRINCIPAL AMOUNT: Dollars (\$ _____)

The Township of Upper Dublin, Montgomery County, Pennsylvania (the "Township"), a municipal corporation of the Commonwealth of Pennsylvania, for value received, hereby promises to pay to the registered owner hereof on the maturity date set forth above the principal amount set forth above, unless this Bond shall have been called for redemption and payment of the redemption price shall have been duly made or provided for, and to pay interest thereon from December 1, 1992 or the most recent Interest Payment Date to which interest has been paid or duly provided for, initially on June 1, 1993, and semiannually thereafter on June 1 and December 1 of each year (each, an "Interest Payment Date"), at the annual rate specified above, calculated on the basis of a 360-day year of twelve 30-day months until the principal sum is paid or has been provided for. The principal of this Bond is payable upon presentation and surrender hereof at the principal corporate trust office of Fidelity Bank, National Association, Philadelphia, Pennsylvania (the "Paying Agent"). Interest on this Bond will be paid on each Interest Payment Date by check or draft mailed to the person in whose name this Bond is registered on the registration books of the Township maintained by the Paying Agent, as bond registrar, at the address

appearing thereon at the close of business on the fifteenth day of the calendar month next preceding such Interest Payment Date (the "Regular Record Date"). Any such interest not so timely paid or duly provided for shall cease to be payable to the person who is the registered owner hereof as of the Regular Record Date, and shall be payable to the person who is the registered owner hereof at the close of business on a Special Record Date (the "Special Record Date") for the payment of such defaulted interest. Such Special Record Date shall be fixed by the Paying Agent whenever moneys become available for payment of the defaulted interest, and notice of the Special Record Date and of the payment date for such interest shall be given by first-class mail by the Paying Agent to the registered owners of the Bonds not less than fifteen (15) days prior to the Special Record Date. Such notice shall be given to the persons in whose names the Bonds are registered at the close of business on the fifth (5th) day preceding the date of mailing. The principal of and interest on this Bond are payable in lawful money of the United States of America.

This Bond shall not be entitled to any benefit under the Ordinance or be valid or become obligatory for any purpose until this Bond shall have been authenticated by the Paying Agent by execution of the certificate endorsed herein.

REFERENCE IS HEREBY MADE TO THE FURTHER PROVISIONS OF THIS BOND SET FORTH ON THE REVERSE HEREOF, WHICH PROVISIONS SHALL FOR ALL PURPOSES HAVE THE SAME EFFECT AS IF SET FORTH HEREIN.

IN WITNESS WHEREOF, the Township of Upper Dublin, Montgomery County, Pennsylvania has caused this Bond to be signed in its name and on its behalf by the facsimile signature of the President of its Board of Commissioners and a facsimile impression of its corporate seal to be hereunto affixed, duly attested by the facsimile signature of its Secretary.

TOWNSHIP OF UPPER DUBLIN

BY: (Facsimile Signature)
President of Board
of Commissioners

Attest: (Facsimile Signature)
Secretary

(SEAL)

(FORM OF AUTHENTICATION CERTIFICATE)

This Bond is one of the Township of Upper Dublin General Obligation Bonds, Series of 1992, described in the within mentioned Ordinance.

The Text of Opinion printed hereon is the text of opinion of Saul, Ewing, Remick & Saul on file with the under-signed, which was dated and delivered on the date of delivery of and payment for the Bonds.

FIDELITY BANK, NATIONAL ASSOCIATION,
Paying Agent

Date of Authentication:

By: _____
Authorized Officer

(REVERSE OF BOND FORM)

This Bond is one of a duly authorized issue of General Obligation Bonds, Series of 1992, of the Township in the aggregate principal amount of \$3,515,000 (the "Bonds"). The Bonds are issued in fully registered form in denominations of \$5,000 or any integral multiple thereof, all of like date and tenor, except as to dates of maturity, rates of interest and provisions for redemption and all issued in accordance with the Local Government Unit Debt Act of the Commonwealth of Pennsylvania, Act 52 of 1978 approved April 28, 1978, as amended (the "Act"), and pursuant to an Ordinance of the Board of Commissioners of the Township duly enacted on October 27, 1992 (the "Ordinance"). The Bonds are issued for the purpose of refunding the Township's outstanding General Obligation Bonds, Series of 1978, General Obligation Bonds, Series of 1988, and General Obligation Bonds, Series of 1990.

The Act provides that this Bond, its transfer and the income therefrom, including any profits made on the sale thereof, shall at all times be free from taxation for state and local purposes within the Commonwealth of Pennsylvania, but this exemption shall not extend to gift, estate, succession or inheritance taxes or to any other taxes not levied directly on the Bonds, the transfer thereof, the income therefrom or the realization of profits on the sale thereof.

The Bonds maturing on and after December 1, 1998 shall be subject to redemption prior to maturity, at the option of the Township, as a whole or in part from time to time on December 1,

1997 or on any date thereafter, upon payment of a redemption price of 100% of principal amount plus interest accrued to the redemption date. If less than an entire year's maturity of Bonds are to be redeemed at any particular time, such Bonds so to be called for redemption shall be chosen by lot by the Paying Agent.

For the purpose of selection of Bonds for redemption, any Bond of a denomination greater than \$5,000 shall be treated as representing such number of separate Bonds, each of the denomination of \$5,000, as is obtained by dividing the actual principal amount of such Bond by \$5,000. Any Bond which is to be redeemed only in part shall be surrendered at the principal corporate trust office of the Paying Agent, together with a duly executed instrument of transfer in form satisfactory to the Paying Agent, and the registered owner of such Bond shall receive, without service charge, a new Bond or Bonds, of any authorized denomination as requested by such registered owner in aggregate principal amount equal to and in exchange for the unredeemed portion of the principal of the Bond so surrendered.

On the date designated for redemption and upon deposit with the Paying Agent of funds sufficient for payment of the principal and accrued interest on the Bonds called for redemption, interest on the Bonds or portions thereof so called for redemption shall cease to accrue and the Bonds or portions thereof so called for redemption shall cease to be entitled to any benefit or security under the Ordinance, and registered owners of the Bonds so called for redemption shall have no rights with respect to the Bonds or portions thereof so called for redemption, except to receive payment of the principal of and accrued interest on the Bonds so called for redemption to the date fixed for redemption.

Notice of any redemption shall be given by first-class mail, postage prepaid, mailed by the Paying Agent not less than thirty (30) days nor more than sixty (60) days before the redemption date to the registered owners of the Bonds at the addresses as they appear on the bond register maintained by the Paying Agent. Such notice shall also be mailed for informational purposes only to The Depository Trust Company, New York, New York and one or more called bond services acceptable to the Paying Agent, such as the Bond Buyer. Such notice shall be given in the name of the Township, shall identify the Bonds to be redeemed (and, in the case of a partial redemption of any Bonds, the respective principal amounts thereof to be redeemed), shall specify the redemption date and the redemption price, and shall state that on the redemption date the Bonds called for redemption will be payable at the principal corporate trust office of the Paying Agent and that from the date of redemption interest will cease to accrue. The Paying Agent may use "CUSIP" numbers (if then generally in use) in notices of redemption as a convenience

to Bond owners, provided that any such notice shall state that no representation is made as to the correctness of such numbers either as printed on the Bonds or as contained in any notice of redemption and that reliance may be placed only on the identification numbers prefixed "R-" printed on the Bonds. Failure to mail any notice of redemption, or any defect therein, or in the mailing thereof in respect of any Bond shall not affect the validity of any proceeding for redemption of other Bonds so called for redemption.

With respect to any optional redemption of the Bonds, if at the time of mailing such notice of redemption, the Township shall not have deposited with the Paying Agent moneys sufficient to redeem all the Bonds called for redemption, such notice may state that it is conditional, that is, subject to the deposit of the redemption moneys with the Paying Agent not later than the opening of business on the redemption date, and such notice shall be of no effect unless such moneys are so deposited.

The Bonds are transferable by the registered owners thereof, subject to payment of any required tax, fee or other governmental charge, upon presentation and surrender thereof at the principal corporate trust office of the Paying Agent, together with a duly executed instrument of transfer in form satisfactory to the Paying Agent. The Paying Agent shall not be required: (i) to issue, transfer or exchange any of the Bonds during a period beginning at the close of business on the fifth (5th) day next preceding the day of selection of Bonds to be redeemed and ending at the close of business on the day on which the applicable notice of redemption is given; or (ii) to transfer or exchange any Bond selected for redemption in whole or in part.

The Township and the Paying Agent may treat the person in whose name this Bond is registered on the bond register as the absolute owner of this Bond for all purposes and neither the Township nor the Paying Agent shall be affected by any notice to the contrary.

No recourse shall be had for the payment of the principal of or interest on this Bond, or for any claim based hereon, against any member, officer or employee, past, present or future, of the Township or of any successor body, as such, either directly or through the Township or any such successor body, under any constitutional provision, statute or rule of law, or by the enforcement of any assessment or by any legal or equitable proceeding or otherwise, and all such liability of such members, officers or employees is released as a condition of and as consideration for the execution and issuance of this Bond.

The Township hereby designates the Bonds as "qualified tax-exempt obligations" within the meaning of Section

265(b)(3)(B) of the Internal Revenue Code of 1986, as amended.

It is hereby certified that the approval of the Department of Community Affairs of the Commonwealth of Pennsylvania for the Township to issue and deliver this Bond has been duly given pursuant to the Act; that all acts, conditions and things required by the laws of the Commonwealth of Pennsylvania to exist, to have happened or to have been performed, precedent to or in the issuance of this Bond or in the creation of the debt of which this Bond is evidence, exist, have happened and have been performed in regular and due form and manner as required by law; that this Bond, together with all other indebtedness of the Township, is within every debt and other limit prescribed by the Constitution and the statutes of the Commonwealth of Pennsylvania; that the Township has established a sinking fund for the Bonds and shall deposit therein amounts sufficient to pay the principal of and interest on the Bonds as the same shall become due and payable; and that for the prompt and full payment of all obligations of this Bond, the full faith, credit and taxing power of the Township are hereby irrevocably pledged.

ASSIGNMENT AND TRANSFER

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

PLEASE INSERT SOCIAL SECURITY OR OTHER IDENTIFYING NUMBER OF ASSIGNEE

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints

_____ attorney to transfer said Bond on the books of the within named Paying Agent, with full power of substitution in the premises.

Dated:

Signature Guaranteed by:

(Bank, Trust Company or Member Firm of The New York Stock Exchange)

NOTICE: The signature to this Assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

(Authorized Signature)

(END OF BOND FORM)

Section 8. Terms of Bonds. The Bonds shall be issued in fully registered form, in denominations of \$5,000 or integral multiples thereof, shall be dated December 1, 1992, shall be issued in the aggregate principal amount of \$3,515,000, shall bear interest from December 1, 1992 payable initially on June 1, 1993 and semiannually thereafter on June 1 and December 1 of each year (each, an "Interest Payment Date") at the rates and shall mature on December 1 of the years as set forth in the Bond Amortization Schedule attached hereto as Exhibit B and made a part hereof.

The principal of the Bonds shall be payable in lawful money of the United States of America at the principal corporate trust office of Fidelity Bank, National Association, Philadelphia, Pennsylvania, which is hereby appointed paying agent, registrar and sinking fund depository (the "Paying Agent") for the Bonds. Interest on the Bonds shall be payable in the manner provided in the Form of Bonds set forth above.

Section 9. Redemption of Bonds. The Bonds maturing on and after December 1, 1998 shall be subject to redemption prior to maturity, at the option of the Township, as a whole or in part from time to time on December 1, 1997 or on any date thereafter, upon payment of a redemption price of 100% of principal amount, plus interest accrued to the redemption date. If less than an entire year's maturity of Bonds are to be redeemed at any particular time, such Bonds so to be called for redemption shall be chosen by lot by the Paying Agent.

For the purpose of selection of Bonds for redemption, any Bond of a denomination greater than \$5,000 shall be treated as representing such number of separate Bonds, each of the denomination of \$5,000, as is obtained by dividing the actual principal amount of such Bond by \$5,000. Any Bond which is to be redeemed only in part shall be surrendered at the principal corporate trust office of the Paying Agent, together with a duly executed instrument of transfer in form satisfactory to the Paying Agent, and the registered owner of such Bond shall receive, without service charge, a new Bond or Bonds, of any authorized denomination as requested by such registered owner in aggregate principal amount equal to and in exchange for the unredeemed portion of the principal of the Bond so surrendered.

On the date designated for redemption and upon deposit with the Paying Agent of funds sufficient for payment of the principal of and accrued interest on the Bonds called for redemption, interest on the Bonds or portions thereof so called for redemption shall cease to accrue and the Bonds or portions thereof so called for redemption shall cease to be entitled to any benefit or security hereunder, and registered owners of the Bonds so called for redemption shall have no rights with respect

to the Bonds or portions thereof so called for redemption, except to receive payment of the principal of and accrued interest on the Bonds so called for redemption to the date fixed for redemption.

Notice of any redemption shall be given by first-class mail, postage prepaid, mailed by the Paying Agent not less than thirty (30) days nor more than sixty (60) days before the redemption date to the registered owners of the Bonds at the registered addresses as they appear in the bond register. Such notice shall also be mailed for informational purposes only to The Depository Trust Company, New York, New York and to one or more called bond services acceptable to the Paying Agent such as the Bond Buyer. Such notice shall be given in the name of the Township, shall identify the Bonds to be redeemed (and, in the case of a partial redemption of any Bonds, the respective principal amounts thereof to be redeemed), shall specify the redemption date and the redemption price, and shall state that on the redemption date the Bonds called for redemption will be payable at the principal corporate trust office of the Paying Agent and that from the date of redemption interest will cease to accrue. The Paying Agent may use "CUSIP" numbers (if then generally in use) in notices of redemption as a convenience to Bond owners, provided that any such notice shall state that no representation is made as to the correctness of such numbers either as printed on the Bonds or as contained in any notice of redemption and that reliance may be placed only on the identification numbers prefixed "R-" printed on the Bonds. Failure to mail any notice or defect in the mailed notice or in the mailing thereof in respect of any Bond shall not affect the validity of the redemption of any other Bond.

Section 10. Private Negotiated Sale of Bonds. After due consideration, the Board of Commissioners hereby finds and determines, on the basis of all available information, that a private negotiated sale of the Bonds is in the best financial interest of the Township. The Bonds shall be sold as hereinafter set forth in Section 13.

Section 11. Creation of and Deposits in Sinking Fund. The Township covenants that there shall be, and there hereby is established, and that it shall hereafter maintain, a sinking fund designated "Township of Upper Dublin General Obligation Bonds, Series of 1992 Sinking Fund" (the "Sinking Fund") for the Bonds to be held by the Paying Agent (or such substitute or successor Paying Agent which shall hereafter be appointed in accordance with the provisions of the Act) in the name of the Township, but subject to withdrawal only by the Paying Agent.

The Township covenants and agrees to deposit in the Sinking Fund not later than June 1 and December 1 of each year

beginning June 1, 1993 the debt service payable on the Bonds on such dates, all as set forth in Exhibit B attached hereto, or such greater or lesser amount as at the time shall be sufficient to pay the principal of and interest on the Bonds becoming due on each such date.

Pending application to the purpose for which the Sinking Fund is established, the President of the Board of Commissioners or the Secretary is hereby authorized and directed to cause the moneys therein to be invested or deposited and insured or secured as permitted and required by Section 1004 of the Act. All income received on such deposits or investments of moneys in the Sinking Fund during each applicable period shall be added to the Sinking Fund and shall be credited against the deposit next required to be made in the Sinking Fund.

The Paying Agent is hereby authorized and directed, without further action by the Township, to pay from the Sinking Fund the principal of and interest on the Bonds as the same become due and payable in accordance with the terms thereof and the Township hereby covenants that such moneys, to the extent required, will be applied to such purpose.

All moneys deposited in the Sinking Fund for the payment of the Bonds which have not been claimed by the registered owners thereof after two years from the date when payment is due, except where such moneys are held for the payment of outstanding checks, drafts or other instruments of the Paying Agent, shall be returned to the Township. Nothing contained herein shall relieve the Township of its liability to the registered owners of the unrepresented Bonds.

Section 12. No Taxes Assumed. The Township shall not assume the payment of any tax or taxes in consideration of the purchase of the Bonds.

Section 13. Award and Sale of Bonds. The Bonds are hereby awarded and sold at private sale by negotiation to First Fidelity Bank, N.A., New Jersey (the "Bond Purchaser") at a price of \$3,471,062.50 plus accrued interest from December 1, 1992 to the date of delivery and in accordance with the other terms and conditions set forth in the bond purchase proposal of said firm which proposal is hereby approved and accepted. A copy of said proposal shall be attached to this Ordinance and lodged with the official minutes of this meeting and is hereby incorporated herein by reference. The proper officers of this Township are hereby authorized and directed to endorse the acceptance of this Township on said proposal and to deliver executed copies thereof to First Fidelity Bank, N.A., New Jersey.

Section 14. Contract with Paying Agent. The proper

officers of the Township are authorized to contract with Fidelity Bank, National Association, Philadelphia, Pennsylvania, in connection with the performance of its duties as Paying Agent and sinking fund depository on usual and customary terms, including an agreement on the part of the Paying Agent to observe and comply with the provisions of this Ordinance and of the Act.

Section 15. Federal Tax Covenants. The Township hereby covenants not to take or omit to take any action so as to cause interest on the Bonds to be no longer excluded from gross income for purposes of federal income taxation and to otherwise comply with the requirements of Sections 103 and 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), and all applicable regulations promulgated with respect thereto, throughout the term of the Bonds. The Township further covenants that it will make no investments or other use of the proceeds of the Bonds which would cause the Bonds to be "arbitrage bonds" as defined in Section 148 of the Code. The Township further covenants to comply with the rebate requirements (including the prohibited payment provisions) contained in Section 148(f) of the Code and any regulations promulgated thereunder, to the extent applicable, and to pay any interest or penalty imposed by the United States for failure to comply with said rebate requirements, to the extent applicable.

The Township hereby further represents and warrants, after due investigation and to the best of its knowledge, that (i) the Bonds are not "private activity bonds" within the meaning of Section 141 of the Code and (ii) the aggregate face amount of "qualified tax-exempt obligations" within the meaning of Section 265(b)(3)(B) of the Code (which includes qualified 501(c)(3) bonds but not any other private activity bonds) issued or to be issued by the Township and all entities that must be aggregated with it pursuant to the Code ("Other Issuers") during the 1992 calendar year, including the Bonds, is not reasonably expected to exceed \$10,000,000. The Township hereby designates that portion of the Bonds not deemed designated under the Code as a "qualified tax-exempt obligation" within the meaning of Section 265(b)(3)(B) of the Code. The Township hereby authorizes the proper officers of the Township to execute a certificate to that effect at the time of the closing.

Section 16. Execution and Authentication of Bonds. As provided in Section 4, the Bonds shall be executed by the President or the Vice President of the Board of Commissioners of the Township and the Secretary or Director of Finance of the Township and each such execution shall be by manual or facsimile signature. If any officer whose signature appears on the Bonds shall cease to hold such office before the actual delivery date of the Bonds, such signature shall nevertheless be valid and sufficient for all purposes as if such person had remained in

such office until the actual delivery date of the Bonds. The Bonds shall be authenticated by the manual signature of an authorized officer of the Paying Agent, which shall also certify that the approving opinion of Bond Counsel, which shall be printed on each Bond, is an accurate reproduction of the approving opinion delivered at the closing for the Bonds.

Section 17. Redemption of 1978 and 1988 Bonds. The Township hereby calls for redemption on December 3, 1992 all of the 1978 Bonds which will then remain outstanding (\$880,000). The Township hereby calls for redemption on December 3, 1992 all of the 1988 Bonds which will then remain outstanding (\$1,655,000). The December 3, 1992 call date is based on the expectation that the Bonds will be delivered on December 1, 1992. If delivery of the Bonds is postponed, the President or Vice President of the Board of Commissioners may authorize the call date to be similarly postponed.

Section 18. Redemption of 1990 Bonds - Pledge and Escrow Agreement. The Township hereby calls for redemption on September 1, 1993 all of the 1990 Bonds which will then remain outstanding (\$760,000). In order to provide for the redemption of such 1990 Bonds and for the payment of the principal of and interest on the 1990 Bonds on each payment date from March 1, 1993 to and including September 1, 1993, the Township shall enter into a Pledge and Escrow Agreement to be dated as of December 1, 1992 (the "Pledge Agreement") with Fidelity Bank, National Association, in its capacity as paying agent for the 1990 Bonds (the "1990 Paying Agent"). The Pledge Agreement shall provide for (a) the Township to deposit in escrow with the 1990 Paying Agent the amount necessary, together with interest earned on the investment thereof, to pay all principal and interest due on the 1990 Bonds on each March 1 and September 1 to and including September 1, 1993 and to redeem on September 1, 1993 all 1990 Bonds which mature after that date, (b) the investment of the amount so deposited in accordance with the applicable regulations under the Internal Revenue Code, (c) the irrevocable pledge of all funds held by the 1990 Paying Agent under the Pledge Agreement to the payment of the 1990 Bonds, and (d) the giving of notice of redemption of the 1990 Bonds in accordance with the terms thereof. The Pledge Agreement shall be in form and substance as approved by the appropriate officers of the Township. The appropriate officers of the Township are hereby authorized and directed to execute said Pledge Agreement and to deliver the same to the Paying Agent on behalf of the Township.

The proper officers of this Township or the 1990 Paying Agent are authorized to acquire the investments in accordance with the terms of the Pledge Agreement and to take such other action as may be necessary or advisable to carry out the terms and conditions thereof.

Section 19. Application of Proceeds of the Bonds-Fees and Expenses. Upon delivery of the Bonds, the amount required to pay and redeem the 1978 Bonds and to pay all expenses of the redemption and retirement of the 1978 Bonds shall be paid over to CoreStates Bank, N.A., the Paying Agent for the 1978 Bonds (the "1978 Paying Agent"). The amount required to pay and redeem the 1988 Bonds and to pay all expenses of the redemption and retirement of the 1988 Bonds shall be paid over to Continental Bank, the Paying Agent for the 1988 Bonds (the "1988 Paying Agent"). The amount required to pay and redeem the 1990 Bonds and to pay all expenses of the redemption and retirement of the 1990 Bonds shall be paid over to the 1990 Paying Agent to be held and invested in accordance with the terms of the Pledge Agreement. The balance of the proceeds of the Bonds shall be applied to pay the costs and expenses of issuing the Bonds and carrying out the Refunding Program, including the fees and expenses of the Solicitor, Bond Counsel, Paying Agent, and Accountants of the Township, printing costs, bond rating fees and miscellaneous expenses, and the proper officers of the Township are hereby authorized to pay such costs and expenses from the proceeds of the Bonds upon presentation of proper invoices therefor. Any proceeds of the Bonds which are not required for the foregoing purposes shall be deposited in the Sinking Fund.

Section 20. Covenant to Pledge Sufficient Funds. The Township hereby covenants and agrees that, concurrently with the issuance of and payment for the Bonds, the Township will have irrevocably pledged with the 1978 Paying Agent, the 1988 Paying Agent, and the 1990 Paying Agent amounts sufficient to pay: (i) all interest on the 1978 Bonds, the 1988 Bonds, and the 1990 Bonds to be refunded to the date of redemption thereof; (ii) the principal of the 1978 Bonds, the 1988 Bonds, and the 1990 Bonds to be refunded at the maturity or date of redemption thereof; and (iii) all incidental costs related to such payments, so that the 1978 Bonds, the 1988 Bonds, and the 1990 Bonds to be refunded will no longer be outstanding bonds under the Act. The Township further hereby covenants and agrees that such 1990 Paying Agent will have invested the moneys required by the Pledge Agreement in accordance with the terms thereof.

Section 21. Officers Authorized to Act. For the purpose of expediting the closing and the issuance and delivery of the Bonds, or in the event that the President of the Board of Commissioners or the Secretary of the Township shall be absent or otherwise unavailable for the purpose of executing documents, or for the purpose of taking any other action which they or either of them may be authorized to take pursuant to this Ordinance, the Vice President of the Board of Commissioners or the Township Treasurer, respectively, are hereby authorized and directed to execute documents, or otherwise to act on behalf of the Township in their stead.

Section 22. Approval of Official Statement. The Preliminary Official Statement dated October 23, 1992, in the form presented to this meeting, is hereby approved and "deemed final" by the Township as of its date for purposes of United States Securities and Exchange Commission Rule 15c2-12. A Final Official Statement, substantially in the form of the Preliminary Official Statement and also containing the final terms of the Bonds, shall be prepared and delivered to the Underwriter within seven (7) business days from the date hereof, and the Township hereby approves the use thereof in connection with the public offering and sale of the Bonds.

Section 23. Authorization of Further Action. The proper officers of the Township are hereby authorized and directed to take all such action, execute, deliver, file and/or record all such documents, publish all notices and otherwise comply with the provisions of this Ordinance and the Act insofar as the same shall relate to the Bonds, in the name and on behalf of the Township.

Section 24. Act Applicable to Bonds. This Ordinance is adopted pursuant to, and the Bonds issued hereunder shall be subject to, the provisions of the Act and all the mandatory provisions thereof shall apply and be deemed incorporated herein by reference whether or not explicitly stated herein.

Section 25. Contract with Bond Owners. This Ordinance constitutes a contract with the registered owners of the Bonds from time to time outstanding hereunder and shall be enforceable in accordance with the provisions of the laws of the Commonwealth of Pennsylvania.

Section 26. Severability; Titles. In case any one or more of the provisions contained in this Ordinance or in any Bond shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision of this Ordinance or of said Bonds, and this Ordinance or said Bonds shall be construed and enforced as if such invalid, illegal or unenforceable provisions had never been contained therein.

The titles of the sections of this Ordinance are included for convenience only and shall not affect the meaning or construction of any provision hereof.

Section 27. Repealer. All ordinances and parts of ordinances in any manner heretofore adopted to the extent that the same are inconsistent in any manner herewith are hereby repealed

Section 28. Effective Date. This Ordinance shall take

effect on the earliest date permitted by the Act.

ENACTED AND ORDAINED this 27th day of October, 1992.

BOARD OF COMMISSIONERS
TOWNSHIP OF UPPER DUBLIN

By: Richard R. Paul
President, Board of
Commissioners

Attest: Gregory A. Lemick
Secretary

CERTIFICATE OF TOWNSHIP SECRETARY

The undersigned, Secretary of the Township of Upper Dublin DOES HEREBY CERTIFY that:

1. The foregoing Ordinance authorizing the issuance of General Obligation Bonds, Series of 1992 of the Township was duly moved and seconded and adopted by a majority vote of the entire Board of Commissioners of said Township at a duly called and convened public meeting of said Board held on October 27, 1992; that public notice of said meeting was given as required by law; and that the roll of the Board of Commissioners was called and such Commissioners voted or were absent as follows:

<u>Name</u>	<u>Vote</u>	<u>Name</u>	<u>Vote</u>
Richard R. Rulon, Esq.		Judy Herold	
Charles M. Bolig		Jules J. Mermelstein, Esq.	
James B. Bockius		Robert J. Pesavento	
Cathleen Goettner			

and that such Ordinance and the votes thereon have been duly recorded in the minutes.

I further certify that such Ordinance has not been altered, amended, modified, suspended or repealed and is still in full force and effect as of the date of the delivery of this Certificate.

WITNESS my hand and the seal of the Township this 27th day of October, 1992.


Secretary

(SEAL)

CLOSING CERTIFICATE

I certify that the foregoing Ordinance has not been altered, amended, modified, suspended or repealed and is still in full force and effect as of the date of the delivery of this Certificate.

WITNESS my hand and seal of the Township this ____ day of December, 1992.

Secretary

EXHIBIT B

TOWNSHIP OF UPPER DUBLIN
GENERAL OBLIGATION BONDS, SERIES OF 1992

BOND AMORTIZATION SCHEDULE

TOWNSHIP OF UPPER DUBLIN General Obligation Bonds, Series of 1992 Purpose: Refund Series of 1978, 1988, and 1990 Bonds Prepared 10/27/92 File a:\up\dublin\udgob1992 FINAL SCALE DEBT SERVICE SCHEDULE					
DATE	PRINCIPAL	COUPON	INTEREST	DEBT SERVICE	FISCAL TOTAL
12/01/1992	-	-	-	-	-
12/30/1992	-	-	-	-	-
6/01/1993	-	-	75,886.25	75,886.25	-
12/01/1993	275,000.00	3.00000%	75,886.25	350,886.25	-
12/30/1993	-	-	-	-	-
6/01/1994	-	-	71,761.25	71,761.25	-
12/01/1994	425,000.00	3.30000%	71,761.25	496,761.25	-
12/30/1994	-	-	-	-	568,522.50
6/01/1995	-	-	44,748.75	44,748.75	-
12/01/1995	440,000.00	3.75000%	44,748.75	484,748.75	-
12/30/1995	-	-	-	-	569,497.50
6/01/1996	-	-	56,498.75	56,498.75	-
12/01/1996	445,000.00	4.10000%	56,498.75	501,498.75	-
12/30/1996	-	-	-	-	557,997.50
6/01/1997	-	-	47,376.25	47,376.25	-
12/01/1997	485,000.00	4.45000%	47,376.25	532,376.25	-
12/30/1997	-	-	-	-	579,752.50
6/01/1998	-	-	36,585.00	36,585.00	-
12/01/1998	500,000.00	4.80000%	36,585.00	536,585.00	-
12/30/1998	-	-	-	-	613,478.00
6/01/1999	-	-	24,585.00	24,585.00	-
12/01/1999	345,000.00	5.00000%	24,585.00	369,585.00	-
12/30/1999	-	-	-	-	394,170.00
6/01/2000	-	-	15,960.00	15,960.00	-
12/01/2000	360,000.00	5.20000%	15,960.00	375,960.00	-
12/30/2000	-	-	-	-	391,920.00
6/01/2001	-	-	6,600.00	6,600.00	-
12/01/2001	240,000.00	5.50000%	6,600.00	246,600.00	-
12/30/2001	-	-	-	-	253,200.00
TOTAL	3,515,000.00	-	800,002.90	4,315,002.50	4,315,002.50

NO. 829

AN ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF UPPER DUBLIN BY ADDING TO TITLE 2, ADMINISTRATION, A NEW CHAPTER 14 TO BE ENTITLED "ELECTORAL DISTRICTS", AND TO REAPPORTION THE TOWNSHIP OF UPPER DUBLIN, MONTGOMERY COUNTY, PENNSYLVANIA BY RETAINING SEVEN WARDS, AND BY CHANGING THE BOUNDARY LINES OF SAID WARDS AND INCLUDING A LEGAL DESCRIPTION OF EACH WARD IN THE NEW CHAPTER 14, "ELECTORAL DISTRICTS".

WHEREAS, Section 11 of Article IX of the Constitution of the Commonwealth of Pennsylvania, and the Municipal Reapportionment Act, require the Board of Commissioners of the Township of Upper Dublin, to reapportion the Township within the year following that in which the Federal decennial census is officially reported as required by Federal Law, and at such other times as the Board shall deem necessary; and

WHEREAS, the official Block Statistics of the United States Department of Commerce, Bureau of Census, of Population and Housing, 1990 was officially reported in 1991;

NOW THEREFORE, be it ordained by the Board of Commissioners of the Township of Upper Dublin as follows:

Section 1. The Code of the Township of Upper Dublin is hereby amended by adding to Title 2, Administration, a new Chapter 14, "Electoral Districts", to read as follows:

CHAPTER 14

ELECTORAL DISTRICTS

CHAPTER 14-1. Reapportionment of Wards.

There shall continue to be seven wards in the Township of Upper Dublin which wards are hereby reapportioned into seven wards as nearly equal in population as practicable based on the Official Block Statistics of the Census of Population and Housing, 1990 conducted by the United States Department of Commerce, Bureau of Census.

CHAPTER 14-2. Boundaries of Ward No. 1.

The boundaries of Ward No. 1 shall be as shown on the Electoral District Map, dated October 8, 1992 prepared by the Upper Dublin Department of Planning, which is on file and is available for public inspection in the office of the Township Secretary, the legal description thereof being as follows:

ALL THAT CERTAIN block or voting district known as Ward One (1), situate in the political subdivision known as the Township of Upper Dublin, County of Montgomery, Commonwealth of Pennsylvania, said Ward being located in the Southwest corner of Upper Dublin Township, being bounded to the North by the Borough of Ambler and to the West and South by Whitpain Township and Whitemarsh Township respectively, being bound and described as follows, to wit:

BEGINNING at a point in the centerline of Susquehanna Road, the intersection of the centerline of Susquehanna Road and the centerline of Willow Avenue, THENCE from said point of beginning, along the centerline of Susquehanna Road, in a Southeasterly direction, crossing the North and South Branch of the Rose Valley Creek, the bed of Butler Pike, and the Tannery Run Creek to the centerline of Cedar Road, THENCE leaving Susquehanna Road, extending along the centerline of Cedar Road in a Southwesterly direction, crossing the beds of Hoffman Road, Meadowbrook Avenue, Booth Lane and Argyle Avenue to the centerline of Loch Alsh Avenue, THENCE leaving Cedar Road, extending along the centerline of Loch Alsh Avenue in a Southeasterly direction, crossing the beds of Hoffman Road, Lake Drive, the Honey Run Creek and Farm Lane to the centerline of the 309 expressway, THENCE leaving Loch Alsh Avenue, along the centerline of the 309 Expressway in a Southerly direction, crossing the bed of Highland Avenue to the centerline of Fort Washington Avenue, THENCE leaving the 309 Expressway, extending along the centerline of Fort Washington Avenue in a Southwesterly direction, crossing the beds of Creek Drive, Prospect Avenue, and Spring Avenue to the centerline of Montgomery Avenue, THENCE leaving Fort Washington Avenue, extending along the centerline of Montgomery Avenue to the centerline of Washington Lane, THENCE leaving Montgomery Avenue, along the centerline of Washington Lane in a Southwesterly direction to the centerline of Bethlehem Pike, THENCE leaving Washington Lane, along the centerline of Bethlehem Pike, Southerly to the centerline of Pennsylvania Avenue, the line dividing the Township of Upper Dublin from the Township of Whitemarsh, THENCE along said Township Line, Northwesterly (this line being the extended centerlines of Pennsylvania Avenue and Morris Road in this area)

crossing the beds of the Septa Railroad, the Wissahickon Creek, and entering the bed of Morris Road (after which the perimeter follows the same extended centerlines of both roads) crossing the beds of Carey Drive and Butler Pike, to a point on the line between the Township of Upper Dublin and the Township of Whitpain; THENCE leaving the extended centerline of Morris Road, extending along the aforementioned Whitpain Township Line in a North-easterly direction, crossing the beds of Morris Road, the Wissahickon Creek Maple Avenue and the Septa Railroad to a point on the Borough Line of Ambler, a common point of said Borough Line with the Whitpain and Upper Dublin Township lines, THENCE extending along the said Borough Line, around the Borough of Ambler, the following twelve (12) courses:

- (1) Southwesterly, crossing Maple Avenue
- (2) Still Southwesterly to an angle point
- (3) Southeasterly crossing Butler Pike to an angle point
- (4) Southeasterly, paralleling Wissahickon Creek and Morris Road to an angle point
- (5) Northeasterly, crossing the Septa Railroad to the centerline of Church/Main Street
- (6) Southeasterly, along the centerline of Main Street to the centerline of Randolph Avenue
- (7) Leaving Main Street, along the centerline of Randolph Avenue to a point
- (8) Changing direction Ninety Degrees, leaving Randolph Avenue to an angle point
- (9) Northeasterly, paralleling Church Street to the centerline of Ambler Road
- (10) Along the centerline of Ambler Road, Northwesterly, to the centerline of Church Street
- (11) Along the centerline of Church Street, Northeasterly, crossing Highland Avenue and Trinity Place to the centerline of Bethlehem Pike
- (12) Leaving Church Street, along the centerline of Bethlehem Pike in a Northerly direction, crossing the beds of Lindenwold Terrace, Ardross Avenue, Loch Alsh Avenue, Argyle Avenue, Homestead Lane, Butler Pike, East Fairview, Hagues Mill Road, the South Branch of the Rose Valley Creek to the centerline of Willow Avenue,

THENCE leaving Bethlehem Pike, along the centerline of Willow Avenue, crossing the bed of Rose Valley Way to the centerline of Susquehanna Road, the first mentioned point and place of beginning.

Intending to describe the perimeter of a political block or voting district in the Township of Upper Dublin known as the First Ward.

CHAPTER 14-3. Boundaries of Ward No. 2.

The boundaries of Ward No. 2 shall be as shown on the Electoral District Map, dated October 8, 1992 prepared by the Upper Dublin Department of Planning, which is on file and is available for public inspection in the office of the Township Secretary, the legal description thereof being as follows:

ALL THAT CERTAIN block or Voting District known as Ward Two (2) situate in the political subdivision known as the Township of Upper Dublin, County of Montgomery, Commonwealth of Pennsylvania, said Ward being located in the Southwestern portion of the Township, bordered to the Southwest by Whitemarsh Township, being bound and described as follows to wit:

BEGINNING at a point in the centerline of Susquehanna Road, said point being the point of intersection of the centerline of Susquehanna Road with the centerline of Cedar Road, THENCE along the Susquehanna Road centerline, in a Southeasterly direction, to the centerline of the 309 Expressway, THENCE leaving Susquehanna Road, along the 309 centerline in a Northwesterly direction to the centerline of the Tannery Run Creek, THENCE along the bed of the Tannery Run Creek, in a Northeasterly direction, crossing the access road to the Woods Apartments to the centerline of Meetinghouse Road, THENCE leaving the Tannery Run Creek, along the centerline of Meetinghouse Road in a Southeasterly direction, crossing Joel Drive to the centerline of Fort Washington Avenue, THENCE leaving Meetinghouse Road, along the centerline of Fort Washington Avenue, in a Northeasterly direction to the centerline of Limekiln Pike, THENCE leaving Fort Washington Avenue along the Limekiln Pike centerline in a Southeasterly direction, crossing the bed of Fulton Drive to the centerline of Dillon and Meetinghouse Roads, THENCE leaving Limekiln Pike, along the Dillon Road centerline in a Southwesterly direction, crossing the beds of Treetop Lane, Susquehanna Road and Crosby Drive to the centerline of Wentz Drive, THENCE leaving Dillon Road, along the centerline of Wentz Drive in a Southeast-erly direction to the centerline of Goodman Drive, THENCE leaving Wentz Drive, along the Goodman Drive centerline in a Southwesterly direction crossing Hawthorne Lane to the centerline of Hazelwood Drive, THENCE leaving Goodman Drive, along the Hazelwood Drive centerline, to the centerline of Victor Lane, THENCE leaving Hazelwood Drive, along the Victor Lane centerline, crossing Nash Drive to the centerline of Barton Drive, THENCE leaving Victor Lane, along the Barton Drive centerline in a

Southeasterly direction, to the centerline of Hartranft Avenue, THENCE leaving Barton Drive, along the Hartranft Avenue centerline, in a Southwesterly direction, crossing Cory Drive to the centerline of Highland Avenue, THENCE leaving Hartranft Avenue along the Highland Avenue centerline in a Southeasterly direction to the centerline of Pinetown Road, THENCE leaving Highland Avenue along the Pinetown Road centerline in a Southwesterly direction, crossing New Jersey Drive and Delaware Avenue to the centerline of Commerce Drive, THENCE changing direction ninety degrees to a Northwesterly direction, along the Commerce Drive centerline, crossing the bed of the 309 Expressway, changing direction ninety degrees to a Southeasterly direction to the centerline of Pennsylvania Avenue (said centerline being the line dividing the Township of Upper Dublin from the Township of Whitemarsh), THENCE leaving Commerce Drive, along the Pennsylvania Avenue centerline in a Northwesterly direction, crossing Summit Avenue and Fort Washington Avenue to the centerline of Bethlehem Pike, THENCE leaving Pennsylvania Avenue, along the Bethlehem Pike centerline Northerly to the centerline of Washington Lane, THENCE leaving Bethlehem Pike along the Washington Lane centerline in a Northeasterly direction to the centerline of Montgomery Avenue, THENCE along the Montgomery Avenue centerline, in a Southeasterly direction, to the centerline of Fort Washington Avenue, THENCE leaving Montgomery Avenue along the Fort Washington Avenue centerline in a Northeasterly direction crossing the beds of Spring Avenue, Prospect Avenue, and Creek Drive to the centerline of the 309 Expressway, THENCE leaving Fort Washington Avenue, along the 309 Expressway centerline in a Northeasterly direction, crossing the bed of Highland Avenue to the centerline of Loch Alsh Avenue, THENCE leaving the 309 Expressway, along the Loch Alsh Avenue centerline in a Northwesterly direction crossing the beds of Farm Lane, Lake Drive and Hoffman Road to the centerline of Cedar Road, THENCE leaving Loch Alsh Avenue, extending along the Cedar Road centerline, crossing the beds of Argyle Avenue, Booth Lane, Meadowbrook Avenue and Hoffman Road to the centerline of Susquehanna Road, the first mentioned point and place of beginning.

Intending to describe the perimeter of a political block or voting district in the Township of Upper Dublin known as the Second Ward.

CHAPTER 14-4. Boundaries of Ward No. 3.

The boundaries of Ward No. 3 shall be as shown on the Electoral District Map, dated October 8, 1992 prepared by the Upper Dublin Department of Planning, which is on file and is available for public inspection in the office of the Township Secretary, the legal description thereof being as follows:

ALL THAT CERTAIN block or Voting District known as Ward Three (3) situate in the political subdivision known as the Township of Upper Dublin, County of Montgomery, Commonwealth of Pennsylvania, said Ward being located in the Southeast corner of said Township, bounded to the North by the common line with the Townships of Upper Moreland and Horsham, bounded to the East by the common line with the Township of Abington, being further described as follows to wit:

BEGINNING at a point in the centerline of Welsh Road, said point being the point of intersection of the centerline of Jarrettown Road with the centerline of Welsh Road, THENCE along the centerline of Welsh Road in a Southeasterly direction, following the common line between Upper Dublin and Horsham Townships, crossing the beds of Dreshertown Road, the Pennsylvania Turnpike, the Conrail Trenton cut off, Twining Road and Kimbal Avenue to the centerline of North Hills Avenue extended (said extended centerline being the common line between Upper Dublin and Abington Townships in this area), THENCE leaving Welsh Road, along same extended centerline in a Southwesterly direction crossing Sunnycrest Road, the bed of Goenter Road, entering the bed of North Hills Avenue, recrossing Kimbal Avenue, crossing the beds of Woodlyn Avenue, Alba Avenue, Elliot Avenue, Alba Avenue, Brentwood Drive, and School Lane to a point in the centerlines of North Hills Avenue, Woodland Avenue and Fitzwatertown Road, THENCE leaving North Hills Avenue and extending along the centerline of Fitzwatertown Road, in a Southwesterly direction, and crossing the beds of Burn Brae Drive, and Alpin Drive to the centerline of Anzac Avenue, THENCE leaving Fitzwatertown Road, extending along the centerline of Anzac Avenue, in a Southeasterly direction, to the centerline of Clemens Avenue, THENCE leaving Anzac Avenue, extending along the centerline of Clemens Avenue in a Southwesterly direction to the centerline of Susquehanna Road, THENCE leaving Clemens Avenue along the centerline of Susquehanna Road, in a Northwesterly direction, crossing the bed of Fitzwatertown Road to the centerline of Twining Road, THENCE leaving Susquehanna Road, extending along the centerline of Twining Road in a Northeasterly direction, crossing

the bed of Ayr Lane to a point in the Twining road centerline, said point being the extension of the Southeasterly property line of Block 12 Unit 15 (also known as the Dresherbrooke Townhouse Development), THENCE along said extended property line in a Northwesterly direction crossing the Twining Valley Golf Course to a point in the centerline of the Conrail Trenton cut-off, THENCE along the centerline of the Conrail Trenton cut-off in a Northeasterly direction to a point in the centerline of same (said point being the extension of the Northwest line of the Dublin Hunt Open Space parcel), THENCE leaving the Trenton cut-off, along said extended property line, in a Northwesterly direction, crossing the beds of the Pennsylvania Turnpike and the Pine Run Creek to a point in the centerline of Dreshertown Road, THENCE along the centerline of Dreshertown Road, in a Northeasterly direction, crossing the beds of Kirks Lane and Wellsly Road to the centerline of Bantry Drive, THENCE leaving Dreshertown Road, along the Bantry Drive centerline in a Northwesterly direction to the centerline of Mayo Place/Arran Way, THENCE along the centerline of Arran Way in a Northeasterly direction, crossing the bed of Kenmare Drive, to the centerline of Cavan Drive, THENCE leaving Arran Way along the Cavan Drive centerline in a Northwesterly direction to the centerline of Derry Drive, THENCE leaving Cavan Drive, along the Derry Drive centerline in a Northeasterly direction, to the centerline of Aidenn Lair Road, THENCE leaving Derry Drive, along the centerline of Aidenn Lair Road in a Northwesterly direction, crossing Tralee Drive to the centerline of Jarrettown Road, THENCE leaving Aidenn Lair Road, along the centerline of Jarrettown Road in Northeasterly direction, crossing the beds of Dublin Road, Heard Drive, Tuckerstown Road, and Holly Hill Lane to the centerline of Welsh Road, the first mentioned point and place of beginning.

Intending to describe a political block or voting district situate in the Southeast corner of Upper Dublin Township known as the Third Ward.

CHAPTER 14-5. Boundaries of Ward No. 4.

The boundaries of Ward No. 4 shall be as shown on the Electoral District Map, dated October 8, 1992 prepared by the Upper Dublin Department of Planning, which is on file and is available for public inspection in the office of the Township Secretary, the legal description thereof being as follows:

ALL THAT CERTAIN block or Voting District known as Ward Four (4), situate in the political subdivision known as the Township of Upper Dublin, County of Montgomery, Commonwealth of Pennsylvania, said Ward being located in the Southeast corner of Upper Dublin Township, being bordered on the South by the common Township boundary lines of Springfield and Whitemarsh Townships, being bound and described as follows to wit:

BEGINNING at a point in the centerline of Susquehanna Road, said point being the point of intersection of the centerline of Susquehanna Road with the centerline of Dillon Road, THENCE from said point of beginning, extending along the centerline of Susquehanna Road in a Southeasterly direction, crossing the beds of Broad Street/Pinetown Road, Crosby Drive and Cinnamon Drive/Cinnamon Circle to the centerline of Camphill Road, THENCE leaving Susquehanna Road, extending along the centerline of Camphill Road, in a Southwesterly direction, crossing the beds of Office Center Drive and Cinnamon Drive to a point in the centerline of Camphill Road, said point being the extension of the Southeast property line of Tax Block 15 Unit 52 (also known as Honeywell Corporation), THENCE leaving Camphill Road, and extending along said property line in a Southeasterly direction to an angle point in same, proceeding in a Southeasterly direction along same property line, crossing the bed of Virginia Drive, proceeding along the aforementioned property line extended in a Southeasterly direction, crossing the bed of the Pennsylvania Turnpike, still in a Southeasterly direction along the extension of an interior tract line of Block 52 Unit 7, changing direction from Southeasterly to Southwesterly, crossing the Conrail Trenton cut off and extending along the property line of Tax Block 53A, Unit 1 to a point in the centerline of Dreshertown Road, said point being the point of intersection of said property line extended with the Dreshertown Road centerline, THENCE along the centerline of Dreshertown Road, in a Southwesterly direction, crossing the beds of Bluebird Lane and Applewood Drive to a point in the centerline of same, said point being the extension of the Southeast property line of Block 54, Unit 13, (also known as Manufacturers Country Club), THENCE along said Southeast property line to an angle point in same, changing direction from a Southeasterly to a Southwesterly direction along same perimeter to its point of intersection with the Sandy Run Creek, THENCE along the Sandy Run Creek in a North-easterly direction to the centerline of Twining Road, THENCE leaving the Sandy Run Creek, extending along the centerline of Twining Road in a Southwesterly direction to a point in the centerline of same, said point being

the extension of the centerline of Beechwood Avenue (not open), THENCE leaving Twining Road, extending along the unopened centerline of Beechwood Avenue in a Southeasterly direction to the extension of the rear property lines of those properties fronting on Mill Road and Jackson Avenue, said line being the commonly accepted line between North Hills and East Oreland, THENCE extending along the centerline of Pennsylvania Avenue, in a Northwesterly direction, crossing the beds of Mill Road, Garden Road, Twining Road, Apel Avenue, Bala Avenue, Weldy Avenue, Lafayette Avenue, Rech Avenue, (after which this line becomes the centerline of Pennsylvania Avenue extended) then continuing along said extended centerline, still in a Northwesterly direction, crossing the beds of Sandy Run Creek, Camphill Road, the Conrail Trenton cut off, the Pennsylvania Turnpike and Fort Washington Interchange and Indiana Avenue to the centerline of Commerce Drive, THENCE leaving the bed of Pennsylvania Avenue (this previous course had re-entered the bed of Pennsylvania Avenue at the Indiana Avenue intersection) along the centerline of Commerce Drive, in a Northeasterly direction, crossing the Bodenstein Creek to an angle point, (at which point Commerce Drive turns 90 degrees to the right) continuing along same in a Southeasterly direction, crossing under the 309 Expressway to a point in the centerline of Pinetown Road, THENCE leaving Commerce Drive, changing direction 90 degrees to a Northeasterly direction along the centerline of Pinetown Road, crossing the beds of Delaware Avenue and New Jersey Drive to the centerline of Highland Avenue, THENCE leaving Pinetown Road, along the centerline of Highland Avenue in a Northwesterly direction, to the centerline of Hartranft Avenue, THENCE leaving Highland Avenue, along the centerline of Hartranft Avenue in a Northeasterly direction, crossing Cory Drive to the centerline of Barton Drive, THENCE leaving Hartranft Avenue, extending along the centerline of Barton Drive in a Northwesterly direction to the centerline of Victor Lane, THENCE leaving Barton Drive, along the centerline of Victor Lane, in a Northeasterly direction, crossing the bed of Nash Drive to a point in the centerline of Hazelwood Drive, THENCE leaving Victor Lane along the centerline of Hazelwood Drive in a Southeasterly direction to the centerline of Goodman Drive, THENCE leaving Hazelwood Drive, extending along the centerline of Goodman Drive, in a Northeasterly direction, crossing the bed of Hawthorne Lane to the centerline of Wentz Drive, THENCE leaving Goodman Drive, along the centerline of Wentz Drive, in a Northwesterly direction to the centerline of Dillon Road, THENCE leaving Wentz Drive, extending along the centerline of Dillon Road in a Northeasterly direction, crossing the Mondauk waters and

Crosby Drive, to the centerline of Susquehanna Road, the first mentioned point and place of beginning.

Intending to describe the perimeter of a political block or voting district in the Township of Upper Dublin known as the Fourth Ward.

CHAPTER 14-6. Boundaries of Ward No. 5.

The boundaries of Ward No. 5 shall be as shown on the Electoral District Map, dated October 8, 1992 prepared by the Upper Dublin Department of Planning, which is on file and is available for public inspection in the office of the Township Secretary, the legal description thereof being as follows:

ALL THAT CERTAIN block or Voting District known as Ward Five (5) situate in the political subdivision known as the Township of Upper Dublin, County of Montgomery, Commonwealth of Pennsylvania, said Ward being located between the center of said Township and the Southeast line of same, being bound and described as follows to wit:

BEGINNING at a point in the centerline of Limekiln Pike, said point being the point of intersection of the centerline of Limekiln Pike and the centerline of Dillon Road, THENCE from said point of beginning, extending along the centerline of Limekiln Pike in a Southeasterly direction, crossing the beds of Broad Street, Jarrettown Road, the Little Pine Run Creek, Mundock Road, Candlebrook Drive and Harris Road to the centerline of Kirks Lane, THENCE leaving Limekiln Pike and extending along the centerline of Kirks Lane in a Northeasterly direction, crossing the bed of Aiman Circle and changing to a Southeasterly direction, continuing along said centerline and crossing the beds of Harris Road and Glenecho Lane to the centerline of Dreshertown Road, THENCE leaving Kirks Lane and extending along the centerline of Dreshertown Road in a Southwesterly direction to a point in the centerline of Dreshertown Road, said point being the extension of the Southeast property line of the Dublin Hunt Open Space parcel, THENCE along said line in a Southeasterly direction, along the aforementioned Open Space parcel and crossing Tax Block 12, Unit 12 and Tax Block 12 Unit B, and crossing the Pennsylvania Turnpike to the centerline of the Conrail Trenton cut off, THENCE leaving said line and extending along the centerline of the Trenton cut off in a Southwesterly direction to a point, said point being

the intersection of the centerline with the Northwest property line of the Dresherbrooke townhouse project, THENCE extending along said line in a Southeasterly direction through the lands of the Twining Valley Golf Course to a point in the centerline of Twining Road, THENCE leaving said line and extending along Twining Road in a Southwesterly direction, crossing the bed of Ayr Lane to the centerline of Susquehanna Road, THENCE leaving Twining Road and extending along the centerline of Susquehanna Road in a Southeasterly direction, crossing the beds of Fitzwatertown Road and David Drive to a point in the centerline of Susquehanna Road, said point being the point of intersection of the rear line of Tax Block 78 Unit 19 extended, THENCE along said line in a Southwesterly direction, along the rear line of Tax Block 78, Units 19 through 24, crossing Clemens Avenue and the rear line of the Dannenberg Arboretum, and the Abington Township Transfer Station; crossing the beds of Lincoln Avenue, Quarry Avenue, Spear Avenue and Woodrow Avenue to the centerline of Jenkintown Road, THENCE extending along the centerline of Jenkintown Road in a Northwesterly direction to the centerline of North Hills Avenue, THENCE along the centerline of North Hills Avenue in a Southwesterly direction to a point in the centerline of same, said point being the extension of the Beechwood Avenue centerline (not open), THENCE leaving North Hills Avenue and extending along the unopened Beechwood Avenue centerline to the centerline of Ruscombe Avenue extended (not open), THENCE along the centerline of the unopened Ruscombe Avenue in a Southwesterly direction to the centerline of summit Avenue extended (not open), THENCE extending along the centerline of the unopened Summit Avenue in a Southwesterly direction, crossing the bed of Limekiln Pike to the open portion of Summit Avenue, along said centerline to the centerline of Chelsea Avenue, THENCE leaving Summit Avenue and extending along Chelsea Avenue, crossing Walnut Avenue, Chestnut Avenue, and Mount Carmel Avenue to a point on the Northwest line of the Septa Railroad, THENCE along said line in a Southeasterly direction to an angle point, THENCE changing direction Ninety degrees to the Southwest, crossing the Septa Railroad Line to a point on the Southeast side of same, said point also being a common point in line of Springfield Township, THENCE along the same line in a Northwest direction, recrossing the Septa Railroad to a point in the centerline of Pennsylvania Avenue, said point being the extension of the common rear property line of those properties facing on Mill Road and Jackson Avenues, THENCE along said line in a Northeasterly direction, following the commonly accepted line between North Hills and East Oreland, to the centerline of Beechwood Avenue extended (not open),

THENCE leaving said line and changing direction ninety degrees to the left, in a Northwesterly direction along the previously mentioned extended centerline of the unopened Beechwood Avenue to a point in the centerline of Twining Road, THENCE extending along the Twining Road centerline in a Northeasterly direction to a point in the centerline of the Sandy Run Creek, THENCE along the Sandy Run Creek in a Southwesterly direction to a point, the point of intersection of the centerline of the Sandy Run Creek and the Southeasterly property line of Tax Block 54, Unit 13, Lands of Manufacturers Country Club, THENCE along said Southeasterly property line, in a Northwesterly direction to an angle point in the perimeter line of said parcel, THENCE along same perimeter in a Northwesterly direction to the centerline of Dreshertown Road, THENCE along the centerline of Dreshertown Road, in a Northeasterly direction crossing the beds of Bluebird Lane and Applewood Drive to a point in the centerline of Dreshertown Road, said point being the extension of the Southeast property line of Tax Block 53A, Unit 1, THENCE along said property line in a Northwesterly direction crossing the Conrail Trenton cut off, and extending along an interior tract line of Block 52, Unit 7, changing direction from a Northwesterly to a Northeasterly direction and extending to a point in the bed of the Pennsylvania Turnpike, THENCE leaving the bed of the Turnpike and extending along the extension of the Southeast property line of Block 52 Unit 15 (also known as Honeywell Corporation) in a Northwesterly direction, crossing the bed of Virginia Drive, and extending along the aforementioned property line, past the terminus of the West Office Center Drive cul-de-sac to an angle point in the said Southeast property line, extending along same, still in a Northwesterly direction to the centerline of Camphill Road, THENCE leaving Honeywell property line and extending along the centerline of Camphill Road, in a Northeasterly direction crossing the beds of Cinnamon Drive and Office Center Drive to the centerline of Susquehanna Road, THENCE leaving Camphill Road and extending along the centerline of Susquehanna Road, in a Northwesterly direction, crossing the beds of Mundock Road, Cinnamon Drive/Cinnamon Circle and Pinetown Road/Broad Street to the centerline of Dillon Road, THENCE leaving Susquehanna Road and extending along the centerline of Dillon Road in a Northeasterly direction, crossing the bed of Treetop Lane to the centerline of Limekiln Pike, the first mentioned point and place of beginning.

Intending to describe the perimeter of a political block or voting district in the Township of Upper Dublin known as the Fifth Ward.

CHAPTER 14-7. Boundaries of Ward No. 6.

The boundaries of Ward No. 6 shall be as shown on the Electoral District Map, dated October 8, 1992 prepared by the Upper Dublin Department of Planning, which is on file and is available for public inspection in the office of the Township Secretary, the legal description thereof being as follows:

ALL THAT CERTAIN block or Voting District known as Ward Six (6) situate in the political subdivision known as the Township of Upper Dublin, County of Montgomery, Commonwealth of Pennsylvania, said Ward being located along the Northwesterly Township line, being bound and described as follows to wit:

BEGINNING at a point in the centerline of Welsh Road, said point being the point of intersection of the centerline of Welsh Road with the centerline of Howe Lane, said point also being a point in the common line between the Township of Upper Dublin and the Township of Horsham; THENCE from said point of beginning extending along the centerline of Welsh Road in a Southeasterly direction crossing the beds of Terrace Drive, Farmview Road, Fort Washington Avenue, Dillon Road, Pardie Lane, Spring Hill Drive, and Brittany Drive to the centerline of Jarrettown Road; THENCE leaving the bed of Welsh Road and extending along the centerline of Jarrettown Road in a Southwesterly direction and crossing the beds of Holly Hill Lane, Tuckerstown Road, Heard Drive and Dublin Road to the centerline of Aidenn Lair Road; THENCE leaving Jarrettown Road and extending along the centerline of Aidenn Lair Road in a Southeasterly direction, crossing the bed of Tralee Drive to the centerline of Derry Drive; THENCE leaving Aidenn Lair Road and extending along the centerline of Derry Drive to the centerline of Cavan Drive; THENCE leaving Derry Drive and extending along the centerline of Cavan Drive in a Southeasterly direction to the centerline of Arran Way; THENCE leaving Cavan Drive and extending along Arran Way in a Southeasterly direction, crossing the beds of Kenmare Drive and Mayo Place and extending through the bed of Bantry Drive along its centerline to the centerline of Dreshertown Road; THENCE extending along the centerline of Dreshertown Road in a Southwesterly direction, crossing the bed of Wellsley Road to the centerline of Kirks Lane; THENCE leaving Dreshertown Road and extending along the centerline of Kirks Lane in a Northwesterly direction, crossing the beds of Glenecho Lane, Harris Road and Aiman Circle (at which point Kirks Lane turns in a Southwesterly direction) along said centerline to the

centerline of Limekiln Pike; THENCE leaving Kirk's Lane and extending along the centerline of Limekiln Pike in a North to Northwesterly direction, crossing the beds of Harris Road, recrossing the Little Pine Run Creek, Jarrettown Road, Dillon Road, Fulton Drive, recrossing Fort Washington Avenue, and crossing the bed of Sheppard Drive to the centerline of Bell Lane; THENCE leaving Limekiln Pike and extending along the centerline of Bell Lane in an Easterly direction to the centerline of Wright Drive; THENCE leaving Bell Lane and extending along the centerline of Wright Drive in a Northerly direction to the centerline of Howe Lane; THENCE leaving Wright Drive and extending along the centerline of Howe Lane in a Northeasterly direction, crossing the bed of Franklin Lane, changing to a Northwesterly direction, crossing the bed of Timothy Lane and changing to a Northeasterly direction, extending along same centerline to the centerline of Welsh Road, said centerline being the first mentioned point and place of beginning.

INTENDING to describe the perimeter of a political block or voting district in the Township of Upper Dublin known as the Sixth Ward.

CHAPTER 14-8. Boundaries of Ward No. 7.

The boundaries of Ward No. 6 shall be as shown on the Electoral District Map, dated October 8, 1992 prepared by the Upper Dublin Department of Planning, which is on file and is available for public inspection in the office of the Township Secretary, the legal description thereof being as follows:

ALL THAT CERTAIN block or Voting District known as Ward Seven (7) situate in the political subdivision known as the Township of Upper Dublin, County of Montgomery, Commonwealth of Pennsylvania, said Ward being located in the Northeast corner of the Township, being bound and described as follows to wit:

BEGINNING at a point, said point being located at the intersection of the centerlines of Welsh Road and Tennis Avenue, said point also being a common corner of Upper Dublin Township and Lower Gwynedd Township and also a point in the Southeast line of Horsham Township, THENCE from said point of beginning, extending through the bed of Welsh Road in a Southeasterly direction and crossing the beds of Webster Lane, Daisy Lane, Butler Pike, Limekiln Pike and Norristown Road to a point in the centerline of Howe Lane, THENCE leaving the bed of Welsh

Road and extending along the centerline of Howe Lane in a Southwesterly direction and crossing the beds of Timothy Lane and Franklin Lane to a point in the centerline of Wright Drive, THENCE leaving Howe Lane and extending along the centerline of Wright Drive in a Southerly direction to the centerline of Bell Lane, THENCE leaving Wright Drive and extending along the centerline of Bell Lane in a Westerly direction to the centerline of Limekiln Pike, THENCE leaving Bell Lane and extending along the centerline of Limekiln Pike, crossing the beds of Sheppard Drive to a point in the centerline of Fort Washington Avenue, THENCE leaving Limekiln Pike and extending along the centerline of Fort Washington Avenue in a Southwesterly direction to the centerline of Meetinghouse Road, THENCE leaving Fort Washington Avenue and extending along the centerline of Meetinghouse Road in a Northwesterly direction, crossing the bed of Joel Drive to the centerline of the Tannery Run Creek, THENCE leaving Meetinghouse Road and extending along the centerline of the Tannery Run Creek in a Westerly direction along lands now or late of the Tannerie Woods Homeowner's Association and crossing the access drive to the Woods Apartments to the centerline of the 309 Expressway, THENCE leaving the Tannery Run Creek and extending along the 309 Expressway in a Southerly direction to the centerline of Susquehanna Road, THENCE leaving the 309 Expressway and extending along the centerline of Susquehanna Road in a Northwesterly direction crossing the Northbound off ramp to the 309 Expressway, the bed of Cedar Road, recrossing the Tannery Run Creek and crossing the bed of Butler Pike and the North and South branches of the Rose Valley Creek to the centerline of Willow Avenue, THENCE leaving Susquehanna Road and extending along the centerline of Willow Avenue in a Southwesterly direction and crossing the bed of Rose Valley Way to the centerline of Bethlehem Pike, THENCE leaving Willow Avenue and extending along the centerline of Bethlehem Pike in a Northwesterly direction to the centerline of Tennis Avenue, THENCE leaving Bethlehem Pike and extending along the centerline of Tennis Avenue in a Northeasterly direction (said centerline being the common line between the Townships of Upper Dublin and Lower Gwynedd in this area recrossing Susquehanna Road, crossing the bed of Arrowhead Trail, recrossing the 309 Expressway, crossing Cheston Lane and Stout Road, recrossing Norristown Road, and the beds of Executive Drive, Jem Drive and Annasmead Road to the intersection of the centerlines of Tennis Avenue and Welsh Road, the first mentioned point and place of beginning.

Intending to describe the perimeter of a political block or voting district in the Township of Upper Dublin known as the Seventh Ward.

Section 2. Saving Clause. That nothing in this Ordinance or in the Code of the Township of Upper Dublin as hereby amended shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any causes of action acquired or existing under the Code of the Township of Upper Dublin prior to this amendment; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 3. The provisions of this Ordinance are severable, and if any chapter, article, section, sentence, clause, part or provision thereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining chapters, articles, sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of this Board that this Ordinance would have been adopted if such illegal, invalid or unconstitutional chapter, article, section, sentence, clause, part or provision had not been included herein.

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

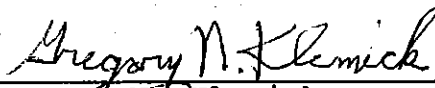
Approved by the Board on this 10th day of November, 1992.

UPPER DUBLIN TOWNSHIP
BOARD OF COMMISSIONERS



Richard R. Rulon, President

ATTEST:


Gregory N. Klemick,
Secretary

AN ORDINANCE
NO. 830

AN ORDINANCE AMENDING the Code of the Township of Upper Dublin, Title 8 thereof, entitled Streets and Highways, by adding a new Chapter 8, Hauling of Materials Over Public Streets, which shall provide regulations regarding the hauling of materials over any public street, road, alley or public property; which shall provide regulations regarding the removal of unlawfully deposited materials and the cost of such removal.

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

Section 1. The Code of the Township of Upper Dublin, Title 8 thereof, entitled Streets and Highways, shall be amended by adding a new Chapter 8, Hauling of Materials Over Public Streets, which shall provide henceforth as follows:

Chapter 8
HAULING OF MATERIALS OVER PUBLIC STREETS

Sec. 1.01. Hauling of Materials Over Public Streets.

- (A) It is hereby declared a public nuisance for any person, when hauling soil, bedrock, concrete, waste material or other material over any public street, road, alley or public property, to allow such material to blow or spill over and upon such street, road, alley or public property or adjacent private property.
- (B) It is hereby declared unlawful for any person, when hauling soil, bedrock, concrete, waste material or other material over any public street, road, alley or public property, in any vehicle unless such vehicle shall be provided with a cover which shall be of such material and shall be so secured upon such vehicle as to prevent such material from falling, blowing, spilling or dropping therefrom upon such street, road, alley or public property or adjacent private property.
- (C) It is hereby declared a public nuisance for any person, being the owner of real property or the owner or operator of any vehicle to permit a vehicle entering upon a public street, road or alley or upon public property to deposit or track dirt, mud, rock or other material from such property.

Sec. 1.02 Removal of Unlawfully Deposited Materials.

Any person violating the provisions of this chapter shall cause any deposited material to be removed from the public property or way within six hours from the occurrence. In the event of an immediate danger to the public health or safety, the material shall be removed immediately. In the event that deposited material is not so removed, the Township shall cause such removal and the cost thereof shall be charged to the person responsible.

Sec. 1.03 Violations and Penalties.

Any person violating the provisions of this Chapter shall be subject to the following non-exclusive fines and penalties, one or more of which may be pursued by the Township concurrently:

- (A) A fine or penalty not exceeding Six Hundred Dollars (\$600.00) for each and every offense, such fine or penalty to be collected as provided by law.
- (B) The Township may suspend or revoke any permit issued by the Township to a person responsible for the violation of this chapter if the materials unlawfully deposited are a product of such work, such suspension or revocation to continue:
 - (i) Until the Township has been compensated for any charges incurred by the Township in cleaning up or removing the unlawfully deposited material;
 - (ii) Until the person responsible has paid or deposited in escrow any fines or penalties which a district justice determines to be due by reason of a violation of this chapter;
 - (iii) Until such time as the Township determines that the person responsible has taken adequate precautions to assure that the unlawful depositing of materials will not reoccur.
- (C) Any person whose permit shall have been revoked by the Director of Public Works may, within 30 days of such suspension or revocation, appeal such decision to the Building and Regulations Committee of the Board of Commissioners.


Section 2. Nothing in this Ordinance or in Title 8 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Title 8 prior to the adoption of this amendment.

Section 3. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

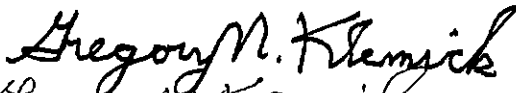
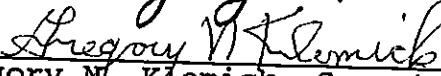
Section 4. This Ordinance shall take effect and be in force from and after its approval as required by law.

Approved by the Board this 8th day of December, 1992

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN


Richard R. Rulon, President

ATTEST:



Gregory N. Klemick, Secretary

ANNUAL BUDGET OF THE TOWNSHIP OF UPPER DUBLIN FOR THE YEAR 1993

ORDINANCE NO. 831

AN ORDINANCE OF UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR THE SPECIFIC PURPOSES OF THE MUNICIPAL GOVERNMENT, HEREINAFTER SET FORTH, DURING 1993.

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

SECTION 1: That for the expenses for the fiscal year 1993 the following amounts are hereby appropriated from the revenues available for the current year for the specific purposes set forth below, which amounts are more fully itemized in the Budget Form.

SUMMARY OF ALL ESTIMATED RECEIPTS

Receipts from Current Tax Levy	\$ 7,413,926
Receipts from Taxes of Prior Years	40,000
Other Revenue Receipts	<u>6,539,943</u>
TOTAL ESTIMATED RECEIPTS AND CASH	\$13,993,869

SUMMARY OF ALL APPROPRIATIONS

GENERAL GOVERNMENT	
Administration and Finance	\$ 913,145
Treasurer and Tax Collector	18,805
Library	249,765
Municipal Buildings	<u>189,745</u>
TOTAL	\$ 1,371,460
PROTECTION TO PERSONS AND PROPERTY	
Police	\$ 2,524,148
Fire	<u>648,100</u>
TOTAL	\$ 3,172,248
SEWER OPERATION AND TREATMENT	
Operations	\$ 1,214,165
Treatment	<u>1,385,585</u>
TOTAL	\$ 2,599,750
PUBLIC HEALTH AND SANITATION	
Health	\$ 49,959
Sanitation	<u>1,639,675</u>
TOTAL	\$ 1,689,634

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HIGHWAY MAINTENANCE	\$ 1,420,999
DEBT SERVICE	\$ 830,038
CAPITAL PROJECTS	
Sewer	\$ 1,430,884
Road, Storm Sewer, Equipment and Buildings	533,610
Parks and Recreation	<u>33,832</u>
TOTAL	\$ 1,998,326
PARKS AND RECREATION	\$ 608,772
REGULATIONS, PLANNING AND ZONING	\$ 280,142
MISCELLANEOUS	<u>\$ 22,500</u>
TOTAL APPROPRIATIONS	\$13,993,869

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

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

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

SECTION 5: The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the Court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION 6: This Ordinance shall take effect and be in force from and after January 1, 1993.

ENACTED AND ORDAINED this 15th day of December 1992.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

BY: _____
Richard R. RuLon, President

ATTEST: Gregory N. Klemick
Gregory N. Klemick, Secretary

AN ORDINANCE OF UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, FIXING THE TAX RATE FOR THE YEAR 1993 FOR GENERAL PURPOSES, THE TAX RATE FOR THE YEAR 1993 FOR DEBT SERVICE, THE TAX RATE FOR THE YEAR 1993 FOR FIRE PROTECTION, THE TAX RATE FOR THE YEAR 1993 FOR PARKS AND RECREATION, THE ASSESSMENT FOR THE YEAR 1993 FOR FIRE HYDRANTS, AND ESTABLISHING DISCOUNTS AND PENALTY THEREFOR.

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

SECTION 1: Tax Rates for General Purposes

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 1993, as follows:

Tax rate for General Purposes, the sum of. 23.49 mills
 on each dollar of assessed valuation, or the sum of. 234.9 cents
 on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

	<u>Mills on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for General Purposes	23.49 mills	234.9 cents

SECTION 2: Tax Rate for Debt Service

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 1993, as follows:

Tax rate for Debt Service, the sum of. 5.82 mills
 on each dollar of assessed valuation, or the sum of. 58.2 cents
 on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

	<u>Mills on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for Debt Service	5.82 mills	58.2 cents

SECTION 3: Tax Rate for Fire Protection

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 1993, as follows:

Tax rate for Fire Protection, the sum of 2.00 mills
on each dollar of assessed valuation, or the sum of 20.0 cents
on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

	<u>Mills on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for Fire Protection	2.00 mills	20.0 cents

SECTION 4: Tax Rate for Parks and Recreation

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 1993, as follows:

Tax rate for Parks and Recreation, the sum of 4.10 mills
on each dollar of assessed valuation, or the sum of 41.0 cents
on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

	<u>Mills on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for Parks and Recreation	4.10 mills	41.0 cents

SECTION 5: Assessment for Fire Hydrants

That the cost and maintenance of fire hydrants for fire protection, with the Fire and Water District of Upper Dublin Township, established by Ordinance No. 543, is hereby distributed by a special tax for the fiscal year 1993, as follows:

Special tax for fire hydrants, the sum of35 mills
on each dollar of assessed valuation, or the sum of 3.5 cents
on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

	<u>Mills on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Special Tax for Fire Hydrants	.35 mills	3.5 cents

SECTION 6: Discounts and Penalty

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

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

SECTION 8: The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the Court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION 9: This Ordinance shall take effect and be in force from and after January 1, 1993.

ENACTED AND ORDAINED THIS 15th day of December, 1992.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

BY: _____
Richard R. Rulon, President

ATTEST: Gregory N. Klemick
Gregory N. Klemick, Secretary

AN ORDINANCE

NO. 833

An Ordinance to amend the Upper Dublin Township Code, Title II, Administration, Chapter 1, Fees, Rates, and Permits, Article 1 - General Provisions to add a fee for return deposits; Article 2 - Administrative Code, Section 2.02 to add a fee for sewer rent certifications; Article 3 - Building and Construction, Section 3.01 to amend the building permit fee schedules; Section 3.03 to amend the plumbing fee schedule; Article 5 - Health and Sanitation, Section 5.01 to amend the basic housing permit fee schedule; Section 5.02, to amend and add to the food and drink fee schedule; Section 5.03 to amend the garbage and refuse fee schedule; Section 5.04 to amend the swimming pool fee schedule; Article 8 - Streets and Highways, Section 8.03 to amend the opening or excavating of highways fee; and Title III, Building and Construction, Chapter 3, Grading, Excavation and Fill, to amend the engineering inspection fee; and Title V, Health and Sanitation, Chapter 6, Public Nuisances, to amend the sewage disposal fees.

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

Section 1. The Code of the Township of Upper Dublin, Title II thereof, entitled Administration, Chapter 1, Fees, Rates, and Permits, Article 1 - General Provisions, shall be amended to add as follows:

* * * * *
* * * * *

Sec. 1.02 Deposit Items Returned

There will be a charge of Fifteen Dollars (\$15.00) for every payment made to the Township which must be returned to the payor for lack of funds.

Section 2. The Code of the Township of Upper Dublin, Title II thereof, entitled Administration, Chapter 1, Fees, Rates, and Permits, Article 2 - Administrative Code, shall be amended to add as follows:

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Sec. 2.02 Sewer Rental Rates

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* * * * *

(c) A fee of Fifteen Dollars (\$15.00) will be charged for each Sewer Rent Certification requested to provide

the status of sewer rent payment on any property in the Township.

Section 3. The Code of the Township of Upper Dublin, Title II thereof, entitled Administration, Chapter 1, Fees, Rates, and Permits, Article 3 - Building and Construction, shall be amended to provide as follows:

Sec. 3.01 Building Permit Fee Schedule

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* * * * *

D. Heating and Air Conditioning Equipment

Permit fees for the installation, conversion, or replacement of heating and air conditioning equipment, including oil storage tanks of five hundred fifty (550) gallons capacity, or less, shall be as follows:

(1) For the first One Thousand Dollars (\$1,000.00) or fraction thereof of estimated cost, a fee of Twenty Dollars (\$20.00);

(2) For each additional One Thousand Dollars (\$1,000.00) or fraction thereof of estimated cost in excess of One Thousand Dollars (\$1,000.00), an additional fee of Ten Dollars (\$10.00).

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I. Occupancy Permit

For residential - the fee shall be Sixty Dollars (\$60.00).

For commercial - the fee shall be Sixty Dollars (\$60.00).

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Sec. 3.03 Plumbing Fee Schedule

The following fee schedule shall be charged:

(a) New construction, one (1) to ten (10) fixtures - Sixty Dollars (\$60.00).

(b) Each additional fixture over ten (10) - Ten Dollars (\$10.00).

(c) Alterations or replacements - Fifteen Dollars (\$15.00) for each fixture.

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(e) Sewer connection or reinstallation inspection fee - Twenty Dollars (\$20.00).

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(g) Garbage grinder - Twenty Dollars (\$20.00).

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(m) Plumbers registration fees:

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(4) Original registration for master plumber - Sixty Dollars (\$60.00).

(5) Renewal annually for master plumber - Forty Dollars (\$40.00).

(6) Original registration for journeyman - Twenty Dollars (\$20.00).

(7) Renewal annually for journeyman - Ten Dollars (\$10.00).

Section 4. The Code of the Township of Upper Dublin, Title II thereof, entitled Administration, Chapter 1, Fees, Rates, and Permits, Article 5 - Health and Sanitation, shall be amended to provide as follows:

Sec. 5.01 Basic Housing Permit Fee Schedule

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* * * * *

A. Rented Dwelling and Multiple Dwelling Units:
A permit fee of Twenty Dollars (\$20.00) for each building and Ten Dollars (\$10.00) per dwelling unit per year.

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Sec. 5.02 Food and Drink

A. Retail Food Establishments - The following fees shall be paid by the applicant at or before the issuance of the permit as follows:

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* * * * *

(2) Inspection Fees in accordance with the following schedule:

<u>Floor Area</u>	<u>Inspection Fee</u>
Under 5,000 square feet	\$ 74.00

Thirty Dollars (\$30.00) for each additional 2,500 Square Feet or fraction thereof.

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C. Mobile Food Vendor - The following fee shall be paid by the applicant before the issuance of the permit: License fee, One Dollar (\$1.00); Inspection fee, Fifty-nine Dollars (\$59.00)

D. Public Eating and Drinking Establishments - The following fees shall be paid by the applicant before the issuance of the permit:

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* * * * *

(2) Inspection Fees shall be paid in accordance with the following schedule:

<u>Number of Seats</u>	<u>Inspection Fee</u>
0 - 25	\$ 74.00
26 - 75	\$ 99.00
76 - 125	\$149.00
126 - 175	\$199.00
Over 175	\$249.00

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Sec. 5.03 Garbage and Refuse

(a) Garbage and Refuse Collection Permit Fee:

Applicants for permits to collect garbage and refuse shall pay a permit fee of Forty Dollars (\$40.00).

Sec. 5.04 Swimming Pool

Each club or public pool shall pay an annual fee of One Hundred Twenty Dollars (\$120.00) to cover the cost of inspection.

Section 5. The Code of the Township of Upper Dublin, Title II thereof, entitled Administration, Chapter 1, Fees, Rates, and Permits, Article 5 - Health and Sanitation, shall be amended to add as follows:

Sec. 5.02 Food and Drink

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* * * * *

D. Public Eating and Drinking Establishments - The following fees shall be paid by the applicant before the issuance of the permit:

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* * * * *

(3) Food Facilities Plan Review Fee - Fifty Dollars (\$50.00).

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* * * * *

F. Temporary Eating and Drinking Establishments - The following fee shall be paid by the applicant before the issuance of the permit:

License Fee - Sixty Dollars (\$60.00).

Section 6. The Code of the Township of Upper Dublin, Title II thereof, entitled Administration, Chapter 1, Fees, Rates, and Permits, Article 8 - Streets and Highways, shall be amended to provide as follows:

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Sec. 8.03 Opening or Excavating of Highways Fee

(e) Where the applicant is permitted to make final restorations of an opening in an improved highway, road, street, avenue, or public alley, he shall pay an

inspection fee of Fifteen Dollars (\$15.00) for the first ten (10) lineal feet or fraction thereof, plus Two Dollars (\$2.00) for each additional ten (10) lineal feet or fraction thereof. Inspections shall also be at a rate of Thirty Dollars (\$30.00) per hour.

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Section 7. The Code of the Township of Upper Dublin, Title III thereof, entitled Building and Construction, Chapter 3, Grading, Excavation and Fill, shall be amended to provide as follows:

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Sec. 1.09 Inspections

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(e) Final Inspection.

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Inspection Fee Thirty Dollars (\$30.00) per hour.

Section 8. The Code of the Township of Upper Dublin, Title V thereof, entitled Health and Sanitation, Chapter 6, Public Nuisances, shall be amended to provide as follows:

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Sec. 1.02 Sewage Disposal

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(i) No privy vault or cesspool shall be cleaned or emptied without a permit from the Board of Health, for which a fee of Two Dollars (\$2.00) shall be paid to the Secretary of the Board, excepting in cases declared by the Board to be a nuisance, when in said cases, the fee shall be Five Dollars (\$5.00), and such cleaning shall be made in an inoffensive manner and in a method which shall not be prejudicial to the public health.

Section 9. Nothing in this Ordinance or in Title II or Title III or Title V of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Title II or Title III or Title V prior to the adoption of this amendment.

Section 10. The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part or provision had not been included herein.

Section 11. This Ordinance shall take effect and be in force as of January 1, 1993.

Approved by the Board this 15th day of December, 1992.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

Richard R. Rulon, President

ATTEST:

Gregory N. Klemick
Gregory N. Klemick, Secretary

Gregory N. Klemick

ORDINANCE NO. 834

AN ORDINANCE OF UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, ESTABLISHING THE DATES OF THE REGULAR MEETINGS OF THE COMMISSIONERS OF THE TOWNSHIP OF UPPER DUBLIN DURING THE YEAR 1993.

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

SECTION 1. A workshop of the Commissioners of the Township of Upper Dublin for the year 1993 shall be held on the first Tuesday of each month at 7:00 PM.

SECTION 2. The regular stated monthly meeting of the Commissioners of the Township of Upper Dublin for the year 1993 shall be held on the second Tuesday of each month unless the same shall be a legal holiday, in which case the meeting will be held on the next regular business day following, at 7:30 PM, local time.

SECTION 3. The Public Safety, Works and Services Committee meeting for the year 1993 shall be held on the third Tuesday of each month at 6:30 PM, local time.

SECTION 4. The Parks and Recreation/Library Committee meeting for the year 1993 shall be held on the fourth Tuesday of each month at 7:00 PM, local time.

SECTION 5. The Planning and Environment Committee meeting for the year 1993 shall be held on the fourth Tuesday of each month at 7:30 PM, local time.

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

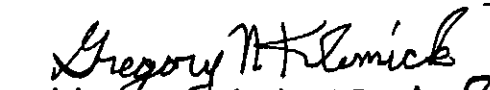
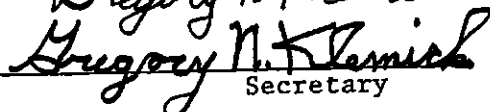
SECTION 7. All meetings shall be held in the Township Building, 801 Loch Alsh Avenue, Fort Washington, Pennsylvania, unless otherwise specifically directed.

ENACTED and ORDAINED this 12th day of January, 1993.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP



President

Attest: 

Secretary

TOWNSHIP OF UPPER DUBLIN

Montgomery County, Pennsylvania

ORDINANCE NO. 835- 1993

SUPPLEMENTING ORDINANCE NO. 700 OF 1985 RELATING TO THE ISSUANCE OF GUARANTEED SEWER REVENUE BONDS AND AUTHORIZING THE INCURRENCE OF NONELECTORAL DEBT BY THE ISSUANCE OF \$1,540,000 GUARANTEED SEWER REVENUE BOND, SERIES OF 1993, AS AN ADDITIONAL BOND UNDER ORDINANCE NO. 700 OF 1985 AND THIS SUPPLEMENTAL ORDINANCE TO PROVIDE FUNDS FOR AND TOWARDS THE REFUNDING OF THE TOWNSHIP'S GUARANTEED SEWER REVENUE BONDS, SERIES OF 1985, AND TO PAY ISSUANCE COSTS; ESTABLISHING THE TERMS AND CONDITIONS OF THE SERIES OF 1993 BOND; PLEDGING SEWER REVENUES OF THE TOWNSHIP AS SECURITY FOR SAID BOND; GUARANTEEING THE PAYMENT OF THE SERIES OF 1993 BOND AND PLEDGING THE TOWNSHIP'S FULL FAITH, CREDIT AND TAXING POWER THEREFOR; FINDING AND DETERMINING THAT IT IS IN THE BEST FINANCIAL INTEREST OF THE TOWNSHIP TO SELL ITS SERIES OF 1993 BOND AT A PRIVATE NEGOTIATED SALE; ACCEPTING A PROPOSAL FROM FIDELITY BANK, NATIONAL ASSOCIATION, FOR THE PURCHASE OF THE BOND AT PRIVATE NEGOTIATED SALE; AUTHORIZING THE DISBURSEMENT OF THE PROCEEDS OF THE SALE THEREOF; PROVIDING FOR ADDITIONAL DEPOSITS TO THE SINKING FUND FOR THE SERIES OF 1993 BOND; AUTHORIZING THE FILING OF A TRANSCRIPT OF PROCEEDINGS WITH THE DEPARTMENT OF COMMUNITY AFFAIRS; AND AUTHORIZING OTHER NECESSARY ACTION.

Saul, Ewing, Remick & Saul
3800 Centre Square West
Philadelphia, PA 19102

TOWNSHIP OF UPPER DUBLIN

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RECITALS

WHEREAS, the Township has heretofore issued \$1,950,000 aggregate principal amount Guaranteed Sewer Revenue Bonds, Series of 1985 (the "1985 Bonds") pursuant to an ordinance (No. 800 of 1985) enacted by the Township on December 3, 1985 (the "Original Ordinance") to refund certain outstanding obligations of the Upper Dublin Township Municipal Authority and to provide funds for certain sewer improvement projects; and

WHEREAS, pursuant to an ordinance (No. 814-1992) enacted by the Township on March 24, 1992 (the "1992 Ordinance") the Township (a) authorized the issuance of its \$5,495,216.25 Guaranteed Sewer Revenue Bonds, Series of 1992 (the "1992 Bonds") to finance a capital project and (b) covenanted under Section 3.03 thereof to redeem certain 1985 Bonds prior to maturity as shown in Exhibit B thereof;

WHEREAS, the Board of Commissioners of the Township (the "Board") after due deliberation has found and determined that it is in the best financial interests of the Township to finance the refunding of its outstanding 1985 Bonds (the "Refunding") through the private negotiated sale of its \$1,540,000 Guaranteed Sewer Revenue Bond, Series of 1993 (the "1993 Bond"), pursuant to this Supplemental Ordinance which is enacted as a supplement to the Original Ordinance and the 1992 Ordinance (the "Supplemental Ordinance") (the Original Ordinance as supplemented and amended by the 1992 Ordinance and this Supplemental Ordinance is hereinafter collectively referred to as the "Ordinance"); and

WHEREAS, the Refunding will be accomplished by issuing the 1993 Bond and applying the proceeds thereof to pay the redemption price of all outstanding 1985 Bonds, which will be called for redemption on or about February 16, 1993; and

WHEREAS, the Board has reviewed a proposal for the purchase of the 1993 Bond from Fidelity Bank, National Association, as original purchaser (the "Original Purchaser"); and

WHEREAS, the Board desires to authorize the issuance of the 1993 Bond, to provide for the financing of the Refunding, to provide for the redemption of the 1985 Bonds, and to approve other matters relating thereto.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF UPPER DUBLIN, in order to secure payment of the principal of and interest on the Bonds issued and outstanding under the Ordinance, including the 1993 Bond, according to their tenor, to secure the performance and

observance of all covenants and conditions therein and herein contained and to declare the terms and conditions upon which the Bonds shall be secured, and in consideration of the covenants herein contained and of the purchase and acceptance of the Bonds by the Holders thereof, the Township, intending to be legally bound, by these presents does hereby ratify and confirm the transfer, assignment and pledge under the Ordinance of all its right, title and interest in and to the Sewer Revenues as defined herein, upon terms herein set forth, to the Paying Agent, as defined herein, in trust for the equal and proportionate use, benefit and security of all present and future Holders of the Bonds for the payment of the principal of and interest on the Bonds when payable according to their tenor and to secure the performance of and compliance with covenants and conditions of the Bonds and the Ordinance without preference, priority or distinction as to lien or otherwise, except as provided in the Ordinance, of any one Bond over any other Bond, so that each Bond issued under the Ordinance shall have the same right, lien and privilege thereunder, and the principal of and interest on the Bonds shall be secured equally and proportionately thereby, AND DOES HEREBY ORDAIN AS FOLLOWS:

ARTICLE I

DEFINITIONS, PRELIMINARY MATTERS AND PROCEEDINGS UNDER ACT

Section 1.01. Terms Defined in the Original Ordinance or Recitals. In this Supplemental Ordinance, except as otherwise expressly provided or unless the context clearly otherwise requires, the singular includes the plural, the masculine includes the feminine, all definitions and references to documents include all amendments or supplements thereto, all definitions of entities or persons include its or their respective successors and assigns and the terms defined in the Original Ordinance or in the foregoing recitals to this Supplemental Ordinance shall have the meanings therein set forth.

Section 1.02. Preliminary Matters. For all purposes of this Supplemental Ordinance, except as otherwise expressly provided or unless the context clearly otherwise requires: all references in this Supplemental Ordinance to designated "Articles," "Sections" and other subdivisions of this Supplemental Ordinance are to the designated Articles, Sections or other subdivisions of this instrument as originally executed. The words "herein," "hereof" and "hereunder," and other words of similar import, refer to this Supplemental Ordinance or the

Ordinance, as appropriate, as a whole and not to any particular Article, Section or other subdivision unless otherwise specified.

Section 1.03. Supplemental Ordinance To Constitute Contract. In consideration of the purchase and acceptance of the 1993 Bond authorized to be issued hereunder by those who shall purchase the same from time to time, this Supplemental Ordinance shall be deemed to be and shall constitute a contract between the Township and the holder of such Bond; and the covenants and agreements herein set forth to be performed on behalf of the Township shall be for the benefit, protection and security of the holder of such Bond.

Section 1.04. Increase in Indebtedness. The gross nonelectoral indebtedness of the Township shall be increased in the aggregate amount of \$1,540,000 for the purpose of providing funds for and towards the costs of the Refunding and to pay the issuance costs of the 1993 Bond. Such nonelectoral indebtedness shall be evidenced by the \$1,540,000 principal amount 1993 Bond, which shall be issued as a guaranteed revenue bond as hereinafter authorized.

Section 1.05. Debt Statement and Other Proceedings Authorizing Bonds. The President of the Board and Township Secretary or Treasurer are hereby authorized and directed to execute and file the debt statement required by the Act and to apply to the Department of Community Affairs for approval of the proceedings authorizing the issuance of the 1993 Bond, and to execute and file with said Department any and all documents required to be submitted as part of said application for approval. Such officers are further hereby authorized and directed to prepare and file any statements required by the Act that are necessary to qualify any Bonds for exclusion from the appropriate debt limit as self-liquidating debt.

Section 1.06. Covenant as to Debt Service. The Township hereby covenants with the holders from time to time of the outstanding Bonds: (a) that the Township will include in its Annual Budget for each Fiscal Year the amounts of the debt service on the outstanding Bonds which will be payable in each such fiscal year so long as any of such Bonds shall remain outstanding; (b) that the Township will appropriate to and deposit in the Sinking Fund established under this Ordinance, from the Sewer Revenues hereinafter pledged and, to the extent of any deficiency, from its general revenues, such amounts for the payment of such debt service; and (c) that the Township will duly and punctually pay out of its Sewer Revenues deposited in the Sinking Fund and, to the extent necessary, out of its general revenues so deposited, the principal of every Bond and the interest thereon on the dates, at the places and in the manner stated in the Bonds according to the true intent and meaning

thereof; and for such budgeting, appropriation and payment, the Township hereby pledges its full faith, credit and taxing power. The covenant contained herein shall be specifically enforceable.

Section 1.07. Pledge of Sewer Revenues. The Township hereby confirms that all Sewer Revenues are irrevocably pledged for the payment of the principal of, premium, if any, and interest on the Bonds, and for the further benefit and security of the holders or registered owners of the Bonds, a security interest has been granted in and to all Sewer Revenues.

Section 1.08. Guaranty of Bonds. The Township guarantees that the Sewer Revenues pledged pursuant to the Ordinance will be sufficient for the payment of the principal of and interest on the Bonds, and, to the extent, if any, that such Sewer Revenues shall be insufficient, it will budget, appropriate and pay the principal of and interest on the Bonds from its general revenues; and for such guaranty, budgeting, appropriation and payment the Township hereby pledges its full faith, credit and taxing power.

Section 1.09. Taxes Not Assumed. The Township does not assume the payment of any taxes with respect to the Bonds.

ARTICLE II

CONCERNING THE 1993 BOND AND THE REFUNDING

Section 2.01. Authorization, Terms and Form of 1993 Bond; Approval of Refunding; Purpose of Refunding. There shall be issued hereunder the \$1,540,000 Guaranteed Sewer Revenue Bond, Series of 1993 for the purpose of paying the costs of the Refunding. The 1993 Bond shall be a fully registered bond in the form of one typewritten bond and shall be dated as of the date of issuance, shall be in the denomination, shall mature, and shall bear interest as more particularly set forth in Section 2.05 and in Exhibit A hereto. A 1993 Bond may also be issued under the Ordinance in lieu of the 1993 Bond theretofore issued which has been mutilated, lost, destroyed or stolen.

The Township shall undertake and hereby approves the Refunding described in the recitals hereto. The purpose of the Refunding is to reduce total debt service over the life of the series as shown in Exhibit A hereto.

The 1993 Bond shall be substantially in the following form with appropriate insertions, omissions and variations:

(FORM OF 1993 BOND)

UNITED STATES OF AMERICA
COMMONWEALTH OF PENNSYLVANIA

TOWNSHIP OF UPPER DUBLIN
GUARANTEED SEWER REVENUE BOND, SERIES OF 1993
DATED AS OF FEBRUARY 16, 1993

TOWNSHIP OF UPPER DUBLIN, Pennsylvania, a political subdivision of the Commonwealth of Pennsylvania ("Maker"), for value received, hereby promises to pay to Fidelity Bank, National Association or registered assigns hereof ("Payee") the principal sum of ONE MILLION FIVE HUNDRED FORTY THOUSAND DOLLARS (\$1,540,000) and to pay interest from the date hereof on the unpaid principal balance hereof at the applicable rate set forth below.

Interest on this Bond shall be paid on May 1, 1993, November 1, 1993, May 1, 1994, November 1, 1994, May 1, 1995 and November 1, 1995 (each, an "Interest Payment Date"). The principal on this Bond shall be paid in six (6) installments as follows:

1.	May 1, 1993	\$275,000
2.	November 1, 1993	\$270,000
3.	May 1, 1994	\$330,000
4.	November 1, 1994	\$280,000
5.	May 1, 1995	\$335,000
6.	November 1, 1995	\$ 50,000

The interest payable on each Interest Payment Date shall equal the accrued interest hereon at the applicable rate to the Interest Payment Date.

Each such payment shall be applied first to the payment of interest accrued and the balance of such installment shall be applied to any principal then due and payable. Anything herein to the contrary notwithstanding, the entire unpaid principal balance of this Bond, together with all interest accrued thereon, shall be due and payable on November 1, 1995. Payee must surrender this Bond to the Paying Agent in order to receive final payment upon maturity or redemption in whole of this Bond.

This Bond shall initially bear interest at the "Basic Rate," which is equal to four and sixty-five one hundredths percent (4.65%) per annum. Under certain circumstances, described below, this Bond may from time to time bear interest at the Default Rate.

All interest on this Bond shall be calculated on the basis of a 360-day year and 30-day months. If the payment date for any payment of interest and/or principal falls on a Saturday, Sunday or bank holiday, such payment shall be made on the next succeeding business day (based on interest accrued through the nominal payment date).

Upon maturity of this Bond, whether in due course or by acceleration in the event of default, the rate applicable hereunder, as of such maturity, shall be the "Default Rate" which is equal to eight percent (8.00%) per annum.

The Paying Agent for this Bond is Continental Bank, Norristown, Pennsylvania. Payments of principal of and interest on this Bond shall be made by check or draft mailed by the Paying Agent to the person in whose name the Bond is registered for that purpose on the close of business on the fifteenth (15th) day preceding the Payment Date (the "Record Date"); provided, however, that, upon request of the registered owner hereof to the Paying Agent, such payments shall be made by wire transfer by the Paying Agent to an account designated by the registered owner.

This Bond is transferable by Payee hereof or his duly authorized attorney upon presentation of this Bond at the principal corporate trust office of the Paying Agent by execution of the assignment form hereon in a manner satisfactory to the Paying Agent. Transfers shall be recorded by the Paying Agent on the books maintained for such purpose and upon the Certificate of Registration and Authentication attached to this Bond. Maker may treat the person in whose name this Bond is registered on the registration books maintained by the Paying Agent as the absolute owner of this Bond for all purposes and despite notice to the contrary.

This Bond is issued in fully registered form in the principal amount of \$1,540,000 in accordance with the Act and pursuant to an ordinance of the Maker duly enacted on December 3, 1985, as supplemented by ordinances enacted on March 24, 1992 and January 12, 1993 (collectively, the "Ordinance"). The Bond is issued for and toward a refunding project that consists of refunding the Maker's outstanding Sewer Revenue Bonds, Series of 1985 ("Project") and paying costs related to the issuance of the Bond. Reference is hereby made to the Act and the Ordinance for complete statement of the provisions thereof.

The Act provides that the Bond, its transfer and the income therefrom (including any profits made on the sale thereof) shall at all times be free from taxation for State and local purposes within the Commonwealth, but this exemption shall not extend to gift, estate, succession or inheritance taxes or any other taxes not levied directly on the Bond, the transfer

thereof, the income therefrom or the realization of profits on the sale thereof. Interest on this Bond is includible in gross income for purposes of Federal income taxation.

This Bond, together with Maker's outstanding Guaranteed Sewer Revenue Bonds, Series of 1992, and all other bonds hereafter issued under the Ordinance, are all equally and ratably secured under the Ordinance by a pledge of Maker's Sewer Revenues (as defined therein) and certain other income and moneys as provided in the Ordinance. It is covenanted with the holders from time to time of this Bond that the Maker shall (i) include the amount of the debt service for the Bond for each fiscal year in which such sums are payable in its budget for that year, (ii) appropriate to and deposit in the Sinking Fund under the Ordinance, from the Sewer Revenues and, to the extent any deficiency, from its general revenues, such amounts for the payment of such debt service, and (iii) duly and punctually pay out of its Sewer Revenues deposited in the Sinking Fund and, to the extent necessary, out of its general revenues so deposited the principal of and the interest on this Bond on the dates and at the places and in the manner stated in this Bond according to the true intent and meaning thereof. For such budgeting, appropriation and payment, the Maker pledges its full faith, credit and taxing power. This covenant shall be specifically enforceable. Nothing in this paragraph shall be construed to give the Maker any taxing power not granted by another provision of law.

Maker may, at any time, prepay the unpaid principal sum hereof, in whole or in part, at a prepayment price of 100% of principal amount plus accrued interest to the prepayment date, subject to the following conditions: (i) that Maker shall have given Payee and the Paying Agent at least thirty (30) days prior written notice of Maker's intention to make such prepayment; and (ii) all prepayments shall be applied first to the payment of interest accrued and other sums due as of the date of such prepayment, and then to a reduction of principal in inverse order of principal installments.

It is hereby certified that all actions required by the Act to be taken to render this Bond valid and obligatory have been duly taken pursuant to the Act; that all acts, conditions and things required by the laws of the Commonwealth of Pennsylvania to exist, to have happened or to have been performed precedent to and in the authorization and issuance of this Bond exist, have happened and have been performed in regular and due form and manner and as required by law; and that all existing indebtedness of the Maker is within every limitation prescribed by the Constitution and the statutes of the Commonwealth of Pennsylvania.

Payee shall not by an act of omission or commission be deemed to waive any of its rights or remedies hereunder unless such waiver be in writing and signed by Payee, and then only to the extent specifically set forth therein; a waiver of one event shall not be construed as continuing or as a bar to or waiver of such right or remedy on a subsequent event.

If any provision hereof is found by a court of competent jurisdiction to be prohibited or unenforceable, it shall be ineffective only to the extent of such prohibition or unenforceability, and such prohibition or unenforceability, and such prohibition or unenforceability shall not validate the balance of such provision to the extent it is not prohibited or unenforceable, nor invalidate the other provisions hereof, all of which shall be liberally construed in favor of Payee in order to effect the provisions of the Bond.

This Bond does not pledge the general credit or taxing power of the Commonwealth of Pennsylvania, County of Montgomery or any other political subdivision of the Commonwealth of Pennsylvania, other than the Maker.

The words "Payee" and "Maker" whenever occurring herein shall be deemed and construed to include the respective heirs, personal representatives, successors and assigns of Payee and Maker. This instrument shall be construed according to and governed by the laws of the Commonwealth of Pennsylvania.

IN WITNESS WHEREOF, and intending to be legally bound, Maker has duly executed this Bond as of the 16th day of February, 1993.

TOWNSHIP OF UPPER DUBLIN

ATTEST:

Gregory N. Lemick
SECRETARY

By: _____
PRESIDENT,
BOARD OF COMMISSIONERS

(SEAL)

CERTIFICATE OF REGISTRATION AND AUTHENTICATION
 NOTICE: NO WRITING HEREON EXCEPT
 BY PAYING AGENT ON BEHALF OF THE MAKER

It is hereby certified that the foregoing is the Township of Upper Dublin's Guaranteed Sewer Revenue Bond, Series of 1993; described in the within mentioned Ordinance, and that such Bond is registered as to principal and interest as follows:

Name of Registered Owner	Address of Registered Owner	Date of Registration and Authentication	Paying Agent's Authorized Signature
Fidelity Bank, National Association	123 South Broad Philadelphia, PA 19102	February 16, 1993	
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(FORM OF ASSIGNMENT)

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto _____ the within Bond, and all rights thereunder, and hereby irrevocably constitutes and appoints _____ attorney to transfer said Bond on the books of the within named Maker, with full power of substitution in the premises.

Tax Identification No.

Dated: _____

NOTICE: The signature on this assignment must correspond with the name as it appears upon the fact of the within note in every particular, without alteration or any change whatever.

[END OF 1993 BOND FORM]

Section 2.02. Finding As To Private Negotiated Sale and Sale of 1993 Bond to the Original Purchaser. As required by Section 701 of the Act, the Township hereby finds, determines and declares, after due investigation, that it is in the best financial interests of the Township to sell the 1993 Bond to the Original Purchaser pursuant to private negotiated sale.

The 1993 Bond is hereby awarded and sold at private negotiated sale to the Original Purchaser, Fidelity Bank, National Association, at a price of \$1,540,000 and in accordance with the terms and conditions contained in the proposal of the Original Purchaser, which is hereby accepted. A copy of said proposal shall be attached to this Ordinance and lodged with the official minutes of this meeting and is hereby incorporated herein by reference. Such award and sale is conditional, however, upon all provisions of this Ordinance becoming effective and upon the approval of the Department of Community Affairs for the Commonwealth of Pennsylvania for the issuance of the 1993 Bond.

Section 2.03. Place, Manner and Source of Payment of 1993 Bond. The principal of and interest on the 1993 Bond issued and to be issued hereunder shall be payable as provided in the form of 1993 Bond set forth herein, in lawful money of the United States of America. The principal of and interest on the 1993 Bond shall be payable out of the Sewer Revenues of the Township, and out of other moneys, if any, held by the Paying Agent hereunder, to the extent and as provided in the Ordinance, and, from the general tax revenues of the Township in the event Sewer Revenues are not sufficient for such purpose.

Section 2.04. Execution and Authentication of 1993 Bond. The 1993 Bond issued hereunder shall be executed and authenticated as provided for in Sections 2.07 and 2.08 of the Original Ordinance.

Section 2.05. Maturities and Further Terms of 1993 Bond. The 1993 Bond shall be issued as one typewritten bond, shall be dated as of the date of delivery of the 1993 Bond, and shall bear interest at the Basic Rate of 4.65% per annum (or under certain circumstances, at the Default Rate, as described in the 1993 Bond). Principal on the 1993 Bond shall be payable on the dates and in the amounts as set forth in Exhibit A attached hereto and made a part hereof.

Section 2.06. Authentication and Delivery of 1993 Bond. The Township shall execute and deliver to the Paying Agent for authentication the \$1,540,000 principal amount 1993 Bond described in Sections 2.01 and 2.05, and thereupon, the Paying Agent shall authenticate the 1993 Bond and deliver it to the

Original, but only upon receipt of the proceeds of sale of the 1993 Bond and of the following:

- (a) A certified copy of this Supplemental Ordinance;
- (b) A certificate of the Pennsylvania Department of Community Affairs issued pursuant to the Act approving the incurrence of the debt of the Township evidenced by the 1993 Bond;
- (c) The documents required by Section 3.02 of the Original Ordinance; and
- (d) An opinion of bond counsel approving the validity of the 1993 Bond.

Section 2.07. Disbursement of Proceeds of 1993 Bond. The Township shall also furnish to the Paying Agent at the time the 1993 Bond is authenticated a Closing Statement signed by the President or Vice-President of the Board showing: (i) the amount of proceeds to be received by the Township from the sale of the 1993 Bond; (ii) the amounts presently payable or to be reserved for the costs and expenses of the financing; and (iii) the amount to be paid to the Paying Agent to pay the redemption price for the 1985 Bonds.

The proceeds of the sale of the 1993 Bond and all other available funds shall be paid over to the Paying Agent and shall be deposited by it in a settlement account, from which the Paying Agent under the written direction of the President or Vice-President of the Board shall make the payments and deposits and set aside the reserves, if any, set forth in the Closing Statement.

Any reserves which shall be set up in the settlement account shall be disbursed from time to time by the Paying Agent pursuant to further written directions of the President or Vice-President of the Board and any balance ultimately remaining in any such reserve shall upon final written direction of the President or Vice-President of the Board be transferred by the Paying Agent to the 1992 Bond Payment Account of the Sinking Fund.

Section 2.08. Ownership of 1993 Bond. The Township and the Paying Agent may treat the person in whose name the 1993 Bond is registered on the books of the Paying Agent as the absolute owner of the 1993 Bond for all purposes whether or not the 1993 Bond shall be overdue, and neither the Township nor the Paying Agent shall be affected by any notice to the contrary. Any consent, waiver or other action taken by the bondholder shall

be conclusive and binding upon such bondholder, his heirs, successors or assigns, and upon all transferees of the 1993 Bond whether or not notation of such consent, waiver or other action shall have been made on the 1993 Bond or on any 1993 Bond issued in exchange therefor, or upon registration of transfer thereof.

ARTICLE III

SINKING FUND

Section 3.01. Sinking Fund. Under the Ordinance the Township has established and it presently maintains a Sinking Fund for all Bonds, held by the Paying Agent (or such substitute or successor Paying Agent which shall hereafter be appointed in accordance with the provisions of the Act) in the name of the Township, but subject to withdrawal only in accordance with the provisions of the Ordinance. The Sinking Fund shall be held and maintained for the equal and proportionate benefit and security of the holders of outstanding Bonds, except as otherwise provided in the Ordinance.

The Paying Agent shall create a new account within the Sinking Fund to be known as the "1993 Bond Payment Account." The Township shall pay to the Paying Agent for deposit in the 1993 Bond Payment Account of the Sinking Fund on or prior to May 1, 1993, November 1, 1993, May 1, 1994, November 1, 1994, May 1, 1995, and November 1, 1995, an amount equal to the principal and accrued interest on the 1993 Bond payable on each such date.

The President or Vice President of the Board and the Secretary or Assistant Secretary of the Township are authorized to enter into a contract with Continental Bank, Norristown, Pennsylvania, for its services as Paying Agent for the 1993 Bond.

Section 3.02. Payment of 1993 Bond. The Paying Agent, without further action of the Township, is hereby authorized and directed to pay from the 1993 Bond Payment Account of the Sinking Fund the principal of and interest on the 1993 Bond and the Township hereby covenants that such moneys, to the extent required, will be applied to pay all interest on the 1993 Bond and the principal of the 1993 Bond as and when due and payable.

Section 3.03. Redemption of 1985 Bonds. Pursuant to the Refunding, the 1985 Bonds shall be redeemed on February 16, 1993 (or on such other date as shall be approved by the President or Vice President) at a redemption price of 100% of principal amount plus accrued interest to the redemption date. The Township hereby authorizes the Paying Agent to give notice of redemption of the 1985 Bonds by first-class mail, postage

prepaid, mailed no later than thirty (30) days prior to such redemption date to each registered owner of the 1985 Bonds at the address which appears on the bond register maintained by the Paying Agent. Such notice of redemption shall be given in the name of the Township and may state that it is conditional, that is, subject to the deposit of the redemption moneys with the Paying Agent not later than the opening of business on the redemption date, and such notice, if conditional, shall have no effect unless such moneys are so deposited.

Section 3.04. Relation to Ordinance. All the provisions of the Ordinance relating to the funds and accounts held by the Paying Agent thereunder shall be fully applicable to the 1993 Bond.

ARTICLE IV

MISCELLANEOUS

Section 4.01. Default. If the Township shall fail to pay the principal of or interest on any Bond when due or shall otherwise default in the performance of any of its obligations under the Ordinance, under the Bonds or under the Act, the holders or the registered owners of the Bonds, as the case may be, shall be entitled to all of the rights and remedies provided by the Act in the event of such default and as provided under the Ordinance.

Section 4.02. Relation to Original Ordinance. Except as otherwise expressly provided herein or therein to the contrary, all the provisions of the Original Ordinance and the 1992 Ordinance (including, without limitation, the provisions relating to Additional Bonds, funds and accounts, covenants of the Township, defeasance, defaults and remedies) shall apply equally for the benefit of the owner of 1993 Bond, and the owner of the 1993 Bond shall own such Bond subject to all said provisions.

Section 4.03. Execution of 1993 Bond; Other Action. The proper officers of the Township, as identified in the Ordinance, are hereby authorized to execute the 1993 Bond, to deliver the 1993 Bond to the Original Purchaser upon receipt of the purchase price thereof, and to take such other action as may be necessary or proper to effect the issuance of said 1993 Bond or otherwise to comply with the Act or the Ordinance.

Section 4.04. Original Purchaser Provisions. The Township covenants with the Original Purchaser that (1) the Township will annually submit to the Original Purchaser audited

financial statements of the Township within 180 days of fiscal year-end, (2) the Township will annually submit to the Original Purchaser its approved operating budget within 180 days of fiscal year-end, and (3) the Township will promptly provide to the Original Purchaser such other information as the Original Purchaser may request from time to time.

Section 4.05. Repealer. All ordinances and parts of ordinances heretofore adopted to the extent that the same are inconsistent in any manner herewith are hereby repealed.

ENACTED AND ORDAINED this 12th day of January, 1993.

BOARD OF COMMISSIONERS
TOWNSHIP OF UPPER DUBLIN

By: Richard R. Paul
President, Board of
Commissioners

Attest: Gregory N. Klemick
Secretary
Gregory N. Klemick

TOWNSHIP OF UPPER DUBLIN
 GUARANTEED SEWER REVENUE BOND,
 SERIES OF 1993

EXHIBIT A

AMORTIZATION SCHEDULE AND DEBT SERVICE SAVINGS

<u>1993 Bond</u>							
<u>Payment Date</u>	<u>Principal</u>	<u>Interest Rate¹</u>	<u>Interest¹</u>	<u>Debt Service</u>	<u>Annual Debt Service</u>	<u>Existing Debt Service-1985 Bonds²</u>	<u>Difference</u>
5/1/93	\$ 275,000	4.65%	\$14,918.75	\$289,918.75		\$347,035.63	\$57,116.86
11/1/93	270,000	4.65	29,411.25	299,411.25	\$589,330.00	298,910.63	-500.62
5/1/94	330,000	4.65	23,133.75	353,133.75		352,859.38	-274.37
11/1/94	280,000	4.65	15,461.25	295,461.25	648,595.00	293,328.13	-2,133.12
5/1/95	335,000	4.65	8,951.25	343,951.25		346,425.00	2,473.75
11/1/95	<u>50,000</u>	4.65	<u>1,162.50</u>	<u>51,162.50</u>	<u>395,113.75</u>	<u>52,050.00</u>	<u>887.50</u>
TOTALS:	\$1,540,000		\$93,038.75	\$1,633,038.75	\$1,633,038.75	\$1,690,608.77	\$57,570.02

¹ This assumes that the 1993 Bond bears interest at the Basic Rate of 4.65% per annum. The 1993 Bond may, under certain circumstances, bear interest at the Default Rate, as described in the 1993 Bond.

² Existing debt service on the 1985 Bonds per the payment schedule set forth in Section 3.03 and Exhibit B of the 1992 Ordinance.

CERTIFICATE OF TOWNSHIP SECRETARY

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The undersigned, Secretary of the Township of Upper Dublin, Montgomery County, Pennsylvania, DOES HEREBY CERTIFY that:

1. The foregoing Ordinance authorizing \$1,540,000 principal amount Guaranteed Sewer Revenue Bond, Series of 1993 of the Township was duly moved and seconded and enacted by a majority vote of the entire Board of Commissioners of said Township at a duly called and convened public meeting of said Board held on January 12, 1993, that public notice of said meeting was given as required by law; and that the roll of Board of Commissioners was called and the members thereof voted or were absent as follows:

<u>Name</u>	<u>Vote</u>
Richard R. Rulon, President	
Charles M. Bolig, Vice-President	
James B. Bockius	
Cathleen Goettner	
Judy Herold	
Jules J. Mermelstein	
Robert J. Pesavento	

2. Said Ordinance has not been altered, amended, modified, suspended or repealed and is still in full force and effect as of the date of the delivery of this Certificate.

WITNESS my hand and the seal of the Township this 12th day of January, 1993.

Gregory N. Klemick
Secretary

(SEAL)

SECRETARY'S CERTIFICATE

The undersigned, Secretary of the Township of Upper Dublin, hereby certifies that the attached is a true and correct copy of an Ordinance which was duly enacted by the Board of Commissioners of the Township of Upper Dublin at a regular meeting of said Board duly called and held on January 12, 1993, and at which a quorum was present and voting throughout. I further certify that said Ordinance is still in full force and effect and has not been amended or repealed.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Township of Upper Dublin, this 16th day of February, 1993.

Gregory N. Kemick
Secretary

(Township Seal)

AN ORDINANCE

NO. 836

An Ordinance to amend the Upper Dublin Township Code, Title II, Administration, Chapter 1, Fees, Rates and Permits, Article 3, Building and Construction, Section 3.01 to amend the building and permit fee schedules; Section 3.03 to amend the plumbing fee schedule; Article 5, Health and Sanitation, Section 5.02, to amend the food and drink fee schedule; Section 5.03 to amend the garbage and refuse fee schedule; Section 5.04 to amend the swimming pool fee schedule; and Title IX, Land Development and Subdivision, Article 10, Fees and Conditions of Acceptance, Section 10.0 Fees and Costs, to amend the fees for engineering inspections.

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

Section 1. The Code of the Township of Upper Dublin, Title II thereof, entitled Administration, Chapter 1, Fees Rates and Permits, Article 3, Building and Construction, shall be amended to provide as follows:

SEC. 3.01 Building Permit Fee Schedule

* * * * *
* * * * *

D. Heating and Air Conditioning Equipment.

Permit fees for the installation, conversion or replacement of heating and air conditioning equipment, including oil storage tanks of five hundred fifty (550) gallons capacity, or less, shall be as follows: (1) for the first one thousand dollars (\$1,000.00) or fraction thereof of estimated cost, a fee of twenty dollars (\$20.00); (2) for each additional one thousand dollars (\$1,000.00) or fraction thereof of estimated cost in excess of one thousand dollars (\$1,000.00), an additional fee of ten dollars (\$10.00).

* * * * *
* * * * *

I. Occupancy Permit

For residential - the fee shall be sixty dollars (\$60.00).

For commercial - the fee shall be sixty dollars (\$60.00).

* * * * *
* * * * *

Sec. 3.03 Plumbing Fee Schedule:

The following fee schedule shall be charged:

(a) New Construction one (1) to ten (10) fixtures sixty dollars (\$60.00).

(b) Each additional fixture over ten (10) - ten dollars (\$10.00).

(c) Alterations or replacements - fifteen dollars (\$15.00) per fixture.

* * * * *

(e) Sewer connection or reinstallation inspection fee - twenty dollars (\$20.00).

* * * * *

(g) Garbage grinder - twenty dollars (\$20.00).

* * * * *

(m) Plumbers Registration Fees:

* * * * *

(4) Original registration for master plumber - sixty dollars (\$60.00).

(5) Renewal annually for master plumber - forty dollars (\$40.00).

(6) Original registration for journeyman - twenty dollars (\$20.00).

(7) Renewal annually for journeyman - ten dollars (\$10.00).

Section 2. The Code of the Township of Upper Dublin, Title II thereof, Administration, Chapter 1, Fees, Rates and Permits, Article 5 - Health and Sanitation, shall be amended to provide as follows:

SEC. 5.02 Food and Drink

A. Retail Food Establishments - The following fee shall be paid by the applicant on or before the issuance of the permit as follows:

* * * * *
* * * * *

(2) Inspection Fees in accordance with the following schedule:

<u>Floor Area</u>	<u>Inspection Fee</u>
Under 5,000 square feet	\$ 75.00
Each additional 2,500 square feet or fraction thereof.	\$ 30.00

* * * * *
* * * * *

C. Mobile Food Vendor - the following fee shall be paid by the applicant before the issuance of the permit:

License Fee - One dollar (\$1.00)

Inspection Fee - Sixty dollars (\$60.00)

D. Public Drinking and Eating Establishments - the following fee shall be paid by the applicant before the issuance of the permit:

* * * * *
* * * * *

(2) Inspection Fees shall be paid in accordance with the following schedule:

<u>Number of Seats</u>	<u>Inspection Fee</u>
0 - 25	\$ 75.00
26 - 75	\$100.00
76 - 125	\$150.00
126 - 175	\$200.00
Over 175	\$250.00

* * * * *
* * * * *

F. Temporary Food Establishments - the following fee shall be paid by the applicant before the issuance of the permit; Inspection Fee - sixty dollars (\$60.00).

SEC. 5.03 Garbage and Refuse

A. Garbage and Refuse Collection Permit Fee

Applicants for permits to collect garbage and refuse shall pay a permit fee of forty dollars (\$40.00).

SEC. 5.04 Swimming Pool

Each club or public pool shall pay an annual fee for one hundred twenty dollars (\$120.00) to cover the cost of inspection.


Section 3. Nothing in this Ordinance or in Title 5 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Title 5 prior to the adoption of this amendment.

Section 4. The provisions of this Ordinance are severable, and if any section, k sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part or provision had not been included herein.

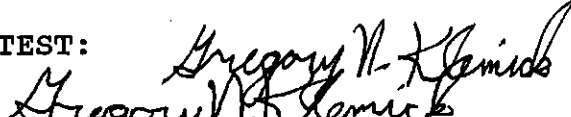
Section 5. This Ordinance shall take effect and be in force from and after its approval as required by law.

Approved by the Board this 9th day of February, 1993.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN


Richard R. Rulon, President

ATTEST:


Gregory N. Klemick, Secretary

GPHJr:rmb

C:\WP50\UDTORD\TITLEII.FIN

AN ORDINANCE

150.

NO. 837

AN ORDINANCE OF THE TOWNSHIP OF UPPER DUBLIN TO INCREASE THE COMPENSATION OF THE TOWNSHIP TREASURER AND TAX COLLECTOR TO THE SUM OF \$7,500 TO BECOME EFFECTIVE ON JANUARY 1, 1994.

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

Section 1. The compensation of the Treasurer and Tax Collector of the Township of Upper Dublin shall be increased to the sum of \$7,500 as of January 1, 1994.

Section 2. The provisions of this Ordinance are severable, and if any section, sentence, clause, part of provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

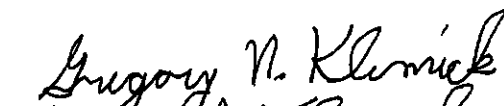

Section 3. Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court or any rights acquired or liability incurred or any permit issued, or any cause or causes of action existing prior to the adoption of this Ordinance.

Section 4. This Ordinance shall take effect and be enforced from and after its enactment as required by law.

ENACTED by the Board of Commissioners of the Township of Upper Dublin at a public meeting on the ninth day of February, 1993.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

ATTEST:

GREGORY N. KLEMICK, SECRETARY



RICHARD R. RULON, PRESIDENT

AN ORDINANCE

NO. 838

AN ORDINANCE, TO AMEND THE CODE OF THE TOWNSHIP OF UPPER DUBLIN, TITLE 7 THEREOF, ENTITLED PUBLIC SAFETY, CHAPTER 9, VEHICLES AND TRAFFIC, ARTICLE 5, REMOVAL AND IMPOUNDING OF ILLEGALLY PARKED VEHICLES, SECTION 5.02, APPROVED STORAGE GARAGES DESIGNATED, TO PROVIDE THAT FROM TIME TO TIME THE BOARD OF COMMISSIONERS WILL APPROVE TOWING AND STORAGE FACILITIES AND TO DEFINE SUCH FACILITIES; SECTION 5.04, TOWING AND STORAGE CHARGES, TO PROVIDE THAT THE TOWING CHARGE TO BE COLLECTED BY EVERY APPROVED TOWING AND STORAGE FACILITY SHALL BE AN AMOUNT CONSISTENT WITH USUAL, CUSTOMARY, AND REGULAR STANDARD FEES CHARGED IN THE TOWNSHIP AND SURROUNDING AREA; SECTIONS 5.01, 5.02, 5.03, 5.04, 5.05, 5.07, 5.08, AND 5.09 TO CHANGE THE TERMINOLOGY OF "GARAGE", "POUND", AND "IMPOUND", TO "TOWING AND STORAGE FACILITY" AND "STORED"; TO DELETE SECTION 5.06, EFFECT OF PAYMENT OF TOWING AND IMPOUNDING CHARGES; AND TO ADD A NEW SECTION 5.10 TO PROVIDE FOR VIOLATIONS AND PENALTIES.

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

Section 1. The Code of the Township of Upper Dublin, Title 7 thereof, entitled Public Safety, Chapter 9, Vehicles and Traffic, Article 5, Removal and Impounding of Illegally Parked Vehicles, should be amended to provide as follows:

Sec. 5.01. Authority to Tow and Store

The Police Department of the Township is hereby authorized to tow and store or to order the towing and storage, of any vehicle parked on any of the streets, highways or public property in the Township in violation of any provisions of the law or of any ordinance of the Township.

**Sec. 5.02. Approved Towing and Storage
Facilities Designated**

The Board of Commissioners shall from time to time by resolution designate approved towing and storage facilities for the towing and storage of illegally parked vehicles. An approved towing and storage facility may provide only towing services or only storage services,

or both. An approved storage facility must provide a secure area where vehicles are held, but need not be owned and operated by the same company that towed the vehicle to the storage facility.

Sec. 5.03. Bonding

Every such approved towing and storage facility shall be bonded in the amount of One Hundred Thousand (\$100,000) Dollars for the indemnifying of the owner of such stored vehicle against the loss thereof, or injury or damage thereto, while in the custody of such approved towing and storage facility.

Sec. 5.04. Towing and Storage Charges

The charges to be collected by every such towing and storage facility shall be an amount consistent with the usual, customary, and regular standard fees charged in the Township and surrounding area as approved by the Chief of Police.

Sec. 5.05. Notice

Within twelve (12) hours from the time of removal of any vehicle under authority granted by this Article, notice of the fact that such vehicle has been towed and stored shall be given by the Chief of Police of the Township to the owner of record of such vehicle either by written notice sent by mail, or verbally by telephone or in person. Such notice shall designate the place from which such vehicle was towed, the reason for its towing and storage and the towing and storage facility in which it shall have been stored.

Sec. 5.06. (Reserved)

Sec. 5.07. Records of Vehicles Towed and Stored

The Chief of Police shall keep a record of all vehicles towed and stored and shall be able at all reasonable times to furnish the owners, or the agents of the owners, thereof with information as to the place of storage of such vehicles.

Sec. 5.08. Owner or Operator of Vehicle Remains Liable for Fine or Penalty

The payment of towing and storage charges authorized by this Article shall not operate to relieve the owner or operator of any vehicle from liability for any fine or penalty for violation of any law or Township ordinance on account of which such vehicle was towed and stored.

Sec. 5.09. Restrictions

No vehicle shall be towed or stored under the authority of this Article if, at the time of the intended towing thereof, the owner or person for the time being in charge of such vehicle is present and expresses a willingness and intention to remove such vehicle immediately.

Sec. 5.10. Violations and Penalties

Any person, firm, association or corporation who violates any provision of this Article, upon conviction thereof, shall be subject to a fine or penalty not exceeding six hundred dollars (\$600) for each and every offense. Such fines or penalties shall be collected as like fines or penalties are now collected by law and shall be in addition to any other penalty provided herein.

Section 2. Nothing in this Ordinance or in Title 7 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, any permit issued, or any cause or causes of action existing under the said Title 7 of the Code of the Township of Upper Dublin prior to the adoption of this amendment.

Section 3. The provisions of this Ordinance are severable, and if any chapter, article, section, sentence, clause, part or provision thereof shall be held illegal, invalid or unconstitutional by any Court of competent jurisdiction, such decision of the Court shall not affect or impair the remaining chapters, articles, sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Commissioners that this Ordinance would have been adopted as if

such illegal, invalid or unconstitutional chapter, article, section, sentence, clause, part or provision had not been included herein.

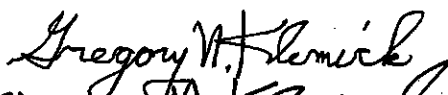
Section 4. This Ordinance shall take effect and be in force from and after its approval as required by law.

Approved by the Board of Commissioners this ninth day of March, 1993.

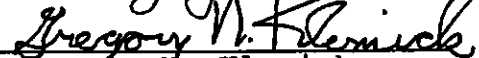
UPPER DUBLIN TOWNSHIP
BOARD OF COMMISSIONERS



Richard R. Rulon, President



ATTEST:


Gregory N. Klemick,
Secretary

AN ORDINANCE

NO. 839

AN ORDINANCE, TO AMEND THE CODE OF THE TOWNSHIP OF UPPER DUBLIN, TITLE 10 THEREOF, ENTITLED ZONING, ARTICLE 13, NON-CONFORMING USE, SECTION 13.03, CHANGE OF USE, TO LIMIT CHANGES TO USES PERMITTED IN THE ZONING DISTRICT IN WHICH THE PROPERTY IS LOCATED; AND SECTION 13.05, EXTENSION, TO INCLUDE EXPANSION OF A NON-CONFORMING USE, AND TO LIMIT AND DEFINE SUCH EXTENSION OR EXPANSION.

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

Section 1. The Code of the Township of Upper Dublin, Title 10 thereof, entitled Zoning, Article 13 thereof, entitled Non-Conforming Use, Section 13.03 thereof, entitled Change of Use, shall be amended in part to provide as follows:

Sec. 13.03. Change of Use

A non-conforming building or use shall be considered as such ~~unless and until it complies if the non-conforming building or use does not comply~~ with the regulations of the district in which it is located. ~~Such use shall not be changed to a use designated for a district having less restrictive regulations. A non-conforming use may not be changed to any use except one which is permitted in the zoning district in which the property is located.~~

Section 2. The Code of the Township of Upper Dublin, Title 10 thereof, entitled Zoning, Article 13 thereof, entitled Non-Conforming Use, Section 13.05 thereof, entitled Extension, which presently provides as follows:

Sec. 13.05. Extension

Any lawful non-conforming use of a portion of a building may be extended throughout the building and any lawful non-conforming building or any building of which a lawful non-conforming use is made may be extended upon the lot occupied by such building and held in single and separate ownership on the effective date of this ordinance, provided, that the area of such building shall not be increased by more than a total of twenty-five (25%) percent of the area of such building on which a lawful non-conforming use is made, and provided further that any structure, alteration, extension or addition shall conform with all the height, area, width yard and

coverage requirements for the District in which it is located.

shall be amended to provide as follows:

Sec. 13.05. Extension and Expansion

A lawful non-conforming use may be expanded or extended when authorized as a special exception, subject to the following limitations:

(1) Any such expansion or extension shall be limited to the lot on which the use is located, as that lot was defined when the use became non-conforming.

(2) The total of all increases in the area devoted to the use shall not exceed twenty-five percent (25%) of the area devoted to the use on August 20, 1956, or on the date the use became non-conforming, whichever is later. The term "area devoted to the use" means the total of the floor area and, for any portions of the use not conducted in a building, the total of the lot area actually utilized in connection with the non-conforming use.

(3) Any such extension or expansion shall conform with the requirements of the Upper Dublin Township Zoning Code as it exists at the time of the proposed extension or expansion, and with the height, yard, setback, buffer, floor and building area requirements of the zoning district in which the extension or expansion will be located.

Section 3. Nothing in this Ordinance or in Title 10 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, any permit issued, or any cause or causes of action existing under the said Title 10 of the Code of the Township of Upper Dublin prior to the adoption of this amendment.

Section 4. The provisions of this Ordinance are severable, and if any chapter, article, section, sentence, clause, part or provision thereof shall be held illegal, invalid or unconstitutional by any Court of competent jurisdiction, such decision of the Court shall not affect or impair the remaining chapters, articles, sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Commissioners that this Ordinance would have been adopted

as if such illegal, invalid or unconstitutional chapter, article, section, sentence, clause, part or provision had not been included herein.

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

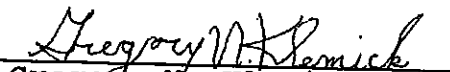
Approved by the Board of Commissioners this 11th day of
 May, 1993.

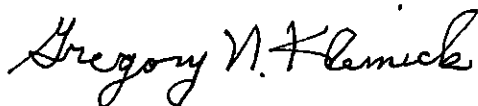
UPPER DUBLIN TOWNSHIP
 BOARD OF COMMISSIONERS



Richard R. Rulon, President

ATTEST:


 Gregory N. Klemick,
 Secretary



AN ORDINANCE
NO. 840

AN ORDINANCE OF THE TOWNSHIP OF UPPER DUBLIN, AMENDING THE ADMINISTRATIVE CODE, PURSUANT TO ACT 98 OF 1992, PROVIDING THAT IN CERTAIN FIRE LOSSES THE INSURANCE COMPANY, ASSOCIATION OR EXCHANGE HAVING A POLICY WITH RESPECT TO SUCH LOSS SHALL TRANSFER INSURANCE PROCEEDS TO THE TOWNSHIP TREASURER FOR THE PAYMENT OF MONIES OWED FOR TAXES, ASSESSMENTS, PENALTIES OR USER CHARGES AGAINST THE PROPERTY TOGETHER WITH REIMBURSEMENT TO THE TOWNSHIP FOR FUNDS EXPENDING IN SECURING THE PROPERTY; PROVIDING FOR PENALTIES FOR VIOLATION; AND SETTING FORTH PROCEDURES AND REQUIREMENTS PERTAINING TO SUCH INSURANCE PROCEEDS AND TO THE IMPLEMENTATION OF ACT 98 OF 1992 IN THE TOWNSHIP OF UPPER DUBLIN.

WHEREAS, the Commonwealth of Pennsylvania has enacted Act 98 of 1992 effective on September 7, 1992 amending the Insurance Company Law of 1921 to provide procedures for the payment of certain fire loss claims; and

WHEREAS, it the purpose of said legislation to deter the commission of arson and related crimes, to discourage the abandonment of property, and to prevent urban blight and deterioration; and

WHEREAS, the Township of Upper Dublin desires to adopt an ordinance pursuant to Section 508 of the Insurance Company Law of 1921 to provide for the payment of proceeds from certain fire loss claims to the Township Treasurer in those cases where there are outstanding charges against the property for taxes, assessments, penalties or user charges or where the Township has incurred expenses for securing the property;

NOW THEREFORE, the Board of Commissioners in the Township of Upper Dublin does hereby ordain as follows:

Section 1. The Code of the Township of Upper Dublin, Title 2, entitled ADMINISTRATION, Chapter 1 thereof, Fees, Rates and Permits, Article 2, Administrative Code shall be amended by the addition of a new Section 2.04, Township Certificate - Fire Insurance Claims, to read and provide as follows:

Section 2.04 - Township Certificate - Fire Insurance Claims

(a) No insurance company, association or exchange (collectively the "insuring agent") doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within the Township of Upper Dublin where the amount recoverable for the fire loss to the structure under all policies exceeds five thousand dollars (\$5,000.00), unless the insuring

agent is furnished by the Township Treasurer with a certificate pursuant to Section 508(B) of Act 98 of 1992 and unless there is compliance with the procedure set forth in Section 508(C) and (D) of Act 98 of 1992.

(b) Where the Township Treasurer issues a certificate indicating that there are delinquent taxes, assessments, penalties or user charges against the property, or that there are expenses which the Township has incurred as costs for the removal, repair or securing of a building or other structure on the property, and shall render a bill therefor, the insuring agent shall transfer to the Treasurer an amount from the insurance proceeds sufficient to pay such sums prior to making payment to the named insured. The insuring agent shall further provide the Township Treasurer with the name and address of the named insured.

(1) The transfer of proceeds shall be on a pro rata basis by all companies, associations or exchanges insuring the building or other structure

(2) Upon receipt of the transferred funds and the name and address of the named insured, the Township Treasurer shall contact the named insured and certify the amount and purpose of the proceeds received by the Township.

(c) Nothing in this Section shall be construed to limit the ability of the Township to recover any deficiency or to proceed by an action at law or equity to enforce the codes of the Township or to enter into an Agreement with the named insured with regard to such other disposition of the proceeds as the Township may deem reasonable.

(d) Any owner of property, any named insured or any insuring agent who violates the provisions of this Section or who shall fail to comply with any of the requirements hereof shall be liable, upon summary conviction, to fines and penalties not exceeding one thousand dollars (\$1,000.00) which fines and penalties may be collected by suit or summary proceeding brought in the name of the Township of Upper Dublin before any District Justice or recovered as debts of the like amount are now by law recoverable.


Section 2. Nothing in this Ordinance or in Chapter 1 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause of causes of action existing under the said Chapter 1 prior to the adoption of this amendment.

Section 3. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

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

1993 Approved by the Board this 11th day of May

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN


Richard Rulon, President

Attest:


Gregory Klemick, Secretary

AN ORDINANCE

NO. 841

AN ORDINANCE PROVIDING FOR THE DESIGN, LAYING OUT, CONSTRUCTION AND INSTALLATION OF A PUBLIC SANITARY SEWER COLLECTION LINE COMMENCING AT THE INTERSECTION OF FULTON ROAD AND LIMEKILN PIKE AND EXTENDING APPROXIMATELY 550 FEET TO A TERMINUS MANHOLE IN THE CUL-DE-SAC; PROVIDING FOR THE CONDEMNATION OF RIGHTS OF WAY AND PERMANENT AND TEMPORARY EASEMENTS ACROSS PRIVATE PROPERTY TO ACCOMMODATE SAID SEWERS AND FACILITIES; PROVIDING FOR THE PAYMENT OF COSTS OR CONSTRUCTION BY ASSESSMENT BY THE BENEFIT METHOD; PROVIDING FOR THE LIENING OF PROPERTY SUBJECT TO ASSESSMENT; AND AUTHORIZING OTHER NECESSARY ACTION.

WHEREAS, in accordance with Article XXIV of the First Class Township Code of the Commonwealth of Pennsylvania, Upper Dublin Township has the authority to establish and construct sewers and drainage systems for the disposal of sanitary wastewater sewerage; and

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

WHEREAS, in accordance with Article XIX of the First Class Township Code of the Commonwealth of Pennsylvania, Upper Dublin Township has the authority to condemn private property for the construction and installation of sanitary wastewater sewer facilities; and

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

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

SECTION I. SANITARY WASTEWATER SEWER FACILITIES

(a) A public sanitary sewer collection line shall be constructed commencing at the intersection of Fulton Road and Limekiln Pike, Upper Dublin Township, Montgomery County, Pennsylvania, and extending approximately 550 feet west to a terminus manhole in the cul-de-sac, which will be a gravity sewer system that will flow into the Township's existing sanitary sewer system in accordance with plans to be prepared by an engineering firm to be retained for such purpose by the Board of Commissioners (hereinafter "Engineer"), and shall be interconnected to the existing sanitary wastewater sewer system in place in the Township (hereinafter "the Project").

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

SECTION II. ASSESSMENT OF COSTS

(a) The costs of construction and installation of the sewer system, aforesaid, shall be assessed as provided by law upon the several abutting properties benefited, improved and accommodated by the said sewer system.

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

(c) The officers of the Township are authorized and directed to execute and file a petition to the Court of Common Pleas of Montgomery County, Pennsylvania, for the appointment of viewers to assess benefits, as provided by law.

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

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

(f) Alternatively, the Board of Commissioners may hereafter ordain that the costs of construction and installation of the sewer system, aforesaid, shall be assessed as provided by law using the foot-front method.

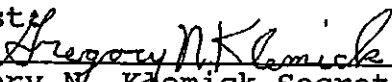
ENACTED AND ORDAINED this 11th day of May, 1993.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

By:


Richard R. Rulon, President

Attest:


Gregory N. Klemick Secretary

AN ORDINANCE
NO. 842

An Ordinance to amend Ordinance No. 717 of the Township of Upper Dublin, known as the Upper Dublin Township Earned Income Tax Ordinance, to amend Section 2, Imposition of Tax, by increasing the current tax rate of one-half of one percent (.5%) to one percent (1.0%), to become effective July 1, 1993.

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

Section 1. Ordinance No. 717 of the Township of Upper Dublin, known as the Upper Dublin Township Earned Income Tax Ordinance, Section 2, Imposition of Tax, shall be amended as follows:

SECTION 2. IMPOSITION OF TAX.

A tax at the rate of one-half of one percent (.5%) on each Dollar is hereby imposed on all earned income and net profits, as defined herein, earned by residents of the Township of Upper Dublin and on all earned income and net profits earned by non-residents of the Township of Upper Dublin for work done or services performed or rendered in said Township. This tax shall become effective January 1, 1987 and shall remain in effect thereafter on a calendar year basis without annual reenactment unless the rate of tax is subsequently changed. Effective July 1, 1993, the rate of tax shall be changed to one (1.0%) percent on each Dollar.

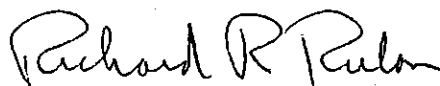
Section 2. Nothing in this Ordinance or in Ordinance 717 of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding pending in any court, or any rights acquired or liability incurred, or any permit issued, or any cause or causes of action existing under the said Ordinance 717 prior to the adoption of this amendment.

Section 3. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining section, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part or provision had not been included herein.

Section 4. This Ordinance shall take effect and be in force upon the School Board of Upper Dublin Township enacting an Earned Income Tax, but not before July 1, 1993.

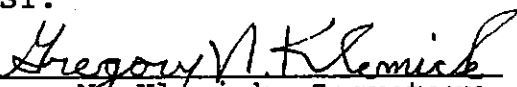
Approved by the Board this 1st day of June, 1993.

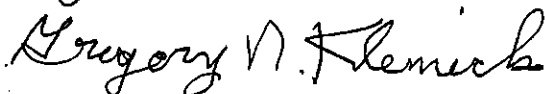
BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN



Richard R. Rulon, President

ATTEST:



Gregory N. Klemick, Secretary

AN ORDINANCE
NO. 843

AN ORDINANCE TO AMEND the Code of the Township of Upper Dublin, Title 7 thereof, entitled Public Safety, Chapter 1, Alarm Devices, Section 1.01, Definitions, by adding a definition of "Alarm User"; Section 1.02, Alarm Prohibited, by providing that alarm users who install audible alarms which are not equipped with automatic timing mechanisms shall be subject to a penalty; Section 1.04 Automatic Protection Devices - Current List of Installations, by providing that failure to provide the required registration information shall result in a penalty; Section 1.05, Automatic Protection Devices - Operational Requirements, by providing that automatic protection devices must neutralize surges in the alarm system, that newly installed fire alarm systems must include an alarm verification system to reset the detector once, prior to transmitting an alarm signal, and that failure to meet the operational requirements shall result in a penalty; Section 1.12, Penalties for Violation, Subsection (a), by providing that within 30 days after the installation of a new alarm system, the owner shall be permitted three false activations without penalty; Subsection (b) (1), by permitting one false activation without penalty during subsequent twelve (12) month periods after installation; Subsection (b) (2), by providing for the collection of fines of \$25, \$100 and \$300 for subsequent false activations, and by adding a penalty of not less than \$25 nor more than \$600 for violating any of the regulations of this chapter; and by adding a new Section 1.12(c) which shall empower the Fire Marshall or any police officer to enforce all provisions set forth in Chapter 1, Alarm Devices, and to write citations for any alarm violations.

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

Section 1. The Code of the Township of Upper Dublin, Title 7 thereof, entitled, Public Safety, Chapter 1, Alarm Devices, Section 1.01, Definitions, shall be amended to add the definition as follows:

Sec. 1.01 Definitions

* * * * *

(aa) "Alarm User" - Any individual, partnership, unincorporated association, corporation, trust or other legally recognized entity in control of any premises having an automatic protection device which notifies the Police Department or Fire

Department, either directly or indirectly, and requires the response of the police, Fire Department or ambulance corps or an audible alarm system.

Section 2. The Code of the Township of Upper Dublin, Title 7 thereof, entitled Public Safety, Chapter 1, Alarm Devices, Section 1.02, Alarm Prohibited, shall be amended to provide as follows:

Sec. 1.02 Alarm Prohibited

Except as provided in subparagraph (a) and (b) to this Section, alarm users must equip audible alarms with a timing mechanism that will disengage the audible alarm after a maximum period of fifteen (15) minutes and leave the alarm disengaged until the alarm is serviced. Audible alarms without such a timing mechanism shall be unlawful in the Township and must be disconnected by the alarm user within ninety (90) days from the effective date of this ordinance or the alarm user will be subject to a penalty as set forth in Section 1.12 of this Chapter. The following shall be excepted from the provisions of this section:

- (a) Audible fire alarm signals provided for the evacuation of occupants of industries, institutions, and other similar premises.
- (b) Audible signals provided to indicate water flow in an automatic fire sprinkler system.

Section 3. The Code of the Township of Upper Dublin, Title 7 thereof, entitled Public Safety, Chapter 1, Alarm Devices, Section 1.04, Automatic Protection Devices - Current List of Installations, shall be amended to provide as follows:

Sec. 1.04 Automatic Protection Devices - Current List of Installation

- (a) Within one hundred twenty (120) days from the effective date of this ordinance, every person, corporation, institution or company who has installed an automatic protection device in the Township shall furnish to the Chief of Police a registration of such installation which shall include the following information:

* * * * *

- (c) Failure to provide registration information required by this section shall subject the alarm user to a penalty as set forth in Section 1.12 of this Chapter.

Section 4. The Code of the Township of Upper Dublin, Title 7 thereof, entitled Public Safety, Chapter 1, Alarm Devices, Section 1.05, Automatic Protection Devices - Operational Requirement, shall be amended to add subsections as follows:

Sec. 1.05 Automatic Protection Devices - Operational Requirement

- (a) Automatic protection devices installed in the Township that are keyed to designated trunklines shall meet the following requirements:

* * * * *

(7) Equipment is required to be installed in such a way as to neutralize electrical surges on the alarm system.

(8) In all newly installed fire alarm systems, the sensory mechanism used in smoke detectors for fire alarm systems shall be installed with an alarm verification system that will attempt to reset the detector once, prior to transmitting an alarm activation signal. In the event that a second signal is received from the same zone or an adjacent zone prior to verification, the system will go into alarm without delay.

- (b) Failure to meet the operational requirements of this section shall subject the alarm user to a penalty as set forth in Section 1.12 of this Chapter.

Section 5. The Code of the Township of Upper Dublin, Title 7 thereof, entitled Public Safety, Chapter 1, Alarm Devices, Section 1.12, Penalties for Violation, shall be amended to provide as follows:

Sec. 1.12 Penalties for Violation

- (a) During a period of thirty (30) days after installation of a new alarm system, the owner thereof shall be permitted three (3) false activations without penalty.
- (b) (1) Subject to the provisions of subsection (a) of this section, the owner of an automatic protection device shall be permitted one (1) false activation without penalty for any cause whatsoever, including misuse, accidental activation, or equipment malfunction during each twelve (12) month period following installation of a new alarm

system. If more than one false activation occurs in a twelve (12) month period, the alarm user will be subject to a penalty as outlined in subsection (b)(2) below.

- (2) The Township shall notify an alarm user of a false activation on his property. The alarm user may elect to avoid prosecution by paying the Township \$25 for the second such false activation within any twelve (12) month period, \$100 for the third and \$300 for the fourth, provided payment is made within forty-eight (48) hours after receipt of the notice.

For all subsequent false activation violations in any twelve (12) month period, or in each case where the alarm user does not elect to avoid prosecution as set forth above, the alarm user shall be liable for prosecution and if found guilty, shall pay a fine of not more than Six Hundred (\$600) Dollars plus costs of prosecution to be collectible before any district justice as like fines or penalties are now by law collectible.

Violation of any of the regulations set forth in this Chapter other than false activations shall result in a fine of not less than Twenty-five (\$25) Dollars nor more than Six Hundred (\$600) Dollars plus costs of prosecution, to be collectible before any district justice as like fines or penalties are now by law collectible.

- (c) The Upper Dublin Township Fire Marshall or any police officer is hereby empowered to enforce all provisions of this Chapter and to write citations for any alarm violations.

Section 6. Nothing in the Ordinance or in Title 7 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suite or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Title 7 prior to the adoption of this amendment.

Section 7. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses,

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

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

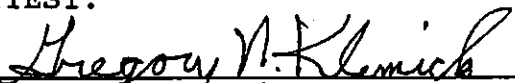
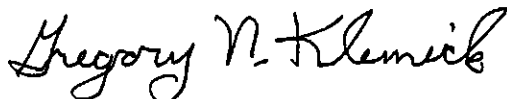
Approved by the Board this 13th day of July, 1993.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN



Richard R. Rulon, President

ATTEST:


Gregory N. Klemick, Secretary

AN ORDINANCE
No. 844

AN ORDINANCE PROVIDING FOR A BENEFIT ASSESSMENT IN THE AMOUNT OF \$8,035 TO BE CHARGED TO EACH PROPERTY OWNER BENEFITED NOW OR IN THE FUTURE BY THE CONSTRUCTION AND INSTALLATION OF SANITARY WASTEWATER FACILITIES SERVING PROPERTIES IN THE TOWNSHIP OF UPPER DUBLIN ON THE EASTERLY SIDE OF HIGHLAND AVENUE BETWEEN PINETOWN ROAD AND CAMPHILL ROAD, AND IN AND THROUGH CERTAIN PRIVATE PROPERTIES LOCATED ON HIGHLAND AVENUE.

WHEREAS, in accordance with the First Class Township Code of the Commonwealth of Pennsylvania, Upper Dublin Township has the authority to establish and construct sewers and drainage systems for the disposal of sanitary wastewater sewerage; and

WHEREAS, pursuant to Ordinance No. 816 enacted by the Board of Commissioners of the Township of Upper Dublin on April 21, 1992 a public sanitary sewer collection line has been constructed and installed on the southwest side of Highland Avenue between Pinetown Road and Camphill Road, and in and through certain private properties located on Highland Avenue (hereinafter "the Project"); and

WHEREAS, in accordance with the First Class Township Code of the Commonwealth of Pennsylvania, Upper Dublin Township has the authority to assess the charge for any sewer system constructed in the Township upon the properties accommodated or benefited by the sewer system.

NOW, THEREFORE, the Board of Commissioners of Upper Dublin Township, does hereby enact and ordain as follows:

Section 1. The Project has been completed as of April 30, 1993 as certified by the Township Manager and the Director of Public Works.

Section 2. The total cost for the construction and installation of the Project has been determined to be \$136,595.25 in accordance with the Statement of Costs dated April 30, 1993.

Section 3. The Township has determined that the fourteen properties abutting the Project have been presently benefitted by the Project, and three of the abutting properties have the potential to be subdivided into two lots so that the newly created lot would be benefitted by the Project in the future; for a total of seventeen properties that are now served or will be served in the future by the Project.

Section 4. In accordance with the benefit assessment method provided for in the First Class Township Code, each of the seventeen properties benefitted now or in the future by the Project will be assessed for a benefit in the total amount of \$8,035.

Section 5. The three properties with the potential for a second lot after subdivision will enter into separate agreements for future payments to the Township of the benefit assessment, and such agreements will be recorded and run with the land.

Section 6. The Township Manager is directed to forward Notices of Assessment to each abutting property owner benefitted by the Project.

Section 7. The Township Manager is directed to advise each property owner that the Board of Commissioners have agreed to offer an option for the owner to agree to the assessment of benefits and enter into an installment payment agreement with the Township whereby payment of the total assessment amount may be made in twenty (20) quarterly installments over a term of five (5) years.

Section 8. In the event an owner declines to agree to the assessment of benefits, the Township Solicitor is authorized to file a petition for the appointment of a jury of view to assess the benefits and thereafter to collect the entirety thereof from the owner.

Section 9. Nothing in this ordinance shall be construed to affect any suit or proceeding in any court, or any rights acquired or liability incurred, or any permit issued, or any cause or causes of action existing under the Township Code prior to the adoption of this ordinance.

Section 10. The provisions of this ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this ordinance. It is hereby declared to be the intent of the Board that this ordinance would have been adopted as

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

Section 11. This Ordinance shall take effect and be in force from and after its approval as required by law.

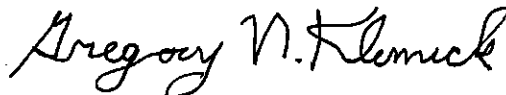
ENACTED AND ORDAINED by the Board this 13th day of July, 1993.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

ATTEST:


RICHARD R. RULON, PRESIDENT


GREGORY N. KLEMICK, SECRETARY



(H)

AN ORDINANCE
NO. 845

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF UPPER DUBLIN, TITLE 2, CHAPTER 1, RELATING TO FEES, RATES AND PERMITS, TO DELETE THE PROVISIONS FOR THE PAYMENT OF OUTFALL SEWER CONTRIBUTIONS, TO DEFINE AND IMPOSE A SANITARY SEWER CONNECTION CHARGE OF \$3500 PER EDU FOR NEW CONNECTIONS TO THE TOWNSHIP SEWER SYSTEM; AND TITLE 5, CHAPTER 10, RELATING TO SEWER CONNECTIONS, TO DELETE REFERENCE TO THE UPPER DUBLIN TOWNSHIP AUTHORITY AND TO REFER THEREIN ONLY TO UPPER DUBLIN TOWNSHIP, TO PROVIDE THAT SEWER CONNECTION PERMITS SHALL ONLY BE VALID FOR 60 DAYS, AND TO PROVIDE THAT UPON EXPIRATION OF A SEWER CONNECTION PERMIT A NEW CONNECTION CHARGE MUST BE PAID ACCORDING TO THE THEN CURRENT SCHEDULE.

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

Section 1. The Code of the Township of Upper Dublin, Title 2 thereof, entitled Administration, Chapter 1, Fees, Rates and Permits, Article 9, Land Development and Subdivision, Section 9.03, Outfall Sewer Contribution which reads as follows:

Sec. 9.03 Outfall Sewer Contribution.

There shall be paid to the Township a contribution towards the cost of outfall sanitary and storm sewers fees which shall be calculated as follows:

- (a) For each lineal foot of roadway a fee of One Dollar (\$1.00) per foot for outfall sanitary sewers and One Dollar (\$1.00) per foot for storm sewers.
- (b) There shall be paid to the Township the sum of Fifteen Dollars (\$15.00) for each parking space installed on a site developed for apartment, commercial or industrial uses as a contribution toward the cost of the outfall storm sewers of the Township.
- (c) There shall also be paid to the Township the sum of Fifteen Dollars (\$15.00) for each parking space installed on an apartment, commercial or industrial site, as a contribution toward the cost of outfall sanitary sewers of the Township.
- (d) When, in the discretion of the Commissioners, circumstances surrounding the development of a site warrant special consideration, these contributions may be reduced or waived.

shall be deleted in its entirety.

Section 2. The Code of the Township of Upper Dublin, Title 2 thereof, entitled Administration, Chapter 1, Fees, Rates and Permits, Article 2, Administrative Code, Sec. 2.01, Sewer Connection Fees, shall be amended to read as follows:

Section 2.01 Sewer Fees Charge

There is hereby imposed upon each owner of property within the Upper Dublin Township Sewer District which shall be connected to the Sewer System, hereafter a connection charge for each Equivalent Dwelling Unit (EDU), or portion thereof. Any fractional EDU shall be rounded off to the next higher whole EDU. An EDU shall be equal to 350 gallons of daily wastewater flow as determined by historical wastewater flow records, or the criteria set forth by the Pennsylvania Department of Environmental Resources Rules and Regulations, whichever is greater. The connection charge shall be paid upon application for a sewer connection permit and shall be based upon the following schedule:

Tapping Fee per EDU

Capacity Part	\$1500.00
Collection Part	\$2000.00
Special Purpose Part	as applicable
Reimbursement Part	as applicable

Section 3. The Code of the Township of Upper Dublin, Title 5 thereof, entitled Health And Sanitation, Chapter 10, Sewer Connections, Sec. 1.01, Definitions, subsection (a), the definition of "Authority", shall be deleted, and all references to "Authority" in this Chapter shall refer instead to Upper Dublin Township.

Section 4. The Code of the Township of Upper Dublin, Title 5 thereof, entitled Health And Sanitation, Chapter 10, Sewer Connections, Sec. 1.05, Connections Must Be Made In Compliance With Rules And Regulations, subsection (b), Permit for Connection, shall be amended to read henceforth as follows:

(b) Permit for Connection

Before making any connection to the Sewer System, a permit must be obtained from the Township. A permit authorizing such connection may be granted after proper application therefor has been made to the Township and upon payment of the connection charge. All permits shall expire after sixty (60) days from the date of issuance, and a new permit, issued upon payment of the connection

charge then in effect, shall be required for any connection not completed prior to the expiration of the preceding permit.


Section 5. Nothing in this Ordinance or in Title 2 or Title 5 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Title 2 or Title 5 prior to the adoption of this amendment.

Section 6. The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining section, sentences, causes, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part or provision has not been included herein.

Section 7. This Ordinance shall take effect and be in force from and after its approval as required by law.

Approved by the Board this 10th day of August, 1993.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN



Richard R. Rulon, President

ATTEST:


Gregory N. Klemick, Secretary

AN ORDINANCE

NO. 846

AN ORDINANCE TO AMEND THE CODE OF UPPER DUBLIN TOWNSHIP, TITLE 7 THEREOF, ENTITLED PUBLIC SAFETY, CHAPTER 9, VEHICLES AND TRAFFIC, TO PROHIBIT TRUCK TRAFFIC ON FORT WASHINGTON AVENUE BETWEEN LIMEKILN PIKE AND WELSH ROAD.

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

Section 1. The Code of the Township of Upper Dublin, Title 7 thereof, entitled Public Safety, Chapter 9 thereof, entitled Vehicles and Traffic, Article 2 thereof, entitled Traffic Regulations, shall be amended to provide as follows:

Article 2 - Traffic Regulations

Sec. 2.06 Truck Traffic Prohibited.

- (a) It shall be unlawful for the owner or operator of any truck, commercial vehicle, tractor trailer or tractor-trailer combination, in excess of one ton capacity, to operate such vehicle on the follow Township streets:

Fort Washington Avenue - from Limekiln Pike to
Welsh Road

- (b) Any person violating any of the provisions of this ordinance shall upon summary conviction before a District Justice be sentenced by paying a fine of not less than Twenty-Five Dollars (\$25.00) and not more than One Hundred Dollars (\$100.00).

Section 2. Nothing in this Ordinance or in Title 7 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Title 7 prior to the adoption of this amendment.

Section 3. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

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

ENACTED AND ORDAINED this 10th day of August, 1993.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

ATTEST:


RICHARD R. RULON, PRESIDENT


GREGORY N. KLEMICK, SECRETARY

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AN ORDINANCE
NO. 847

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF UPPER DUBLIN, TITLE 4, FIRE PREVENTION, CHAPTER 1, BOCA BASIC FIRE PREVENTION CODE, SECTION 1.04, TO DELETE THE PROVISION FOR LEAF BURNING.

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

Section 1. The Code of the Township of Upper Dublin, Title 4, thereof entitled Fire Prevention, Chapter 1 thereof entitle BOCA Basic Fire Prevention Code, Section 1.04 thereof entitled Amendments to BOCA Basic Fire Prevention Code, shall be amended by deleting Article 3, Subparagraphs F-301.5.1 and F-301.5.2 (added by Ordinance No. 732 dated May 12, 1987) which read as follows:

F-301.5.1: All permitted fires shall be kindled or maintained between sunrise and sunset, except by a special permit for burning after sunset issued by the Fire Marshal.

F-301.5.2: The burning of leaves on Saturday between sunrise and sunset and on Sunday from twelve noon to sunset shall be permitted at private homes only, provided, however, that because of unusual drought conditions the burning of leaves may be banned throughout the Township by the Fire Marshal.

Section 2. The Code of the Township of Upper Dublin, Title 4, thereof entitled Fire Prevention, Chapter 1 thereof entitle BOCA Basic Fire Prevention Code, Section 1.04 thereof entitled Amendments to BOCA Basic Fire Prevention Code, shall be amended by deleting Article 3, Subparagraph F-301.8 (added by Ordinance No. 757 dated November 1, 1988) which reads as follows:

F-301.8: The burning of leaves, twigs and branches on Saturday between sunrise and sunset and on Sunday from 12:00 noon to sunset on the first and third weekends of the month only shall be permitted on private residential properties; provided, however, that in the event of unusual drought conditions that such burning may be banned throughout the Township by the Fire Marshall. All fires must be attended.

Section 3. Nothing in this Ordinance or in Title 4 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Title 4 prior to the adoption of this amendment.

Section 4. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence,

clause, part, or provision had not been included herein.

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

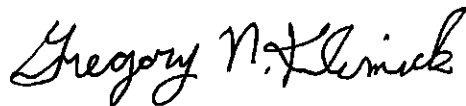
ENACTED AND ORDAINED this 10th day of August, 1993.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

ATTEST:


RICHARD R. RULON, PRESIDENT


GREGORY N. KLEMICK, SECRETARY



AN ORDINANCE

NO. 848

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF UPPER DUBLIN, TITLE 2 THEREOF, ENTITLED ADMINISTRATION, BY ADDING A NEW CHAPTER 14, CALLED "CODE OF ETHICS" FOR ALL OFFICIALS AND EMPLOYEES OF UPPER DUBLIN TOWNSHIP.

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

Section 1. The Code of the Township of Upper Dublin, Title 2 thereof entitled Administration, shall be amended by adding a new Chapter 14 entitled, Code of Ethics, to provide as follows:

Title 2
ADMINISTRATION

Chapter 14
CODE OF ETHICS

- Sec. 1.01 Purpose
- Sec. 1.02 Definitions
- Sec. 1.03 Responsibilities of Public Office
- Sec. 1.04 Conduct of Officials and Employees
- Sec. 1.05 Discrimination
- Sec. 1.06 Conflict of Interest
- Sec. 1.07 Political Activity
- Sec. 1.08 Interpretation of Provisions

Sec. 1.01 Purpose.

A Code of Ethics is hereby established for all officials and employees of Upper Dublin Township, whether elected or appointed, compensated or uncompensated, including all members of advisory and administrative boards and commissions of the township or those in which the township participates with other political subdivisions of the Commonwealth of Pennsylvania. The proper operation of a representative government requires that public officials and employees be independent, impartial and responsible to the people, and that government decisions and policies be made in the best interests of the people and the township. The purpose of this Code is to establish certain ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the township, by

directing disclosure by such officials and employees of financial or other interests in matters affecting the township and by establishing certain responsibilities.

Sec. 1.02 Definitions.

A. Financial Interest - An interest of an official, employee, immediate family member of an official or employee or any person residing in the official or employee's household which exceeds 5% of the total assets or gross income of such official, employee, family member or person residing in the official or employee's household.

B. Gift - Any item of more than nominal value.

C. Official or Employee - All elected and appointed officials, citizen appointees, and all administrative and operational personnel.

Sec. 1.03 Responsibilities of Public Office.

Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this Commonwealth and to carry out impartially the laws of the nation, state and township.

Sec. 1.04 Conduct of Officials and Employees.

Officials and employees shall act within the scope of their authority and within the law and shall work in full cooperation with other public officials and employees unless prohibited from so doing by law.

Sec. 1.05 Discrimination.

No person shall, in his or her employment by the township in any capacity or appointment to any board, authority, commission or agency or removal therefrom, be favored or discriminated against because of age, race, gender, political or religious opinions or affiliations.

Sec. 1.06 Conflict of Interest.

A. No Commissioner or other official or employee of the township shall engage in any business or transaction or shall have any interest which would impair his independence of judgment or action in the performance of his official duties.

B. Specific conflicts of interest which activities are prohibited in the operation of the township are enumerated below for the guidance of officials and employees.

(1) Disclosure of Confidential Information.

No Commissioner or other official or employee shall, without proper authorization, disclose confidential information concerning the property, government or affairs of the township which shall advance the financial or other interests of himself or others.

(2) Gifts and Favors.

(a) No Commissioner or other official or employee shall solicit or accept any valuable gift, whether in the form of service, loan, thing or promise, from any person who to his knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the township; nor shall any such official or employee solicit or accept any gift, favor or thing of value that may tend to influence him in the discharge of his duties or grant in the discharge of his duties any improper favor, service or thing of value. The receipt of casual business meals or refreshments shall not be held to be within the meaning of this provision.

(b) No official or employee of the township or person who seeks appointment on any township board, authority, 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 in connection with such position, employment or appointment; nor shall any such official or employee or person who seeks appointment to a township position give or promise, directly or indirectly, to any person any office, position, employment, benefit or anything of value for the purpose of influencing or obtaining the political support and/or vote of any person, except where such benefit is generally realized by the citizens of the township.

(3) Private Gain.

No Commissioner or other official or employee of the township shall engage in or accept private employment or render services for private interests when such employment or service is in conflict with or prevents the proper discharge of his or her official duties; nor shall any such official or employee engage in any activity or take any action by virtue of an official position from which activity or action the official or employee or any other person or entity in whose welfare the official or employee is interested realize a gain or advantage or receive anything which could be regarded as a gain or advantage, except such gain or advantage generally realized by the citizens of the township as the purposeful result of such activity or action.

(4) Representing Private Interests Before Township Agencies or Courts.

No Commissioner or other official or employee shall represent private interests in any action or proceeding against the interests of the township or in any court litigation to which the township is a party. A Commissioner may appear before the township agencies on behalf of constituents in the course of his duties as a representative of the electorate or the performance of public or civic obligations, provided that a Commissioner may not appear before the Zoning Hearing Board until he has made a good faith effort to consult with the Township Solicitor. However, no Commissioner or other official or employee shall accept a retainer or compensation in respect to any matter pending before a township agency.

(5) Contracts With the Township.

Any Commissioner or other official or employee who has a financial interest in any business entity, transaction or contract with the township or in the sale of real estate, materials, supplies or services to the township shall make known to the Township Secretary such interest in any matter. This provision shall not be applicable to stocks, bonds, mutual funds or other holdings wherein the investment in relation to the entire entity is insignificant. He shall refrain from voting upon or otherwise participating in the transaction or the making of such contract or sale.

(6) Disclosure of Interest in Legislation.

(a) A Commissioner who has any interest in any pending township motion, resolution or ordinance which would impair his independence of judgment or action in the performance of his official duties shall disclose such interest to the Township Secretary and shall abstain from the consideration of or voting upon such matter.

(b) Any other official or employee who has a financial interest and who participates in discussion with or gives an official opinion to the Board of Commissioners shall disclose same.

(7) Use of Public Property.

No Commissioner or other official or employee of the township shall use any public property for personal benefit or profit, except as may be authorized by the Commissioners in the Township Code or other ordinance.

Sec. 1.07 Political Activity.

A. Appointed officials and employees shall not use their office or employment in political campaigns for township candidates.

B. No appointed official or employee shall promise an appointment to any municipal position as a reward for any political activity.

C. Supervisory personnel and appointed officials of the township shall not campaign directly or indirectly for any candidate seeking a township office, shall not participate directly or indirectly in fundraising activities for candidates for township office or elected township officials and shall not participate directly or indirectly in any other political activity of the township.

Sec. 1.08 Interpretation of Provisions.

A. When a Commissioner or other official or employee has doubt as to the applicability or interpretation of any provision of this code, he or she may apply to the Board of Commissioners for an advisory opinion. The Commissioner or other official or employee may submit in writing the question raised and the language to be interpreted without necessarily making reference to a particular set of facts.

B. Nothing in this code shall be deemed to amend, modify, alter or supersede any statutory enactment regarding the privileges, duties or obligations of Township Commissioners or other officials or employees.

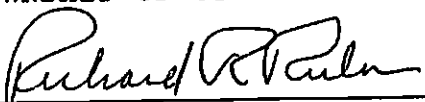
Section 2. Nothing in this Ordinance or in Title 2 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Title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

Section 3. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

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

ENACTED AND ORDAINED this 14th day of September, 1993.

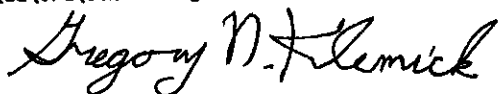
BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN


RICHARD R. RULON, PRESIDENT

ATTEST:


GREGORY N. KLEMICK, SECRETARY

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AN ORDINANCE
NO. 849

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF UPPER DUBLIN, TITLE 10 THEREOF, ENTITLED ZONING, CHAPTER 1, ARTICLE II, DEFINITIONS, SECTION 2.01, BY ADDING A NEW DEFINITION FOR THE TERM "GROSS VEHICLE WEIGHT", AND ARTICLE V, GENERAL PROVISIONS GOVERNING RESIDENTIAL DISTRICTS, SECTION 5.03, PARKING RESTRICTIONS, BY DELETING REFERENCE TO THE TERM "GROSS WEIGHT" AND REPLACING IT WITH THE NEWLY DEFINED TERM "GROSS VEHICLE WEIGHT", AND BY CLARIFYING THE LANGUAGE RESTRICTING THE PARKING AND STORING OF TRUCKS, TRACTOR-TRAILERS, CONSTRUCTION VEHICLES AND COMMERCIAL VEHICLES ON STREETS AND PROPERTIES IN RESIDENTIAL ZONES.

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

Section 1. The Code of the Township of Upper Dublin, Title 10 thereof, entitled Zoning, Chapter 1, Article 2, Definitions, Section 2.01, shall be amended by adding thereto the following:

ARTICLE II. Definitions

Section 2.01 Definitions

* * * * *

AAD. Gross Vehicle Weight. The value specified on the Federal Weight Certification Label by the manufacturer as the loaded weight of a single vehicle.

Section 2. The Code of the Township of Upper Dublin, Title 10 thereof, entitled Zoning, Chapter 1, Article V, General Provisions Governing Residential Districts, Section 5.03, Parking Restrictions, shall be amended as follows:

Section 5.03 Parking Restrictions

It shall be unlawful for the owner or operator of any truck, tractor-trailer, construction vehicle, or commercial vehicle having a gross vehicle weight of nine thousand (9,000) pounds or more, to park such vehicle at any time on any residential street or on any property within a residential zone in the Township of Upper Dublin, except when making deliveries or improvements to the property on such street. Only one (1) truck, tractor-trailer, construction vehicle, or commercial vehicle with a lesser gross vehicle weight than nine thousand (9,000) pounds may be parked or stored on any property within a residential zone at any time.

No repairs or body and fender work may be done within the limits of any street in a residential zone except for those designated as emergency repairs.

Section 3. Nothing in this Ordinance or in Title 10 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Title 10 prior to the adoption of this amendment.

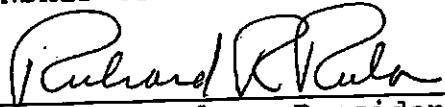
Section 4. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sections, clause, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

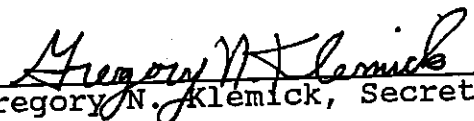
Section 5. This Ordinance shall take effect and be in force from and after its approval as required by law.

ENACTED AND ORDAINED this 14th day of September 1993.

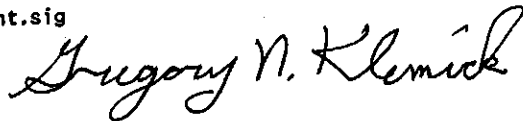
BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

ATTEST:


Richard R. Rulon, President


Gregory N. Klemick, Secretary

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AN ORDINANCE
NO. 850

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF UPPER DUBLIN, TITLE 10 THEREOF, ENTITLED ZONING, ARTICLE 17, VIOLATIONS, FINES, REMEDIES, SECTION 17.01, FINES, BY CLARIFYING THE OFFENDERS, AND BY CHANGING THE CURRENT FINE FOR VIOLATING ANY PROVISION OF THE ZONING REGULATIONS FROM \$600 OR IMPRISONMENT FOR EACH AND EVERY OFFENSE, TO \$500 PLUS ALL COURT COSTS, INCLUDING REASONABLE ATTORNEYS FEES INCURRED BY THE TOWNSHIP AS A RESULT THEREOF.

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

Section 1. The Code of the Township of Upper Dublin, Title 10 thereof, entitled Zoning, Article 17, Violations, Fines, Remedies, Section 17.01, Fines, shall be amended to provide as follows:

For any and every violation of the provisions of this Ordinance, the person, partnership or corporation who or which has violated or permitted the violation of the provisions of the Zoning Ordinance, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, shall pay a judgment of not more than Five Hundred (\$500.00) Dollars plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof for each offense. Whenever such person shall have been notified by the Zoning Officer or by service of warrant in its prosecution, or in any other way, that he is committing such violation of this Ordinance, each day that he shall continue shall constitute a separate offense.

Section 2. Nothing in this Ordinance or in Title 10 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Title 10 prior to the adoption of this amendment.

Section 3. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

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

Approved by the Board this 14th day of September, 1993.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

Richard R. Rulon, President

ATTEST:



Gregory N. Klemick, Secretary

AN ORDINANCE
NO. 851

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF UPPER DUBLIN, TITLE 10 THEREOF, ENTITLED ZONING, ARTICLE 22, CONDITIONAL USE BY THE BOARD OF COMMISSIONERS, SECTION 22.01, CONDITIONAL USE, BY SETTING FORTH NEW STANDARDS AND CRITERIA WHICH THE APPLICANT MUST MEET BEFORE THE BOARD OF COMMISSIONERS MAY GRANT APPROVAL OF A CONDITIONAL USE APPLICATION; AND BY ADDING A NEW SUBSECTION (D) BURDEN OF PROOF, AND A NEW SUBSECTION (E), EXPIRATION OF CONDITIONAL USE.

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

Section 1. The Code of the Township of Upper Dublin, Title 10 thereof, entitled Zoning, Article 22, entitled Conditional Use By the Board of Commissioners, Section 22.01, entitled Conditional Use, Section C, which presently provides as follows:

Sec. 22.01 Conditional Use.

* * * * *

C. Reasonable conditions to insure the compatibility of the conditional use to surrounding uses and (sic) as are necessary to fulfill the general purpose of this ordinance may be imposed in approving the application. Such conditions may include, but one (sic) not limited to the following:

1. Special yards and spaces.
2. Fences and walls.
3. Special parking and/or loading dropoff provisions.
4. Control of vehicular ingress and egress.
5. A time period in which the proposed use shall be developed.

shall be deleted in its entirety.

Section 2. The Code of the Township of Upper Dublin, Title 10 thereof, entitled Zoning, Article 22, Conditional Use by The Board of Commissioners, Section 22.01, Conditional Use, shall be amended by adding thereto a new Section C, Standards and Criteria, to provide henceforth as follows:

Sec. 22.01 Conditional Use.

* * * * *

C. Standards and Criteria. The Board of Commissioners may grant approval of a listed conditional use under any

district, provided that the following standards and criteria are complied with by the applicant for the conditional use. The burden of proving compliance with such standards and criteria shall be on the applicant.

- (1) The applicant shall establish by credible evidence that the proposed use or other subject of consideration for approval complies with the declaration of legislative intent that may appear at the beginning of the applicable district under which approval is sought.
- (2) The applicant shall establish by credible evidence that the proposed use or other subject of consideration for approval complies with the conditions enumerated in that section of the Zoning Code which gives the applicant the right to seek a conditional use.
- (3) The applicant shall establish by credible evidence that the proposed use or other subject of consideration for approval shall preserve the environmental and physical assets of the neighborhood including, but not limited to parking, traffic movement, noise, landscaping, buffering and lighting.
- (4) The applicant shall establish by credible evidence that the proposed use or other subject of consideration for approval shall be properly serviced by all existing public service systems.
- (5) The applicant shall establish by credible evidence that the proposed use or other subject of consideration for approval shall make accommodation for peak traffic generated by the proposed use.
- (6) The applicant shall establish by credible evidence that the proposed use or other subject of consideration for approval is designed in accordance with the Township Code with regard to internal traffic circulation, parking, buffering, grading, stormwater management, erosion control and all other elements of proper land planning.
- (7) The Board of Commissioners shall impose such reasonable conditions and safeguards as are advisable to ensure compliance with the purpose and intent of this Code, which may

include, without limitation, planting and buffers, special yards and spaces, construction of fences and walls, special parking and/or loading and dropoff provisions together with control of vehicles' egress and ingress, harmonious design of buildings, protection of water courses, the protection of environmental amenities and the elimination of noxious, offensive or hazardous elements.

- (8) The applicant shall establish by credible evidence that the proposed use or other subject of consideration for approval will not adversely affect the health, safety and welfare of the neighborhood and community.

D. Burden of Proof.

- (1) Specific Code Requirements. The applicant has the burden of persuasion and the duty to go forward with evidence with respect to the specific requirements of the Township Codes including (a) the requirement that the use be one permitted by conditional use, (b) specific requirements applicable to the conditional use, (c) general requirements of the Township Code, including but not limited to, lot areas and parking requirements and (d) specific public interest criteria listed in the Township Codes. If the applicant meets this burden, a presumption will arise that the proposed use is consistent with the health, safety and general welfare of the community.
- (2) General Effect of the Proposed Use. Protestants, if they choose to participate, have the burden to present evidence and to persuade the Board that the proposed use has a generally detrimental effect on the health, safety and welfare of the neighborhood, or that it will conflict with the general policies outlined in the Township Codes. Protestants must raise specific issues and establish a high degree of probability that the proposed use will have a substantially detrimental effect on the health, safety and welfare of the neighborhood. If protestants meet this burden, then the applicant must go forward and meet its burden of persuasion with regard to criteria relating to the general detrimental effect of the proposed use raised by the protestants.

- (3) General Policy Concerns. With regard to general policy concerns outlined in the Township Codes, including but not limited to, whether the application is in harmony with the spirit, intent, and purpose of the ordinance, the burden of persuasion and duty to go forward fall on the protestants, if any.

E. Expiration of Conditional Use. Conditional use approvals shall expire twelve (12) months after granted unless applicant obtains a use and occupancy permit or a building permit from the Township Code Enforcement Department relative to the conditional use, or unless applicant obtains an extension of the grant of the conditional use by Resolution of the Board of Commissioners.

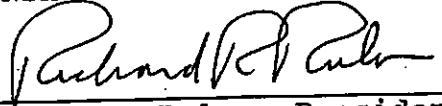
Section 3. Nothing in this Ordinance or in Title 10 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Title 10 prior the adoption of this amendment.

Section 4. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provisions thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining section, sentences, causes, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part or provision had not been included herein.


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

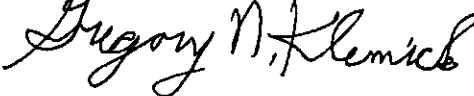
Approved by the Board this 14th day of September 1993.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN


Richard R. Rulon, President

ATTEST:


Gregory N. Klemick, Secretary



AN ORDINANCE
NO. 852

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF UPPER DUBLIN, TITLE 10 THEREOF, ENTITLED ZONING, ARTICLE 16, ZONING HEARING BOARD, TO ADD A NEW SECTION 16.13, BURDEN OF PROOF FOR GRANT OF SPECIAL EXCEPTIONS, OUTLINING THE BURDEN OF PROOF IN A SPECIAL EXCEPTION CASE.

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

Section 1. The Code of the Township of Upper Dublin, Title 10 thereof, entitled Zoning, Article 16, Zoning Hearing Board, shall be amended to add a new section 16.13, Burden of Proof for Grant of Special Exception which will provide as follows:

Sec. 16.13 Burden of Proof for Grant of Special Exception.

A. Specific Code Requirements. The applicant has the burden of persuasion and the duty to go forward with evidence with respect to the specific requirements of the Township Codes including (a) the requirement that the use be one permitted by special exception, (b) specific requirements applicable to the special exception, (c) general requirements of the Township Codes, including but not limited to, lot areas and parking requirements and (d) specific public interest criteria listed in the Township Codes. If the applicant meets this burden, a presumption will arise that the proposed use is consistent with the health, safety and general welfare of the community.

B. General Effect of the Proposed Use. Protestants, if they choose to participate, have the burden to present evidence and to persuade the Board that the proposed use has a generally detrimental effect on the health, safety and welfare of the neighborhood, or that it will conflict with the general policies outlined in the Township Codes. Protestants must raise specific issues and establish a high degree of probability that the proposed use will have a substantially detrimental effect on the health, safety and welfare of the neighborhood. If protestants meet this burden, then the applicant must go forward and meet its burden of persuasion with regard to criteria relating to the general detrimental effect of the proposed use raised by the protestants.

C. General Policy Concerns. With regard to general policy concerns outlined in the Township Codes, including but not limited to, whether the application is in harmony with the spirit, intent, and purpose of the ordinance,

the burden of persuasion and duty to go forward fall on the protestants, if any.

Section 2. Nothing in this Ordinance or in Title 10 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Title 10 prior to the adoption of this amendment.

Section 3. The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining section, sentences, causes, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part or provision has not been included herein.

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

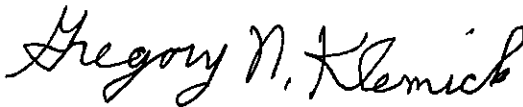
Approved by the Board this 14th day of September 1993.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN


Richard R. Rulon, President

ATTEST:


Gregory N. Klemick, Secretary



AN ORDINANCE
NO. 853

An Ordinance amending the code of the Township of Upper Dublin, Title 10 thereof, entitled Zoning, Article 16, Zoning Hearing Board, Section 16.09 Expiration of Special Exceptions and Variances, by increasing the expiration date to twelve (12) months from the date of authorization.

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

Section 1. The Code of the Township of Upper Dublin, Title 10 thereof, entitled Zoning, Article 16, Zoning Hearing Board, Section 16.09, Expiration of Special Exceptions and Variances, shall be amended to provide as follows:

Section 16.09 Expiration of Special Exceptions and Variances

Unless otherwise specified by the Board, a special exception or variance shall expire if the applicant fails to obtain a building permit or a use and occupancy permit, if applicable, within twelve (12) months of the date of authorization thereof.

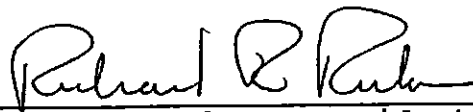
Section 2. Nothing in this Ordinance or in Title 10 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Title 10 prior to the adoption of this amendment.

Section 3. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part or provision had not been included herein.

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

Approved by the Board this 14th day of September, 1993.

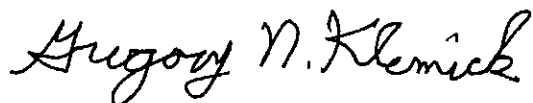
BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN



Richard R. Rulon, President

ATTEST:



Gregory N. Klemick, Secretary

AN ORDINANCE
NO. 854

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF UPPER DUBLIN, TITLE 10 THEREOF, ENTITLED ZONING, ARTICLE 4, GENERAL ZONING REGULATIONS, SECTION 4.07, ACCESSORY BUILDINGS, STRUCTURES, AND USES, SUBSECTION (B), USES ACCESSORY TO DWELLING, TO AMEND THE REQUIREMENTS OF A PROFESSIONAL OFFICE PERMITTED AS A SPECIAL EXCEPTION IN A SINGLE FAMILY DWELLING OR A BUILDING ACCESSORY THERETO BY ADDING A NEW SUBSECTION (B)(7) LISTING THE CRITERIA TO BE FOUND BY THE ZONING HEARING BOARD BEFORE PERMITTING THE USE AS A SPECIAL EXCEPTION AND BY DELETING THE EXISTING REQUIREMENTS DESCRIBED IN SUBSECTION (B)(5)(c).

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

Section 1. The Code of the Township of Upper Dublin, Title 10 thereof, entitled Zoning, Article 4, entitled General Zoning Regulations, Section 4.07, entitled Accessory Buildings, Structures, and Uses, Subsection B, entitled Uses Accessory to Dwelling, shall be amended by deleting existing paragraph 5(c) in its entirety as follows:

(c) A professional office to include the office or studio of a doctor, dentist, masseur, teacher, artist, architect, musician, lawyer, magistrate or practitioner of a similar nature. Provided that the office or studio room is located in a dwelling or in a building accessory thereto, of the professional and no sign or advertisement is shown other than a sign not larger than six (6) inches by eighteen (18) inches bearing only the name and occupation (words only) of the practitioner, and provided further that the profession is conducted by the occupants with not more than two (2) persons from outside the residence to assist in such use. Parking must be provided off street and must have two (2) spaces for the dwelling unit and a minimum of three (3) spaces or one (1) space for each 200 square feet of gross office space. (A parking space is ten feet by twenty feet (10' x 20')).

Section 2. The Code of the Township of Upper Dublin, Title 10 thereof, entitled Zoning, Article 4, entitled General Zoning Regulations, Section 4.07, entitled Accessory Buildings, Structures, and Uses, Subsection B, entitled Uses Accessory to Dwelling, shall be amended by adding thereto a new paragraph 7 as follows:

7. A professional office is permitted in a single family dwelling or in a building accessory thereto, when authorized as a special exception upon determination by the Zoning Hearing Board that the following criteria will be met:

- (a) The professional office will be used only by a practitioner licensed by the Commonwealth of Pennsylvania as a doctor, lawyer, dentist, psychologist, psychiatrist, engineer, architect, accountant or a rabbi, priest or minister affiliated with a local religious institution.
- (b) The profession will be conducted, managed and operated primarily by a resident of the dwelling.
- (c) No more than a total of four (4) individuals will work or assist in the office; no more than two (2) of these individuals will be non-residents of the dwelling.
- (d) The office will be located in the dwelling or in a building accessory thereto.
- (e) The gross office space will not exceed 600 sq. ft.
- (f) Only one sign will be displayed on the subject premises for the office, and that sign will not be larger than six (6") inches by eighteen (18") inches bearing the name and occupation, in words only, of the practitioner.
- (g) Parking will be provided off street and will include two (2) spaces for the dwelling and at least three (3) additional spaces for use by employees or clients of the profession. Off-street, on-site parking must be provided for all non-resident employees and clients.
- (h) The required parking spaces will be paved with an all-weather material as required by the Township Codes, however, the Zoning Hearing Board may determine that a certain number of the required spaces may be held in reserve and remain unpaved until one or all of the

reserved required spaces become necessary at some time in the future, with such determination to be left to the discretion of the property owner.

- (i) The additional requirements for the professional office parking will be provided in the side or rear yard only. The setback of the parking area and the approaches thereto will be no closer to an adjacent lot than an accessory building in the same zoning district may be located pursuant to the Zoning Code.
- (j) All driveways will be constructed to permit the turning of vehicles on the lot so as to avoid the necessity of backing into the street.
- (k) Any increased water runoff from the subject property caused by construction to the professional office or the additional parking therefore will be fully recharged on the subject property.
- (l) Landscaped plantings sufficient to screen the parking area from adjacent lots will be provided and maintained. A plan of such landscaping shall accompany the zoning application.

This provision is not intended to restrict individuals from conducting an occupation in their homes on a full or part-time basis if such activity does not generate vehicular traffic to the home and if non-residents do not work or assist with the occupation in the dwelling.

Section 3. Nothing in this Ordinance or in Title 10 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Title 10 prior the adoption of this amendment.

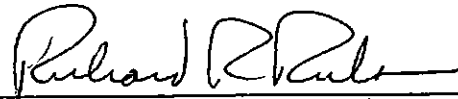
Section 4. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provisions thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining section, sentences, causes, parts or provisions of this Ordinance. It is hereby declared to be the

intent of the Board that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part or provision had not been included herein.

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

Approved by the Board this 14th day of September 1993.

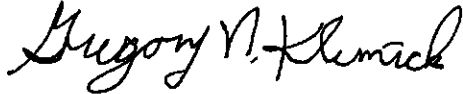
BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN



Richard R. Rulon, President

ATTEST:


Gregory N. Klemick, Secretary



AN ORDINANCE
NO. 855

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF UPPER DUBLIN, TITLE 10 THEREOF, ENTITLED ZONING, ARTICLE 15, FLOODPLAIN CONSERVATION DISTRICT, SECTION 15.01, DEFINITION AND ESTABLISHMENT OF FLOODPLAIN CONSERVATION DISTRICT, TO PROVIDE FOR THE REDEFINITION AND REESTABLISHMENT OF THE BOUNDARIES OF THE FLOODPLAIN DISTRICT FROM TIME TO TIME; AND SECTION 15.09, BOUNDARY DISPUTES AND APPEALS PROCEDURE, TO PROVIDE THAT IN CASES OF DISPUTE CONCERNING THE BOUNDARIES, OF A FLOODPLAIN CONSERVATION DISTRICT, AN INITIAL DETERMINATION WILL BE MADE BY THE TOWNSHIP ZONING OFFICER AFTER CONSULTATION WITH THE TOWNSHIP ENGINEER.

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

Section 1. The Code of the Township of Upper Dublin, Title 10 thereof, entitled Zoning, Article 15 thereof, entitled Floodplain Conservation District, Section 15.01 thereof, entitled Definition and Establishment of Floodplain Conservation District, shall be amended by the addition of subsection A(4), to provide as follows:

Sec. 15.01 Definition and Establishment of Floodplain Conservation District.

* * * * *

4. The boundaries of the Floodplain District may be redefined or reestablished from time to time upon recommendation by the Township Engineer after application and presentation of detailed engineering studies and any additional, pertinent supporting data to the Township Engineer.

* * * * *

Section 2. The Code of the Township of Upper Dublin, Title 10 thereof, entitled Zoning, Article 15 thereof, entitled Floodplain Conservation District, Section 15.09 thereof, entitled Boundary Disputes and Appeals Procedure, shall be amended as follows:

Sec. 15.09 Boundary Disputes and Appeals Procedure

A. In cases of any dispute concerning the boundaries of a Floodplain Conservation District, initial determination shall be made by the Township Zoning Officer after consultation with the Township Engineer.

* * * * *

Section 3. Nothing in this Ordinance or in Title 10 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Title 10 prior to the adoption of this amendment.

Section 4. The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining section, sentences, causes, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part or provision has not been included herein.

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

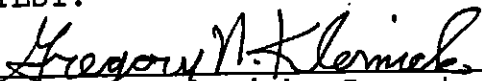
Approved by the Board this 14th day of September 1993.

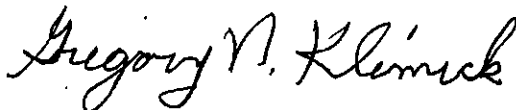
BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN



Richard R. Rulon, President

ATTEST:



Gregory N. Klemick, Secretary

AN ORDINANCE
NO. 856

AN ORDINANCE TO AMEND the Code of the Township of Upper Dublin, Title 10 thereof, entitled Zoning, Chapter 1, Zoning, Article 14, Signs, Section 14.03, General Sign Restrictions, Subsection G, by prohibiting temporary signs, banners, or displays advertising elections or promoting candidates for that election, fairs, social events, garage sales, and the like from being erected in the right of way or on township property; by removing the requirement for a deposit when applying for a permit to erect a sign; and by establishing the requirement that temporary signs advertising elections may not be erected more than 31 days before the election and that all temporary signs be removed 7 days following the advertised event or election.

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

Section 1. The Code of the Township of Upper Dublin, Title 10 thereof, entitled, Zoning, Chapter 1, Zoning, Article 14, Signs, Section 14.03, General Sign Restrictions, Subsection G, shall be amended to provide as follows:

Sec. 14.03 General Sign Restrictions

G. Temporary signs, banners, or displays advertising elections or promoting candidates for that election, fairs, social events, garage sales, and the like shall not be erected in the right of way or on Township property. Such temporary signs must be removed within seven (7) days following the date of the event advertised by said signs including an election. No temporary sign as defined above may be erected more than fourteen (14) days prior to the event advertised, with the exception of temporary signs advertising elections or promoting candidates for that election, which signs may be erected no more than thirty-one (31) days prior to the advertised election. Advertising by tacking, posting or otherwise affixing posters or other advertising upon poles, trees, buildings, fences or other structures shall be prohibited without the consent of the property owner.

Section 2. Nothing in this Ordinance or in Title 10 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Title 10 prior to the adoption of this amendment.

Section 3. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

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

ENACTED AND ORDAINED this 14th day of September, 1993.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

ATTEST:


RICHARD R. RULON, PRESIDENT


GREGORY N. KLEMICK, SECRETARY


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AN ORDINANCE

NO. 857

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF UPPER DUBLIN, TITLES 3 AND 10 THEREOF, ENTITLED BUILDING AND CONSTRUCTION, AND ZONING, RESPECTIVELY, TO REQUIRE SUBMISSION OF A PLAN OR SURVEY PREPARED BY A PROFESSIONAL ENGINEER OR LAND SURVEYOR ONLY UNDER CERTAIN CIRCUMSTANCES, AND AUTHORIZING THE DIRECTOR OF CODE ENFORCEMENT TO WAIVE THE REQUIREMENT, UPON REQUEST.

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

Section 1. The Code of the Township of Upper Dublin, Title 3 thereof, entitled Building and Construction, Chapter 1 thereof, entitle Building Code, Article 1 thereof, entitled BOCA Basic Building Code, shall be amended as follows:

Sec. 1.03 Amendments.

111.6 Site Plan:

When a plot plan is required for a Zoning Hearing Board hearing, the owner of the building, in filing applications for the erection or addition of any building, shall submit four (4) copies of a plot plan to scale, prepared by a Registered Professional Engineer, or Land Surveyor, such plans shall show the following:

Section 2. The Code of the Township of Upper Dublin, Title 10 thereof, entitled Zoning, Article 16 thereof, entitled Zoning Hearing Board, shall be amended as follows:

Sec. 16.12 Plot or Lot Plan Required for a Variance or Special Exception.

A plot or lot plan or survey drawn to scale and prepared by a registered engineer or land surveyor is required for every appeal to the Zoning Hearing Board seeking a variance, a special exception or an interpretation where a building or addition is built or proposed up to or beyond a required yard, or where there is no readily available method to determine where the property boundary is, or where the Director of Code Enforcement otherwise deems it necessary to determine if the proposed application is in compliance with the Code.

Said plan shall show, among others, existing structures on the lot and within twenty-five (25) feet beyond the boundaries of said lot; any proposed structure; distances between existing and proposed structures and the several boundary lines of the lot on which the structure exists or is proposed; existing or proposed easements or rights-of-way, streets or highway, both public and private; the existing zoning district or districts; and the proposed use or uses.

The Director of Code Enforcement may waive this requirement or modify same upon request by the applicant.

Section 3. The Code of the Township of Upper Dublin, Title 10 thereof, entitle Zoning, Article 19 thereof, entitled Administration, shall be amended as follows:

Sec. 19.03 Application for Permits.

All applications for permits shall be made in writing by the owner or tenants or authorized agent, and shall be filed with the zoning officer. Unless any of the following requirements are waived by the Director of Code Enforcement, upon request, the application:

1. Shall include a statement as to the proposed use of the building and/or land.

- 2. Shall be accompanied by working plans drawn to scale, showing the location of the building in relation to property and road lines.
- 3. Shall include a statement that the side lines of all roads shown on the plan have been located and staked on the premises by a surveyor or other person competent to give such location.
- 4. Shall give the name and address of the person who has so located and staked the road lines.

Section 4. Nothing in this Ordinance or in Title 3 or Title 10 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Title 3 or Title 10 prior to the adoption of this amendment.

Section 5. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

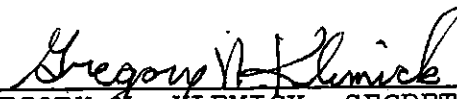
Section 6. This Ordinance shall take effect and be in force from and after its approval as required by law.

ENACTED AND ORDAINED this 12th day of October, 1993.

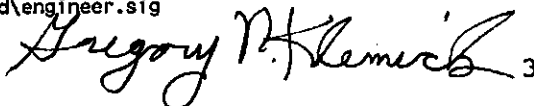
BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

ATTEST:


RICHARD R. RULON, PRESIDENT


GREGORY W. KLEMICK, SECRETARY

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AN ORDINANCE

NO. 858

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF UPPER DUBLIN TITLE 10, ZONING, ARTICLE 2, DEFINITIONS, BY REDEFINING THE TERM "FAMILY" AND BY DEFINING THE TERM "COMMUNITY RESIDENTIAL PROGRAM"; ARTICLE 5, GENERAL PROVISIONS GOVERNING RESIDENTIAL DISTRICTS, BY PROVIDING FOR COMMUNITY RESIDENTIAL PROGRAMS AS A PERMITTED USE IN RESIDENTIAL DISTRICTS WITH SEPARATION, PARKING AND REGISTRATION REQUIREMENTS ON THE USE; AND ARTICLE 9, OFF-STREET PARKING, BY INCLUDING PARKING REQUIREMENTS FOR COMMUNITY RESIDENTIAL PROGRAMS.

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

Section 1. The Code of the Township of Upper Dublin, Title 10 thereof, entitled Zoning, Article 2, Definitions, Section 2.01, Definitions, should be amended to provide as follows:

* * * * *

K. **Family** - any number of individuals living and cooking together as a single housekeeping unit, including not more than three (3) unrelated individuals. The term "unrelated individual" shall include any individual who is unrelated by blood, marriage, or legal adoption to one or more other individuals in the unit, but it excludes domestic servants and up to four minor foster children. The term "family" shall include a community residential program for not more than three (3) unrelated individuals.

* * * * *

AAE. **Community Residential Program** - an establishment, sometimes referred to as a community living arrangement or a group home, licensed by the Commonwealth of Pennsylvania, that provides a home for not more than eight (8) handicapped individuals, not fitting the definition of family, excluding staff who do not reside on the property, who live and cook together as a single housekeeping unit. This definition shall not include a facility housing persons released from or under the

jurisdiction of a government bureau of corrections or similar institution. "Handicapped" means with respect to a person:

- (1) a physical or mental impairment which substantially limits one or more of such person's major life activities,
- (2) a record of having such an impairment, or
- (3) being regarded as having such an impairment; but such term does not include current, illegal use of or addiction to a controlled substance (as defined in section 102 of the Controlled Substances Act [21 U.S.C. 802]).

Section 2. The Code of the Township of Upper Dublin, Title 10 thereof, entitled Zoning, Article 5, General Provisions Governing Residential Districts, Section 5.01, Permitted Uses shall be amended thereto as follows:

* * * * *

3A. Community Residential Program.

- (a) No community residential program shall be permitted if any other community residential program is located in any residential zoning district within one thousand five hundred (1,500) feet, 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.
- (b) In residential districts which have more than a single set of area and width regulations, community residential programs shall meet the area and width regulations for single-family dwellings.
- (c) Each community residential program must make application to and obtain from the Board of Commissioners a permit (Housing License) which shall be issued after an inspection by the Township to ensure that the buildings meet the standards of the BOCA Basic Property Maintenance Code currently adopted by the Township. This requirement is applicable regardless of whether the residents of the community residential program are lessees or owners of the community residential program.

- (d) Off-street, on-site parking must be provided and will include at least two (2) spaces for the community residential program and at least one (1) additional space for every staff member working on the premises. Parking must be provided in the side or rear yard only. The setback of the parking area and the approaches thereto will be no closer to an adjacent lot than an accessory building in the same zoning district may be located pursuant to the Zoning Code. All driveways must be constructed to permit the turning of vehicles on the lot so as to avoid the necessity of backing into the street.
- (e) It is the intent of this subsection to make reasonable accommodations in the rules, policies and practices within this Township to afford all handicapped persons equal opportunity to use and enjoy a dwelling in satisfaction of the requirements of the Fair Housing Act (42 U.S.C.S §§3601, et seq.) as amended. No provision of this article shall require that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

Section 3. The Code of the Township of Upper Dublin, Title 10 thereof, entitled Zoning, Article 9, Off-Street Parking and Loading, Section 9.00, Required Off-Street Parking Facilities, shall be amended by adding thereto as follows:

* * * * *

- 2.(g) Community Residential Program: At least two (2) parking spaces for each community residential program occupying a premises, plus one (1) parking space for every staff member working on the premises.

Section 4. Nothing in this Ordinance or in Title 10 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Title 10 prior to the adoption of this amendment.

Section 5. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the

intent of the Board that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

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

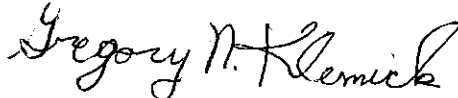
ENACTED AND ORDAINED this 12th day of *October*, 1993.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

ATTEST:


RICHARD R. RULON, PRESIDENT


GREGORY N. KLEMICK, SECRETARY



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Ordinance 859

UPPER DUBLIN TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

AN ORDINANCE AUTHORIZING THE PARTICIPATION OF UPPER DUBLIN TOWNSHIP IN THE DELAWARE VALLEY WORKERS' COMPENSATION TRUST IN ACCORDANCE WITH THE PENNSYLVANIA WORKERS' COMPENSATION ACT AND THE PENNSYLVANIA INTERGOVERNMENTAL COOPERATION LAW.

The Board of Commissioners of Upper Dublin Township, Montgomery County, Pennsylvania does hereby enact and ordain:

Section 1: That the Board of Commissioners of Upper Dublin Township is hereby authorized to execute the Delaware Valley Workers' Compensation Trust Agreement for the participation of Upper Dublin in the Delaware Valley Workers' Compensation Trust, which Agreement is attached hereto as Exhibit "A" and is on file for inspection and review at Upper Dublin, Pennsylvania. This Agreement may be amended after the enactment of this Ordinance to conform to any requirements imposed by the Commonwealth of Pennsylvania and any of its agencies, including the Department of Labor and Industry Bureau of Workers' Compensation.

Section 2: That the participation of Upper Dublin in the Delaware Valley Workers' Compensation Trust is authorized for the purpose of enabling Upper Dublin to reduce the cost of workers' compensation claims through the creation of a group self-insurance fund.

Section 3: That Upper Dublin 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.

Section 4: That 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.

Section 5: 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.

Section 6: As set forth in the Delaware Valley Workers' Compensation Trust Agreement, the following conditions, among others, apply to the participation of Upper Dublin in the Delaware Valley Workers' Compensation Trust:

- a. That the Trust shall consist of at least five homogeneous municipal participants organized as local government agencies under Pennsylvania law;

- b. That each participant satisfied all eligibility and admission requirements for membership in the Trust;
- c. That 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.
- d. That 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.
- e. That 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 work place risks to its employees;
- f. That each participant 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 the claims.
- g. That each participant designate a person to be responsible for all contacts with the Trust;
- h. That each participant provide any information to the Administrator or Board of Trustees as may be required to effect the purposes and objectives of the Trust; and
- i. That each participant comply 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.

Section 7: That Upper Dublin agrees to participate in the Trust for a minimum period of two (2) 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 Agreement:

- a. 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;

- b. That the withdrawing participant is not then in default of its obligation to pay premiums, contributions or assessments;
- c. That 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 By-Laws; and
- d. That 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.

Section 8: That participation of Upper Dublin 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.

Section 9: All contributions and assessments paid by Upper Dublin shall be made with funds appropriated by Upper Dublin for that purpose.

Section 10: The organizational structure of the Trust shall consist of a Board of Trustees, an Administrator, claims administration/loss control consultant(2) and various service agents appointed by the Board of Trustees in accordance with the Delaware Valley Workers' Compensation Trust Agreement and any By-Laws adopted pursuant thereto.

Section 11: 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.

Section 12: 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.

Section 13: As a condition of participating in the Delaware Valley Workers' Compensation Trust, Upper Dublin agrees to:

- a. Pay all annual contributions or assessments as may be required by the Board of Trustees;


- b. 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;
- c. 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.
- d. Withdraw from the Trust only upon satisfaction of the conditions set forth in the Delaware Valley Workers' Compensation Trust Agreement;
- e. 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;
- f. 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;
- g. 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; and
- h. 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 required by the Board of Trustees or their designee.

Section 14: This Ordinance is being enacted pursuant to the Pennsylvania Intergovernmental Cooperation Law.

Section 15: All ordinances or resolutions or part thereof insofar as they are inconsistent with this Ordinance are hereby appealed.

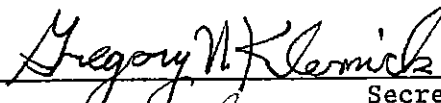
Approved this 12th day of October, 1993.

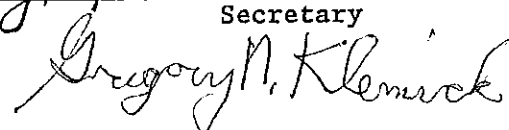
Signed:



 President

Attest:



 Secretary


Revised September 8, 1993

(Highlighted Copy)

DELAWARE VALLEY WORKERS' COMPENSATION TRUST
INTERGOVERNMENTAL AGREEMENT

**DELAWARE VALLEY WORKERS' COMPENSATION TRUST
INTERGOVERNMENTAL AGREEMENT**

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DELAWARE VALLEY WORKERS' COMPENSATION TRUST

INTERGOVERNMENTAL AGREEMENT

This is the Delaware Valley Workers' Compensation Intergovernmental Agreement (the "Trust Agreement"), effective as of November 1, 1993, by and among municipalities (as hereinafter defined) of the Commonwealth of Pennsylvania which are now and hereafter parties signatory to this Agreement and listed in Appendix "A" hereof, as may be amended from time to time. This Agreement is intended to amend and supersede the previous Trust Agreement which was effective as of January 1, 1991.

PREAMBLE

WHEREAS, certain municipalities (hereinafter referred to as "Participants" or "participating municipalities" in the Commonwealth of Pennsylvania desire to create a group self-insurance trust fund for the payment of workers' compensation claims under the Pennsylvania Workers' Compensation Act, 77 P.S. § 1, et seq., as amended and the Pennsylvania Occupational Disease Act, 77 P.S. §1201 et seq.; and

WHEREAS, the Trust created under this Agreement shall be known as the Delaware Valley Workers' Compensation Trust; and

WHEREAS, the Delaware Valley Workers' Compensation Trust hereby agrees to fully comply with the Pennsylvania Workers' Compensation Act, 77 P.S. §1 et seq., as amended, and any regulations promulgated thereunder; and

WHEREAS, this Agreement is being executed by the parties hereunder pursuant to the Pennsylvania Intergovernmental Cooperation Law, 53 Pa. C.S.A. §481 et seq. and the Workers' Compensation Act, 77 P.S. §1, et seq., as amended; and

WHEREAS, this Agreement is also authorized by the Pennsylvania Political Subdivision Tort Claims Act, 42 Pa. C.S.A. §8541 et seq.; and the Municipality Authorities Act of 1945, 53 Pa. C.S.A. §301 et seq.; and

WHEREAS, the Participants hereby delegate to the Delaware Valley Workers' Compensation Trust the authority and obligation to pay workers' compensation benefits on their behalf and discharge all of their liabilities under the Pennsylvania Workers' Compensation Act, 77 P.S. §1, et seq., as amended, and the Pennsylvania Occupational Disease Act, 77 P.S. §1201, et seq.; and

WHEREAS, the group self-insurance fund and Trust created by this Agreement shall not be deemed an insurer or insurance company and shall not be subject to the provisions of the insurance laws and regulations, except as specifically otherwise provided in the Pennsylvania Workers' Compensation Act, 77 P.S. §1, as amended; and

WHEREAS, ~~a Trust fund~~ will be created through contributions by ~~the~~ Participants which fund shall be used for the payment of workers' compensation claims and related expenses incurred on behalf of each Participant. These funds shall be administered by a Board of Trustees in accordance with the terms and conditions of this Agreement; and

WHEREAS, the Participants ~~direct that~~ the Trustees, pursuant to an independent fiduciary duty, collect, receive, hold, invest, reinvest, manage, dispose of, distribute, and otherwise to administer the Trust funds, and the Trustees have indicated their willingness to do so, all pursuant to terms of this Agreement; and

WHEREAS, the Trustees and the Participants desire to establish the terms and conditions under which the Trust will be operated.

NOW THEREFORE, in consideration of the promises and the mutual covenants contained herein, and for other good and valuable consideration, the receipt of which is hereby acknowledged by each party, one to the other, the Participants do hereby give and assign in trust the contributions made by them and all income and profits therefrom, and such other sums, income and profits as hereinafter may be made part of the Trust, to the Trustees, and the Trustees hereby accept the trusts herein contained and declare that they will hereby assume an independent fiduciary duty to administer, manage, collect, receive, dispose of, and distribute such trust property for the exclusive benefit of the Participants and their employees as hereinafter provided, all parties agreeing to abide by the terms and covenants contained in this Agreement, as follows:

ARTICLE I

DEFINITIONS

1.01 Definitions. The terms defined in this Section 1.01 and in the preambles hereto (except as herein otherwise expressly provided or unless the context otherwise requires) for all purposes of this Agreement and of any amendment or supplement hereto shall have the respective meanings specified in this Section 1.01 and said Preamble.

Actuary - The actuarial firm selected by the Trustees, whose duties shall include, but not be limited to, the evaluation of loss data submitted by eligible municipalities and the rendering of opinions and certifications of loss reserves and IBNR as required by the Board of Trustees in accordance with this Agreement and By-Laws.

Adjustments - A decrease or increase of a participating municipality's annual contribution as determined by the Board of Trustees in accordance with this Agreement and By-Laws.

Administrator - The individual responsible for the day to day operations of the Trust.

Application - The document(s) which must be submitted by all eligible municipalities for admission to the Trust, including, but not limited to, any underwriting or loss data, or any other information which an eligible municipality may be required to provide for admission to the Trust.

Assessments - Any additional payment(s) to the Trust which a participating municipality may be required to make as determined by the Pennsylvania Department of Labor and Industry Bureau of Workers' Compensation or the Board of Trustees in accordance with this Agreement and By-Laws if the General Operating and Surplus Funds are exhausted by the payment of claims, the accumulation of reserves and IBNR, or the payment of other expenses.

Board of Trustees - The independent governing body of the Delaware Valley Workers' Compensation Trust whose members or Trustees are selected in accordance with this Agreement and By-Laws. The Board of Trustees shall also serve the function of a "plan committee" as defined in the Pennsylvania Workers' Compensation Act, 77 P.S. §1 et seq., as amended.

By-Laws - The By-Laws governing the operation of the Trust as adopted and amended by the Board of Trustees in accordance with this Agreement.

Claims - All claims for workers compensation benefits made by the Participants' employees under the Pennsylvania Workers' Compensation Act, 77 P.S. §1 et seq., as amended and the Pennsylvania Occupational Disease Act, 77 P.S. § 1201 et seq.

Contact Person - An individual designated by each participating municipality as a liaison between that municipality and the Board of Trustees, and the Trust's officers, employees or agents.

Contribution(s) - The annual payments made thereafter by each Participant upon admission to the Trust, which shall include premiums for commercial excess or reinsurance.

Deficit - When expenses, claims payments, claims reserves and claims incurred but not reported (IBNR) exceed the total combined balance available in the General Operating Fund and Surplus Fund.

Dividends - As determined by an independent actuary, any distributable amounts in excess of that necessary for the payment of all workers' compensation claims during any Trust Year.

Effective Date - The date determined by the Trustees on which a municipality shall be deemed a participant in the Trust.

Executive Committee - The Executive Committee appointed by the Board of Trustees in accordance with Section 2.07 hereof.

Expulsion - The involuntary removal or termination of a participant from the Trust by action of the Trustees as provided in Section 3.05 hereof and any applicable By-Laws.

Fiscal Agent - A financial institution selected by the Board of Trustees to handle and invest the monies held in the various funds administered by the Trust, including the Surplus Fund, the General Operating Fund, or other funds created by the Trust in accordance with this Agreement and By-Laws.

Fund - As used in this Agreement, the "Fund" is the group self-insurance fund used to pool the Participants' workers compensation liabilities as approved by the Pennsylvania Department of Labor and Industry Bureau of Workers' Compensation.

General Operating Fund - An interest bearing account established in the name of the Board of Trustees in accordance with this Agreement and By-Laws for the purpose of paying claims and all administrative expenses of the Trust.

Insurance - Various forms of commercial insurance coverage provided to participating municipalities or the Trust itself, including any excess, reinsurance or aggregate excess insurance coverage for the payment of workers compensation claims.

Municipality - Any local agency of the Commonwealth of Pennsylvania as defined in the Pennsylvania Political Subdivision Tort Claims Act. This definition includes any townships, boroughs or authorities eligible for participation in the Delaware Valley Workers Compensation Trust.

Participating Municipality or Participant - Any political subdivision of the Commonwealth of Pennsylvania eligible to participate in this Trust which becomes a party to this Agreement and the participation of which has not been terminated or cancelled in accordance with this Agreement and By-Laws.

Permit - The document issued by the Pennsylvania Department of Labor and Industry Bureau of Workers' Compensation which authorizes the Trust to operate as self-insurer of a group self-insurance fund under the Pennsylvania Workers' Compensation Act, 77 P.S. §1 et seq., as amended.

Service Agents - One or more service companies or consultants employed by the Trustees to be responsible for underwriting matters, claims administration, loss control, accounting and such other duties as determined by the Board of Trustees and specified by contract.

Service Contract - Any contract for service between the Trustees and a Service Agent.

Surplus Fund - An interest bearing account established in the name of the Board of Trustees which shall consist of that portion of each Participant's contribution, and any additional payments, to be used only to pay deficits in the General Operating Fund or dividends to participating municipalities as determined by the Board of Trustees in accordance with this Agreement and By-Laws.

Termination - The voluntary withdrawal of a Participant from the trust in accordance with Section 3.03(b) hereof.

Termination Contribution - Payment required of all Participants who withdraw or are expelled from the Trust, as determined by the Board of Trustees.

Trust - The Delaware Valley Workers' Compensation Trust.

Trust Coverage Document or Coverage Document - The document which describes the type of claims to be paid from the Trust funds, which claims shall include workers compensation benefits payable pursuant to the Pennsylvania Workers' Compensation Act and the Pennsylvania Occupational Disease Act.

Trust Year - The first fiscal year of the Trust shall be from January 1 to December 31 of each year or any other period determined by the Pennsylvania Department of Labor and Industry Bureau of Workers' Compensation.

Trustee - Each person serving as a member of the Board of Trustees referred to from time to time, collectively as the "Trustees" or "Board of Trustees" or "Board".

1.02 Interpretation.

The words "hereof", "herein", "hereunder", and other words of similar import refer to this Agreement as a whole. Words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders. Words importing the singular number shall include the plural number and vice versa unless the context shall otherwise indicate. Headings or titles to Articles, Sections, and other subdivisions of this Agreement are for convenience only and shall be given no effect, meaning, or construction whatsoever and shall not define or limit any provision of this Agreement.

ARTICLE II

TRUSTEES

2.01 Qualifications of a Trustee.

(a) A Trustee shall be either (1) an elected or appointed official of a Participant, including any Township or Borough Managers, or (2) an employee of a Participant with expertise in finance or risk management.

(b) A Trustee shall not be employed by or have any direct or indirect financial interest in any Service Agent or other organization providing services to the Trust.

(c) A Trustee shall act in an independent fiduciary capacity in fulfilling his or her obligations under this Agreement.

2.02 Composition of Board of Trustees.

The Trust shall be governed by a Board of Trustees, which shall consist of a representative from each Participant. No Participant shall be represented by more than one Trustee on the Board of Trustees.

2.03 Election of Trustees.

The initial Board of Trustees shall provide in the By-Laws for the form and method of election of subsequent Trustees.

2.04 Resignation of a Trustee.

A Trustee may resign by giving at least thirty (30) days prior notice in writing sent by registered mail to the Chairperson of the Trustees. Such notice shall state the date said resignation shall take effect, and such resignation shall take effect on such date.

2.05 Removal of Trustees.

A Trustee may be removed from office in accordance with the By-laws if he fails, or subsequently ceases, to meet the qualifications of Section 2.01 hereof; and may be removed if he fails to attend three (3) consecutive meetings of the Board or is terminated for cause by a 2/3 vote of the Trustees. Upon removal of a Trustee, the position shall be filled pursuant to Section 2.06 hereof.

2.06 New Trustees.

In the event a Trustee resigns, is removed or is otherwise unable to serve, the municipality represented by that Trustee shall appoint a replacement to complete the original Trustee's term of office.

Any Trustee, upon leaving office, shall forthwith turn over and deliver to the principal office of the Trust, any and all records, books, documents or other property in his possession or under his control which belong to the Trust.

2.07 Board Chairperson and Executive Committee.

The Trustees shall elect a Chairperson of the Board by simple majority vote whose duties shall be set forth in the By-Laws. The Trustees shall also appoint an Executive Committee by majority vote consisting of not less than five (5) Trustees, two of whom will be the Chairperson and Vice Chairperson of the Board of Trustees. The Trustees may delegate in writing to the Executive Committee such powers and duties as the Trustees deem appropriate and desirable except the exercise of those powers for which a two-thirds majority vote of the Trustees is required. The Executive Committee shall meet as determined by the Chairperson of the Board of Trustees.

ARTICLE III

PARTICIPANTS

3.01 Eligibility Requirements.

(a) Participation in the Trust shall be limited to municipalities of the Commonwealth of Pennsylvania with populations of under 100,000 persons, or any authorities who satisfy the other requirements set forth herein.

(b) Each Participant shall meet the underwriting standards established by the Board of Trustees, and any requirements established by the Pennsylvania Department of Labor and Industry Bureau of Workers' Compensation.

(c) Each Participant shall have a loss or claims history which does not present an undue risk to the actuarial soundness of the Trust.

(d) Each Participant must receive a positive recommendation from the insurance consultant or actuary prior to acceptance. This recommendation will be based upon a loss projection and a loss control survey which will include an evaluation of the applicant's risk management procedures.

(e) Each applicant must be professionally managed, utilizing International City Management Association ("ICMA") Recognition Criteria.

(f) Each successful applicant must comply with the guidelines established by the loss control consultant retained by the Trust.

(g) Each applicant must agree to make a commitment to participate in the Trust for a minimum period of at least two (2) years, which period is necessary to assure the fiscal and actuarial soundness of the Trust.

The Board of Trustees may establish additional requirements for participation in the Trust by majority vote.

3.02 Approval of Participants.

(a) All applicants must be approved by two-thirds (2/3) majority vote of the Board of Trustees. The Board must certify in writing that the successful applicant has met all the criteria for admission to the Trust.

(b) All applicants, including initial Participants, must pay an application fee which shall be based upon the actual cost of processing the application and completing the loss control survey for each applicant.

(c) Each application must contain the following information:

- (1) Underwriting and claims data for a three (3) year period prior to submission of the application;
- (2) Detailed information regarding the organization, personnel and administration of the applicant;
- (3) Names of all previous insurers and premium data for the three (3) year period prior to submission of the application;
- (4) Operating budgets and other financial information as may be required by the Board for a period of three (3) years prior to submission of the application;
- (5) Any other information required by the Board of Trustees or any of the Trust's officers, attorneys, service agents, consultants or employees.

(d) Each Participant shall submit evidence satisfactory to the Trustees of approval for participation by its governing body, including any ordinances which may be required under state law.

(e) Upon approval of all subsequent Participants by the Board of Trustees, the Board shall establish the effective date for that Participant's participation in the Trust.

3.03 Contributions.

(a) Annual contributions shall be established by the Trustees in consultation with the designated insurance consultant and Trust actuary in compliance with the Pennsylvania Workers' Compensation Act, 77 P.S. §1, et seq., as amended, and any regulations promulgated thereunder. Annual contributions shall be established at least forty-five (45) days before commencement of the Trust Year for which that contribution applies, or as deter-

mined by the Pennsylvania Department of Labor and Industry Bureau of Workers' Compensation.

(b) Contributions shall be due and payable as determined by the Trustees, in accordance with this Agreement, the Trust By-Laws, and the Pennsylvania Workers' Compensation Act, 77 P.S. §1, et seq., as amended, and any regulations promulgated thereunder.

3.04 Obligations, Duties and Liabilities of Participants.

(a) Each Participant agrees to fulfill all obligations and duties set forth in this Agreement. The withdrawal or expulsion of any Participant shall not affect this Agreement nor the Trust created herein, except where otherwise expressly provided.

(b) Each Participant agrees to jointly and severally assume and discharge liabilities arising under the Pennsylvania Workers' Compensation Act, 77 P.S. §1, as amended, and the Pennsylvania Occupational Disease Act, 77 P.S. § 1201, et seq. of each and every other party to this Agreement. However, this provision will not be effective until August 1, 1994, when the recently enacted amendments to the Pennsylvania Workers' Compensation Act ("Act 44") shall apply to the Trust.

(c) Each Participant is liable under this Agreement for the payment of contributions and assessments when due, and agrees to make an initial contribution upon admission to the Trust.

(d) Each Participant will appropriate funds for the payment of any contributions and assessments required by the Trust.

(e) Each Participant agrees to institute any and all reasonable safety regulations and loss prevention procedures that may be required by the Trustees or the Pennsylvania Department of Labor and Industry Bureau of Workers' Compensation for the purpose of minimizing or eliminating hazards or risks that could contribute to losses.

(f) Each Participant agrees that it will cooperate fully with the Trust's service agent(s), attorneys, claims adjusters and any other agent or employee of the Trust in relation to the purpose and powers of the Trust, including, but not limited to, the investigation, defense and settlement of claims.

(g) Each Participant agrees to designate a Contact Person to be responsible for all contacts with the Trust. The Trustees, the Administrator and the service agent(s) shall not be required to contact any other individual except the Contact Person in dealing with the Participant. Any notice to or any agreements with the Contact Person shall be binding upon the Participant. Each Participant reserves the right to change the Contact Person from time to time by giving written notice to the Administrator.

(h) The Participants agree that any claim or suit brought against them shall be defended in the name of the Participant by counsel selected by the Trustees. Full cooperation shall be extended by such Participant to supply any information needed or helpful in such defense.

(i) The Participants will furnish to the Trustees such underwriting information as may be required by the Trust prior to the end of the Trust Year, and any other information which may be requested by the Board.

(j) Participants hereby acknowledge and agree that this Agreement may be amended, altered or modified pursuant to Article VIII hereof. Any amendment adopted pursuant to the provisions of Article VIII hereof shall be considered by each Participant to be a reasonable and proper amendment to the Agreement.

(k) The Participants also agree to submit all coverage disputes to the appropriate subcommittee of the Board of Trustees, whose decisions shall be appealable to the entire Board.

(l) The Participants further agree that once an adverse decision is rendered by the Board in any coverage dispute, and the dispute cannot be resolved by the parties, then they must submit that dispute to arbitration and the decision of the arbitrators shall be binding upon all parties.

3.05 Expulsion and Withdrawal of Participants.

(a) Expulsion. The Trustees shall have the authority by an affirmative vote of two-thirds (2/3) of all Trustees to expel any Participant from the Trust for cause, based upon ~~any of~~ the following:

- (1) Failure to pay any premiums, contributions or assessments when due;
- (2) Failure to implement a reasonable safety or loss prevention program or other failure to implement guidelines required by the consultant hired by the Trust;

- (3) Failure to cooperate with any loss control service and fiscal agents of the Trust or with any attorney representing that Participant in the defense of any covered claim;
- (4) Failure to provide any information requested by the Administrator, Board of Trustees or any agent or representative of the Trust as required for the handling, settlement or defense of any covered claims;
- (5) Knowing and willful failure to observe and perform any covenants, conditions or agreements on its part to be observed or performed in this Agreement and any related document;
- (6) The filing of a case in bankruptcy, or the subjection of any right or interest of a Participant under this Agreement to any execution, garnishment, attachment, adjudication of such Participant as a bankrupt, assignment by such Participant for the benefit of creditors, or the approval by a court of competent jurisdiction of a petition applicable to that Participant in any proceedings instituted under the provisions of the federal bankruptcy code, as amended, or under any similar state or federal statute which may thereafter be enacted;
- (7) Knowingly taking any action detrimental to the fiscal and/or actuarial soundness of the Trust; or
- (8) Failure to comply with the Pennsylvania Workers' Compensation Act, 77 P.S. §1, et seq., as amended, or any regulations promulgated thereunder.

Expulsion shall become effective after sixty (60) days written notice to the Participant, or ten (10) days written notice for non-payment of contributions or assessments and no liability shall accrue to the Trust after the effective date of expulsion except as provided in Section 3.05(c) hereof. A terminated Participant shall remain fully obligated for claims incurred during the period of its participation in the Trust, including the payment of any assess-

ments and a Termination Contribution, in accordance with the Pennsylvania Workers' Compensation Act, 77 P.S. §1, et seq., as amended and any regulations promulgated thereunder.

All decisions by the Board expelling a Participant may be submitted by that Participant to a three member arbitration panel. One member of that panel shall be selected by the Participant, one by the Trust and a third shall be randomly selected from a list of qualified arbitrators prepared by the Board of Trustees in accordance with the By-Laws. All decisions by the arbitration panel shall be final. The Participant whose expulsion is sought shall have a full and fair opportunity to appear before the Board and/or the arbitration panel and present any evidence on its behalf before the Board or the arbitration panel renders its decision.

The Participant, upon notification of expulsion of coverage by the Trustees, understands that its participation in this Trust will terminate and the Participant will retain responsibility for the payment of all workers' compensation claims in accordance with the Pennsylvania Workers' Compensation Act, 77 P.S. §1, et seq., as amended and any regulations promulgated thereunder.

Upon expulsion, a Participant shall forfeit any and all rights to any dividends to which it may otherwise be entitled.

Upon expulsion, a Participant may be required to pay a Termination Contribution and may be required to pay additional assessments after expulsion as determined by the Board of Trustees in accordance with this Agreement and the By-Laws. A Participant may be required to make additional payments, including assessments, after the effective date of its expulsion caused by deficits which occurred because of claims which were incurred while that Participant was a member of the Trust. A claim is "incurred" when the employee injury occurs and not when a claim is made for that injury.

The Trust shall immediately notify the Pennsylvania Department of Labor and Industry Bureau of Workers' Compensation in the event that the termination of a Participant causes the Trust to fail to meet any requirements imposed upon it by the Pennsylvania Workers' Compensation Act, 77 P.S. §1, et seq., as amended and any regulations promulgated thereunder.

(b) Withdrawal by a Participant. As provided herein, each participating municipality hereby agrees that it shall not withdraw from the Trust for a period of two (2) years from the date upon which it was first admitted as a Participant. In addition, it is also agreed that each Participant may withdraw from the Trust after giving at least one hundred twenty (120) days prior written notice to the Board of Trustees at any time after the

expiration of the two year period which withdrawal will be effective on the first day of the following year and only if the following conditions are satisfied:

- (1) An opinion is rendered by the Trust's actuary that such 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 any contributions or assessments;
- (3) The withdrawing municipality shall pay the full amount of a Termination Contribution, as determined by the Board of Trustees in accordance with this Agreement and the Trust By-Laws; and
- (4) The Board of Trustees shall have received a certification from the Trust actuary that the withdrawal 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 on any debt incurred by the participating municipalities, or any legal entity created for the purpose of incurring such debt. As used herein, the term "debt" includes any municipal bonds, certificates, letters of credit or other instruments of municipal indebtedness.

If there is a dispute over whether a Participant may voluntarily withdraw from the Trust that Participant will have a full and fair opportunity to present any relevant evidence or information to the Board of Trustees who shall decide by majority vote whether the conditions listed above have been met. If the Board determines that any of these conditions have not been met and the Participant should not be permitted to withdraw from the Trust, that Participant may submit the dispute to an arbitration panel in accordance with the procedure described in paragraph (a) above, whose decision shall be final.

Upon withdrawal by a Participant, that Participant may be required to pay a Termination Contribution and additional assessments after withdrawal as required by the Board of Trustees in accordance with this Agreement and the By-Laws. Any additional assessments will be based only upon any deficits which were caused by any claims incurred while that Participant was a member of the Trust. A claim is "incurred" when the employee injury occurs and not when a claim is made for that injury.

A withdrawn Participant shall remain fully obligated for claims incurred during the period of its participation in the Trust, including the payment of any assessments and a Termination Contribution, in accordance with the Pennsylvania Workers' Compensation Act, 77 P.S. §1, et seq., as amended and any regulations promulgated thereunder.

The Trust shall immediately notify the Pennsylvania Department of Labor and Industry Bureau of Workers' Compensation in the event that the withdrawal of a Participant causes the Trust to fail to meet any requirements imposed upon it by the Pennsylvania Workers' Compensation Act, 77 P.S. §1, et seq., as amended and any regulations promulgated thereunder.

(c) Liability of Trust after Withdrawal or Expulsion of a Participant.

- (i) The Trust shall continue to service, defend and otherwise be responsible for any claim which occurred prior to expulsion or withdrawal of a Participant which is covered under Section 13.08 hereof.
- (ii) The Trust will not pay, defend, or otherwise be responsible for, a claim which arises out of an injury which occurs after the effective date of the Participant's withdrawal or expulsion.
- (iii) No dividends shall be paid to a Participant who has been expelled from the Trust. Any Participant who has voluntarily withdrawn may receive dividends as determined by the Board of Trustees.

ARTICLE IV

TRUSTEES' OBLIGATIONS

4.01 Acceptance.

Trustees hereby accept the trusts imposed upon them by this Agreement and agree to perform said trusts in accordance with the terms and conditions of this Agreement. Trustees shall hold legal title to all property of the Trust and shall have absolute and exclusive power and control over the management and conduct of the business of the Trust ~~subject to their independent fiduciary obligations~~ under this Agreement.

4.02 Future Trustees.

Whenever any change shall occur in the Board of Trustees, the legal title to the property hereby created by this Trust shall pass to those duly appointed Trustees. Each future Trustee appointed in accordance with this Agreement shall accept the Office of Trustee and the terms and conditions of this Agreement in writing.

4.03 Trustees' Duties and Obligations.

The Trustees shall discharge their ~~independent fiduciary~~ duties and obligations under this Agreement solely in the interests of the Participants with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims.

The Trustees shall adopt By-Laws for the management and control of the Trust, so long as such By-Laws are not inconsistent or in conflict with the terms and provisions of this Agreement. Said By-Laws may be amended by the Trustees as they shall provide.

4.04 Liability of Trustees.

(a) The Trustees shall not be liable for errors of judgment either in holding property originally conveyed to them, in acquiring and afterwards holding additional property, in the performance of their duties hereunder, nor for any act or omission to act, performed or omitted by them, in the execution of the trusts created hereunder.

(b) Every act done, power exercised or obligation assumed by the Trustees, pursuant to the provisions of this Agreement, or in carrying out the trusts herein contained, shall be held to be done, exercised or assumed by them as Trustees and not as individuals, and any person or corporation contracting with the Trustees, shall look only to the Trust and property of the Trust available for payment under such contract, or for the payment of any debt, mortgage, judgment or decree or the payment of any money that may otherwise become due or payable on account of the trusts herein provided for, and any other obligation arising out of this Agreement in whole or in part, and neither the Trustees nor the Participants, present or future, shall be personally liable therefore.

(c) Notwithstanding the provisions of (a) and (b) above, a Trustee shall be personally liable in connection with the performance of his duties hereunder for his own willful misconduct or gross negligence.

(d) The Board of Trustees shall use their best efforts to purchase so-called directors and officers liability insurance.

ARTICLE V

OPERATION OF THE TRUSTEES

5.01 Office.

The Trustees shall designate a principal office of the Trust. Such principal office shall be in the County of Montgomery in the Commonwealth of Pennsylvania. At such principal office there shall be maintained the books, reports and records pertaining to the Trust and its administration.

5.02 Meetings.

There shall be an annual meeting of the Trustees on a day and at a place designated by the Trustees. At the annual meeting the Trustees shall elect a Chairperson and such other officers as provided in the By-Laws and transact such other business as may come before them.

The Trustees shall hold such other meetings and shall establish such procedures for the conduct of those meetings as they shall provide in the By-Laws.

5.03 Extraordinary Votes.

An affirmative vote of two-thirds (2/3) of all Trustees shall be required to expel or admit a Participant, amend this Agreement (except as otherwise provided in Art. XI), or determine a prudent or necessary purpose for which money from the Surplus Fund may be used.

5.04 Indemnification.

(a) The Trust shall indemnify and defend: (i) each member of the Board of Trustees and the estate, executor, administrator, personal representatives, heirs, legatees and devisees of any such person; and (ii) every officer and employee of the Trust and the estate, executor, administrator, personal representatives, heirs, legatees or devisees of such person; against all claims, suits or judgments including interest, fines, amounts paid or agreed upon in settlement, reasonable costs and expenses, including attorneys' fees and any other liability that may be incurred as a result of any claim, action, suit or proceeding, whether civil administrative, or other, prosecuted or threatened to be prosecuted, for or on account of any act performed or omitted or obligation entered into, if done or omitted in good faith without intent to defraud and within what he reasonably believed to be the scope of his employment or authority and for a purpose which he reasonably believed to be in the best interest of and in connection with the administration, management, conduct or affairs of the Trust. Provided, however, that if any such claim, action, suit, or proceeding is compromised or settled, it must be done with the prior and express approval of the Board of Trustees or such other persons as may be authorized to make determinations with respect to indemnification pursuant to subparagraph (d) of this Section.

(b) Such indemnification and defense shall not depend upon whether or not such person is a member of the Board of Trustees at the time such claim, action, suit or proceeding is begun, prosecuted or threatened.

(c) The right of indemnification and defense here under shall not be exclusive of other rights such person or Board may have as a matter of law or otherwise.

(d) In each instance in which a question of defense and/or indemnification hereunder arises, determination to indemnification hereunder, and the time, manner and amount of payment thereof, shall be made by a majority vote of a quorum of the Board of Trustees provided, however, that no member of the Board of Trustees seeking indemnification hereunder as a result of the same occurrence shall participate in the determination. In the event that a majority of the members of the Board of Trustees are seeking

indemnification hereunder as a result of the same occurrence or the number of Board of Trustees members eligible to vote does not constitute a quorum, such determination in the first instance shall be made by independent legal counsel retained by the Trust for the purpose of making the determination. Nothing in this paragraph is intended to make an adverse determination finally binding upon the person seeking indemnity under this Section, or to preclude any such person from appealing an adverse determination against him or it, or from instituting legal proceedings to enforce a right of indemnification under this Section.

(e) The indemnification and defense provided for in this Section shall be deemed to be an expense of the Trust which may be paid from the General Operating Fund.

(f) The indemnification and defense provided by this Section shall be secondary to any benefits which the person may be entitled to receive from any applicable insurance policy providing Directors and Officers, Errors and Omissions or other applicable insurance coverages which have been procured by the Trust or for which the Trust paid the required premium. The indemnification provided by this Section shall be primary over any indemnification provided by a trustee at his or her own expense.

(g) (i) Notwithstanding any other provision of this Section to the contrary, a person may seek, and the Trust may pay, advance indemnification prior to the rendering of a final determination of entitlement to indemnification pursuant to the provisions of subparagraph (d) of this Section. Any award of such advance indemnification by the Trust shall be discretionary and subject to the provisions of this Section.

(ii) In each instance where a question of advance indemnification hereunder arises, determination of the right to indemnification and of any conditions or restrictions attached thereto shall be made by a majority vote of a quorum of the Board of Trustees provided, however, that no member of the Board of Trustees seeking indemnification hereunder as a result of the same occurrence shall participate in the determination. In the event that a majority of the members of the Board of Trustees are seeking indemnification as a result of the same

occurrence or the number of members of the Board of Trustees eligible to vote does not constitute a quorum, such determination shall be made by independent legal counsel retained by the Trust for the purpose of making the determination.

- (iii) Any determination of advance indemnification shall be discretionary and may provide for the time, manner and amounts advanced hereunder and shall include such limitations as may be deemed appropriate in the particular circumstances on rate of payment, the total amount to be advanced and the security, if required, for repayment of such advances.
- (iv) Any advance authorized hereunder shall be repaid to the Trust if the person on whose behalf the advance was made is not entitled to indemnification of his costs and expenses under the provisions and in accordance with the standards for indemnification provided in this Section.

ARTICLE VI

PURPOSE OF THE TRUST; POWERS OF TRUSTEES

6.01 Purposes of Trust.

The purposes and objectives of the Trust are as follows:

(a) To assure the payment of workers' compensation benefits by each Participant through the creation of a common fund established for that purpose in accordance with the Pennsylvania Workers' Compensation Act, 77 P. S. §1, et seq., as amended and any regulations promulgated thereunder;

(b) To minimize costs incurred by participating municipalities in the handling and payment of workers compensation claims;

(c) To protect each participating municipality from the volatility and high premiums of the commercial insurance markets; and

(d) To take whatever other action which may be necessary to preserve and protect the fiscal and actuarial integrity of the Trust, as required in the Trust Agreement and By-Laws.

It is the express intent of the Participants entering into this Agreement that they do not intend to waive, and are not waiving, any of the immunities which they or their commissioners, supervisors, council persons, officers or employees have now, and may have in the future, under the Pennsylvania Political Subdivision Tort Claims Act, any other applicable statutes or under the common law.

6.02 Powers of Trustees.

The Trustees shall have the power to control and manage the Trust and to perform such acts, enter into such contracts, engage in such proceedings, and generally to exercise any and all rights and privileges, although not specifically mentioned herein, as the Trustees may deem necessary or advisable to administer the Trust or to carry out the purposes of this Agreement. Any determination made by the Trustees in the exercise of these powers shall be binding upon all participants. In addition to the powers set forth elsewhere in this Agreement, the powers and duties of the Trustees in connection with their managing and controlling the Trust shall include, but shall not be limited to, the following:

(a) To see that the Trust is safely and prudently administered to insure its financial stability in accordance with all applicable statutes and regulations and to be responsible for the investment of Trust monies at the best return possible in accordance with all applicable state and federal law.

(b) To receive, hold, manage, invest, reinvest, and control all monies at any time forming part of the Trust.

(c) To purchase contracts of insurance or reinsurance through such broker or brokers as the Trustees may choose and to pay premiums on such policies.

(d) To borrow or raise money for the purpose of financing any self-insurance reserves of the Trust to the extent authorized under state and federal law. However, no municipal debt shall be incurred by the Trust, its participating municipalities or any entity created for that purpose without the consent of all participating municipalities and compliance with all state and federal law.

(e) To hold cash, uninvested, for such length of time as the Trustees may determine without liability for interest thereon.

(f) To make, execute, acknowledge and deliver any and all documents of transfer and conveyance, including, but not limited to, deeds, leases, mortgages, conveyances, contracts, waivers and releases, and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted.

(g) To employ suitable agents, advisors and other persons as the Trustees may deem necessary and advisable for the efficient operation and administration of the Trust, to delegate duties and powers hereunder to such agents, advisors and employees and to charge the expense thereof to the Trust. Trustees are entitled to rely upon and may act upon the opinion or advice of any attorney or Service Agent approved by the Trustees in the exercise of reasonable care. Trustees shall not be responsible for any loss or damage resulting from any action or non-action made in good faith reliance upon such opinion or advice. All delegated authority shall be specifically defined in the By-Laws or the written minutes of the Trustees' meetings.

(h) To continue to have and to exercise, after the termination of the Trust and until final distribution, all of the title, powers, discretion, rights and duties conferred or imposed upon the Trustees hereunder, or by law.

(i) To construe and interpret this Agreement and any related documents.

(j) To receive from Participants and other relevant sources, such information as shall be necessary for the proper administration of the Trust.

(k) To maintain bank accounts for the administration of the Trust and to authorize certain Trustees, the Trust Administrator, Service Agent or other appropriate persons to make payments from any such account for purposes of the Trust.

(l) To receive and review reports of the financial condition and of the receipts and disbursements of the Trust.

(m) To adopt By-Laws, rules, regulations, formulas, rates, forms, and procedures by resolution from time to time as they deem advisable and appropriate for the proper administration of the Trust, including membership criteria, provided the same are consistent with the terms of this Agreement.

(n) To have a judicial settlement of their accounts and judicial determination of any questions in connection with their duties and obligations hereunder, or in connection with the administration or distribution thereof. The costs and expenses, including accounting and legal fees, for such judicial settlement of accounts or other judicial determination shall be paid by the Trust as a general administrative expense to the extent permitted by applicable law.

(o) To purchase as a general administrative expense of the Trust so-called directors' and officers liability insurance and any other types of insurance for the benefit of the Trust, the Trustees, Trust employees, or agents, including group insurance, employee benefits and social security.

(p) To enter into any and all contracts and agreements for carrying out the terms of this Agreement and for the administration and operation of the Trust and to do all acts as they, in their discretion, may deem necessary or advisable, and such contracts and agreements and acts shall be binding and conclusive on Participants and Participants' employees. All such contracts and agreements, or other legal documents herein authorized, shall be approved by the Trustees and shall be executed by individuals authorized by the Trustees. This paragraph does not apply to the issuance of municipal debt for the funding of any self-insurance reserves.

(q) To write off as uncollectible any Participant's contribution or any other indebtedness or other obligation as the Trustees may deem appropriate. A decision to write off as uncollectible shall be deemed appropriate if the Trustees determine that the unlikelihood of collection or the anticipated expense of collecting justifies such action. This paragraph does not apply to the issuance of municipal debt for the funding of any self-insurance reserves.

(r) To receive premiums, contributions or assessments from any source whatsoever but such premiums, contribution or payments may not be utilized for any purpose unrelated to the purposes herein provided.

(s) To pay or contest any claim or to settle a claim by or against the Trust or any of its Participants by negotiation, compromise, arbitration, or otherwise.

(t) To pay taxes, assessments, and other expenses incurred in the collection, care, administration, and protection of the Trust.

(u) To review Applications for memberships in the Trust submitted to them and to approve or disapprove such Applications.

(v) To expel or cancel the coverage of any Participant in accordance with the terms of this Agreement.

(w) To amend the Agreement and By-Laws as provided herein.

(x) To make provision for proper accounting and reporting procedures for each of the Participants so that the Participants shall be informed at all times of the nature of the claims arising within their jurisdiction, the manner in which these claims are being handled, and the impact of those claims upon the Trust.

(y) To purchase an employee fidelity bond covering the Trustees, the Administrator and such others as the Trustees may determine.

(z) To require assessments from each Participant in an amount equal to the ratio of that Participant's annual contribution to the total annual contributions paid by all Participants in the year in which a deficit occurred. Such amounts shall be certified by the Board as necessary for that purpose to the Participants. Until the recent amendments to the Pennsylvania Workers' Compensation Act (referred to as "Act 44") become applicable to the Trust on August 1, 1994, any such assessments will not exceed the Participant's annual contribution for the year in which the assessment must be paid.

(aa) To hold all property received by the Trustees, which together with the income and gains therefrom and additions thereto, shall constitute the corpus of the Trust.

(bb) To appoint for a fee or otherwise, a Trust Administrator who shall act at the direction of the Trustees to implement the decisions of the Trustees and to have direct responsibility for the operation and supervision of the Trust. The Trust Administrator shall not be an owner, officer or employee of the Service Agent or broker of the Trust.

(cc) To employ and oversee one or more independent service companies and/or consultants to act as Service Agent(s). The services of a Service Agent shall be performed pursuant to a written agreement between the Service Agent and the Trust, and the Service Agent(s) shall be compensated from the Trust for such services. The Trustees may delegate to a Service Agent responsibility for underwriting matters, claims administration and

disbursement, collection of Premiums, and other duties as are specified in the Service contract. The Trustees shall require any Service Agent who handles monies of the Trust to furnish an employee fidelity bond indemnifying the Trust. The proper limit of liability to be set for such bond shall be as determined by the Trustees, but not less than a fifty thousand (\$50,000) dollar limit per loss should be established.

(dd) To employ counsel to advise and represent the Trustees on legal matters relating to the operation and administration of the Trust, and represent Participants in the defense of claims or suits.

(ee) To employ an independent certified public accountant to conduct an annual audit of the financial statements of the Trust at the close of the Trust Year, such audit report to be submitted to the Participants no more than six (6) months after the close of the Trust Year.

(ff) To employ a Fiscal Agent and delegate to it the duties to hold the monies of the Trust and to invest and reinvest all or part of the principal and interest of the General Operating Fund and the Surplus Fund in accordance with the requirements of this Agreement. ~~Those monies shall be invested in accordance with the Pennsylvania Workers' Compensation Act, 77 P.S. §1, et seq., as amended and any regulations promulgated thereunder.~~

(gg) To appoint any subcommittees of the Board as may be necessary for the operation of the Trust.

(hh) To employ an actuarial firm to review, at least annually, the expected losses, IBNR calculations and recommend surplus requirements for the Trust.

(ii) To resolve all coverage disputes between Participants and the Trust subject to the Participants' right to submit such disputes to arbitration following an adverse decision by the Board of Trustees; and

(jj) To do all acts, whether or not expressly authorized herein, which the Trustees may deem necessary in the best interests of the Trust.

6.03 Payment of Claims and Coverage Disputes.

The Board shall be responsible for adopting guidelines for the handling and payment of claims. The decision of whether to settle or pay a claim shall be made in the first instance by the Service Agent responsible for claims handling, acting under the general supervision of the Trust Administrator.

The decision to settle or defend a claim may then be reviewed by the Board of Trustees, or designated subcommittee whose decision may be reviewed by the Board of Trustees at the request of the Participant. A decision by the entire Board to settle a particular claim made against a Participant shall be final. A refusal by a Participant to consent to such a settlement or execute the documentation required to effect a settlement, shall, upon payment by the Trust of the settlement amount, relieve the Trust from any further obligation to pay that claim or otherwise represent the interests of that Participant.

Any disputes between a Participant and the Trust as to whether a particular claim is covered shall be decided in the first instance by the Board of Trustees or designated subcommittee. Decisions may be reviewed by the entire Board at the request of the Participant. A decision by the entire Board disclaiming or denying coverage for a claim made against a Participant may, at the option of the Participant, be submitted to an arbitration panel consisting of two arbitrators selected by the Trust and the Participant respectively and a third arbitrator selected at random from a list of persons who are experts in the field of workers compensation matters. Such list shall be prepared by the Board of Trustees and updated and revised at the commencement of every Trust Year.

ARTICLE VII

OPERATION OF THE TRUST FUNDS

7.01 Payment of Contributions and Assessments.

Each participating municipality hereby agrees to make payments into various funds established under the Trust as set forth below:

(a) Initial Contribution - The initial payment made by all Participants upon their admission to the Trust.

(b) Annual Contributions - Annual contributions must be paid by each Participant. These contributions shall be established, and may be adjusted upward or downward on an annual basis, by the Board of Trustees in accordance with this Agreement and the Trust By-Laws. Contributions shall be determined by the Board of Trustees in accordance with the Pennsylvania Workers Compensation Act, 77 P.S. §1, et seq., as amended and any regulations promulgated thereunder and also comply with the guidelines adopted by the Board based upon the actual claims or loss histories of each Participant. Contributions shall include:

- (1) An amount paid by each Participant to the General Operating Fund each year for the payment of claims and administration expenses, as well as any premiums which must be paid for commercial insurance or reinsurance.
- (2) Any additional amounts paid to the Surplus Fund as may be required by the Board of Trustees based upon a finding by the Board that such payments are needed to maintain the Surplus Fund at a required level.

In accordance with the Pennsylvania Workers' Compensation Act, 77 P.S. §1, et seq., as amended, each Participant may pay its annual contribution in installments, except that the initial installment shall be not less than twenty-five percent (25%) of the total annual contribution. The balance of the annual contribution may be paid to the Trust on monthly, quarterly or semi-annual basis as required by the Trust's By-Laws and as approved by the Pennsylvania Department of Labor and Industry Bureau of Workers' Compensation.

In accordance with the Pennsylvania Workers' Compensation Act, 77 P.S. §1, et seq., as amended, all annual contributions shall be based upon the annual payroll of the Trust Participants multiplied by the rates as utilized by the State Workmen's Insurance Fund minus any premium discounts. The Trust may, however, establish its own rates with the approval of an independent actuary and the Pennsylvania Department of Labor and Industry Bureau of Workers' Compensation.

(c) Assessments - Any additional payments to the Trust which a participating municipality may be required to make to the Surplus Fund upon a finding by the Board and the Trust Actuary that the General Operating and Surplus Funds have been exhausted by, among other things, the payment of claims, claims reserves, IBNR reserves and expenses; and that such assessments are required to preserve the fiscal and actuarial soundness of the Trust and its ability to pay claims and otherwise satisfy any outstanding indebtedness. All assessments shall be made in an amount equal to the ratio of the Participant's annual contribution to the total annual contribution paid by all Participants in the Trust year or years in which a deficit occurred. Any such assessments shall not be greater than that needed to eliminate the deficit or deficiency in the General Operating and Surplus Funds. Until the recently enacted amendments to the Pennsylvania Workers' Compensation Act (referred to as "Act 44") apply to the Trust on August 1, 1994 any assessments for each Participant shall be capped

In any single Trust Year at no greater than the annual contribution paid by that Participant for the Trust Year for which the assessment is being made.

(d) Termination Contribution - The Termination Contribution shall be sufficient to pay any outstanding contributions and any other expenses; assessments due and owing on the effective date of the Participant's withdrawal or expulsion.

(e) After the withdrawal or expulsion of a Participant, that Participant shall remain liable for any additional contributions, including any assessments, for any period during which that Participant was a member of the Trust.

(f) All contributions and assessments shall be determined by the Board of Trustees at least forty-five (45) days before the commencement of the Trust year during which those payments must be made by the Participants. This will permit the Participants to adequately budget and appropriate the sums needed for those payments.

7.02 Establishment of Separate Funds by Trustees.

The Trustees shall direct the Fiscal Agent to establish separate funds to hold the Trust monies. The Trustees shall cause monies received from time to time to be deposited in such funds in a proportion to be determined by the Trustees, and such funds shall be segregated and held in the following funds:

(a) The General Operating Fund. The General Operating Fund shall be an interest bearing account in the name of the Trustees and shall consist of all income of the Trust which is not held in the Restricted Surplus Fund. The Trustees shall cause adequate reserves to be maintained in the General Operating Fund to provide for current claims payments, reserves and claims incurred but not reported.

All administrative costs, claims, service fees, self-insurance bond costs, commercial insurance premium costs, Trustees' counsel fees, accountants' fees, taxes, compensation and expense reimbursements, as determined by the Trustees, shall be paid by the Administrator or the Service Agent from the General Operating Fund as authorized by the Trustees.

(b) The Surplus Fund. The Surplus Fund is an interest bearing account in the name of the Trustees and shall consist of the contributions made by each Participant and any assessments or other payments which may be required thereafter by the Trustees. Trustees may also allocate to the Surplus Fund monies from the General Operating Fund. Monies in the Restricted

Surplus Fund shall be used only for deficits in the General Operating Fund or for any other prudent or necessary use as determined by a two-thirds (2/3) vote of all Trustees, including refunds under Section 7.04.

7.03 Establishment of Checking Accounts under the General Operating Fund.

The Trust Administrator shall establish one or more checking accounts, which may be interest or non-interest bearing accounts, with the Fiscal Agent in the name of the Trust. Such accounts shall be funded from the General Operating Fund and the Trustees may authorize the Administrator and the Service Agent to draw on such checking accounts.

7.04 Payment of Dividends.

Any funds in the Surplus Fund in excess of amounts necessary to pay current claims, including a provision for claims reserves and for claims incurred but not reported, premiums, expenses, liabilities and such surplus reserves as the Trustees may deem necessary or prudent may be returned to the Participants in accordance with a formula to be adopted by the Trustees and in compliance with the Pennsylvania Workers' Compensation Act, 77 P. S. 51, et seq., as amended, and any regulations promulgated thereunder. Dividends to each Participant will be based upon the loss experience of the Trust as a whole, the size of each Participant's contributions, and the loss experience of the individual Participant. No dividends shall be paid to any Participant unless the Trust Actuary certifies in writing to the Board of Trustees that said dividends shall not adversely affect the fiscal or actuarial soundness of the Trust and its ability to satisfy any indebtedness incurred by the Trust, any Participant or any other entity on behalf of the Trust in furtherance of its purposes and objectives. When municipal debt has been incurred by the Trust, its Participants, or any other entity created for that purpose, an additional certification will be required from Bond Counsel that such dividends will not adversely affect the tax exempt status of any outstanding municipal debt.

7.05 Deficits.

In the event of a deficit in the General Operating Fund for any Trust Year, the deficit shall be made up from any of the following:

- (1) Unencumbered funds, including monies from the Surplus Fund;

- (2) Any contributions paid by the municipalities participating in the Trust;
- (3) Any assessments paid by Participants as required by the Board of Trustees in the event the Surplus Fund is also exhausted by, among other things, the payment of claims.

7.06 Bonds.

The Trustees shall require that a fidelity bond be furnished as to all persons handling money for or on behalf of the Trustees, including but not limited to individual Trustees, the Administrator and the Service Agent.

ARTICLE VIII

HEALTH AND SAFETY

8.01 Accident and Illness Prevention Program.

In accordance with the Pennsylvania Workers' Compensation Act, 77 P.S. §1, et seq., as amended, and any regulations promulgated thereunder, the Trust shall establish an accident and illness prevention program. Such program shall include surveys, recommendations, training programs, consultants, analyses of accident causes and other related services for the prevention of workers' compensation claims and enhance the welfare of the Participants' employees.

8.02 Safety Committee.

The Executive Committee shall appoint a Safety Committee to oversee the development and implementation of the Trust accident and illness prevention program.

ARTICLE IX

EXCESS INSURANCE REQUIREMENTS

9.01 Specific and Aggregate Excess Insurance.

In accordance with the Pennsylvania Workers' Compensation Act, 77 P.S. §1, et seq., as amended, and any regulations promulgated thereunder, the Trust will purchase single accident (single occurrence) excess insurance and aggregate excess insurance unless this requirement is waived by the Pennsylvania Department of Labor and Industry Bureau of Workers' Compensation.

ARTICLE X

GUARANTY AGREEMENT AND ANNUAL REPORTS

10.01 Guaranty Agreement.

As required by the Pennsylvania Workers' Compensation Act, 77 P.S. §1, et seq., as amended, and any regulations promulgated thereunder, the Trust shall execute a Guaranty Agreement with the Pennsylvania Department of Labor and Industry Bureau of Workers' Compensation which Guaranty Agreement is hereby adopted and incorporated by reference as though fully set forth herein.

10.02 Annual Reports.

The Trust shall submit an annual report to the Pennsylvania Department of Labor and Industry Bureau of Workers' Compensation in accordance with the Pennsylvania Workers' Compensation Act, 77 P.S. §1, et seq., as amended, and any regulations promulgated thereunder.

ARTICLE XI

AMENDMENTS

11.01 Amendments Not Requiring Consent of Participants.

The terms and provisions of this Agreement may be amended at any time by a majority of the Executive Committee for one (1) or more of the following purposes:

(a) To cure any ambiguity, defect or omission in this Agreement;

(b) To change or modify any provision of this Agreement so as to comply with any applicable law, regulation or administrative ruling which may be in effect; or

11.02 Amendments Requiring Consent of Participants.

The Participants by a two-thirds (2/3) vote may consent to and approve any other amendments approved by a two-thirds (2/3) vote of the Trustees and presented to the Participants, as shall be deemed necessary and desirable by the Participants for the purpose of modifying, altering or amending, adding to or rescinding any of the terms or provisions contained in this Agreement, including, but not limited to, the inclusion of additional types of insurance coverages, subject to the limitations contained in Section 11.03 hereof. The Trustees shall prescribe

rules and procedures for submission of proposed amendments to the Participants.

11.03 Limitation on Amendments.

No amendment shall be adopted which alters the basic purpose of the Trust or alters the rights of Participants to receive surplus monies as provided in Section 7.04 hereof or alters the obligation of Participants to pay any assessments or contributions which may be established under Section 7.05 hereof.

ARTICLE XII

TERMINATION

12.01 Term of Trust.

The Trust shall continue unless and until terminated pursuant to law or by an instrument in writing signed by two-thirds (2/3) of the Participants, and duly approved by the Pennsylvania Department of Labor and Industry Bureau of Workers' Compensation.

12.02 Termination of the Trust.

In the event of termination of the Trust, the Participants covenant and agree to make any provision for the payment of any outstanding municipal indebtedness and for the payment of claims against the Trust or its Participants as may be required by the Trustees, including the deposit with the Trustees of funds, surety bonds, or such other guarantees of payment as deemed required and sufficient by the Trustees. Upon termination, the Trustees shall continue to serve as Trustees to wind up the affairs of the Trust, including providing for all outstanding obligations, and each Participant shall be entitled to receive distribution of its pro rata share of any remaining funds, the calculation of such distribution to be determined by the Trustees.

ARTICLE XIII

MISCELLANEOUS

13.01 Title to the Trust.

Title to the Trust shall be vested in and remain exclusively in the Trustees to carry out the purposes hereunder and no Participant or any official, employee or agent of any Participant nor any individual shall have any right, title or interest in the Trust nor any right to Premiums made or to be made thereto, nor any claim against any Participant on account thereof, except to the

extent of the right of Participants to receive their pro rata share of any excess funds as provided hereunder.

No Participant may assign any right, claim or interest it may have under this Agreement.

13.02 Execution of Documents.

The Trustees may authorize any Trustee or the Administrator to execute any notice, certificate or other written instrument relating to the Trust (except an instrument of amendment or termination) and all persons, partnerships, corporations, or associations may rely upon such notice or instrument so executed as having been duly authorized and as binding on the Trust and the Trustees.

13.03 Notice.

All notices, requests, demands and other communications related to this Agreement, unless otherwise so provided herein, shall be in writing and shall be deemed to be duly given when sent by first-class, registered or certified mail postage paid, return receipt requested, when personally delivered by hand, or when transmitted by cable, telex or telegraph, at such addresses as have been last provided to the Trust. The initial address for such notices, requests, demands or other communications to the Trustees and each Participant shall be provided to the Administrator.

The parties shall notify the Administrator as to any change in address.

13.04 Construction.

This Agreement shall be governed by the laws of the Commonwealth of Pennsylvania.

13.05 Counterparts.

This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, by the Trustees and the Chief Executive Officer of the local agency or municipality, of a counterpart signature page in the forms attached hereto, which together with this Agreement and all other duly executed signature pages shall constitute the complete Agreement among all the parties hereto.

13.06 Subrogation.

Each Participant agrees that in the event of the payment of any loss by the Trust under this Agreement, the Trust shall be subrogated to the extent of such payment to all the rights of the Participant against any person or other entity legally responsible for damages for said loss, and in such event the Participant hereby agrees to render all reasonable assistance, other than pecuniary, to effect recovery.

13.07 Defense by Trust.

The Trust shall have a duty to represent all Participants with respect to the payment of workers' compensation claims.

13.08 Limitation of Liability.

Liability of the Trust to any Participant is specifically limited to the payment of workers' compensation claims in accordance with the Pennsylvania Workers' Compensation Act, 77 P.S. §1, et seq., as amended, and any regulations promulgated thereunder.

Participants' liability shall be limited to the extent of the financial contributions to the Trust set forth herein, and any additional obligations as may come about through amendment hereto, including an obligation to repay any municipal debt as may be incurred by the Trust, its Participants or any entity created for that purpose. No Participant agrees or contracts herein to be held responsible for any claims in tort, contract or otherwise made against any other Participant. Nothing contained in this Agreement or in the By-laws thereto or the Coverage Document shall be deemed to create any relationship of surety, indemnification or responsibility between Participants for the debts of or claims against any other Participant.

13.09 Arbitration.

As set forth herein, any decisions by the Board concerning expulsion or withdrawal of Participants, or disclaiming or denying coverage for any claim (s) made against any Participant may be submitted to arbitration, and the decision of the arbitration panel shall be final.

13.10 General Representations of Participants.

(a) The Participant is a body corporate and politic, a political subdivision of the Commonwealth of Pennsylvania, and a local agency or municipality as defined under

Pennsylvania law. The Participant has the power to enter into this Agreement and any other documents in connection herewith and the transactions contemplated hereunder and thereunder. The party executing this Agreement on behalf of the Participant has full power and authority to execute same and any documents executed in connection herewith.

(b) This Agreement has been duly and validly executed and is a valid and binding agreement on the Participant under the laws of the Commonwealth of Pennsylvania, enforceable in accordance with its terms, subject to bankruptcy, insolvency and other laws affecting creditors' rights generally and such principles of equity as the court, in its discretion, may impose with respect to remedies which may require enforcement by a court, of equity.

13.11 Severability of Invalid Provisions.

If any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, then such provision or provisions shall be deemed severable from the remaining provisions contained in this Agreement and such invalidity, illegality or unenforceability shall not affect any other provision of this Agreement, and the remaining parts of this Agreement shall be construed so as to give practical realization to the purposes intended to be achieved by the parties as if such invalid or illegal or unenforceable provision had never been contained herein.

IN WITNESS WHEREOF, the Trustees, have executed this Trust Agreement, all as of the date above first mentioned.

WITNESS:

Gregory N. Klemick

Richard R. Paul

GLB:slp
090393

APPENDIX A

Participants

Name

Date

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ANNUAL BUDGET OF THE TOWNSHIP OF UPPER DUBLIN FOR THE YEAR 1994

ORDINANCE NO. 860

AN ORDINANCE OF UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR THE SPECIFIC PURPOSES OF THE MUNICIPAL GOVERNMENT, HEREINAFTER SET FORTH, DURING 1994.

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

SECTION 1: That for the expenses for the fiscal year 1994 the following amounts are hereby appropriated from the revenues available for the current year for the specific purposes set forth below, which amounts are more fully itemized in the Budget Form.

SUMMARY OF ALL ESTIMATED RECEIPTS

Receipts from Current Tax Levy	\$ 8,138,179
Receipts from Taxes of Prior Years	37,000
Other Revenue Receipts	<u>7,931,355</u>
TOTAL ESTIMATED RECEIPTS AND CASH	\$16,106,534

SUMMARY OF ALL APPROPRIATIONS

GENERAL GOVERNMENT	
Administration and Finance	\$ 926,944
Treasurer and Tax Collector	17,716
Library	325,941
Municipal Buildings	<u>195,080</u>
TOTAL	\$ 1,465,681
PROTECTION TO PERSONS AND PROPERTY	
Police	\$ 2,706,894
Fire	<u>994,937</u>
TOTAL	\$ 3,701,831
SEWER OPERATION AND TREATMENT	
Operations	\$ 1,241,765
Treatment	<u>1,404,520</u>
TOTAL	\$ 2,646,285
PUBLIC HEALTH AND SANITATION	
Health	\$ 50,396
Sanitation	<u>1,717,592</u>
TOTAL	\$ 1,767,988

HIGHWAY MAINTENANCE	\$ 1,529,824
DEBT SERVICE	\$ 801,038
CAPITAL PROJECTS	
Sewer	\$ 2,367,993
Road, Storm Sewer, Equipment and Buildings	743,625
Parks and Recreation	<u>69,240</u>
TOTAL	\$ 3,180,858
PARKS AND RECREATION	\$ 708,736
CODE ENFORCEMENT	\$ 281,293
MISCELLANEOUS	<u>\$ 23,000</u>
TOTAL APPROPRIATIONS	\$16,106,534

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

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

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

SECTION 5: The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the Court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION 6: This Ordinance shall take effect and be in force from and after January 1, 1994.

ENACTED AND ORDAINED this 14th day of December 1993.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

BY: 

Richard R. Rulon, President

ATTEST:


Gregory N. Klemick, Secretary

ORDINANCE NO. 861

AN ORDINANCE OF UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, FIXING THE TAX RATE FOR THE YEAR 1994 FOR GENERAL PURPOSES, THE TAX RATE FOR THE YEAR 1994 FOR DEBT SERVICE, THE TAX RATE FOR THE YEAR 1994 FOR FIRE PROTECTION, THE TAX RATE FOR THE YEAR 1994 FOR PARKS AND RECREATION, THE ASSESSMENT FOR THE YEAR 1994 FOR FIRE HYDRANTS, AND ESTABLISHING DISCOUNTS AND PENALTY THEREFOR.

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

SECTION 1: Tax Rates for General Purposes

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 1994, as follows:

Tax rate for General Purposes, the sum of. 22.31 mills
on each dollar of assessed valuation, or the sum of. 223.1 cents
on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

	Mills on Each Dollar of Assessed <u>Valuation</u>	Cents on Each One Hundred Dollars of Assessed <u>Valuation</u>
Tax Rate for General Purposes	22.31 mills	223.1 cents

SECTION 2: Tax Rate for Debt Service

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 1994, as follows:

Tax rate for Debt Service, the sum of. 7.00 mills
on each dollar of assessed valuation, or the sum of. 70.0 cents
on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

	Mills on Each Dollar of Assessed <u>Valuation</u>	Cents on Each One Hundred Dollars of Assessed <u>Valuation</u>
Tax Rate for Debt Service	7.00 mills	70.0 cents

SECTION 3: Tax Rate for Fire Protection

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 1994, as follows:

Tax rate for Fire Protection, the sum of 2.00 mills
on each dollar of assessed valuation, or the sum of 20.0 cents
on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

	<u>Mills on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for Fire Protection	2.00 mills	20.0 cents

SECTION 4: Tax Rate for Parks and Recreation

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 1994, as follows:

Tax rate for Parks and Recreation, the sum of 4.10 mills
on each dollar of assessed valuation, or the sum of 41.0 cents
on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

	<u>Mills on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for Parks and Recreation	4.10 mills	41.0 cents

SECTION 5: Assessment for Fire Hydrants

That the cost and maintenance of fire hydrants for fire protection, with the Fire and Water District of Upper Dublin Township, established by Ordinance No. 543, is hereby distributed by a special tax for the fiscal year 1994, as follows:

Special tax for fire hydrants, the sum of35 mills
on each dollar of assessed valuation, or the sum of 3.5 cents
on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

	Mills on Each Dollar of Assessed <u>Valuation</u>	Cents on Each One Hundred Dollars of Assessed <u>Valuation</u>
Special Tax for Fire Hydrants	.35 mills	3.5 cents

SECTION 6: Discounts and Penalty

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

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

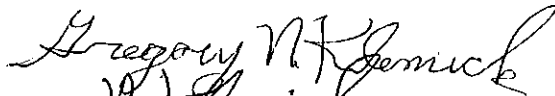
SECTION 8: The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the Court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION 9: This Ordinance shall take effect and be in force from and after January 1, 1994.

ENACTED AND ORDAINED THIS 14th day of December, 1993.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

BY: 
Richard R. Rulon, President

ATTEST: 
Gregory N. Klemick, Secretary

ORDINANCE NO. 862

AN ORDINANCE OF UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, ESTABLISHING THE DATES OF THE REGULAR MEETINGS OF THE COMMISSIONERS OF THE TOWNSHIP OF UPPER DUBLIN DURING THE YEAR 1994.

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

SECTION 1. A workshop of the Commissioners of the Township of Upper Dublin for the year 1994 shall be held on the first Tuesday of each month at 7:00 PM.

SECTION 2. The regular stated monthly meeting of the Commissioners of the Township of Upper Dublin for the year 1994 shall be held on the second Tuesday of each month unless the same shall be a legal holiday, in which case the meeting will be held on the next regular business day following, at 7:30 PM, local time.

SECTION 3. The Public Safety, Works and Services Committee meeting for the year 1994 shall be held on the third Tuesday of each month at 6:30 PM, local time.

SECTION 4. The parks and Recreation/Library Committee meeting for the year 1994 shall be held on the fourth Tuesday of each month at 7:00 PM, local time.

SECTION 5. The Planning and Environment Committee meeting for the year 1994 shall be held on the fourth Tuesday of each month at 7:30 PM, local time.

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

SECTION 7. All meetings shall be held in the Township Building, 801 Loch Alsh Avenue, Fort Washington, Pennsylvania, unless otherwise specifically directed.

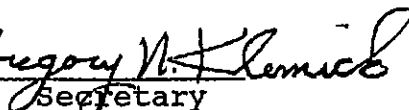
ENACTED and ORDAINED this 3rd day of January, 1994.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP



President

Attest: _____



Secretary

AN ORDINANCE

NO. 863

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF UPPER DUBLIN, TITLE 5 THEREOF, ENTITLED, HEALTH AND SANITATION, BY ADDING A NEW CHAPTER 11 ENTITLED SPRAYING, TO REGULATE THE USE OF SPRAYS OR SPRAYERS.

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

Section 1. The Code of the Township of Upper Dublin, Title 5 thereof, entitled Health and Sanitation, shall be amended by the addition of a new Chapter 11 entitled Spraying, to provide as follows:

CHAPTER 11

SPRAYING

Sec. 1 Legislative Intent

The Board of Commissioners of Upper Dublin Township hereby finds that the emission of particulate matter, mist, spray or droplets onto property without the permission of the owner thereof creates a high level of concern over the detrimental nature of such products due to the possibility of such emissions having toxic, noxious or hazardous characteristics. Those affected by such emissions are without power to determine the potential harmful effects thereof and are thus justifiably placed in a position of anxiety and fear. The Board of Commissioners has determined, therefore, that any such emission which causes perceptible quantities of particulate matter, mist, spray or droplets to fall or otherwise be deposited on the property of another without such person's permission is a public nuisance.

Sec. 2 Prohibition

No device emitting particulate matter, mist, spray or droplets may be used in such manner as to allow such emission in perceptible quantities to fall, drift or otherwise be deposited on another's property without that person's permission.

Sec. 3 Enforcement

The Township Code Enforcement Director, or his duly authorized

representative, or any officer of the Upper Dublin Township Police Department shall have the power to inspect and investigate conditions relating to the enforcement of the provisions of this Ordinance, to enforce the provisions of this Ordinance and to write citations for any violation of this Ordinance.

Sec. 4 Penalty

Any person, firm, association, or corporation or employee or representative thereof, who violates any provision of this Chapter, upon conviction thereof, shall be subject to a fine or penalty not exceeding \$600 for each and every offence. Such fines or penalties shall be collected as like fines or penalties are now collected by law and shall be in addition to any other penalty provided herein.

Section 2. Nothing in this Ordinance or in Title 5 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Title 5 prior to the adoption of this amendment.

Section 3. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

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

APPROVED BY THE BOARD, this 11th day of January, 1994.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

ATTEST:

Richard R. Rulon
RICHARD R. RULON, PRESIDENT

Gregory N. Blemick
GREGORY N. BLEMICK, SECRETARY

AN ORDINANCE
NO. 864

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF UPPER DUBLIN, TITLE 10 THEREOF, ENTITLED ZONING, ARTICLE 12, LIMITED INDUSTRIAL DISTRICT, TO PROVIDE THAT THE GROSS FLOOR AREA OF AN EXHIBITION CENTER WILL BE DETERMINED CONDITIONALLY BY THE BOARD OF COMMISSIONERS

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

Section 1. The Code of the Township of Upper Dublin, Title 10 thereof, entitled Zoning, Article 12, "LIM-Limited Industrial District", Section 12.01, Use Regulations, subsection (J), relating to uses permitted as a conditional use, subparagraph (b) relating to Exhibition Centers shall be amended to read as follows:

Sec. 12.01 Use Regulations.

* * * * *
* * * * *

J. The following uses are permitted as a conditional use by the Board of Commissioners in accordance with the provisions of Article 22:

* * * * *
* * * * *

b. An Exhibition Center, ~~not having more than 175,000 square feet of gross floor area,~~ provided the Board of Commissioners determines that:

1. Such use is consistent with Section 12.00, Declaration of Legislative Intent.
2. Such use will not adversely affect the health, safety or welfare of the neighborhood.
3. Adequate provision has been made to accommodate increased traffic on public streets.

A maximum of twenty-five (25%) percent of the required parking ~~to~~ may be held in reserve if the applicant can ~~show~~ demonstrate, to the satisfaction of the Board of Commissioners that the additional parking will not be needed.

Regardless of the number of spaces actually developed, a parking area to accommodate the aggregate number of parking spaces normally required

shall be fully designed, and the area which is proposed to be eliminated shall be shown on the land development plan as "Parking Reserve Area".

The Parking Reserve Area shall be considered in calculating the impervious surface ratio.

The Parking Reserve Area shall be planted with vegetative cover and integrated into the site's land development plan.

Such area shall be required to be developed as designed if and when the Zoning Officer determines the need.

The Board of Commissioners may limit the total square footage of gross floor area of an Exhibition Center based on the legislative intent of the LIM-Limited Industrial District, and the Standards and Criteria contained in Article 22, Conditional Use.

Section 2. Nothing in this Ordinance or in Title 10 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Title 10 prior to the adoption of this amendment.

Section 3. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

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

ENACTED AND ORDAINED this 8th day of February, 1994.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

ATTEST:

Gregory N. Klemick
GREGORY N. KLEMICK, SECRETARY

Richard R. Rulon
RICHARD R. RULON, PRESIDENT

ORDINANCE NO. 865

AN ORDINANCE ENDORSING THE AMENDED ARTICLES OF AGREEMENT OF THE MONTGOMERY COUNTY CONSORTIUM OF COMMUNITIES.

WHEREAS, the Township of Upper Dublin is a member of the Montgomery County Consortium of Communities founded in 1981; and

WHEREAS, the Consortium recently amended the Articles of Agreement; and

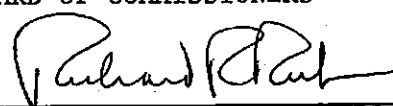
WHEREAS, any amendments to the Articles of Agreement require approval by each member community in the same manner as the Agreement originally.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED that the President of the Board of Commissioners and the Township Secretary shall be authorized to execute said amended Articles of Agreement on behalf of the Township.

ADOPTED March 8, 1994.

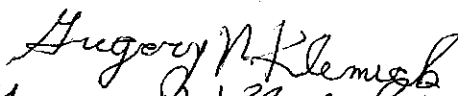
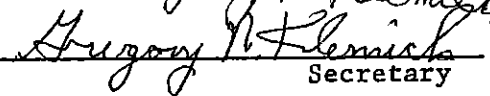
Signed:

UPPER DUBLIN TOWNSHIP
BOARD OF COMMISSIONERS



President

Attest:

Secretary

AN ORDINANCE
NO. 866

AN ORDINANCE, TO AMEND THE CODE OF THE TOWNSHIP OF UPPER DUBLIN, TITLE 10 THEREOF, ENTITLED ZONING, TO DEFINE "PERSONAL CARE FACILITY", TO PERMIT A PERSONAL CARE FACILITY AS A CONDITIONAL USE IN "LIM"-LIMITED INDUSTRIAL AND "INST"-INSTITUTIONAL ZONING DISTRICTS, AND TO PROVIDE PARKING REQUIREMENTS FOR SUCH USE.

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

Section 1. The Code of the Township of Upper Dublin, Title 10 thereof, entitled Zoning, Article 2, "Definitions", Section 2.01, Definitions, shall be amended by the addition of subsection AAF to provide as follows:

§2.01 Definitions

* * * * *

AAF "Personal Care Facility" - A Commonwealth licensed, high-density, residential facility consisting of private and semi-private dwelling units and accessory uses, wherein staff supervision and personal assistance with dressing, bathing, diet or medication prescribed for self administration, as well as medical supervision are provided for the residents of the facility only, but no hospital services are provided.

Section 2. The Code of the Township of Upper Dublin, Title 10 thereof, entitled Zoning, Article 12, "LIM-Limited Industrial District", Section 12.01, Use Regulations, subsection (J) relating to uses permitted as a conditional use, shall be amended by the addition of paragraph (c) to read as follows:

Section 12.01 Use Regulations

* * * * *

J. The following uses are permitted as a conditional use by the Board of Commissioners in accordance with the provisions of Article 22:

* * * * *

c. A Personal Care Facility, provided the Board of Commissioners determines that:

1. Such use is consistent with Section 12.00, Declaration of Legislative Intent.
2. Such use will not adversely affect the health, safety or welfare of the neighborhood.
3. Parking is provided in accordance with Article 9 of the Zoning Code.
4. Buffer and screening requirements required for a Life Care Complex in INST - Institutional District shall be complied with unless waived by the Board of Commissioners.

Section 3. The Code of the Township of Upper Dublin, Title 10 thereof, entitled Zoning, Article 8-F, "Inst-Institutional District", Section 2, Use Regulations, subsection (D) relating to uses permitted as a conditional use, shall be amended by the addition of paragraph (2) to read as follows:

Section 2 Use Regulations

* * * * *

- D. The following uses are permitted as a conditional use by the Board of Commissioners in accordance with the provisions of Article 22:

* * * * *

2. A Personal Care Facility, provided the Board of Commissioners determines that:
 - a. Such use is consistent with Section 1, Purpose and Intent.
 - b. Such use will not adversely affect the health, safety or welfare of the neighborhood.
 - c. Parking is provided in accordance with Article 9 of the Zoning Code.
 - d. Buffer and screening requirements required for a Life Care Complex in this Article shall be complied with unless waived by the Board of Commissioners.

Section 4. The Code of the Township of Upper Dublin, Title 10 thereof, entitled Zoning, Article 9, "Off-Street Parking and Loading", Section 9.00, Required Off-Street Parking Facilities, subsection 3, shall be amended by the addition of paragraph (1) to read

as follows:

- (1) Personal Care Facility: One (1) parking space per bed.

Section 5. Nothing in this Ordinance or in Title 10 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued or any cause or causes of action existing under the said Title 10 prior to the adoption of this amendment.

Section 6. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 7. This Ordinance shall take effect and be in force from and after its approval as required by law.

ENACTED AND ORDAINED this 14th day of JUNE, 1994.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

Charles M. Bolig
Charles M. Bolig, Vice President

ATTEST:

Gregory N. Klemick
Gregory N. Klemick, Secretary

Gregory N. Klemick

AN ORDINANCE

NO. 761

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF UPPER DUBLIN, TITLE 10 THEREOF, ENTITLED ZONING, ARTICLE 18, AMENDMENTS, BY REPEALING THE ARTICLE WHERE IT IS INCONSISTENT WITH THE PROVISIONS TO AMEND A ZONING ORDINANCE IN THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE

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

Section 1. The Code of the Township of Upper Dublin, Title 10 thereof, entitled Zoning, Article 18, entitled Amendments, which presently provides as follows:

Sec. 18.00 Amendment by Governing Body

The Board of Commissioners of Upper Dublin Township may, from time to time, amend, supplement, change, modify, or repeal this ordinance, including the zoning map, by proceeding in the following manner.

Sec. 18.01 Amendment Procedure

The Board of Commissioners, by resolution, adopted at a regular or special meeting, shall fix the time and place of a public hearing on the proposed amendment and cause notice thereof to be given as follows:

A. By publishing a notice thereof once a week for two (2) consecutive weeks in a newspaper having general circulation within the Township, provided, however, the first publication shall be a least ten (10) days prior to the date fixed for the public hearing.

B. At the discretion of the Commissioners, by mailing a notice to all property owners within five hundred (500) feet, if only a particular area is involved. If the owners of the property or their respective addresses are unknown, the Commissioners may direct the posting of the notice upon the dwelling, if one exists, otherwise at a conspicuous place upon the property.

C. A statement of the circumstances in the proposed district and the abutting districts and any other factors on which the applicant relies as reasons for supporting the proposed rezoning.

D. The approximate time schedule for the beginning and completion of development in the area.

E. A site plan to scale, indicating the location of structures, uses, areas for off-street parking and loading.

F. Information about the market area to be served by the proposed development if a commercial use including population, effective demand for proposed business facilities, and any other information describing the relationship of the proposed development to the needs of the market area as the Zoning Officer Planning Commission, or governing body shall prescribe.

Sec. 18.02 Public Hearing and Notice

Whenever the owners of fifty (50) per centum or more of the (1) property owners within any district or (2) of the property owners of property fronting on the same street or streets or abutting on the property sought to be changed, and situate within one thousand (1,000) feet of the property sought to be changed, shall present to the Board of Commissioners a petition duly signed and acknowledged, requesting an amendment, supplement, change, modification or repeal of the regulations prescribed, or of the zoning map, including such district, it shall be the duty of the Board of Township Commissioners to hold a public hearing thereon and cause notice thereof to be given in the manner prescribed in Section 18.01 herein.

Sec. 18.03 Referral to Planning Commission

All proposed amendments before adoption shall be referred to the Planning Commission, if one exists, for recommendation and report which shall not be binding.

Sec. 18.04 Citizens Protest Against Amendment

In case of a protest against such amendment, change, modification, or repeal, signed by the owners of twenty (20%) percent or more, either of the area or the lots included in such proposed changes or of those immediately adjacent in the rear thereof extending one hundred (100) feet from the street frontage of such opposite lots, such amendment, supplement, change or modification shall not become effective except by the favorable vote of two-thirds (2/3rds) of all the members of the governing body.

Sec. 18.05 Fees

For the purpose of defraying expenses of advertising, etc., applications for amendments shall be accompanied by cash payments to the Township in accordance with a fee Schedule adopted by resolution of the Board of Commissioners upon the enactment of this ordinance or as such schedule may be amended by resolution of the Board of Commissioners.

Sec. 18.06 Reapplications

The Zoning Hearing Board or the Board of Commissioners, may at their discretion refuse to accept an application for a variance or special exception or change of zoning or curative amendment to the zoning ordinance effecting part of all of any tract of land which was the subject of a request for a similar variance, special exception or change of zoning or curative amendment made by any applicant during the preceding twelve (12) month period.

Section 2. The Code of the Township of Upper Dublin, Title 10 thereof, entitled Zoning, Article 18, entitled Amendments, shall be amended to provide as follows:

Sec. 18.00 Amendment by Governing Body

The Board of Commissioners of Upper Dublin Township may, from time to time, amend, supplement, change, modify, or repeal this ordinance, including the zoning map, by proceeding in the following manner.

Sec. 18.01 Public Hearing and Notice

Before voting on the enactment of an amendment, the Board of Commissioners shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.

Sec. 18.02 Revision After Public Hearing

If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Board of Commissioners shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

Sec. 18.03 Enactment of Amendment

The vote on the enactment by the Board of Commissioners shall be within 90 days after the last public hearing.

Sec. 18.04 Fees

Applications for amendments shall be accompanied by cash payments to the Township in accordance with a fee schedule adopted by resolution of the Board of Commissioners.

Section 3. Nothing in this Ordinance or in Title 10 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Title 10 prior the adoption of this amendment.

Section 4. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provisions thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining section, sentences, causes, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part or provision had not been included herein.

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

Approved by the Board this 14th day of JUNE, 1994.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

Charles M. Bolig
Charles M. Bolig, Vice President

ATTEST:

Gregory N. Klemick
Gregory N. Klemick, Secretary

AN ORDINANCE
NO. 868

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF UPPER DUBLIN, TITLE 10, THEREOF ENTITLED ZONING, ARTICLE 9, ENTITLED OFF-STREET PARKING AND LOADING, TO ADD A NEW SECTION 9.07, ENTITLED "HANDICAP-ACCESSIBLE PARKING", TO PROVIDE PARKING REQUIREMENTS FOR HANDICAP ACCESS.

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

Section 1. The Code of the Township of Upper Dublin, Title 10, thereof entitled Zoning, Article 9, entitled Off-Street Parking and Loading, shall be amended to include a new Section 9.07, entitled "Handicap-Accessible Parking" to provide as follows:

* * * * *

ARTICLE 9
OFF-STREET PARKING AND LOADING

* * * * *

Sec.9.07 Handicap - Accessible Parking

Handicap - accessible parking spaces shall be provided on any site in accordance with current federal and state regulations. This is a minimum requirement which should be increased if required by federal or state regulations, or if the owner or operator of a site determines that there is such a need.

Section 2. Nothing in this Ordinance or in Title 10 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Title 10 prior to the adoption of this amendment.

Section 3. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 4. This Ordinance shall take effect and be in force sixty (60) days from and after its approval as required by law.

ENACTED AND ORDAINED this 14th day of JUNE, 1994.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

Charles M. Bolig
Charles M. Bolig, Vice President

ATTEST:

Gregory N. Klemick
Gregory N. Klemick, Secretary
Gregory N. Klemick

ORDINANCE NO. 869

AN ORDINANCE TO AMEND THE UPPER DUBLIN TOWNSHIP CODE, TITLE 10, ZONING, BY AMENDING THE ZONING MAP DESIGNATING THE HEREIN DESCRIBED TRACTS OR PARCELS SHOWN ON TAX MAP BLOCK NO.12 IN DRESHER, TOWNSHIP OF UPPER DUBLIN, MONTGOMERY COUNTY, FROM "MD"-MULTI-DWELLING TO "A"-RESIDENTIAL, AND FROM "CR" COMMERCIAL RETAIL, CLASS I AND "A"-RESIDENTIAL TO "CR" COMMERCIAL RETAIL, CLASS L.

The Board of Commissioners of the Township of Upper Dublin does hereby ENACT AND ORDAIN that Title 10 of the Upper Dublin Township Code entitled "The Upper Dublin Zoning Ordinance" shall be amended as follows:

Section 1. The Zoning Map of the Upper Dublin Zoning Ordinance, as amended, is further amended by redesignating the following described tracts or parcels from "MD" - MULTI-DWELLING DISTRICT to "A"-RESIDENTIAL DISTRICT:

ALL THOSE tracts or parcels situate in Upper Dublin Township, Montgomery County, Commonwealth of Pennsylvania as shown on Tax Map Block No. 12 of Upper Dublin as shown in the Montgomery County Recorder of Deeds office and described more fully as follows to wit:

BEGINNING at a point on the southeasterly side of Dreshertown Road at the distance of 474.76 feet measured on a bearing of North 40 degrees 01 minutes 40 seconds East, along the said side of Dreshertown Road from the intersection with the centerline of Limekiln Pike being the dividing line between unit 45 and unit 49 on said Tax Map; thence extending from said point of beginning North 40 degrees 01 minutes 40 seconds East, along the said side of Dreshertown Road, 260 feet; thence along the line of unit 46 South 49 degrees 58 minutes 20 seconds East, 707.87 feet to a point in the line of unit no. 12 on said Tax Map; thence along the line of unit no. 12 North 74 degrees 54 minutes 00 seconds East, 572.89 feet; thence North 15 degrees 51 minutes 00 seconds West, 71.28 feet; thence North 82 degrees 39 minutes 00 seconds East, 519.75 feet, thence North 38 degrees 39 minutes 00 seconds East, 354.26 feet to a corner of unit 13 of said Tax Map; thence, along the lines of unit 13 the following seven (7) courses and distances; 1) South 32 degrees 34 minutes 00 seconds East 228.32 feet; 2) South 60 degrees 52 minutes 00 seconds West, 140.06 feet; 3) South 30 degrees 02 minutes 00 seconds West, 336.10 feet; 4) South 69 degrees 14 minutes 00 seconds West, 279.25 feet; 5) South 52 degrees 52 minutes 00 seconds West, 116.04; 6) South 81 degrees 54 minutes 00 seconds West, 900.34 feet; 7) South 65 degrees 08 minutes 00 seconds West, 114.11 feet to a corner of unit 45 on said Tax Plan; thence along the northeasterly line of unit 45 North 16 degrees 38 minutes 20 seconds West, 247.96 feet to a corner of unit 49; thence along the southwesterly line of unit 49 north 49 degrees

58 minutes 20 seconds West, 516.65 feet to the place and point of BEGINNING.

CONTAINING 652,325.6 sq. ft. or 14.975 acres more or less.

Section 2. The Zoning Map of the Upper Dublin Zoning Ordinance, as amended, is further amended by redesignating the following described tracts or parcels from "CR" COMMERCIAL RETAIL, CLASS I DISTRICT and "A" RESIDENTIAL DISTRICT to "CR" COMMERCIAL RETAIL CLASS L DISTRICT:

ALL THOSE tracts or parcels situate in Upper Dublin Township, Montgomery County, Commonwealth of Pennsylvania as shown on Tax Map Block No. 12 of Upper Dublin Township as shown in the Recorder of Deeds office of Montgomery County described more fully as follows to wit:

BEGINNING at a point on the southeasterly side of Dreshertown Road at the distance of 474.76 feet measured on a bearing of North 40 degrees 01 minutes 40 seconds East from the intersection with the centerline of Limekiln Pike, being the dividing line between unit 45 and unit 49 on said Tax Map; thence along the northeasterly side of unit 49 South 49 degrees 58 minutes 20 seconds East, 516.65 feet to a corner of unit 12; thence along the southwesterly side of unit 12 South 16 degrees 38 minutes 20 seconds East, 247.66 feet to a point in line of unit 13 of said Tax Map; thence along unit 13 the following six (6) courses and distances; 1) South 65 degrees 08 minutes 00 seconds West, 135.84 feet; 2) South 75 degrees 03 minutes 00 seconds West, 189.57 feet; 3) South 32 degrees 05 minutes 00 seconds West, 119.65 feet; 4) North 70 degrees 19 minutes 00 seconds East, 5.31 feet to a corner of unit 71 of said Tax Map; 5) South 22 degrees 31 minutes 00 seconds East, 221.06 feet to a corner of unit 13; 6) along the northwesterly side of unit 13 South 70 degrees 19 minutes 00 seconds West, 250.31 feet to a point on the original legal centerline of Limekiln Pike; from thence North 20 degrees 04 seconds 34 minutes West, 745.47 feet through the bed of Limekiln Pike to the place and point of BEGINNING.

CONTAINING 431,157 sq. ft. or 9.898 acres more or less.

Section 3. Nothing in this Ordinance or in Title 10 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Title 10 prior to the adoption of this amendment.

Section 4. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the

intent of the Board that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

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

ENACTED AND ORDAINED this 14TH day of JUNE A.D. 1994.

BOARD OF COMMISSIONERS
TOWNSHIP OF UPPER DUBLIN

Charles M. Bolig
Charles M. Bolig, Vice President

ATTEST:

Gregory N. Klemick
Gregory N. Klemick, Secretary

ud\ord\wendyzon.dra

Gregory N. Klemick

AN ORDINANCE
NO. 870

An ordinance, to amend the Code of the Township of Upper Dublin, Title 8 thereof, entitled Streets and Highways, to add a new Chapter 8, Shade Trees; to establish a five (5) member Shade Tree Commission and provide for their appointment by the Board of Commissioners; to define the duties and powers of the Shade Tree Commission, including executive custody and control of all shade trees on Township property and within public rights of way, authority to plant, remove, maintain and protect all shade trees on Township property and within the rights of way of public streets and highways, and authority to enact its own rules and regulations; and providing for public meetings of the Shade Tree Commission and annual reports to the Board of Commissioners.

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

Section 1. The Code of the Township of Upper Dublin, Title 8 thereof, entitled Streets and Highways, shall be amended by adding a new Chapter 8, Shade Trees, to provide as follows:

Chapter 8

SHADE TREES

Section 1.01 Word usage; definitions.

- A. Word usage. The singular number includes the plural, and the plural includes the singular. The masculine gender includes the feminine.
- B. Terms defined. Unless otherwise expressly stated, the following words and phrases shall be construed throughout this chapter to have the meanings indicated in this section:

BOARD - The Board of Commissioners of the Township of Upper Dublin.

COMMISSION - The Shade Tree Commission.

DBH - Diameter at breast height, four and five-tenths (4.5) feet from the ground.

DIRECTOR - The Director of Public Works.

PERMIT - A permit in writing as issued by the Director pursuant to application approval by the Commission.

PERSON - Any individual, firm, association, partnership or corporation.

PRUNING - Removal of branches from a tree or bush using proper tools and approved cutting techniques.

PUBLIC STREET OR HIGHWAY - Any public right-of-way, a portion of which is used for vehicular travel, in the Township.

RIGHTS-OF-WAY - The width of each public street, including sidewalks and/or adjoining land, as indicated on Township maps maintained by the Public Works Department.

SHADE TREE - Any tree having more than fifty percent (50%) of its trunk diameter at breast height within the right-of-way of a public street or on Township property.

SHADE TREE COMMISSION - A Commission established pursuant to powers granted by the First Class Township Code.

STREET - Any public right-of-way, all or a portion of which is used for vehicular travel, in the Township.

TOWNSHIP - The Township of Upper Dublin.

Section 1.02. Establishment of Commission.

A Commission to be known as the "Shade Tree Commission" is hereby established.

Section 1.03. Composition; appointments; terms; vacancies.

- A. The Commission shall be composed of five (5) residents of the Township who are appointed by the Board and who shall serve without compensation.
- B. Each member shall serve a term of five (5) years. All initial terms shall commence on the first day of June following the appointment. The initial appointments shall be made for staggered terms so that the term of one member shall expire each year.

- C. Vacancies on the Shade Tree Commission shall be filled by the Board for the unexpired term.

Section 1.04. Powers and Duties

- A. The Commission shall have exclusive custody and control of all shade trees on Township property and on public streets, and is authorized to plant, remove, maintain and protect all such shade trees in accordance with the authority provided by law.
- B. The Commission's meetings shall be held in the Township Administration Building, shall be open to the public and shall be publicly advertised.
- C. The Commission may prescribe rules and regulations for the conduct of its affairs and for carrying out its duties.

Section 1.05 Annual Report; budget.

The Commission shall, by July 1 of each year, submit a report to the Board summarizing accomplishments during the past fiscal year together with plans and a proposed budget for the next year.

Section 1.06 Planting, maintaining and removal of shade trees.

- A. Whenever the Commission proposes to plant or remove shade trees all property owners involved shall be notified by the Commission. Notice of such work shall be sent by regular mail at least four (4) weeks in advance, except in emergency situations, as described in Section 1.08, when immediate action is required.
- B. Any property owner who wishes to have a shade tree in the Township right-of-way planted, pruned, sprayed or removed shall submit a written request to the Director. The Commission shall investigate the request and advise the property owner whether it can be carried out and, if so, whether or not there will be any charge.
- C. If a property owner requests work to be done on a shade tree on the owner's property and the Township Public Works Department is not in a position to do it, the owner, with the permission of the Commission, may engage a contractor to do the work. Before proceeding, the contractor must obtain a permit from the Director of Public Works.

Section 1.07. Maintenance and removal of trees on private property.

- A. Notwithstanding any other provision of this chapter, the Commission shall, upon giving four (4) weeks' written notice to the owner of the property, require the owner to cut and remove any trees, or bushes, or parts thereof, on such owner's property (but not in the Township right-of-way) if such trees or bushes: (a) are afflicted with any disease which threatens to injure or destroy Township shade trees, or (b) constitute a hazard to those occupying public property or the public right of way. Such removal may be required at the owner's expense.
- B. Upon failure of the owner to comply with such notice, the Commission shall arrange for the work to be done and levy and collect the cost thereof from the owner of the property. The cost of such work shall be a lien upon the premises from the time of the commencement of the work, which date shall be fixed by the Director and shall be filed with the Township Secretary. Any such lien may be collected by appropriate legal action or by lien filed in the manner provided by law for the filing and collection of municipal claims.
- C. The Commission shall give said four-week notice by mailing to the last known address of the owner of the property and by posting the notice at the main entrance to the main habitable or occupied structure on the property.

Section 1.08. Emergency situations.

Notwithstanding any other provision of this chapter, the Commission shall have the right, without prior notice to any property owner, to perform any acts necessary to abate any clear, present and immediate threat to the public health, safety or welfare caused by the condition of any trees, bushes, or parts thereof. If any such threat is the result of any person's action or inaction, the Commission may assess the cost of such summary abatement against that person.

Section 1.09. Regulations on planting and removal.

- A. The following minimum planting standards regulate how trees should be planted and the objectives to be achieved:
 - 1. Planting should avoid any interference with public safety at intersections.

2. Planting should avoid any interference with underground and overhead utilities.
 3. There should be no planting less than fifteen (15) feet from fire hydrants, street lights or stop signs.
 4. Deep root barriers should be used to prevent cracked pavements.
 5. Trees should be spaced thirty (30) to fifty (50) feet apart and staggered along both sides of all streets.
 6. Replacement of existing trees should be as close to their original position as practicable.
- B. New shade trees shall have a minimum trunk diameter of two (2) to two and one-fourth (2-1/4) inches DBH and shall have one (1) foot of ball for each inch of trunk diameter. The hole for the tree shall be at least twelve (12) inches wider than the ball. If both a curb and sidewalk are present and the space between is inadequate, the tree shall be planted on the other side of the sidewalk but still within the Township right-of-way.
- C. In cases where there does not appear to be sufficient space to plant a shade tree within the public right of way on the noncurb side of a sidewalk, the Commission may plant one or more trees on private property with the permission of the owner.
- D. Preference shall be given to new shade trees that are native to this region, and that conform to the provisions outlined in the Township Landscape Ordinance.

Section 1.10 Acts injurious to shade trees prohibited.

Except in case of immediate necessity for protection of life or property, it shall be a violation of this chapter for any person to do any of the following acts:

- A. Cut, break, climb with spurs, injure in any manner or remove a shade tree.
- B. Cut down a shade tree or interfere in any manner with the roots of a shade tree.

- C. Spray a shade tree with any chemicals or insecticides.
- D. Place any rope, guy wire, cable, sign, poster or other fixture on a shade tree or on a shade tree guard.
- E. Use, store or pour any material in such a manner that it could result in injury to a shade tree.

Section 1.11 Violations and Penalties.

Any person who violates any of the provisions of this chapter shall upon being found guilty thereof, be liable to pay a fine or penalty in an amount not exceeding six hundred dollars (\$600.00). Each day that any such violation continues shall constitute a separate offense.

Section 2. Nothing in this Ordinance or in Title 8 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Title 8 prior to the adoption of this amendment.

Section 3. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

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

ENACTED AND ORDAINED this 14th day of June, 1994.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

ATTEST:

Gregory N. Klemick
GREGORY N. KLEMICK, SECRETARY

Richard R. Rulon
RICHARD R. RULON, PRESIDENT

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Gregory N. Klemick

ORDINANCE NO. 871

AN ORDINANCE PROVIDING FOR THE LAYING OUT, ESTABLISHMENT AND CONSTRUCTION OF A SIDEWALK, AND INCLUDING THE ESTABLISHMENT OF GRADES AND SPECIFICATIONS THEREFOR, WITHIN THE RIGHT OF WAY ALONG THE PROPERTIES OF 501 and 1300/1301 OFFICE CENTER DRIVE IN THE TOWNSHIP OF UPPER DUBLIN, MONTGOMERY COUNTY, PENNSYLVANIA, LEVYING COSTS THEREOF AND PROVIDING FOR THE COLLECTION THEREOF BY LIEN.

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

SECTION 1. A sidewalk shall be laid out, graded, constructed, and paved within the right of way line along Office Center Drive in Upper Dublin Township along the properties of 501 and 1300/1301 Office Center Drive in the Township of Upper Dublin, Montgomery County, Pennsylvania. The sidewalk shall be forty-eight (48) inches wide along its entire length and plans and specification therefor shall be prepared by the Township Engineer in accordance with design criteria as contained in the subdivision regulations of the Township. The Township Engineer is authorized to change the lines of the said sidewalk in order to preserve healthy shade trees. All other obstructions interfering with the free and full construction of such work are hereby declared to nuisances and may be removed or changed by or under the direction of the Township Engineer.

SECTION 2. A list containing the names and addresses of each property owner of property abutting such sidewalk, and the address and legal description of each property abutting such sidewalk shall be prepared by the Township Manager who shall give notice in writing thereof to each property owner by certified mail within ten (10) days of the enactment of this ordinance.

SECTION 3. Grading, construction and paving of such sidewalk shall be performed by the Township and the cost thereof shall be and it is hereby assessed against the owners of abutting property. The cost of the entire work shall be paid by the owners of abutting real estate by an assessment on the front foot method; provided that the cost of installation of driveway aprons shall be separately calculated and assessed upon the owners of properties where such aprons are required.

SECTION 4. Upon completion of the said project and determination of all costs in connection therewith, the Township Engineer shall deliver the same in writing to the Secretary of the Township, who shall cause thirty (30) days' notice of the assessment of costs to be given to each party assessed, either by service on the owner, or his or its agent, or left on the assessed premises, in accordance with the provisions of the First Class Township Code and the Acts of Assembly in such case made and provided.

SECTION 5. If any assessment shall remain unpaid at the expiration of the thirty (30) days of the service of the notice, it shall be the duty of the Township Solicitor to collect the same, with

interest from thirty (30) days after the completion of the improvement, by action of assumpsit or by filing a lien or municipal claim therefor against the property of such owner, with a penalty of five percent (5%) of the amount of such assessment, and shall collect the same together with interest and costs in accordance with law. When an owner has two or more lots against which there is an assessment for the same improvement, all of such lots may be embraced in one claim. Municipal claims or liens for unpaid assessments must be filed in the Court of Common Pleas of Montgomery County within six (6) months after the completion of the improvement, the date of which shall be certified by the Township Engineer to the Board of Commissioners.

SECTION 6. Any owner of property assessed shall have the option of paying the same in five (5) equal annual installments, bearing interest at the rate of six percent (6%), provided First, the first installment be paid within thirty (30) days of the receipt of notice of said assessment and each annual installment, with interest at the expiration of each annual period succeeding date of the assessment. Second, that notice of intention to exercise such option given on a blank to be prepared by the Secretary of the Board of Township Commissioners containing such stipulations as the Board shall require to be filed at the time of paying the first installment, and Third, that a lien shall be duly filed for the amount of the remaining installments of the assessments, which lien shall not be prosecuted so long as the installments are duly paid. Upon default in the payment of a current installment, the entire unpaid balance, plus a penalty of five percent (5%) of the unpaid balance, interest at six percent (6%), and costs shall become immediately payable and collectable.

SECTION 7. If anyone, who has not elected to pay by installments, shall fail to pay his or her assessment for thirty (30) days after the assessment shall have been levied and served, then there shall be imposed the penalty of five percent (5%) for failure to pay within that time. Such penalty shall be added to the assessment and included in the amount for which the municipal lien is filed for such unpaid assessment.

ENACTED AND ORDAINED this 14TH day of June A.D. 1994.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

Attest

Gregory N. Klemic
Secretary

Richard R. [Signature]
President

Gregory N. Klemic

AN ORDINANCE

NO. 872

AN ORDINANCE PROVIDING FOR A BENEFIT ASSESSMENT IN THE AMOUNT OF \$8,618.99 TO BE CHARGED TO EACH PROPERTY OWNER BENEFITED BY THE CONSTRUCTION AND INSTALLATION OF A PUBLIC SANITARY SEWER WASTEWATER COLLECTION LINE COMMENCING AT THE INTERSECTION OF FULTON ROAD AND LIMEKILN PIKE AND EXTENDING APPROXIMATELY 550 FEET TO A TERMINUS MANHOLE IN THE CUL-DE-SAC.

WHEREAS, in accordance with the First Class Township Code of the Commonwealth of Pennsylvania, Upper Dublin Township has the authority to establish and construct sewers and drainage systems for the disposal of sanitary wastewater sewerage; and

WHEREAS, pursuant to Ordinance No. 841 enacted by the Board of Commissioners of the Township of Upper Dublin on May 11, 1993 a public sanitary sewer collection line has been constructed and installed commencing at the intersection of Fulton Road and Limekiln Pike and extending approximately 550 feet to a terminus manhole in the cul-de-sac (hereinafter "the Project"); and

WHEREAS, in accordance with the First Class Township Code of the Commonwealth of Pennsylvania, Upper Dublin Township has the authority to assess the charge for any sewer system constructed in the Township upon the properties accommodated or benefited by the sewer system.

NOW, THEREFORE, the Board of Commissioners of Upper Dublin Township, does hereby enact and ordain as follows:

Section 1. The Project has been completed as of June 30, 1994 as certified by the Township Manager and the Township Director of Public Works.

Section 2. The total cost for the construction and installation of the Project has been determined to be \$68,951.92 in accordance with the Statement of Costs dated June 30, 1994.

Section 3. The Township has determined that the eight properties abutting the Project have been presently benefitted by the Project.

Section 4. In accordance with the benefit assessment method provided for in the First Class Township Code, each of the eight properties benefitted by the Project will be assessed for a benefit in the total amount of \$8,618.99.

Section 5. The Township Manager is directed to forward Notices of Assessment to each abutting property owner benefitted by the Project.

Section 6. The Township Manager is directed to advise each property owner that the Board of Commissioners has agreed to offer an option for the owner to agree to the assessment of benefits and enter into an installment payment agreement with the Township whereby payment of the total assessment amount may be made in twenty (20) quarterly installments over a term of five (5) years. The Board of Commissioners has also agreed to offer an option for the owner to include the amount of the connection fee in the assessment installment payment agreement.

Section 7. In the event an owner declines to agree to the assessment of benefits, the Township Solicitor is authorized to file a petition for the appointment of a jury of view to assess the benefits and thereafter to collect the entirety thereof from the owner.

Section 8. Nothing in this ordinance shall be construed to affect any suit or proceeding in any court, or any rights acquired or liability incurred, or any permit issued, or any cause or causes of action existing under the Township Code prior to the adoption of this ordinance.

Section 9. The provisions of this ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this ordinance. It is hereby declared to be the intent of the Board that this ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 10. This Ordinance shall take effect and be in force from and after its approval as required by law.

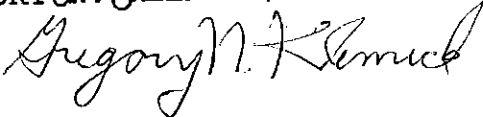
ENACTED AND ORDAINED by the Board this 12th day of July, 1994.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

ATTEST:


RICHARD R. RULON, PRESIDENT


GREGORY N. KLEMICK, SECRETARY



AN ORDINANCE

NO. 873

AN ORDINANCE PROVIDING FOR A BENEFIT ASSESSMENT IN THE AMOUNT OF \$7,809.04 TO BE CHARGED TO EACH PROPERTY OWNER BENEFITED BY THE CONSTRUCTION AND INSTALLATION OF A PUBLIC SANITARY SEWER WASTEWATER COLLECTION LINE COMMENCING AT THE INTERSECTION OF FULTON ROAD AND LIMEKILN PIKE AND EXTENDING APPROXIMATELY 550 FEET TO A TERMINUS MANHOLE IN THE CUL-DE-SAC.

WHEREAS, in accordance with the First Class Township Code of the Commonwealth of Pennsylvania, Upper Dublin Township has the authority to establish and construct sewers and drainage systems for the disposal of sanitary wastewater sewerage; and

WHEREAS, pursuant to Ordinance No. 841 enacted by the Board of Commissioners of the Township of Upper Dublin on May 11, 1993 a public sanitary sewer collection line has been constructed and installed commencing at the intersection of Fulton Road and Limekiln Pike and extending approximately 550 feet to a terminus manhole in the cul-de-sac (hereinafter "the Project"); and

WHEREAS, in accordance with the First Class Township Code of the Commonwealth of Pennsylvania, Upper Dublin Township has the authority to assess the charge for any sewer system constructed in the Township upon the properties accommodated or benefited by the sewer system.

NOW, THEREFORE, the Board of Commissioners of Upper Dublin Township, does hereby enact and ordain as follows:

Section 1. The Project has been completed as of June 30, 1994 as certified by the Township Manager and the Township Director of Public Works.

Section 2. The total cost for the construction and installation of the Project has been determined to be \$62,472.33 in accordance with the Amended Statement of Costs dated June 30, 1994, including contract cost of installation, engineering fees, legal fees, and Township inspections of the Project.

Section 3. The Township has determined that the eight properties abutting the Project have been presently benefitted by the Project.

Section 4. In accordance with the benefit assessment method provided for in the First Class Township Code, each of the eight properties benefitted by the Project will be assessed for a benefit in the total amount of \$7,809.04.

Section 5. The Township Manager is directed to forward Amended Notices of Assessment to each abutting property owner benefitted by the Project.

Section 6. The Township Manager is directed to advise each property owner that the Board of Commissioners has agreed to offer an option for the owner to agree to the assessment of benefits and enter into an installment payment agreement with the Township whereby payment of the total assessment amount may be made in twenty (20) quarterly installments over a term of five (5) years. The Board of Commissioners has also agreed to offer an option for the owner to include the amount of the connection fee in the assessment installment payment agreement.

Section 7. In the event an owner declines to agree to the assessment of benefits, the Township Solicitor is authorized to file a Petition for the Appointment of a Jury of View to assess the

benefits and thereafter to collect the entirety thereof from the owner.

Section 8. Nothing in this ordinance shall be construed to affect any suit or proceeding in any court, or any rights acquired or liability incurred, or any permit issued, or any cause or causes of action existing under the Township Code prior to the adoption of this ordinance.


Section 9. The provisions of this ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this ordinance. It is hereby declared to be the intent of the Board that this ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 10. This Ordinance shall take effect and be in force from and after its approval as required by law.

ENACTED AND ORDAINED by the Board this 9th day of August, 1994.

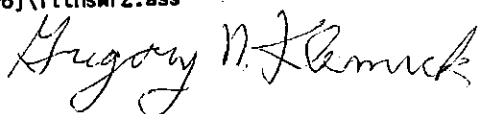
BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

ATTEST:


RICHARD R. RULON, PRESIDENT


GREGORY N. KLEMICK, SECRETARY

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AN ORDINANCE

NO. 874

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF UPPER DUBLIN, TITLE 5 THEREOF, ENTITLED HEALTH AND SANITATION, TO ADD A NEW CHAPTER 11, ENTITLED WASTEWATER CONTROL REGULATIONS, SETTING FORTH UNIFORM REQUIREMENTS FOR DIRECT AND INDIRECT CONTRIBUTORS TO THE WASTEWATER COLLECTION AND TREATMENT SYSTEM OWNED AND OPERATED BY THE TOWNSHIP OF UPPER DUBLIN, KNOWN AS THE UPPER DUBLIN SEWER TREATMENT PLANT, AND FOR THE TOWNSHIP'S DIRECT AND INDIRECT CONTRIBUTIONS INTO ADJACENT WASTEWATER COLLECTION SYSTEMS IN ORDER FOR THE TOWNSHIP TO COMPLY WITH ALL APPLICABLE STATE AND FEDERAL LAWS REQUIRED BY THE CLEAN WATER ACT OF 1977, AS AMENDED, AND THE GENERAL PRETREATMENT REGULATIONS (40 CFR PART 403); PROVIDING FOR REGULATIONS CONCERNING DISCHARGES OF WASTEWATER AND POLLUTANTS INTO THE APPLICABLE SEWER SYSTEM; PROVIDING FOR PRETREATMENT OF WASTEWATER; PROVIDING FOR THE ISSUANCE OF WASTEWATER DISCHARGE PERMITS; REQUIRING USER REPORTING AND COMPLIANCE SCHEDULE SUBMISSIONS; AUTHORIZING MONITORING AND ENFORCEMENT ACTIVITIES; PROVIDING FOR PENALTIES FOR VIOLATION OF PROVISIONS OF THE ORDINANCE; PROVIDING FOR MONITORING AND ENFORCEMENT ACTIVITIES BY THE BOROUGH OF AMBLER AND THE AMBLER WASTEWATER TREATMENT PLANT FROM THE TOWNSHIP TO THE AMBLER WASTEWATER TREATMENT PLANT; AND REPEALING TOWNSHIP ORDINANCES 690 AND 818.

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

Section 1. The Code of the Township of Upper Dublin, Title 5 thereof, entitled Health and Sanitation, shall be amended by adding a new Chapter 11, entitled Wastewater Control Regulations, to provide as follows:

Chapter 11
WASTEWATER CONTROL REGULATIONS

Article 1. General Provisions

Sec. 1.01 Purpose and Policy

A. The purposes of these regulations are:

- (1) To set forth uniform requirements for direct and indirect contributions to the wastewater collection and treatment system owned and operated

by the Township of Upper Dublin, and to adjacent wastewater systems.

- (2) To enable the Township and adjacent municipalities to comply with the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR Part 403), along with all applicable state and federal laws.
- (3) To prevent the introduction of pollutants into the wastewater system which will:
 - (a) interfere with the operation of the system;
 - (b) contaminate the resulting sludge;
 - (c) cause the wastewater system to violate its NPDES discharge permit;
 - (d) pass through the system, inadequately treated, into receiving waters or the atmosphere;
 - (e) be otherwise incompatible with the system.
- (4) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system.
- (5) To protect the general public, and treatment works personnel who may be affected by wastewater and sludge in the course of their employment.

B. These regulations provide for the regulation of direct and indirect contributors to the Township wastewater system through the issuance of permits to certain non-domestic users and industrial users, and through enforcement of general requirements for the other users; authorize monitoring and enforcement activities; require user reporting and compliance activities; assume that existing customer's capacity will not be preempted; and provide for the setting of fees for the equitable distribution of costs resulting from the program established herein.

C. These regulations shall apply to all contributors who discharge wastewater to the Township's collection system.

Sec. 1.02 Abbreviations

The following abbreviations shall have the designated

meanings:

ASTM	American Society for Testing Methods
BOD	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
DER	Pennsylvania Department of Environmental Resources
EPA	Environmental Protection Agency
l	Liter
mg	Milligrams
mg/l	Milligrams per liter
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
SIC	Standard Industrial Classification
SWDA	Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
TSS	Total Suspended Solids
USC	United States Code
WPCF	Water Pollution Control Federation

Sec. 1.03 Definitions

- A. Unless the context specifically indicates otherwise, the following terms and phrases, as used in these regulations shall have the following meanings:

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.

Ambler. The Borough of Ambler.

Ambler Wastewater Treatment Plant. (AWTP) The sewer treatment plant owned by Ambler and operated for the benefit of Ambler and areas of the Townships of Lower Gwynedd, Upper Dublin, Whitpain, and Whitemarsh served by said POTW pursuant to an inter-municipal agreement between and among the said municipalities dated December 16, 1959, as amended by several subsequent agreements.

Approval Authority. The Regional Administrator of the EPA in a non-NPDES state or NPDES state without an approved state pretreatment program, and the Director in an NPDES state with an approved state pretreatment program.

Authorized Representative of Industrial, Commercial, Institutional, or Significant Industrial User.

- (1) If the user is a corporation:
 - (a) The president, secretary, treasurer, or a 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
 - (b) The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (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 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.
- (4) The individuals described in paragraphs 1 through 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 a POTW.

Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20 degrees centigrade, expressed in terms of weight and concentration [milligrams per liter (mg/l)].

Building Sewer. A private sewer conveying wastewater from the premises of a user to a POTW.

Bypass. The intentional diversion of waste streams from any portion of an industrial user's pretreatment facility.

Categorical Standards. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. Section 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471, or any amendment thereto.

Commonwealth. The Commonwealth of Pennsylvania.

Composite Sample. A timed sequential collection of samples of equal volume or a collection of grab samples combined in a single reservoir to determine concentration(s) of pollutant(s).

Control Authority. Refers to the Township of Upper Dublin and/or the Township's Director of Public Works, or to the person designated by the Township to supervise the operation of a POTW.

Cooling Water. The water discharged from any use, such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat and which does not contain a level of contaminants detectably higher than that of the source of the water.

Daily Maximum. The maximum allowable discharge of a pollutant during a calendar day. Where "maximum" limitations are expressed in units of mass, the daily discharge is the total mass discharged over the course of a day. Where "daily maximum" limitations are expressed in terms of concentration, the daily discharge is the arithmetic average measurement of the

pollutant derived from all measurements taken that day.

Department. Department of Public Works of the Township of Upper Dublin.

Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Pennsylvania which may occur through the Township's stormwater conduits or combined sewer outfall structures.

Environmental Protection Agency (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.

Flash Point. The temperature at which a liquid or volatile solid gives off vapor sufficient to form an ignitable mixture with the air near the surface of the liquid or within the test vessel. "Flash point" is determined by the tagliabue open cup method (American Society for Testing and Materials D1310-63), usually abbreviated "TOC".

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 without consideration of time.

Holding Tank Waste. Any waste from holding tanks, such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

Indirect Discharge. The discharge or the introduction of pollutants from any nondomestic source regulated under Sections 307(b) or (c) of the Act (33 U.S.C. sec. 1317) into a POTW, including holding tank waste discharged into the system.

Industrial, Commercial or Institutional User. An industrial, commercial or institutional source of indirect discharge regulated under the Act, or state or local law.

Inter-Municipal Agreement. The December, 1959 Agreement and amendments thereto between Ambler Borough and the Townships of Lower Gwynedd, Upper Dublin, Whitpain and Whitmarsh to provide for the discharge of certain wastewater from the municipalities to the Ambler Wastewater Treatment Plant.

Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts a POTW, its treatment processes, operations, maintenance or its sludge processes, use or disposal which contributes to the violation of any requirements of the Township's NPDES permit. The term includes prevention of sewage sludge use or disposal by a POTW 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 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; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act which are applicable to the method of disposal or use employed by a POTW.

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 or Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317), which applies to a specific category of industrial users and pretreatment standards as published in 40 CFR Chapter I, Subchapter N, Parts 401-471).

National Pollution Discharge Elimination System or NPDES Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. sec. 1342).

National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Any regulation developed under the authority of 307(b) of the Act and 40 CFR Section 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 proposed pretreatment standards under Section 307(c) of the Act which

will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

- (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (c) The production or wastewater generating process of the building, structure, 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.
- (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 Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of new source as defined under this paragraph has commenced if the owner or operator has:
- (a) Begun, or caused to begin, as part of a continuous on-site construction program
 - (i) if any placement, assembly, or installation of facilities or equipment; or
 - (ii) 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

- (iii) 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 loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Non-contact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Nondomestic Users. Commercial, industrial, municipal or other users whose discharge may have an effect on the wastewater system.

Pass Through. A discharge which exits a POTW into waters of the United States or the atmosphere in quantities or concentrations which alone, or in conjunction with discharge(s) from other sources, is a cause of a violation of any requirement of a POTW's NPDES permit or a violation of any air emission standard set by the Clean Air Act or state or local rules and regulations governing emissions to the air (including an increase in the magnitude of duration of violation).

Person. Any individual, partnership, co-partnership, 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 and 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.

Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, municipal, agricultural, and industrial waste, or any other contaminant discharged into water. The term includes certain characteristics of wastewater (e.g., 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 or Treatment Plant. That portion of a POTW designed to provide treatment to wastewater.

Pretreatment or Treatment. 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, elimination or alteration can be obtained by physical, chemical, or biological processes, process changes or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard, or except as prohibited by 40 CFR sec.403.6(d).

Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment other than a national pretreatment standard imposed on an industrial user.

Process Wastewater. 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.

Publicly Owned Treatment Works (POTW). A treatment works as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned by the Township or another municipality, or municipal authority, including any devices and systems used in the storage, treatment, recycling or reclamation of municipal sewage and industrial waste. This definition includes any sewers that convey wastewater to a POTW treatment plant, but does not include pipes, sewers, or other conveyances not ultimately connected to a facility providing treatment. For the purposes of this regulation, "POTW" shall also include any sewers outside the Township that convey wastewaters to a POTW from persons outside the Township who are, by contract or agreement with the Township, users of a POTW.

Significant Industrial User.

- (1) Except as provided in subparagraph (b) of this subparagraph,

- (a) All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and
 - (b) Any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to a POTW (excluding sanitary, non-contract cooling and boiler blowdown wastewater); contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of a POTW treatment plan; or is designated as such by the Control Authority as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting a POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).
- (2) Upon finding that an industrial user meeting the criteria in subparagraph (a) above has no reasonable potential for adversely affecting a POTW's operation or for violating any pretreatment standard or requirement, the Control Authority (as defined in 40 CFR 403.12(a)) 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.

Sludge Load or Slug. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards stated elsewhere in these regulations.

Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, as amended.

State. The Commonwealth of Pennsylvania.

Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.

Suspended Solids. The total suspended matter that floats on the surface or is suspended in water, wastewater, or other liquids and which is removable by laboratory

filtering expressed in terms of weight and concentration [milligrams per liter (mg/l)].

Township. The Township of Upper Dublin, or its authorized agent.

Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the EPA under the provision of the Act, 307(a) or other state or federal statutes.

Upper Dublin Sewer Treatment Plant. The sewer treatment plant owned and operated by the Township of Upper Dublin.

User. Any person who contributes, causes, or permits the contribution of wastewater into a POTW.

Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated.

Waters of the Commonwealth. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulation of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the Commonwealth or any portion thereof.

Article 2. Regulations

Sec. 2.01 General Discharge Prohibitions

- A. No user shall introduce or cause to be introduced, directly or indirectly, to a POTW any pollutant or wastewater which causes pass through or interference with the operation or performance of a POTW. These general prohibitions apply to all users of a POTW whether or not the user is subject to federal categorical pretreatment standards or any other federal, state, or local pretreatment standards or requirements.
- B. No user shall introduce or cause to be introduced into a POTW the following:
 - (1) Pollutants which create a fire or explosive hazard in a POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods

specified in 40 CFR 261.21;

- (2) Wastewater having a pH less than 6.0 or more than 9.0, or otherwise causing corrosive structural damage to a POTW or equipment;
- (3) Solid or viscous substances in amounts which will cause obstruction of the flow in a POTW resulting in interference, but in no case solids greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, petroleum products (including plastics, gasoline, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil), mud, glass grinding, or polishing wastes;
- (4) Pollutants, including oxygen-demanding pollutants (BOD, 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 a POTW; except, however, that in the case of conventional pollutants, such discharge is permissible to the extent that it is in accordance with any enacted surcharge policy through which the discharger pays a POTW for the treatment/removal of certain pollutants.
- (5) Wastewater having a temperature greater than 120 degrees, 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 104 degrees F (40 degrees C);
- (6) Petroleum oil, non-biodegradable 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 Department;
- (9) Any wastewater containing motor oils or lubricants

removed from vehicles or other machinery.

- (10) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, which may injure or interfere with any wastewater treatment process or may constitute a hazard to humans or animals or may create a toxic effect in the receiving waters of a POTW or may exceed the limitation set forth in a categorical pretreatment standard or may violate the Clean Air Act. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to section 307(a) of the Act.
- (11) Noxious or malodorous liquids (including automobile antifreeze), 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;
- (12) 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 Township's NPDES permit;
- (13) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;
- (14) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (15) Sludges from septage or holding tanks without specific prior approval of the Department;
- (16) Medical wastes, except as specifically authorized by the Department in a wastewater discharge permit;
- (17) Any substance which will cause a POTW to violate its NPDES and/or state disposal system permit or the receiving water quality standards;
- (18) Detergents, surface-active agents, or other substances which may cause excessive foaming in a POTW;
- (19) Fats, oils, or greases of animal or vegetable origin in concentrations greater than are stated elsewhere

in concentrations greater than are stated elsewhere herein;

- (20) Wastewater causing two readings on an explosion hazard meter at the point of discharge into a POTW, or at any point in a POTW, of more than five percent (5%) or any single reading over ten percent (10%);
- (21) Any wastewater which, because of its chemical nature or composition, causes the sewer atmosphere to contain airborne chemical concentrations in exceedance of concentrations established by the United States Department of Labor, Occupational Safety and Health Administration (OSHA) under 29 CFR 1910, regardless of duration of exposure experienced by any individual, whether a Department or contractor's employee, unless specific authorization is granted by the Director of Public Works;
- (22) Any wastewater with a flash point less than one hundred forty degrees Fahrenheit;
- (23) Any wastewater where there is a significant likelihood of producing toxic effects to biota in the receiving water of a POTW or a POTW's effluent.

C. In addition, the following activities are prohibited:

- (1) No person shall discharge wastewater into street inlets or through sewer manholes;
- (2) No person who generates wastewater at one property shall discharge it at another property without approval from the Township;
- (3) No person shall discharge wastewater in quantities or at rates of flow which may have an adverse or harmful effect on or overload the Department's sewerage system or wastewater treatment plants or cause excessive or additional treatment costs;
- (4) No person shall discharge a wastewater flow contributing greater than 2,500 pounds per day of the five-day biochemical oxygen demand or contributing greater than 1,750 pounds per day of suspended solids or having a volume in excess of three million (3,000,000) gallons per day without specific written approval of the Township;

D. When the Department determines that a user is contributing to a POTW amounts of wastewater described in subsection (B) above, or is involved in activities described in subsection (C) above so as to interfere or pass-through with the operation of a POTW, the Department shall:

- (1) Advise the user(s) of the impact of the contribution on a POTW; and
- (2) Develop effluent limitations for such user to correct the interference or pass-through with a POTW without the need to amend these regulations.

Sec. 2.02 Federal and State Categorical Pretreatment Standards

- A. The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 401-471, as amended, are hereby incorporated by reference as if set forth fully herein.
- B. Where federal or state requirements, limitations, and standards are more stringent than those imposed under these regulations, the federal or state requirements, limitations, and restrictions shall supersede those imposed under these regulations.
- C. The Township reserves the right to establish by regulation more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with federal or state objectives.

Sec. 2.03 Modification of Federal Categorical Pretreatment Standards

Where the Township's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the Township may apply to the approval authority for modification of specific limits in the federal pretreatment standards of an industrial user or a whole category.

Sec. 2.04 Specific Pollutant Limitations

No person shall discharge wastewater containing in excess of the following:

<u>TOXIC POLLUTANTS</u>	<u>mg/L</u>
Arsenic	0.01
Cadmium	0.04

Chromium (Total)	1.23
Copper	0.19
Cyanide	0.10
Lead	0.20
Mercury	0.0003
Nickel	0.02
Silver	0.005
Zinc	0.16

The above limits apply at the point where the wastewater is discharged to a POTW, which for purposes of these regulations includes all points within and throughout the distribution system. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The Township may impose mass limitations in addition to, or in place of, the concentration based limitations listed herein.

Sec. 2.05 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 Township 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.

Article 3. Pretreatment of Wastewater

Sec. 3.01 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with these regulations and shall comply with all categorical pretreatment standards, local limits, and the prohibitions set out in these regulations within the time limitations specified by EPA, the state, or the Township, 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 Department for review, and shall be acceptable to the Department 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 Department under the provisions of these regulations.

Sec. 3.02 Additional Pretreatment Measures

A. Grease, oil, and sand interceptors shall be provided

when, in the opinion of the Department, 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 unless a residential user who is contributing excessive amounts of grease, oil, or sand has first been given the opportunity to reduce the discharge by other means. All interception units shall be of type and capacity approved by the Department 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, in accordance with any procedure for the installation and maintenance of grease traps as may be established from time to time by the Township.

- B. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

Sec. 3.03 Accidental Discharge/slug Control Plans

At least once every two (2) years, the Department shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The Department may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Department may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including non-routine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the Department of any accidental or slug discharge, as required by these regulations; and
- D. 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 (i.e., a spill prevention plan), worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

Sec. 3.04 Hauled Wastewater

- A. Septic tank waste may be introduced into a POTW only at locations designated by the Department, and at such times as are established by the Department. Such waste shall not violate these regulations or any other requirements established by the Department or the Township. The Department may require septic tank waste haulers to obtain wastewater discharge permits.
- B. The Department shall require haulers of industrial waste to obtain wastewater discharge permits. The Department may require generators of hauled industrial waste to obtain wastewater discharge permits. The Department also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of these regulations.
- C. Industrial waste haulers may discharge loads only at locations designated by the Department. No load may be discharged without prior consent of the Department. The Department may collect samples of each hauled load to ensure compliance with applicable standards. The Department may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- D. 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 hazardous wastes.

Article 4. Wastewater Discharge Permit Administration

Sec. 4.01 Wastewater Discharge Permit Requirement

- A. No significant industrial user shall discharge wastewater into a POTW without first obtaining a wastewater discharge permit from the Department, except that a significant industrial user that has filed a timely application pursuant to these regulations may continue to discharge for the time period specified therein.
- B. The Department may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of these regulations. The Department may also waive the requirement for filing an application.
- C. Any violation of the terms and conditions of a wastewater

discharge permit shall be deemed a violation of these regulations and subjects the wastewater discharge permittee to the sanctions set out elsewhere in these regulations. 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.

Sec. 4.02 Wastewater Discharge Permitting: New Connections

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into a POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with these regulations, must be filed at least thirty (30) days prior to the date upon which any discharge will begin or recommence.

Sec. 4.03 Wastewater Discharge Permit Application Contents

All users required to obtain a wastewater discharge permit must submit a permit application. The Department may require all users to submit as part of an application the following information:

- A. All information required pursuant to baseline monitoring reports as described elsewhere in these regulations;
- B. 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 a POTW;
- C. Number and type of employees, hours of operation, and proposed or actual hours of operation;
- D. Each product produced by type, amount, process or processes, and rate of production;
- E. Type and amount of raw materials processed (average and maximum per day);
- F. 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;
- G. Time and duration of discharges; and

H. Any other information as may be deemed necessary by the Department to evaluate the wastewater discharge permit application.

Sec. 4.04 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."

Sec. 4.05 Wastewater Discharge Permit Decisions

The Department will evaluate the data furnished by the user and may require additional information. Within thirty (30) days of receipt of a complete wastewater discharge permit application, the Department will determine whether or not to issue a wastewater discharge permit. The Department may deny any application for a wastewater discharge permit.

Sec. 4.06 Wastewater Discharge Permit Duration

A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the decision of the Department. Each wastewater discharge permit will indicate a specific date upon which it will expire.

Sec. 4.07 Wastewater Discharge Permit Condition

Wastewater discharge permits shall be expressly subject to all provisions of these regulations and all other applicable regulations, user charges and fees established by the Township.

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Department 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 a POTW.

A. Wastewater discharge permits must contain:

- (1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;
- (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the Department in accordance with these regulations, and provisions for furnishing the new owner 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 record-keeping 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; and
- (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.

B. 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 non-routine discharges;

- (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to a POTW;
- (5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to a 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; and
- (8) Other conditions as deemed appropriate by the Department to ensure compliance with these regulations and state and federal laws, rules, and regulations.

Sec. 4.08 Wastewater Discharge Permit Appeal

The Department shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the Department to reconsider the terms of a wastewater discharge permit within thirty (30) days of notice of its issuance.

- A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- B. 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.
- C. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- D. If the Department fails to act within thirty (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.

- E. 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, Pennsylvania, within the period proscribed by Pennsylvania's Local Agency Law, 2 Pa. C.S.A. Section 105, et. seq.

Sec. 4.09 Wastewater Discharge Permit Modification

The Department may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
- B. 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;
- C. A change in a POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. Information indicating that the permitted discharge poses a threat to a POTW, its personnel, or the receiving waters;
- E. Violation of any terms or conditions of the wastewater discharge permit;
- F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- H. To correct typographical or other errors in the wastewater discharge permit; or
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

Sec. 4.10 Wastewater Discharge Permit Transfer

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least sixty (60) days advance notice to the Department and the Department approves the wastewater discharge permit transfer. Failure to provide advance notice of a transfer renders the wastewater discharge permit void

as of the date of facility transfer. The notice to the Department must include a written certification by the new owner or operator which:

- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Sec. 4.11 Wastewater Discharge Permit Revocation

The Department may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the Department of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the Department of changed conditions pursuant to these regulations;
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying self-monitoring reports;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the Department timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay fines;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey or the wastewater discharge permit application;
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- M. Violation of any pretreatment standard or requirement, or

any terms of the wastewater discharge permit or these regulations.

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.

Sec. 4.12 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 these regulations, a minimum of one hundred eighty (180) days prior to the expiration of the user's existing wastewater discharge permit.

Article 5. Reporting Requirements

Sec. 5.01 Baseline Monitoring Reports

- A. Within either one hundred eighty (180) days after the 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 a POTW shall submit to the Department a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subject to the promulgation of an applicable categorical standard, shall submit to the Department a report which contains the information listed in paragraph 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.
- B. 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 of 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 by such user. This description should include a schematic process diagram which indicates points of discharge to a POTW from the regulated processes.

- (4) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to a 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).
- (5) Measurement of Pollutants.
 - (a) The categorical pretreatment standards applicable to each regulated process.
 - (b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Department, 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 elsewhere in these regulations.
 - (c) Sampling must be performed in accordance with the procedures set out elsewhere in this section of these regulations.
- (6) Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional pretreatment is required to meet the pretreatment standards and requirements.
- (7) Compliance Schedule. If additional pretreatment and/or operation and maintenance 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 these regulations.

- (8) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with these regulations.

Sec. 5.02 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by these regulations:

- A. The schedule shall contain progress increments 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);
- B. No increment referred to above shall exceed nine (9) months;
- C. The user shall submit a progress report to the Department no later than fourteen (14) days following each date in the schedule and the final date of compliance including, at 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 to the established schedule; and
- D. In no event shall more than nine (9) months elapse between such progress reports to the Department.

Sec. 5.03 Reports on Compliance With Categorical Pretreatment Standard Deadline

Within ninety (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 a POTW, any user subject to such pretreatment standards and requirements shall submit to the Department a report containing the information described in these regulations. 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 these regulations.

Sec. 5.04 Periodic Compliance Reports

- A. All significant industrial users shall, at a frequency determined by the Department but in no case less than twice per year (in June and December), submit a report 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 these regulations. In the event that the months for submission of the reports are altered by the Department, factors such as local high or low flow rates, holiday, budget cycles, etc., shall be taken into consideration.
- B. 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 a 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.
- C. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Department, using the procedures prescribed in these regulations, the results of this monitoring shall be included in the report.

Sec. 5.05 Reports of Changed Conditions

Each user must notify the Department 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 sixty (60) days before the change.

- A. The Department 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 these

regulations.

- B. The Department may issue a wastewater discharge permit under these regulations or modify an existing wastewater discharge permit under these regulations in response to changed conditions or anticipated changed conditions.
- C. For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

Sec. 5.06 Reports of Potential Problems

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for a POTW, the user shall immediately telephone and notify the Department of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user, along with the identity of the person or persons believed to be responsible for the discharge.
- B. Within five (5) days following such discharge, the user shall, unless waived by the Department, submit a detailed written report 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 a 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 these regulations.
- C. 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 paragraph A above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

Sec. 5.07 Reports to Unpermitted Users

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Department as the Department may require.

Sec. 5.08 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a user indicates a violation, the user must notify the Department within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Department within thirty (30) days after becoming aware of the violation. The user is not required to resample if the Department monitors at the user's facility at least once a month, or if the Department samples between the user's initial sampling and when the user receives the results of this sampling.

Sec. 5.09 Notification of the Discharge of Hazardous Waste

- A. Any user who commences the discharge of hazardous waste shall notify the Department, the EPA Regional Waste Management Division Director, and state hazardous waste authorities, in writing, of any discharge into a 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 one hundred (100) kilograms of such waste per calendar month to the Department, 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 that calendar month, and an estimation of the mass of constituents in the waste stream

expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under these regulations. 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 these regulations.

- B. Discharges are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (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 fifteen (15) kilograms of non-acute hazardous wastes in 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.

- C. 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 Superintendent, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- D. 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.
- E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by these regulations, a permit issued thereunder, or any applicable federal or state law.

Sec. 5.10 Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as 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 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.

Sec. 5.11 Sample Collection

- A. Except as indicated in Section B, below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Department may authorize the use of time proportional sampling or a minimum of four (4) 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.

- B. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

Sec. 5.12 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 of receipt of the report shall govern.

Sec 5.13 Record Keeping

Users subject to the reporting requirements of these regulations shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by these regulations 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 performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the Township or a POTW, or where the user has been specifically notified of a longer retention period by the Department.

Article 6. Compliance Monitoring

Sec.6.01 Right of Entry:Inspection and Sampling

The Department shall have the right to enter the premises of any user, without notice, to determine whether the user is complying with all requirements of these regulations and any wastewater discharge permit or order issued hereunder. Users shall allow the Department ready 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. 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 Department will be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Department 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.
- C. The Department 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 to ensure their accuracy.
- D. Any temporary or permanent obstruction to 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 Department and shall not be replaced. The costs of clearing such access shall be born by the user.
- E. Unreasonable delays in allowing the Department access to the user's premises shall be a violation of these regulations.
- F. When it would be impractical or cause undue hardship on the user to situate the monitoring facility on the user's premises, the municipality may allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper condition at the expense of the user.

Sec.6.02 Search Warrants

If the Department 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 these regulations, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Department designed to verify compliance with these regulations or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Department may seek issuance of a search warrant from the District Justice in whose jurisdiction the property is situate.

Sec. 6.03 Confidential Information

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Department'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 Department, 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 furnishing 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 the 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.

Sec.6.04 Publication of Users in Significant Noncompliance

The Department shall publish annually, in the largest daily newspaper published in the municipality where a POTW is located, a list of the users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six (6) month period exceed the daily maximum limit or average

limit for the same pollutant parameter by any amount;

- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the daily maximum limit or other 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);
- C. Any other discharge violation that the Department 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;
- D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Department's exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) 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;
- F. Failure to provide within thirty (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;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s) which the Department determines will adversely affect the operation or implementation of the local pretreatment program.

Article 7. Enforcement Remedies

Sec. 7.01 Surcharge in Lieu of Enforcement Remedy

With respect to conventional pollutants, the Department may, from time to time and at its discretion, adopt a policy whereby

certain specifically identified conventional pollutants are permissibly discharged to a POTW for removal at the Plant, with the cost of such removal to be borne by the discharger. The Department may expand or limit the list of conventional pollutants to which this surcharge system applies based upon the Plant's capacity/ability to effectively remove particular conventional pollutants. In the event that a conventional pollutant is within the scope of the surcharge system as it exists at the time of discharge, then such conventional pollutant discharge shall not be considered a violation of these regulations. However, any failure to pay the surcharge cost for the Plant's removal of the pollutant shall itself be considered a violation of these regulations and subject to enforcement action, in addition to all generally held rights of collection.

Sec. 7.02 Administrative Remedies

- A. Notification of Violation. When the Department finds that a user has violated, or continues to violate, any provision of these regulations, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Department may serve upon that user a written Notice of Violation. The specific manner in which such Notice of Violation shall issue, and the terms and conditions pursuant to which the user shall respond or correct the violation complained of, shall be as set forth in the Enforcement Response Guide. When the Notice of Violation includes a plan for satisfactory correction and prevention of the violation, submission of such 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 Department to take any action, including emergency action or any other enforcement action, without first issuing a Notice of Violation.

- B. Consent Orders. The Township 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 effect as the administrative orders authorized elsewhere in these regulations and shall be judicially enforceable.

C. Compliance Order. When the Department finds that a user has violated, or continues to violate, any provision of these regulations, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Department 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.

D. Cease and Desist Orders. When the Department finds that a user has violated, or continues to violate, any provision of these regulations, 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 Department 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; and
- (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.
- (3) Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

E. Administrative Fines

- (1) When the Department finds that a user has violated, or continues to violate, any provision of these regulations, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the Department may fine such user in an amount not to exceed Twenty-Five Thousand Dollars (\$25,000.00) or any greater amount which might be permitted by amendment to a POTW Penalty Law. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation. The actual amount of the fine in a particular case shall account for the factors set forth in the Enforcement Response Guide and also the Department's separately adopted Statement of Policy on the imposition of fines pursuant to a POTW Penalty Law.
- (2) Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of six percent (6%) of the unpaid balance, and interest shall accrue thereafter at a rate of six percent (6%) per month. A lien against the user's property will be sought for unpaid charges, fines, and penalties.
- (3) Users desiring to dispute such fines must file a written request for the Department to reconsider the fine along with full payment of the fine amount within twenty (20) days of being notified of the fine. Where a request has merit, the Department may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The Department may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- (4) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

F. Emergency Suspensions

- (1) The Department 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 Department may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of a POTW, or which presents, or may present, an endangerment to the environment.
- (2) 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 Department may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to a POTW, its receiving stream, or endangerment to any individuals. The Department may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Department that the period of endangerment has passed, unless the termination proceedings in these regulations are initiated against the user.
- (3) 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 Department prior to the date of any show cause or termination hearing described elsewhere in these regulations.
- (4) Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

G. Termination of Discharge

In addition to the provisions in these regulations, 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; or
- (5) Violation of the pretreatment standards in these regulations.
- (6) Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause why the proposed action should not be taken. Exercise of this option by the Department shall not be a bar to, or a prerequisite for, taking any other action against the user.

Sec. 7.03 Judicial Enforcement Remedies

A. Injunctive Relief

When the Department finds that a user has violated, or continues to violate, any provision of these regulations, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Township, through counsel, may petition the Court of Common Pleas of Montgomery County for 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 these regulations on activities of the user. The Township may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

B. Civil Penalties

In the event that the Township is required to seek court redress, for violations of these regulations, then all amounts recoverable elsewhere herein as administrative fines shall be recoverable as civil penalties; attorney's fees, court costs, and related expenses shall also be recoverable. Filing suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

C. Criminal Prosecution

In the event that any discharge or other violation of these regulations constitutes a violation of any criminal or penal statute, then in addition to all enforcement remedies described elsewhere in these regulations, the Township shall have the unfettered right to initiate and/or assist in any state or federal criminal proceedings as a result of such violation. Examples of criminal conduct in connection with a violation include, but are not limited to, knowing or intentional introduction of any substance into the wastewater system which causes injury to persons or property, otherwise undertaking any act or failing to undertake any act which recklessly endangers the well-being of the community or plant personnel, falsification of documents required to be filed pursuant to these regulations, and tampering with or otherwise rendering inaccurate a monitoring device or similar equipment.

D. Remedies Nonexclusive

The remedies provided for in these regulations are not exclusive. The Township may take any, all, or any combination of these actions against a non-compliant user. Enforcement of pretreatment violations will generally be in accordance with an Enforcement Response Plan if same is adopted by the Township. However, the Township may take other action against any user when the circumstances warrant. Further, the Township is empowered to take more than one enforcement action against any non-compliant user.

Sec. 7.04 Supplemental Enforcement Action

A. Performance Bonds. The Department may decline to

issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of these regulations, 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 value determined by the Township to be necessary to achieve consistent compliance.

- B. Liability Insurance. The Department may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of these regulations, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to a POTW caused by its discharge.
- C. Water Supply Severance. Whenever a user has violated or continues to violate any provision of these regulations, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.
- D. Public Nuisances. A violation of any provision of these regulations, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement may separately be declared as a public nuisance to the extent that it constitutes such nuisance as defined by Pennsylvania law or municipal ordinance.

Article 8. Affirmative Defenses to Discharge Violations

Sec. 8.01 Upset

- A. 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.

- B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (C), below, are met.
- C. A user who wishes to establish the affirmative defense of upset shall demonstrate, through 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 workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - (3) The user has submitted the following information to the Department within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days):
 - (a) A description of the indirect discharge and cause of noncompliance;
 - (b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- E. 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.
- F. 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 the situation where, among other

things, the primary source of power of the treatment facility is reduced, lost, or fails.

Sec. 8.02 Prohibited Discharge Standards

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in these regulations or the specific prohibitions in these regulations 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:

- A. 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
- B. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the Department was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

Sec. 8.03 Bypass

- A. 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.
- B. 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 paragraphs (C) and (D) of this section.
- C. (1) If a user knows in advance of the need for a bypass,

it shall submit prior notice to the Department at least ten (10) days before the date of the bypass, if possible.

- (2) A user shall submit oral notice to the Department of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) 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. The Department may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

D. (1) Bypass is prohibited, and the Department may undertake an enforcement action against a user for a bypass, unless

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) 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 back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The user submitted notices as required under paragraph (C) of this section.

- (2) The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three conditions listed in paragraph (D)(1) of this section.

Article 9. Building Sewers and Connections

A. No unauthorized persons (i.e., persons other than

personnel of Ambler, AWTP, the municipalities participating in the Inter-Municipal Agreement, or their agents) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Township Department of Public Works.

- B. The owner or his agent shall make application on a form furnished by the Township. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of Upper Dublin Township. A permit and inspection fee for a sewer permit shall be paid to Upper Dublin Township at the time the application is filed. All building sewer permit applications shall be reviewed and approved by Upper Dublin Township prior to permit issuance. Permit and inspection fees for sewer permits shall be in such amounts as may be established from time to time by Upper Dublin Township through Resolution.
- C. All costs and expenses incidental to the installation, connection, and maintenance of the building sewer shall be borne by the owner or user, who shall indemnify Upper Dublin Township from any loss or damage that may directly or indirectly be caused by the installation of the building sewer.
- D. A separate and independent building sewer shall be provided for every building or any part of any building as may be determined by Upper Dublin Township.
- E. Old building sewers may be used in connection with new buildings only when they are found, upon examination and test by Upper Dublin Township, to meet all requirements of this ordinance.
- F. The size, slope, alignment, materials or construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall conform to the requirements of the building and plumbing codes and/or other applicable rules and regulations of Upper Dublin Township.

In the absence of Code provisions or in amplification therefore, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

- G. In order to prevent grease, oil and sand from being discharged into the public sewage system, all hospitals,

nursing homes, hotels, restaurants, and any other establishments engaged in the preparation, processing or sale of food shall install and properly maintain one or more grease traps of a type and capacity approved by Upper Dublin Township, and same shall be located so as to be readily and easily accessible for cleaning and inspection. If any other user in the opinion of Upper Dublin Township discharges a quantity, oil or sand in its sewage so as to warrant the installation and maintenance of one or more grease traps, same shall be installed and maintained in accordance with these regulations at the direction of Upper Dublin Township.

- H. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a method approved by Upper Dublin Township and discharged to the building sewer.
- I. No person shall make connection of sump pumps, roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a POTW unless such connection is approved in writing by Upper Dublin Township for purposes of disposal of polluted surface drainage.
- J. The connection of the building sewer into the POTW (which for purposes of this ordinance includes the distribution system) shall conform to the requirements of the building and plumbing code or other applicable rules and regulations set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gas-tight and water-tight, and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by Upper Dublin Township before installation.
- K. The applicant for the building sewer permit shall notify the Department when the building sewer is ready for inspection and connection to the POTW. The connection to the public sewer and testing shall be made under the supervision of the Department.
- L. All excavations for building sewer installation 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 work shall be restored in a manner satisfactory

to Upper Dublin Township.

- M. No excavation, construction, or connection work shall be commenced within an Upper Dublin Township right-of-way until the owner, his agents and/or independent contractor shall have first filed a bond in double the amount of the cost of the work to be performed as determined by Upper Dublin Township, agreeing to indemnify and save harmless Upper Dublin Township against any and all loss, damages, costs, and expenses which Upper Dublin Township may thereafter suffer, incur, or pay by reason of the failure to complete properly any of the aforesaid excavation, construction, or connection work.
- N. The term "owner" as used herein, shall be deemed to include the owner or owners in fee simple, lessees of the premises, occupiers of the premises, users, and all other parties having a use or interest in the premises and occupying the same with or without the consent and permission of the owner of the fee title.
- O. Sanitary sewers installed with unused points of connection for building sewers shall have said points of connection capped for watertight integrity prior to connection of the building sewer. The method of capping shall be one approved by the Director of Public Works.

Article 10 Ambler Wastewater Treatment Plant

Sec. 10.01 General Provisions

Pursuant to an Inter-Municipal Agreement dated December 16, 1959, with amendments thereto, between the Township of Upper Dublin, the Borough of Ambler, and the Townships of Whitemarsh, Whitpain and Lower Gwynedd, the Township of Upper Dublin discharges certain of its wastewater to the Ambler Wastewater Treatment Plant ("AWTP"), for which Ambler is primarily responsible.

Section 10.02 Jurisdiction

With regard to direct and indirect contributions of wastewater from within the boundaries of Upper Dublin Township which contributions are ultimately discharged to the AWTP, Upper Dublin is responsible for enforcement of this ordinance in the first instance, but the AWTP and Ambler share the duty to enforce this ordinance to the extent necessary to assure compliance by Ambler and the AWTP with the Clean Water Act of 1977 and the general pre-treatment regulations (40 CFR Part 403), along with all applicable state and federal laws and permits.

HIGH, SWARTZ, ROBERTS & SEIDEL

ATTORNEYS AT LAW

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JEFFREY L. ABRAMS
LOIS A. NAFZIGER
LORI K. COMER

GILBERT P. HIGH (1935-1975)
SAMUEL H. HIGH, JR. (1931-1978)
AARON S. SWARTZ, BRD (1940-1982)
VICTOR J. ROBERTS (1937-1963)

OF COUNSEL
RAYMOND M. SEIDEL
GEORGE M. AMAN III

August 11, 1994

William B. Grove
Director Public Works
Upper Dublin Township
801 Loch Alsh Avenue
Fort Washington, PA 19034

Joseph J. Benyo
Chief Zoning Officer
Upper Dublin Township
801 Loch Alsh Avenue
Fort Washington, PA 19034

Re: **Wastewater Pretreatment Ordinance**

Dear Bill and Joe:

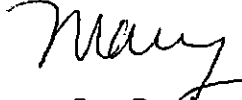
Enclosed please find a copy of proposed Article 9 for the draft Wastewater Pretreatment Ordinance.

Bill, I know that you have reviewed this draft Ordinance in its entirety. This is a new Article, however, that I am proposing to include. I spoke to Joe briefly and generally about sewer permits, but I would appreciate your both reviewing this Article to confirm that the requirements are consistent with the current Code.

I would appreciate your comments by Friday, August 19, 1994, so that we might be able to advertise this for the September Stated Board of Commissioners Meeting.

If it is easiest, just telephone me with your comments. Thank you.

Very truly yours,


Mary L. Buckman

MLB/fem

Enclosure

cc: Gregory N. Klemick, Township Manager

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Neither Ambler nor the AWTP have any jurisdiction or authority to enforce this or any ordinance with regard to contributors whose discharge does not enter the AWTP.

With regard to contributors whose discharge enters the AWTP, the provisions of this ordinance as outlined above apply to Ambler and the AWTP as well as to the Township of Upper Dublin and the Township Department of Public Works. In addition, with regard to contributors whose discharge enters the AWTP, the following provisions also apply to Ambler and the AWTP.

Section 10.03 National Categorical Pretreatment Standards

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated by reference as if set forth fully herein.

- A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, AWTP may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, AWTP shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).
- C. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- D. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

Section 10.04 Right of Revision

AWTP reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the AWTP.

Section 10.05 Wastewater Analysis

When required by AWTP, a user must submit information on the nature and characteristics of its wastewater within five (5) days of the request. AWTP is authorized to prepare a form for this purpose and may periodically require users to update this

information.

Section 10.06 Regulation of Waste Received from Other Jurisdictions

- A. Pursuant to the Pennsylvania Pretreatment Works Penalty Law (Act 9 of 1992), the AWTP reserves the right to regulate waste entering the POTW regardless of its point of origin.
- B. Each municipality which participates in the operation of the POTW shall, in accordance with various inter-municipal agreements signed by them, enforce their respective Sewer Use Ordinances with respect to the discharges within each of their jurisdictions. Whenever possible, the enforcement of a particular municipality's Sewer Use Ordinance shall be a joint and cooperative effort between the subject municipality and staff from AWTP and/or Ambler, which has primary responsibility for plant operations. In the event that any municipality fails or refuses to enforce its Sewer Use Ordinance after the AWTP or Ambler has made a determination that such enforcement is necessary, then the AWTP and Ambler reserve all rights which they may have to either undertake enforcement pursuant to the Pennsylvania Pretreatment Works Penalty Law, and/or to seek enforcement of any inter-municipal agreement which may require the cooperation of the municipality which fails or refuses to act.

Section 10.07 Enforcement Remedies

- A. The Borough of Ambler and the AWTP, in conjunction with Upper Dublin Township, are fully empowered to undertake all enforcement remedies set forth herein in order to assure user compliance with state and federal laws and regulations. The enforcement actions described herein will be undertaken pursuant to AWTP's duly adopted and EPA-approved Enforcement Response Guide, a federally mandated statement of policy which provides fair and even application of all enforcement remedies to users in violation, such document being available at all times for public inspection. In addition, Ambler and the AWTP retain each and every right and power granted pursuant to the "Publicly Owned Treatment Works Penalty Law" also known as Act 9 of 1992, in addition to any amendments thereto.

Section 10.08 Show Cause Hearing

- A. In addition to the administrative enforcement remedies

outlined above, AWTP may order a user which has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the AWTP 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 mail at least ten (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.

- B. Any hearing conducted pursuant to this section shall be presided over by the AWTP Committee (hereinafter "Committee"), composed of five (5) persons, one person designated by each member municipality, why the proposed enforcement action should not be taken. In the event that any municipality fails to designate a hearing participant, then Ambler shall designate an individual to so serve. The Committee may itself conduct a hearing and take the evidence or may designate any of its members or any officer or employee of Ambler or AWTP to:
- (1) Issue in the name of the Committee, 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 Committee for action thereon.
- C. At any hearing held pursuant to this ordinance, testimony taken must be under oath and recorded stenographically. The transcript, 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.

- D. After the Committee has reviewed the evidence, it may issue an order, through the Manager of the AWTP, or his duly authorized representative, (who shall actually issue the 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 on existing treatment facilities, devices, or other related appurtenances are properly operated. Further orders and directives, as are necessary and appropriate, may be issued.
- E. Any user aggrieved by the enforcement of this ordinance may take an appeal to the Court of Common Pleas of Montgomery County, Pennsylvania, in accordance with the provisions of the Local Agency Law, 2 Pa.C.S.A. Section 105, et seq., and have a hearing thereon if the appeal is taken within fifteen (15) calendar days of the user's receipt of any order or notice under the applicable section. The hearing shall be conducted in accordance with the procedures set forth in section 5.4 hereof.

Section 2. Nothing in this Ordinance or in Title 5 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Title 5 prior to the adoption of this amendment.

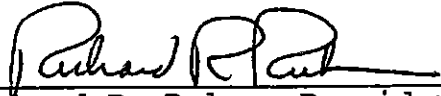
Section 3. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

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

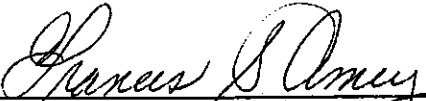
Section 5. Ordinances No. 690 and 818 and all other ordinances or parts of ordinances which are inconsistent with this ordinance are hereby repealed.

ENACTED AND ORDAINED this 9th day of November, 1994.

BOARD OF COMMISSIONERS OF
TOWNSHIP OF UPPER DUBLIN

By: 
Richard R. Rulon, President

ATTEST:


~~Gregory N. Klemiek~~, Secretary
FRANCES S. AMEY

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WASTEWATER CONTROL REGULATIONS
ORDINANCE

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ORDINANCE NO. 875

AN ORDINANCE PROVIDING FOR THE DESIGN, LAYING OUT, CONSTRUCTION AND INSTALLATION OF A PUBLIC SANITARY SEWER COLLECTION LINE BEHIND CERTAIN PRIVATE PROPERTIES SITUATE IN A "NORTHERN AREA" ALONG BUTLER PIKE FROM THE INTERSECTION OF NORRISTOWN ROAD NORTH APPROXIMATELY 1300 FEET TO THE INTERCONNECTION WITH THE EXISTING MEADOWVIEW ESTATES SUBDIVISION SANITARY SEWER SYSTEM APPROXIMATELY 100 FEET SOUTH OF DOGWOOD DRIVE; AND SITUATE IN A "SOUTHERN AREA" ALONG BUTLER PIKE FROM A POINT BEGINNING APPROXIMATELY 200 FEET SOUTH OF THE INTERSECTION OF KANE DRIVE SOUTH TO THE INTERSECTION OF MEETINGHOUSE ROAD; AND SITUATE IN A THIRD AREA ALONG MEETINGHOUSE ROAD FROM THE INTERSECTION OF BUTLER PIKE EAST TO THE CONNECTION WITH THE UPPER DUBLIN SANITARY SEWER SYSTEM LOCATED IN FRIENDS LANE; PROVIDING FOR THE CONDEMNATION OF RIGHTS OF WAY AND PERMANENT AND TEMPORARY EASEMENTS ACROSS PRIVATE PROPERTY TO ACCOMMODATE SAID SEWERS AND FACILITIES; PROVIDING FOR THE PAYMENT OF COSTS OR CONSTRUCTION BY ASSESSMENT BY THE BENEFIT METHOD; PROVIDING FOR THE LIENING OF PROPERTY SUBJECT TO ASSESSMENT; AND AUTHORIZING OTHER NECESSARY ACTION.

WHEREAS, in accordance with Article XXIV of the First Class Township Code of the Commonwealth of Pennsylvania, Upper Dublin Township has the authority to establish and construct sewers and drainage systems for the disposal of sanitary wastewater sewerage; and

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

WHEREAS, in accordance with Article XIX of the First Class Township Code of the Commonwealth of Pennsylvania, Upper Dublin Township has the authority to condemn private property for the construction and installation of sanitary wastewater sewer facilities; and

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

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

SECTION I. SANITARY WASTEWATER SEWER FACILITIES

(a) A public sanitary sewer collection line shall be constructed behind certain private properties situate in a

"northern area" along Butler Pike from the intersection of Norristown Road north approximately 1300 feet to the interconnection with the existing Meadowview Estates subdivision sanitary sewer system approximately 100 feet south of Dogwood Drive; and situate in a "southern area" along Butler Pike from a point beginning approximately 200 feet south of the intersection of Kane Drive south to the intersection of Meetinghouse Road; and situate in a third area along Meetinghouse Road from the intersection of Butler Pike east to the connection with the Upper Dublin sanitary sewer system located in Friends Lane, Upper Dublin Township, Montgomery County, Pennsylvania, in accordance with plans to be prepared by an engineering firm to be retained for such purpose by the Board of Commissioners (hereinafter "Engineer"), and shall be interconnected to the existing sanitary wastewater sewer system in place in the Township (hereinafter "the Project").

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

SECTION II. ASSESSMENT OF COSTS

(a) The costs of construction and installation of the sewer system, aforesaid, shall be assessed as provided by law upon the several abutting properties benefited, improved and accommodated by the said sewer system.

(b) The officers of the Township are authorized and directed to execute and file a petition to the Court of Common Pleas of Montgomery County, Pennsylvania, for the appointment of viewers to assess benefits, as provided by law.

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

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

(e) If any assessment shall remain unpaid at the expiration of thirty (30) days following the service of the notice, it shall be the duty of the Township Solicitor to collect the same, with interest from the thirtieth (30th) day after the service of the notice, by action of assumpsit or by filing a lien or municipal claim therefor against the property of such owner, with a penalty

of five percent (5%) of the amount of such assessment, together with interest and costs as provided by law. When an owner has two or more lots against which there is an assessment for the same improvement, all of such lots may be embraced in one claim.

ENACTED AND ORDAINED this 9th day of November, 1994.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

By: Richard R. Rulon
Richard R. Rulon, President

Frances S. Amey
Attest: Frances S. Amey
Frances S. Amey, Secretary

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ANNUAL BUDGET OF THE TOWNSHIP OF UPPER DUBLIN FOR THE YEAR 1995

ORDINANCE NO. 876

AN ORDINANCE OF UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR THE SPECIFIC PURPOSES OF THE MUNICIPAL GOVERNMENT, HEREINAFTER SET FORTH, DURING 1995.

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

SECTION 1: That for the expenses for the fiscal year 1995 the following amounts are hereby appropriated from the revenues available for the current year for the specific purposes set forth below, which amounts are more fully itemized in the Budget Form.

SUMMARY OF ALL ESTIMATED RECEIPTS

Receipts from Current Tax Levy	\$ 8,730,100
Receipts from Taxes of Prior Years	37,000
Other Revenue Receipts	<u>6,263,350</u>
TOTAL ESTIMATED RECEIPTS AND CASH	\$15,030,450

SUMMARY OF ALL APPROPRIATIONS

GENERAL GOVERNMENT	
Administration and Finance	\$ 924,530
Treasurer and Tax Collector	16,364
Library	345,421
Municipal Buildings	<u>202,287</u>
TOTAL	\$ 1,488,602
PROTECTION TO PERSONS AND PROPERTY	
Police	\$ 2,616,720
Fire	<u>868,977</u>
TOTAL	\$ 3,485,697
SEWER OPERATION AND TREATMENT	
Operations	\$ 1,242,552
Treatment	<u>1,519,061</u>
TOTAL	\$ 2,761,613
PUBLIC HEALTH AND SANITATION	
Health	\$ 56,136
Sanitation	<u>1,787,285</u>
TOTAL	\$ 1,843,421

NON EXPENDABLE TRUST	8,685
HIGHWAY MAINTENANCE	\$ 1,655,067
DEBT SERVICE	\$ 805,263
CAPITAL PROJECTS	\$ 1,316,346
Sewer	585,335
Road, Storm Sewer, Equipment and Buildings	149,667
Open Space	
TOTAL	\$ 2,051,348
PARKS AND RECREATION	\$ 695,545
CODE ENFORCEMENT	\$ 210,209
COMMUNITY CONTRIBUTIONS	\$ 25,000
TOTAL APPROPRIATIONS	\$15,030,450

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

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

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

SECTION 5: The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the Court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION 6: This Ordinance shall take effect and be in force from and after January 1, 1995.

ENACTED AND ORDAINED this 13th day of December 1994.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

BY: Richard R. Rulon
Richard R. Rulon, President

ATTEST: Frances S. Amey
Frances S. Amey, Secretary

ORDINANCE NO. 877

AN ORDINANCE OF UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, FIXING THE TAX RATE FOR THE YEAR 1995 FOR GENERAL PURPOSES, THE TAX RATE FOR THE YEAR 1995 FOR DEBT SERVICE, THE TAX RATE FOR THE YEAR 1995 FOR FIRE PROTECTION, THE TAX RATE FOR THE YEAR 1995 FOR PARKS AND RECREATION, THE ASSESSMENT FOR THE YEAR 1995 FOR FIRE HYDRANTS, AND ESTABLISHING DISCOUNTS AND PENALTY THEREFOR.

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

SECTION 1: Tax Rates for General Purposes

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 1995, as follows:

Tax rate for General Purposes, the sum of. 23.51 mils
 on each dollar of assessed valuation, or the sum of. 235.1 cents
 on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

	<u>Mils on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for General Purposes	23.51 mils	235.1 cents

SECTION 2: Tax Rate for Debt Service

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 1995, as follows:

Tax rate for Debt Service, the sum of. 7.00 mils
 on each dollar of assessed valuation, or the sum of. 70.0 cents
 on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

	<u>Mils on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for Debt Service	7.00 mils	70.0 cents

SECTION 3: Tax Rate for Fire Protection

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 1995, as follows:

Tax rate for Fire Protection, the sum of 3.00 mils
 on each dollar of assessed valuation, or the sum of 30.0 cents
 on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

	<u>Mils on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for Fire Protection	3.00 mils	30.0 cents

SECTION 4: Tax Rate for Parks and Recreation

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 1995, as follows:

Tax rate for Parks and Recreation, the sum of 4.90 mils
 on each dollar of assessed valuation, or the sum of 49.0 cents
 on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

	<u>Mils on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for Parks and Recreation	4.90 mils	49.0 cents

SECTION 5: Assessment for Fire Hydrants

That the cost and maintenance of fire hydrants for fire protection, with the Fire and Water District of Upper Dublin Township, established by Ordinance No. 543, is hereby distributed by a special tax for the fiscal year 1995, as follows:

Special tax for fire hydrants, the sum of35 mils
 on each dollar of assessed valuation, or the sum of 3.5 cents
 on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

	Mils on Each Dollar of Assessed <u>Valuation</u>	Cents on Each One Hundred Dollars of Assessed <u>Valuation</u>
Special Tax for Fire Hydrants	.35 mils	3.5 cents

SECTION 6: Discounts and Penalty

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

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

SECTION 8: The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the Court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

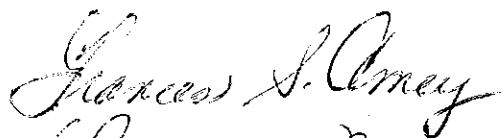
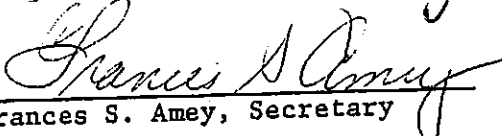
SECTION 9: This Ordinance shall take effect and be in force from and after January 1, 1995.

ENACTED AND ORDAINED THIS 13th day of December, 1994.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

BY: 
Richard R. Rulon, President

ATTEST:



Frances S. Amey, Secretary

AN ORDINANCE
NO. 878

An Ordinance of the Township of Upper Dublin amending the Subdivision and Land Development Code to provide general and specific landscape regulations, imposing those regulations on all land developments, except residential subdivisions involving fewer than three single family residences, requiring landscape plans and setting forth the information to be shown on such plans, setting forth standards for the planting of street trees, softening buffers, screen buffers, parking area landscaping, detention basin landscaping, individual lot landscaping, landscaping on slopes and other areas, providing for the preservation and protection of existing trees, requiring the replacement of trees removed in the process of land development, and providing a list of recommended trees and shrubs together with the minimum planting requirements for same.

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

Section 1. The Code of the Township of Upper Dublin, Title 9 thereof, entitled Land Development and Subdivision, Article 4, Design Standards, Section 4.19, Landscape Regulations, shall be amended in its entirety to provide as follows:

Section 4.19 LANDSCAPE REQUIREMENTS

1. Intent:

The intent of these regulations is to promote practical and orderly community development by retarding soil erosion, sedimentation and stimulating ground water recharge, to retard glare, heat and pollution, to stimulate air purification and oxygen regeneration, to provide for noise abatement, to assist in vehicular and pedestrian control, to maintain and conserve the Township's natural amenities, and to provide for the harmonious development of contiguous properties in different zoning districts by providing certain minimum landscaping requirements for all land developments including, but not limited to, residential, multi-family residential, motel, office, commercial, institutional, industrial and public purposes.

2. General Landscape Requirements:

a. The provisions in these regulations are in no way intended to restrict existing residential owners from planting or removing trees and shrubs from their property.

b. The standards of design for this Section should be used to judge the adequacy of subdivision or land development proposals. Where, in the opinion of the Township Commissioners, the literal application of these standards in certain cases would work undue hardship, they may recommend reasonable exceptions as will not be contrary to the public interest. The Board of Commissioners may modify or adjust the standards to permit reasonable utilization of property while securing substantial conformance with the objectives of the regulations.

c. The standards included in these regulations are minimum design requirements. The Board of Commissioners reserves the right to request that the landscaping in any plan exceed the requirements listed herein if conditions so warrant.

d. It is required that all Landscape Plans be prepared and sealed by a Landscape Architect registered by the Commonwealth of Pennsylvania and familiar with this Landscape Ordinance in order to promote the proper use and arrangement of plant materials. These plans shall be reviewed by the staff members and consultants and voted upon by the Township Board of Commissioners.

e. Street trees, Screen Buffers, Replacement Trees, Individual Lot Landscaping and other required plant material shall be planted prior to the issuance of a Permanent Use and Occupancy Permit. In lieu of planting due to seasonal constraints, the locations of Street Trees, Replacement Trees, Individual Lot Landscaping and Buffer Plantings will be staked and the developer will be required to submit to the Township an Agreement signed by the purchaser at the time of settlement. This Agreement will indicate that the purchaser understands and acknowledges that the stakes indicate the locations of trees to be planted and that the trees will be planted by the developers as soon as the weather permits but no longer than six (6) months after the date of the agreement.

f. All plant material shall meet the standards of the "American Standard for Nursery Stock" by The American Association of Nurserymen, (1994 or most recent edition).

g. All plant material shall be installed in accordance with the planting practices stated in Chapter 3 of "Tree Maintenance" by P. P. Pirone, (Fifth or most recent edition).

h. All plant materials shall be guaranteed for a period of eighteen months (18) following final approval by the Township, except where otherwise noted in this Ordinance. Any plant material that has 25% or greater dead branches shall be considered dead. A tree shall be considered dead when the main leader has died, or 25% of the crown is dead. Any dead material shall be replaced and installed according to approved planting practices.

i. The developer or landowner shall deposit with the Township a sum of money in the form of cash, certified check, letter of credit or bond equal to a minimum of fifteen percent (15%) of the total landscape costs to cover the cost of replacing, purchasing, planting and maintaining all dead, dying, defective or diseased plant material.

j. The Township shall make a final inspection for acceptance at the end of the guarantee period. This inspection will be performed when plant materials are in full leaf only (May 1 through November 15). All guarantee escrow funds will be released upon acceptance following the end of the guarantee period.

k. Non-Conforming Uses, Special Exceptions And Conditional Uses: Whenever there is a non-conforming use, special exception or conditional use, the use shall comply with the more restrictive landscape requirements for either the land use or the zoning district in which it is located.

3. When A Landscape Plan is Required.

a. A Landscape Plan must be submitted with all preliminary and final land development plan applications except those involving the construction on separate lots of fewer than three single family residences.

4. Definitions

a. Unless otherwise expressly stated, the following terms shall for the purpose of these regulations have the meanings given herein:

1. Caliper: The term used to describe the trunk diameter of a tree six inches (6") above grade for trees 4" diameter or less or twelve inches (12") above grade for trees greater than 4" diameter.

2. Deciduous: The term refers to the ability of a tree or shrub to drop or shed its leaves in the fall and grow new leaves in the spring.

3. Evergreen: A coniferous tree or shrub usually with needles but occasionally with leaves that does not drop its leaves or needles in the fall and generally maintains a green color all year round. Examples include: hemlock, pine, fir, spruce, American holly and cedar.

4. Landscape Plan: A plan developed expressly for showing the location, size, quantity and species of existing and proposed plant material, to include: trees, shrubs, ground cover, seeding and sodding. Information shall include planting details, plant schedules and general notes and specifications where required on the landscape plan.

5. Monoculture: A tree or shrub planting that uses the same genus and species for all plants.

6. Ornamental Tree: Generally a small or mid-sized tree with showy flowers, fruits and fall color. Examples include: cherry, dogwood, magnolia, hawthorne and crabapple

7. Screen Buffer: A planting of trees and shrubs made up of 100% evergreen plants for the purpose of providing a visual separation between neighboring properties or developments.

8. Shade Tree: A deciduous tree normally with a single straight trunk that sheds its leaves in the fall and grows new leaves in the spring. Examples include: oak, maple, linden, ash, beech and hickory.

9. Softening Buffer: A planting of trees and shrubs the majority of which are deciduous plants used to provide a low density screen between properties.

10. Street Tree: A deciduous shade tree with a single trunk located adjacent to a street or road and outside the street right-of-way.

5. Information Required To Be Shown on the Landscape Plan

a. The landscape plan submission will show the following existing and proposed information:

(1) Plan scale, date, north arrow, and location map with zoning district designations for the site and adjacent properties;

(2) Property lines, setback lines, easements and the adjacent zoning district(s);

(3) Location of all buildings;

(4) Location of all roads, parking, service areas and other paved areas;

(5) Location of all outside storage and trash receptacle areas;

(6) Locations of sidewalks, berms, fences, walls, free standing signs and site lighting;

(7) Locations of underground, surface, and above-grade utilities such as utility lines, utility easements, transformers, hydrants, manholes and mechanical equipment;

(8) Location and caliper of existing individual trees with trunks eight inches (8") or more in caliper. Trees in hedge rows, groves or woodlands with trunk diameters of eight inches (8") or more in caliper may be shown by indicating the outer canopy or drip line of the tree grouping. Existing trees shown as masses must be labeled with an approximate quantity as calculated. If the site opportunity contains twenty (20) or more trees, a separate tree survey plan showing the location and caliper of individual trees over eight inches (8") in caliper is to be included. The tree survey plan is to be at the scale of the site plan submission. The drawing is to be sealed by a Professional Land Surveyor or Registered Landscape Architect.

(9) A schedule listing existing trees eight inches (8") or greater in caliper to be destroyed by development. The schedule shall indicate the botanical and common name, height, spread, caliper, quantity and special remarks for all trees proposed for destruction.

(10) A Plant Schedule listing all new plant materials (trees, shrubs, and ground cover) proposed for planting. This schedule shall indicate the botanical and common name, height,

spread, caliper, quantity, and special remarks for all proposed plant materials.

(11) Plans will be drawn to a scale of not less than 1"- 50' and show all existing and proposed contours at two feet (2') intervals;

(12) Details for the planting and staking of trees, the planting of shrubs and any other details which depict other related installations;

(13) Existing natural features such as water bodies, flood plain, wetlands, rock out-croppings, and slopes in excess of ten percent (10%);

(14) Location of all proposed plant species to include trees, shrubs, ground cover, perennials, and lawn;

(15) Information in the form of notes or specifications concerning planting and lawn areas. Such information shall specify the quality requirements and material for planting, seeding, sodding, ground cover, mulching and the like.

(16) A detailed cost estimate shall be attached to the final landscape plan submission for the preparation of the land development agreement. This estimate shall show the value of all proposed landscaping including seeding and sodding. Unit costs for plant material shall include costs for materials, labor and guarantee and shall be so stated on the estimate provided.

(17) Limits and details of temporary protection fencing to be used for protection of existing trees and shrubs during construction.

(18) Interior Parking Lot greenspace calculations for parking lots larger than 5,000 square feet shall have a minimum landscape area of 10% and shall appear on the drawings in the following form:

Parking Lot Area Outside Curb to Outside Curb	Total Area of Interior Planting Islands	Percent of Parking Lot Devoted to Green Space
_____ S.F. equals	_____ S.F. divided by	_____ . _____ %

6. Specific Planting Requirements:

Street trees, softening buffers, screen buffers, general on site screening, parking area landscaping, detention basin landscaping, and individual lot landscaping shall be provided according to the following standards:

a. Street Trees:

(1) As part of the design and construction of new streets, street trees shall be required for any subdivision or land development where suitable street trees do not exist. Areas requiring such street trees shall include:

(a) New streets.

(b) New sidewalks or pedestrian ways.

(c) Existing streets, sidewalks, pedestrian ways, highways, bicycle trails or pathways when they abut or lie within the subdivision or land development.

(d) Access driveways to residential developments serving three (3) or more single family residences.

(e) Access driveways to non-residential developments.

(2) Location:

(a) Street trees shall be spaced to permit the healthy growth of each tree. In no instance shall they be closer than fifty feet (50') on center nor further than seventy five feet (75') on center for each side of the street. Along arterial roads, trees may be spaced up to one hundred feet (100') on center if the size of these trees is upgraded to a full 3 1/2" caliper minimum size.

(b) Street trees shall be planted no closer than two feet (2') outside the street right-of-way, no closer than three feet (3') to any public sidewalk and a maximum distance of fifteen feet (15') outside the right-of-way line, as measured to the center of the trunk.

(c) At intersections, trees shall be located no closer than fifty feet (50') from the intersection of the curbs.

(d) Where trees are existing along a roadway, the existing shade trees over eight inches (8") in caliper within twenty feet (20') of the curb face shall be counted toward the street tree requirement. Where existing street trees are over seventy five feet (75') apart, new shade trees shall be planted between these existing trees at no greater than seventy five feet (75') on center and no less or closer than twenty five feet (25') from any existing tree.

(e) Street trees may be grouped (in groups of three or more) or planted in an informal arrangement if appropriate to the area at an equal or greater quantity to the standards previously stated. If this method of planting is chosen, street trees shall average one (1) tree every forty feet (40') with no spacing or gaps between tree groupings greater than one hundred and fifty feet (150').

(f) Street trees shall not be planted over underground utilities or beneath overhead utility lines. If utility lines are present, the street tree row is to be moved to a distance not less than 10 feet nor more than 25 feet away

from the center line of the overhead or underground utility. Where this is not possible due to space limitations or other reasons, the species of street tree is to be changed to a lower growing variety such as hedge maple or similar type tree.

(g) In no case shall these regulations require the planting of trees on property other than that which is being developed.

(3) Size, Type and Quality Standards:

(a) Street trees shall be a minimum of three inches (3") in caliper. Trees shall meet the general specifications for height and spread in relationship to caliper for shade trees as stated in the "American Standard for Nursery Stock" by the American Association of Nurserymen. All branches shall be pruned to a clearance height of seven feet (7') above the ground. No side branching on tree trunks will be allowed below 6' 8" from the ground. Trees shall have a single, straight trunk and central leader and be free of disease and mechanical damage. Recommended street tree species are found in Section 9, "Recommended Plant List."

b. Softening Buffer

(1) Definition:

(a) A "Softening Buffer" is a mixed perimeter landscape planting intended to provide an informal separation between neighboring developments. It is not intended to be an impenetrable visual screen.

(2) When required:

(a) A "softening buffer" is required when no existing trees or shrubs exist along the side and rear yards of a new land development even though the adjacent zoning or land use is the same as the proposed development.

(b) The buffer area shall be twenty feet (20') in width and used for no purpose other than planting of trees, shrubs and lawn to meet planting requirements and may include a wall or fence not to exceed six feet (6') in height. Any wall or fence shall be constructed in such a manner that it will not conflict with the character of the abutting district.

(c) The applicant may not be required to provide a buffer yard planting should existing planting, topography or man-made structures exist and are acceptable to the Board of Commissioners.

(d) A Softening Buffer is not required where a Screen Buffer is provided.

(e) Refer to Table 1 for "Softening Buffer" planting requirements in each zoning district.

(3) Location:

(a) Buffer planting, when required, shall be aligned adjacent to property lines or right-of-way boundaries, but may be sited on any position of the property if permitted by the Board of Commissioners. An innovative and freeform arrangement of the required material is encouraged.

(4) Plant material requirements:

(a) Not more than 20% of plants shall be evergreen;

(b) Deciduous and semi-deciduous plants may be used with evergreens to provide color, and a softer, more interesting and natural effect;

(c) All plant material used shall meet minimum height requirements as stated in Section 9, "Recommended Plant List."

c. Screen Buffer

(1) Definition:

(a) A "Screen Buffer" is an evergreen perimeter landscape planting intended to provide a formal separation between neighboring developments. A Screen Buffer is intended to be an impenetrable visual screen. However, it is not intended to be a monocultural planting.

(2) When required:

(a) Refer to Table 2 for requirements in each zoning district or land use.

(b) If a screen buffer already exists, this requirement may be reduced or eliminated by the Board of Commissioners.

(c) In addition, all truck loading, outside storage areas, mechanical equipment and trash receptacles shall be screened from view from streets and abutting residential areas in accordance with the standards for screen buffer size and type, as found in Table II "Screen Buffer Requirements."

(3) Location:

(a) The Screen Buffer is to provide a visual barrier between adjacent land uses. The Screen Buffer shall be twenty-five feet (25') in width and aligned adjacent to property lines or ultimate right-of-way boundaries, or may be sited on any position of the property if permitted by the Board of Commissioners.

(b) The screen planting shall be arranged to provide clear sight triangles at street intersections of seventy-five feet (75') from the point of the intersection and shall not obstruct any sight distance requirements. The screen

planting shall be broken only at points of vehicular or pedestrian access.

(4) Screen buffer size and type:

(a) Trees used for Screen Buffers shall be composed of one hundred percent (100%) evergreen varieties. Shrubs may be a combination of evergreen and deciduous varieties. The required plant material shall be so arranged as to provide a visual screen of fifty percent (50%) and at least eight feet (8') in height at the time of planting. Where the screen buffer planting requires more than 50 trees, no more than one half of these trees will be of a single variety.

(b) Walls, ornamental structures, fences and earth berms, or a combination of these, may be used in combination with appropriate plant material subject to the approval of the Board of Commissioners.

(c) Recommended evergreen tree species used for screening are found in Section 9, "Recommended Plant List."

d. Parking Area Landscaping

(1) Requirements and Design Standards:

(a) Refer to Table 1 for requirements in each zoning district or land use.

(b) In addition to the trees and shrubs required for buffers and parking areas, a minimum of 10% of any parking lot facility over five thousand (5,000) square feet in gross area outside curb to outside curb shall be devoted to landscaping or green area.

(c) A maximum of fifteen (15) parking spaces shall be permitted in a row without a landscape island of fifteen feet (15') in width. This island shall contain not less than three hundred (300) square feet of planting area and one shade tree.

(d) Raised continuous concrete curbing shall be required around all planting islands. In addition, raised planter islands shall be placed at the end of each row of parking spaces which begins or terminates at an internal circulation drive.

(e) For any land use where the total number of parking spaces exceeds one hundred (100) stalls, the parking area shall be divided by continuous islands perpendicular to the spaces every (120) feet [(120) feet assumes four (4) rows of parking and two (2) aisles]. These divider islands shall be a minimum of 15 feet wide.

(f) In addition to the above any parking area over 4,000 square feet in area closer than fifty feet (50') to a public street right-of-way or to any residential district shall have a continuous row of shrubs, fence, wall, earth berm or a combination of these to a minimum height of three feet six inches (3' 6") at time of installation between the street or residential district and the parking area.

(g) Recommended shade tree species are found in Section 9, "Recommended Plant List."

e. Detention Basin Landscaping

(1) The basin landscaping shall be so designed that the plantings in and adjacent to it shall not have a negative effect on the hydrological function of the basin.

(2) Drainage ways, detention basins and retention ponds should be aesthetically pleasing and compatible with the adjacent land use. Creative grading and innovative basin forms are encouraged. Where basins adjoin existing woodlands, it is recommended that plantings be selected to blend with the natural surroundings.

(3) Basin Floors and Sides:

(a) Floors dry most of the year shall be landscaped in one or a combination of the following:

(i) seeded or sodded lawn;

(ii) seeded in low maintenance wildflowers and meadowgrasses;

(iii) wildflower sod;

(iv) all-season groundcover;

(b) Basin floors, portions of a floor, or channels which are wet most of the year shall be landscaped in one or a combination of the following:

(i) wet habitat grasses and groundcovers;

(ii) seeded in wildflower mix for wet areas;

(4) Basin Perimeter Plantings

(a) There shall be a minimum of one (1) shade tree for each forty (40) linear feet of basin perimeter. To promote diversity, up to 50% of the shade trees may be substituted with an option of two (2) flowering trees, two (2) evergreen trees or ten (10) shrubs for every shade tree. No tree planting shall be placed on or adjacent to the fill area of the berm acting as an impoundment structure or dam.

(b) Recommended tree and shrub species are found in Section 9, "Recommended Plant List."

f. Individual Lot Landscaping

(1) When required:

(a) Individual lot landscaping includes those areas of the site not covered by Sections a. through e. above.

(b) Refer to Table 1 for minimum planting requirements in each zoning district or land use.

(2) Location:

(a) Trees specified under this Section shall be planted either on the lot or within the general open space of the subdivision or land development.

(3) Size and Type:

(a) Trees shall be a minimum of three inches (3") in caliper and of a recommended species listed in Section 9, "Recommended Plant List."

(b) Refer to Note No. 1 on Table 1 for substitutions of plant type.

g. Landscaping On Slopes

(1) When required:

(a) Landscaping on slopes includes disturbed areas of the site with slopes in excess of one foot (1') vertical to ten feet (10') horizontal (10:1 or 10% slope).

(2) Sodded Lawn:

(a) Sodded lawn is required on all slopes of between 10% and 20% except where groundcover plantings have been provided.

(3) Groundcover plantings:

(a) Groundcover plantings are required on slopes of 20% or greater (one (1) foot vertical to five feet (5') horizontal).

(b) Refer to Section 9, "Recommended Plant List," for recommended groundcovers.

(4) Supplemental Plantings:

(a) Supplemental plantings of shrubs, ornamental trees, evergreen trees, and shade trees may be planted as a part of landscaping on slopes.

(b) Supplemental plantings may be applied toward the Replacement Tree Requirements of Section 8 except where

these plantings are required by other sections of this Ordinance.

h. Landscaping of Other Areas

(1) Any area not used for buildings, structures, paved areas, planting beds or screening shall be planted in an all-season groundcover or lawn and other landscape materials in accordance with the landscaping and screening plan. Existing vegetative materials shall be preserved wherever possible.

i. Existing Vegetation

(1) In cases where preserved natural features existing on site duplicate or essentially duplicate the Planting Requirements of this Ordinance, these requirements may be waived or amended by the Board of Commissioners.

7. Preservation and Protection of Existing Trees

a. All subdivisions and land developments shall be laid out in such a manner so as to preserve the healthy trees and shrubs on the site, whenever possible. Special care must be taken to preserve trees over twenty inches (20") in caliper and trees standing in groves. The Township may refuse approval of any plan showing the unnecessary destruction of healthy trees and shrubs, particularly those for which special care is required. Financial benefit to the developer will not constitute a sufficient reason to avoid compliance with this paragraph.

b. During the construction of any site, trees and shrubs, as defined herein, shall be protected by temporary fencing to insure that there is no encroachment within the area of their dripline by changing grade, trenching, stockpiling of building materials or topsoil, or the compaction of the soil and roots by any motor vehicle unless the following regulations are met:

(1) The root area within the dripline of any tree or group of trees may not be encroached.

(2) Existing trees whose root area (Drip Line) has been encroached upon will not be considered to be preserved.

(3) Existing trees whose trunks are within five feet (5') of proposed public sidewalks or within ten feet (10') of roadways are not to be counted as preserved.

(4) At the direction of the Township, existing trees which have not been adequately protected are to be removed.

c. The foregoing requirements for trees in Section 6b. and 6f. (Softening Buffers and Individual Lot Landscaping) shall, whenever possible, be met by preserving existing trees and to that end, the number of trees required by these sections may be reduced by a credit for Approved Preserved Trees as follows:

(1) Approved Preserved Trees eight inches (8") or greater in caliper remaining on an individual lot may offset the

Individual Lot Landscaping requirements for that lot. i.e. If 2 existing trees are preserved on a single lot, 2 trees may be deducted from the Individual Lot Landscaping requirements for that lot.

(2) Approved Preserved Trees eight inches (8") or greater in caliper remaining around the perimeter of the site development may offset the Softening Buffer requirements for that site. i.e. If 2 existing trees are in the perimeter area of the site development then 2 trees may be deducted from the Softening Buffer requirement.

(3) The same tree may not be used to offset both Individual Lot Landscaping and Softening Buffer requirements.

(4) Credits for Approved Preserved Trees to offset the Softening Buffer and Individual Lot Landscaping requirements are to be calculated as follows:

Caliper of Trunk of Approved Preserved Tree	Number of Trees Credited
37 or greater	5
25 to 36	4
13 to 24	2
8 to 12	1

8. Replacing Trees Destroyed by Development

a. If more than 25% of the existing trees have been removed, every existing tree eight inches (8") in caliper or more, which is destroyed because of street alignment, building placement, parking area location, grading, or otherwise, shall be replaced with one or more new shade tree of a type recommended by the Township as found in Section 9, "Recommended Plant List" with a trunk diameter of not less than three inches (3") measured at six inches (6") above the ground line.

(1) Such new trees shall be planted in addition to the trees required by the Planting Requirements of Section 5. above.

(2) It is recommended that replacement trees be planted in common areas between lots rather than as foundation plantings at individual homes.

(3) Refer to Section 8. for sizes and types of shade trees, evergreens, flowering trees and shrubs recommended.

b. Calculation and estimation of existing trees before construction shall be performed in the presence of the Township Engineer or Landscape Architect and shall be based on the following procedure:

(1) Trees over eight inches (8") in caliper standing alone will be documented individually and noted on the landscape plan.

(2) The quantity of large trees standing in masses of over ten (10) trees shall be estimated by the following method:

(a) Three 100-foot by 100-foot square areas will be staked out in locations acceptable to the Owner/Developer and the Township.

(b) The quantity of trees in each area will be counted and the totals averaged to determine the average number of trees per 10,000 square feet of wooded area.

(c) This average quantity per area will be used to determine both the quantity of trees being removed and the quantity of trees to remain in large masses.

c. Calculation and estimation of existing trees remaining after construction shall be performed by the Township Engineer or Township Landscape Architect based on a procedure similar to that noted above.

d. Calculation of the required replacements for existing trees eight inches (8") or more in caliper removed during construction shall be performed by the Township Engineer or Township Landscape Architect based on the following formula:

(1) 25% of the total number of existing trees on the site may be removed without the need for replacement.

(2) If more than 25% but less than 75% of the total number of existing trees have been removed, they shall be replaced at a ratio of 1:1. One new three inch (3") caliper shade tree shall be planted for each existing tree removed during the development of the site.

(3) If 75% or more of the existing trees are removed, the last 25% of the trees are to be replaced at a ratio of two (2) new three inch (3") caliper shade trees for each existing tree removed.

e. The quantity of replacement trees required is to be shown on the Landscape Plan.

f. A maximum of fifty percent (50%) of the required trees may be replaced as Ornamental/Flowering Trees or Evergreen Trees at a ratio of 2 Flowering or 2 Evergreen Trees per required 3" caliper shade tree. A maximum of twenty percent (20%) of the required trees may be replaced as shrubs at a ratio of ten (10) shrubs per required tree.

9. Recommended Plant List

The following is the recommended list of trees, shrubs and ground cover for use in Upper Dublin Township. However, the Board of Commissioners may permit other planting types if they are hardy to the area, are not subject to blight or disease, and are of the same general character and growth habit as those listed below.

A. Shade Trees: Minimum 3" caliper*, 14-18 feet high, 8 feet minimum spread, clear trunk to 7'-0" above the ground and full branching structure.

Acer rubrum - Red Maple (hybrid varieties)
Acer saccharum - Sugar Maple **
Cercidiphyllum japonica - Katsura Tree
Celtis Species - Hackberry
Fraxinus americana - White Ash **
Fraxinus pennsylvania - Green Ash and Hybrids
Gleditsia triacanthos inermis - Thornless Honeylocust (Hybrid varieties)
Liquidambar styraciflua - Sweet Gum
Liriodendron tulipifera ** - Tulip Tree
Nyssa sylvatica - Black Gum **
Platanus x acerifolia - London Planetree
Pyrus calleryana "Redspire" - Redspire Pear
Pyrus calleryana "Aristocrat" - Aristocrat Pear
Quercus borealis - Northern Red Oak
Quercus coccinea - Scarlet Oak
Quercus palustris - Pin Oak
Quercus phellos - Willow Oak
Salix babylonica - Weeping Willow **
Tilia tomentosa - Silver Linden
Tilia cordata - Littleleaf Linden
Zelkova serrata - Japanese Zelkova

* Nursery grown trees 4" caliper or less are measured at 6" above ground level as defined by the American Association of Nurserymen. Nursery grown trees of greater than 4" caliper are measured at 12" above the ground level.

** NOT TO BE USED AS A STREET TREE OR PARKING LOT TREE BUT THEY ARE ACCEPTABLE IN OPEN LAWN AREAS.

B. EVERGREEN TREES: Minimum 8-feet in Height, 4-foot minimum spread*, single leader, symmetrically branching to the ground.

Abies species - Fir
Ilex opaca - American Holly
Picea species - Spruce
Pinus species - Pine (excluding Austrian Pine)
Pseudotsuga taxifolia - Douglas Fir
Thuja species * - Arborvitae
Tsuga species - Hemlock
Cedrus Species - Cedar
Chamaecyparis Species * - Cypress

* Spread may be less than 4-feet for upright or columnar varieties.

C. ORNAMENTAL/FLOWERING TREES: Minimum 8-feet high, 5-feet minimum spread, symmetrically branched to within 4 feet from the ground.

Amelanchier canadensis - Shadblow Serviceberry
Cornus species - Tree-form Dogwoods
Crataegus phaenopyrum - Washington Hawthorn
Magnolia soulangeana - Saucer Magnolia
Magnolia virginiana - Sweetbay Magnolia

Malus species - Crabapples
Oxydendron arboreum - Sourwood
Prunus subhirtella pendula - Weeping Japanese Cherry
Prunus subhirtella "autumnalis" - Autumn Flowering Cherry
Syringa amurensis - Japanese Tree Lilac

D. DECIDUOUS SHRUBS: 30-inch minimum height, 24-inch minimum spread and symmetrically branched to the ground.

Cotoneaster Species
Daphne Species
Deciduous Azalea Species
Deutzia Species
Elaeagnus Species
Enkianthus Species
Erica Species
Euonymus alatus "Compacta" - Dwarf Winged Euonymus
Forsythia Species
Hamamelis vernalis - Vernal Witch Hazel
Hamamelis virginiana - Common Witch Hazel
Ilex verticillata - Winterberry Holly and other Deciduous Hollies
Potentilla Species
Pyracantha Species
Spiraea Species
Viburnum Species

E. EVERGREEN SHRUBS: 24-inch minimum height, 18-inch minimum spread and symmetrically branched to the ground.

Evergreen Azalea Species
Evergreen Rhododendron Species
Ilex crenata Species - Japanese Holly Species and Other
Evergreen Shrub Hollies
Juniper Species
Leucothoe Species *
Pieris Species
Taxus Species * - Yew Species
Vaccinium Species

* Height and spread requirements may be reversed for spreading varieties of evergreen shrubs.

F. GROUND COVER PLANTS:

1. 2-year old plants provided in 2½" pots and spaced a maximum of 12-inches on center or as noted below:

Ajuga Species - Bugleweed
Euonymus fortunei - Wintercreeper (12" o.c. maximum)
Hedera helix - English Ivy (8" o.c. maximum)
Pachysandra terminalis - Pachysandra (8" o.c. maximum)
Vinca minor - Periwinkle (8" o.c. maximum)

2. Heavily rooted plants provided in 4" pots and spaced a maximum of 18-inches on center or as noted below:

Artemisia schmidtiana - Silvermound
Hemerocallis Hybrids - Daylilies
Iberis sempervirens - Evergreen Candytuft
Liriope species - Lily turf (12" on center maximum)

3. Heavily rooted woody plants with minimum 15-inch spread provided in 2-gallon containers and planted a maximum of 36-inches on center.

Cotoneaster Species - Spreading Cotoneasters
Juniperus horizontalis & sabina Hybrids - Spreading juniper species

TABLE I: MINIMUM PLANTING REQUIREMENTS

LAND USE OR ZONING DISTRICT	STREET TREES	SOFTENING BUFFER	SCREEN* BUFFER	INDIVIDUAL LOT LANDSCAPING	PARKING AREA LANDSCAPING	DETENTION BASIN LANDSCAPING
A - RESIDENTIAL	50'-75' O.C. EACH SIDE OF STREET, UP TO 100' O.C. ALONG MAJOR STREETS	2 TREES & 6 SHRUBS PER 100' OF PROPERTY PERIMETER	IF SCREENING REQUIRED (2)	3 SHADE TREES PER UNIT (1)	NOT REQUIRED - EXCEPT WHEN A SPECIAL EXCEPTION OR A CONDITIONAL USE	1 SHADE TREE PER 40' OF PERIMETER OF THE BASIN (1)
B- RESIDENTIAL				2 SHADE TREES PER UNIT (1)		
C- RESIDENTIAL				1 SHADE TREES PER UNIT (1)	1 SHADE TREE PER EVERY 10 PARKING SPACES	
MD MULTI-DWELLING						
AHS APARTMENT HOUSE SPECIAL						
MHD MOBILE HOME DEVELOPMENT						
M MOTEL-MOTOR INN-MOTOR LODGE						
CR COMMERCIAL RETAIL				1 SHADE TREE PER 2,000 SQ. FT. OF GROSS FLOOR AREA (1)		
OC OFFICE CENTER				1 SHADE TREE PER 5,000 SQ. FT. OF GROSS FLOOR AREA (1)		
SC SHOPPING CENTER						
INST INSTITUTIONAL						
LIM LIMITED INDUSTRIAL						

NOTES: Non-conforming land uses proposed in areas zoned for other uses shall comply to the strictest interpretation of landscape requirements for either the use or the zone in which the development is located.

- (1) Up to 50% of Shade Trees may be substituted with Flowering Trees or Shrubs at the rate of:
 2 Flowering Trees or 2 Evergreen Trees for every Shade Tree, or 10 Shrubs for every Shade Tree.
- (2) Evergreen screening shall consist of trees in double rows, staggered 5'-15' o.c. The spacing will depend upon the type of trees used:
- | | | | |
|-------------------------------|------------------------|-----------------|-------------------|
| White Pines - 15 ft. | Arborvitae - 5 ft. | Spruce - 12 ft. | Hemlocks - 12 ft. |
| Japanese Black Pines - 15 ft. | American Holly - 8 ft. | Fir - 12 ft. | |

* Refer to Table 2 for Screen Buffer requirements.

TABLE 2: SCREEN BUFFER REQUIREMENTS

Proposed Land Use	Adjacent Land Use or Zoning District - Existing or Proposed											
	A Residential	B Residential	C Residential	MD Multi-Dwelling	AHS Apartment House Special	MHD Mobile Home Development	M Motel Motor Inn Motor Lodge	CR Commercial Retail	OC Office Center	SC Shopping Center	INST Institutional	LIM Limited Industrial
A - Residential	NO (2)	NO	NO	NO	NO	NO	NO	YES	YES	YES	YES	YES
B - Residential	NO	NO (2)	NO	NO	NO	NO	NO	YES	YES	YES	YES	YES
C - Residential	YES(1)	YES(1)	NO (2)	YES(1)	YES(1)(2)	NO	YES(1)	YES	YES	YES	YES	YES
MD Multi-Dwelling	NO	NO	NO	NO (2)	NO	NO	NO	YES	YES	YES	YES	YES
AHS Apartment House Special	YES(1)	YES(1)	YES(1)(2)	YES(1)	NO (2)	NO	YES(1)	YES	YES	YES	YES	YES
MHD Mobile Home Development	YES	YES	YES	YES	YES	NO (2)	YES	YES	YES	YES	YES	YES
R-5 Residential	NO	NO	YES(1)	NO	YES(1)	NO	NO (2)	YES	YES	YES	YES	YES
CR Commercial Retail	YES	YES	YES	YES	YES	YES	YES	NO (2)	NO	NO	NO	NO
OC Office Center	YES	YES	YES	YES	YES	YES	YES	NO	NO (2)	NO	NO	NO
SC Shopping Center	YES	YES	YES	YES	YES	YES	YES	NO	NO	NO (2)	NO	NO
INST Institutional	YES	YES	YES	YES	YES	YES	YES	NO	NO	NO	NO (2)	YES
LIM Limited Industrial	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO (2)

NOTES: (1) For townhouses, apartments and patio homes only.
 (2) When abutting an identical land use or zoning type, a screen buffer is not required unless so determined by the Board of Commissioners.

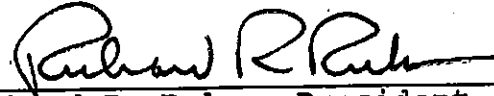
Section 2. Nothing in this ordinance or in Title 9 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to effect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Title 9 prior to the adoption of this amendment.

Section 3. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of this court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board that this ordinance would have been adopted if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision has not been included herein.

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



Approved by the Board this 13th day of December, 1994.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN



Richard R. Rulon, President

ATTEST:

Frances S. Amey

AN ORDINANCE TO APPROVE, ADOPT AND ENACT AN ORDINANCE CODIFICATION OF A COMPLETE BODY OF LEGISLATION FOR THE TOWNSHIP OF UPPER DUBLIN, COUNTY OF MONTGOMERY, COMMONWEALTH OF PENNSYLVANIA; TO PROVIDE FOR THE REPEAL OF CERTAIN LEGISLATION NOT INCLUDED THEREIN; TO SAVE FROM REPEAL CERTAIN OTHER LEGISLATION NOT INCLUDED THEREIN; AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THE CODE OR CHAPTERS THEREOF

ARTICLE I
Adoption of Code

Be it enacted and ordained by the Board of Commissioners of the Township of Upper Dublin, County of Montgomery, Commonwealth of Pennsylvania, and it is enacted and ordained as follows:

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

Pursuant to Section 1502, Clause I, II (53 P.S. § 56502) of the First Class Township Code, the codification of a complete body of legislation for the Township of Upper Dublin, County of Montgomery, Commonwealth of Pennsylvania, as revised, codified and consolidated into titles, chapters and sections by General Code Publishers Corp., and consisting of the Charter and Chapters 1 through 255, together with an Appendix, are hereby approved, adopted, ordained and enacted as a single ordinance of the Township of Upper Dublin, which shall be known and is hereby designated as the "Code of the Township of Upper Dublin," 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 the those of ordinances and resolutions in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and resolutions and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinance or resolution. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Board of Commissioners of the Township of Upper Dublin, and it is the intention of said Board of Commissioners 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 Upper Dublin 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.

AN ORDINANCE TO APPROVE, ADOPT AND ENACT AN ORDINANCE CODIFICATION OF A COMPLETE BODY OF LEGISLATION FOR THE TOWNSHIP OF UPPER DUBLIN, COUNTY OF MONTGOMERY, COMMONWEALTH OF PENNSYLVANIA; TO PROVIDE FOR THE REPEAL OF CERTAIN LEGISLATION NOT INCLUDED THEREIN; TO SAVE FROM REPEAL CERTAIN OTHER LEGISLATION NOT INCLUDED THEREIN; AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THE CODE OR CHAPTERS THEREOF

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All ordinances or parts of ordinances of a general and permanent nature adopted by the Township of Upper Dublin 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:

- A. Any ordinance adopted subsequent to January 15, 1994.
- B. 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.
- C. 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.
- D. 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.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred by the township or any lawful contract, obligation or agreement.
- F. 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.
- G. Any ordinance adopting an annual budget or establishing an annual tax rate.
- H. Any ordinance providing for the levy, imposition or collection of special taxes, assessments or charges.
- I. Any ordinance authorizing the purchase, sale, lease or transfer of property or acquiring property by acceptance of deed, condemnation or exercise of eminent domain.
- J. Any ordinance annexing land to the township.
- K. Any ordinance providing for requiring the construction or reconstruction or opening of sidewalks, curbs and gutters.
- L. 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.
- M. 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.
- N. Any ordinance providing for the making of public improvements.
- O. Any ordinance providing for the salaries and compensation of officers and employees of the township or setting the bond of any officer or employee.

- P. Any ordinance concerning changes and amendments to the Zoning Map.
- Q. Any ordinance concerning vehicles and traffic.

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

All ordinances and resolutions 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 and resolutions shall be temporarily placed in the Code until printed supplements are included.

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

A. Nonsubstantive grammatical changes. In compiling and preparing the ordinances and resolutions of the township for adoption and revision as part of the Code, certain nonsubstantive grammatical and style changes were made in one (1) or more of said ordinances and resolutions. It is the intention of the Board of Commissioners that all such changes be adopted as part of the Code as if the ordinances and resolutions so changed had been previously formally amended to read as such.

B. Substantive changes and revisions. In addition to the changes and revisions described above, the following changes and revisions of a substantive nature are hereby made to various ordinances and resolutions included in the Code. These changes are made to bring provisions into conformity with the desired policies of the Board of Commissioners, and it is the intent of the Board of Commissioners 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.

(1) Chapter 1, General Provisions, Art. III, Terminology, is hereby adopted to read as follows:

**ARTICLE III
Terminology**

§ 1-16. Construal of provisions.

As used in this Code, the masculine shall include the feminine and the feminine shall include the masculine.

(2) Chapter 11, Emergency Services Board (former Title 2, Ch. 12, of the 1986 Code) is hereby amended to add § 11-2B as follows:

B. The Police Chief or his designee shall be the Emergency Management Coordinator.

(3) Chapter 25, Manager, § 25-5 (former Title 2, Ch. 3, Sec. 1.05, of the 1986 Code) is amended to read as follows:

§ 25-5. Salary.

The salary of the Township Manager shall be fixed from time to time by ordinance.

(4) Chapter 32, Parks and Recreation Advisory Board, (former Title 6, Ch. 1, of the 1986 Code) is hereby amended as follows:

(a) Throughout the legislation, the term “Board” is amended to “Advisory Board.”

(b) Section 32-2 (former Sec. 1.02) is amended to read as follows:

§ 32-2. Composition; terms.

The Advisory Board shall be composed of five (5) members, one (1) of whom shall be appointed by the Board of School Directors of Upper Dublin Township, and four of whom (4) shall be appointed by the Commissioners. The Parks and Recreation Advisory Board members shall serve for terms of three (3) years and until their successors are appointed, except that the members first appointed shall be so appointed that the terms shall expire on a staggered basis to assure an equal proportionate replacement each year. The Director of Parks and Recreation shall serve in an advisory capacity to the Advisory Board and act as liaison to the township administration.

(5) Chapter 39, Planning Agency (former Title 2, Ch. 4, of the 1986 Code) is amended in its entirety to read as follows:

§ 39-1. Board to act as Commission.

Pursuant to the Municipalities Planning Code, the Board of Commissioners shall act as the Planning Commission.

§ 39-2. Planning Agency Advisory Board.

The Board of Township Commissioners may appoint an advisory committee of seven (7) residents of the township to be known as the “Planning Agency Advisory Board.” Such advisory committee shall serve at the will of the Board of Commissioners. The Board of the Township Commissioners may, at their discretion, from time to time, submit to the advisory committee any questions or proposal relating to any of the matters or things concerned with township planning, zoning, etc., for study, review and recommendation to the Board of Commissioners.

(6) Chapter 61, Amusement Games, § 61-5B [former Title 7, Ch. 11, Sec. 1.05(b), of the 1986 Code] is hereby amended to remove the specific fee and insert “shall be provided in the township fee schedule.”

(7) Chapter 64, Animals, (former Title 7, Ch. 2, of the 1986 Code) is hereby amended as follows:

(a) Throughout the chapter, “Secretary” is changed to “Health Officer.”

(b) Throughout the chapter, “Health Officer” is changed to “Health Enforcement Officer.”

(c) “Llamas and alpacas, subject to zoning,” and “ferrets (*Mustela furo*)” are added to the list of permitted animals in § 64-3 (former Sec. 1.03) as Subsections W and X.

(d) Section 64-6B (former Sec. 1.06, second paragraph, is amended to add "no regulations of the Board of Animal Regulation shall take effect until approved by the Board of Commissioners."

(e) Section 64-7 (former Sec. 1.07) is amended to delete the word "permanent."

(f) Section 64-9 (former Sec. 1.09) is amended to change the penalty to six hundred dollars (\$600.) and to delete the imprisonment provision.

(g) Section 64-10 (former Sec. 2.01) is amended to read as follows:

§ 64-10. Dogs.

- A. Hereafter, it shall be unlawful for an owner or keeper of any dog or dogs, licensed or unlicensed, to permit such dog or dogs to run at large unaccompanied by the owner or keeper. When not on the premises of the owner or keeper, a dog must be leashed at all times when on foot. The leash shall be of sturdy material, not more than eight (8) feet in length.
- B. It shall be unlawful for any owner of any dog or dogs, unlicensed or licensed, to permit such dog or dogs to run at large unaccompanied by the owner. The word "owner," as used in this section, shall include every person having a right of proprietorship or ownership in a dog and every person who keeps or harbors a dog or has it in his care, and every person who permits a dog to remain on or about any premises occupied by him. A dog shall be deemed "at large" if off the premises of the owner and not on a leash.

(h) Section 64-11 is added to read as follows:

§ 64-11. Cats.

The Board of Health of Upper Dublin Township shall be empowered to issue a declaration prohibiting cats from running at large in the Township of Upper Dublin if an epidemic of rabies is confirmed in the township or in any municipality adjacent to the township. The end of the period of prohibition shall be determined by the Board of Health. Notice of the declaration prohibiting cats from running at large and notice of the end of the period of prohibition shall be given to the public by means of an announcement in a newspaper of general circulation within the township and by means of appropriate announcements through other available media sources. Following the issuance of such declaration, it shall be unlawful for the owner of any cat to allow such cat off a leash while outside.

(i) Former Secs. 2.02 and 2.03, Duty of Township Police and Impoundment of Licensed Dogs, are deleted.

(j) Article IV, Dog Control, is amended to read as follows:

ARTICLE IV Dog Control

§ 64-18. Defecation.

- A. No person owning, harboring, keeping or in charge of any dog shall cause or allow such dog to soil, defile or defecate upon any other person's private property without the permission of such other person or upon any public property. Where such person shall

immediately remove all feces deposited by the dog and dispose of the same in a sanitary manner, the nuisance created by defecation shall be considered abated, and such person shall not be in violation of this Article.

- B. Guide dogs accompanying a blind person, dogs used to assist any other physically handicapped person or dogs used in any police or Fire Department activities shall be exempt from provisions of this Article.

§ 64-19. Odors and noise.

- A. No person shall keep or harbor any animal in the township so as to create offensive odors, excessive noise or unsanitary conditions which are a menace to the health or safety of the public.
- B. Howling animals. Any animal which by habitual barking, howling or yelping disturbs the peace or endangers the health or safety of persons is creating a nuisance. It shall be unlawful for any owner or person having custody of such animal(s) to permit it to create such nuisance.

§ 64-20. Declaration of nuisance.

- A. Any animal which scratches, digs or defecates upon any lawn, tree, shrub, plant, building or any other public or private property, other than the property of the owner or person in charge or control of such animal, is considered to be a nuisance.
- B. No person being the owner or in charge or control of any animal shall allow or permit such animal to commit a nuisance on any school grounds, township park or other public property or upon any private property other than that of the owner or person in charge or control of such animal without the permission of the owner of such property. Where the owner or person in charge or control of such animal immediately removes all feces deposited by such animal and disposes of the same in a sanitary manner, such nuisance shall be considered abated.

§ 64-21. Animal runs.

Animal runs must be kept clean and cannot drain onto premises other than that of owner or person in charge or control of such animal(s).

§ 64-22. Enforcement.

- A. The provisions of this Article shall be enforced by the Health Department and the Animal Control Officer, their duly authorized representatives, any officer of the township or any affected party.
- B. In undertaking the enforcement of this Article, the township is assuming only to promote the general welfare. The township is not assuming, nor is it imposing on any of its officers or employees, an obligation for breach of which it is liable in money damages to any person who claims that any breach proximately caused injury.
- C. A violation of this Article shall not be considered negligence per se.

§ 64-23. Civil action.

- A. Except as provided in Subsection B below, any citizen may commence a civil action on his own behalf against any person except the township, Commonwealth or United States, or any department or agency thereof, to enforce the provisions of this Article.
- B. No action may be commenced under this subsection:
- (1) Prior to thirty (30) days after the plaintiff has given written notice of the alleged violation to the Health Enforcement Officer and to the alleged violator; or
 - (2) If the township has commenced and is diligently prosecuting a civil or criminal proceeding against the alleged violator that incorporates the citizen's cause of action.
- C. For the purpose of this section, the term "citizen" means any person or persons having an interest which is or may be adversely affected.

§ 64-24. Violations and penalties.

Any person who shall violate any of the provisions of this Article shall be liable, on conviction thereof in a summary proceeding, to pay a fine of not less than twenty-five dollars (\$25.) nor more than six hundred dollars (\$600.) for each offense, unless a lesser penalty is provided thereunder. Whenever such person shall have been notified by service of a citation in a summary proceeding, by service of a notice of violation by the Health Enforcement Officer or by receipt of a written notification from an affected person that he or she is committing such violation of this Article, each day that he or she shall thereafter continue the violation shall constitute a separate offense punishable by a like fine.

(8) Chapter 69, Brush, Grass and Weeds (former Title 5, Ch. 8, of the 1986 Code) is hereby amended as follows:

(a) Section 69-2A (former Sec. 1.02A) is amended to delete the specific height of permitted grass and replace same with a reference to the Property Maintenance chapter.

(b) Section 69-3 is added as follows:

§ 69-3. Land developers.

Builders and land developers must remove all tree trunks, stumps, limbs and brush from land under development and level all ground so the same will not retain pools of water.

(9) Chapter 76, Buildings, Numbering of, § 76-3 (former Title 8, Ch. 7, Sec. 1.03, of the 1986 Code) is amended to delete "Within sixty (60) days from the effective date hereof" from the first sentence.

(10) Chapter 86, Disorderly Conduct, § 86-2D [former Title 7, Ch. 3, Sec. 1.02(d), of the 1986 Code] is hereby amended to delete "coal or other material."

(11) Chapter 91, Dumping, (former Title 5, Ch. 3, of the 1986 Code) is hereby amended as follows:

(a) Section 91-3 (former Sec. 1.02) is amended to add "or recycling facilities" after "municipal dumps."

(b) Former Sec. 1.03, third unnumbered paragraph, which provided for imprisonment, is repealed.

(12) Chapter 99, Excavations (former Title 3, Ch. 3, of the 1986 Code) is hereby amended as follows:

(a) Section 99-3 [former Sec. 1.01(c)] is amended to read as follows:

§ 99-3. Topsoil.

The continuation of adequate topsoil on the land within the township is considered necessary for the general welfare of the township in the future development thereof. Thus the permanent removal of topsoil from the land within the township shall be prohibited. This prohibition shall not be construed to prohibit an owner of land in removing topsoil for the purpose of construction of a building and the regrading of the land surrounding the building following construction; provided, however, that upon completion of construction there remains an average depth of six (6) inches of topsoil per lot.

(b) Former Sec. 1.03(b) on mining, is deleted.

(c) Section 99-11E [former Sec. 1.09 (e)] is amended to read as follows:

E. Inspection fees shall be as set forth in Ch. 110, Fees.

(13) Chapter 110, Fees (former Title 2, Ch. 1, of the 1986 Code) is hereby amended to read as follows:

§ 110-1. Alarms.

Applicants for permits under Chapter 57, Alarms, shall pay the following fees:

- A. The applicant pays a fee of two hundred dollars (\$200.) to cover the cost to the township of connecting the system to the control console if the permit is issued before July 1. If issued after July 1, the fee shall be one hundred dollars (\$100.).
- B. The applicant pays a fee of fifty dollars (\$50.) to cover the current year of an annual service fee.
- C. The fee for a transfer of a license shall be one dollar (\$1.).

§ 110-2. Animals.

Applicants for permits under Chapter 64, Animals, shall pay the following fees:

- A. Pet shop or zoological garden: twenty-five dollars (\$25.) for each calendar year or part thereof; there will be no charge for a traveling educational exhibit maintained by an established Humane Society or zoological garden.
- B. Menageries: fifty dollars (\$50.) plus an additional ten dollars (\$10.) per day for the duration of the permit.

- C. All other applicants: two dollars and fifty cents (\$2.50) for the first calendar year or part thereof, renewable thereafter for a fee of one dollar (\$1.) each calendar year or part thereof.

§ 110-3. Building construction.

In accordance with Chapter 73, Building Construction, the following fees shall be charged:

- A. Applicants for permits to be issued under Chapter 73, Building Construction, shall pay to the township at the time of application the fees prescribed in this section. The valuation of the proposed construction or work shall be based upon the entire value of such construction or work. The Building Inspector shall have the right to verify or correct the estimated value of such construction or work.
- (1) New buildings.
 - (a) Permit fees for new single-family and two-family dwellings, townhouses and buildings accessory thereto shall be as follows:
 - [1] The area of any proposed building referred to in this subsection shall be computed from the plans submitted at the time application is made for a permit by multiplying the number of stories, excluding unfinished basements and unfinished attics, times the outside area at the level of the first floor. For the first one thousand five hundred (1,500) square feet, including attached garages and excluding areas of crawl space, basements and attic space under six (6) feet, the basic fee is two hundred fifty dollars (\$250.).
 - [2] Where the total area of each unit is more than one thousand five hundred (1,500) square feet: an additional fee for each five hundred (500) square feet, or fraction thereof, of fifty dollars (\$50.).
 - (b) Permit fees for the construction of multiple dwellings, such as apartments, hotels, motels, rooming houses and boardinghouses and building accessory thereto shall be as follows:
 - [1] For each living unit: one hundred dollars (\$100.).
 - [2] Buildings accessory to a multiple dwelling shall be charged in the same manner as the charge for new single-family and two-family dwellings.
 - (c) Permit fees for dormitories, convents, nursing homes and similar residence construction shall be computed in the same manner as provided above in Subsection A(1)(a).
 - (d) The square foot area of any proposed building referred to in this subsection shall be computed from the plans submitted at the time application is made for a permit by adding the area determined from outside dimensions at ten-foot intervals from the basement floor to the mean roof elevation or top of wall, whichever is higher, or the uppermost story. It is the intent hereof that the fees provided in Subsection A(1)(d)[1] and [2] shall be cumulative. Permit fees for business building and all other nonresidence construction shall be as follows:

- [1] For the first one thousand (1,000) square feet or fraction thereof: two hundred fifty dollars (\$250.).
 - [2] For the area in excess of one thousand (1,000) square feet: an additional fee of one hundred fifty dollars (\$150.) for each one thousand (1,000) square feet or fraction thereof.
- (2) Alterations, repairs and installation of permanent equipment.
- (a) Permit fees for the alteration, addition, repair or demolition, whether residential or nonresidential, of a building, and in the installation of permanent equipment therein, and in the repair of miscellaneous structures, shall be as follows:
 - [1] For the first one thousand dollars (\$1,000.) or fraction thereof of the estimated cost: a fee of twenty dollars (\$20.).
 - [2] For each additional one thousand dollars (\$1,000.) or fraction thereof of the estimated cost in excess of one thousand dollars (\$1,000.): an additional fee of fifteen dollars (\$15.).
 - (b) For erection of swimming pools, retaining walls, fences and other structures of a similar nonresidential character, a fee of fifteen dollars (\$15.) for each one thousand dollars (\$1,000.) of estimated cost or fraction thereof.
- (3) Temporary buildings. Permit fees for temporary buildings (other than builders' shanties) shall be the same as prescribed in Subsection A(1) for new buildings. The fee for each renewal permit for a temporary building shall be twenty-five dollars (\$25.).
- (4) Heating and air-conditioning equipment. Permit fees for the installation, conversion or replacement of heating and air-conditioning equipment, including oil storage tanks of five hundred fifty (550) gallons capacity or less, shall be as follows:
- (a) For the first one thousand dollars (\$1,000.) or fraction thereof of estimated cost: a fee of twenty dollars (\$20.).
 - (b) For each additional one thousand dollars (\$1,000.) or fraction thereof of estimated cost in excess of one thousand dollars (\$1,000.): an additional fee of ten dollars (\$10.).
- (5) Renewal permits.
- (a) On all original permits costing over one hundred dollars (\$100.): twenty-five dollars (\$25.).
 - (b) On all original permits costing under one hundred dollars (\$100.): ten dollars (\$10.).
 - (c) Renewal permits shall be valid not more than six (6) months.
- (6) Fuel storage tanks and gasoline pumps. Permit fees for the installation of fuel storage tanks of every description and gasoline pumps shall be as follows:

- (a) For fuel storage tanks of every description: a fee of ten dollars (\$10.) for each one thousand (1,000) gallons of tank storage capacity or fraction thereof.
- (b) For each gasoline pump proposed to be installed: a fee of ten dollars (\$10.).
- (7) Display signs. The permit fee for a display sign shall be fifteen dollars (\$15.) for each one thousand dollars (\$1,000.) of estimated cost or fraction thereof.
- (8) Roadside stands. The fee shall be five dollars (\$5.).
- (9) Occupancy permit.
 - (a) For residential permits the fee shall be sixty dollars (\$60.).
 - (b) For commercial permits the fee shall be sixty dollars (\$60.).
- (10) Electrical wiring and equipment permit.
 - (a) For the first one thousand dollars (\$1,000.) or fraction thereof of the estimated cost: a fee of twenty dollars (\$20.).
 - (b) For each additional one thousand dollars (\$1,000.) or fraction thereof of the estimated cost in excess of one thousand dollars (\$1,000.): an additional fee of fifteen dollars (\$15.).

B. The Building Inspector shall keep an accurate account of all fees collected for the building permits, and such fees collected by him shall be deposited at least monthly in the Municipal Treasury or otherwise disposed of as required by law.

§ 110-4. Basic housing fees.

A permit fee shall be paid by the applicant at or before the issuance of the permit as follows:

- A. Rented dwelling and multiple dwelling units. A permit fee of twenty dollars (\$20.) for each building and ten dollars (\$10.) per dwelling unit per year.
- B. Rooming houses. A permit fee of five dollars (\$5.) for each rooming house and one dollar (\$1.) per rooming unit per year.

§ 110-5. Excavation permits.

The following permits are issued under Chapter 99, Excavations:

- A. Before issuing a grading permit, the appropriate official of the township shall collect a permit fee to be determined as follows:

Volume of Material	Permit Fee
Not more than 50 cubic yards	\$ 4.00
More than 50 cubic yards and not more than 250 cubic yards	6.00

More than 250 cubic yards and not more than 500 cubic yards	8.00
More than 500 cubic yards and not more than 1,000 cubic yards	10.00
More than 1,000 cubic yards	\$10.00, plus \$3. for each additional 1,000 cubic yards or portion thereof

B. The fee for an inspection shall be fifteen dollars (\$15.) per hour.

§ 110-6. Food and beverages.

The following fees shall be paid pursuant to Chapter 125, Food and Beverages.

A. Retail food establishments. The following fee shall be paid by the applicant on or before the issuance of the permit as follows:

- (1) License fee of one dollar (\$1.) for each retail food establishment.
- (2) Inspection fees in accordance with the following schedule:

Floor Area	Inspection Fee
Under 5,000 square feet	\$75.00
Each additional 2,500 square feet or fraction thereof	30.00

B. Vending machine permit. A permit fee shall be paid by the applicant at or before the issuance of the permit as follows:

- (1) Up to and including four (4) machines placed at a single machine location, the fee shall be twenty dollars (\$20.).
- (2) For each additional machine placed in the same location, as indicated in Subsection B(1), the fee shall be five dollars (\$5.).
- (3) It is the intent that a minimum fee of twenty dollars (\$20.) covering one (1) to and including four (4) machines located at a machine location shall be charged.

C. Mobile food vendor. the following fee shall be paid by the applicant before the issuance of the permit:

- (1) License fee: one dollar (\$1.).
- (2) Inspection fee: sixty dollars (\$60.).

D. Public drinking and eating establishments. The following fee shall be paid by the applicant before the issuance of the permit:

- (1) License fee: one dollar (\$1.).

- (2) Inspection fees shall be paid in accordance with the following schedule:

Number of Seats	Inspection Fee
0 to 25	\$ 75.00
26 to 75	100.00
76 to 125	150.00
126 to 175	200.00
Over 175	250.00

- (3) Food facilities plan review fee: fifty dollars (\$50.).

- E. Pro-rata inspection fee. Any applicant for a permit after July 1 of any calendar year may have the inspection fee reduced by fifty percent (50%).
- F. Temporary food establishments. The following fee shall be paid by the applicant before the issuance of the permit: inspection fee: sixty dollars (\$60.).

§ 110-7. Junkyard permit fees.

Each application for a junkyard permit pursuant to Chapter 135, Junkyards, shall be accompanied by the sum of two hundred dollars (\$200.).

§ 110-8. Nuisances.

The cleaning or emptying of a privy or cesspool pursuant to Chapter 158, Nuisances, shall require a permit for which a fee of two dollars (\$2.) shall be paid, excepting in cases declared to be a nuisance, for which the fee shall be five dollars (\$5.).

§ 110-9. Plumbing.

- A. The following fees shall be charged pursuant to Chapter 174, Plumbing:

- (1) New construction.
 - (a) One (1) to ten (10) fixtures: sixty dollars (\$60.).
 - (b) Each additional fixture over ten (10): ten dollars (\$10.).
- (2) Alterations or replacements: fifteen dollars (\$15.) per fixture.
- (3) Removal of plumbing fixtures: four dollars (\$4.) each.
- (4) Sewer connection or reinstallation inspection fee: twenty dollars (\$20.).
- (5) On-site sewage system (application permit and percolation test in one area): fifty dollars (\$50.).
 - (a) Additional percolation test area: fifteen dollars (\$15.).
 - (b) Inspection: fifteen dollars (\$15.).

- (6) Garbage grinder: twenty dollars (\$20.).
 - (7) Water softener: ten dollars (\$10.).
 - (8) Holding tanks.
 - (a) Two thousand (2,000) gallons or less: one hundred dollars (\$100.).
 - (b) Each additional one thousand (1,000) gallons or fraction thereof: twenty-five dollars (\$25.).
 - (9) Portable privies: twenty-five dollars (\$25.).
 - (10) Alternate, experimental or community system [three (3) houses or fewer].
 - (a) Permit: two hundred fifty dollars (\$250.).
 - (b) Inspection: fifty dollars (\$50.).
 - (11) Repair to present system: fifty dollars (\$50.).
 - (12) Plumber's registration fees:
 - (a) Examination for masters: fifty dollars (\$50.).
 - (b) Examination for journeyman: twenty-five dollars (\$25.).
 - (c) No charge for apprentice.
 - (d) Original registration for master plumber: sixty dollars (\$60.).
 - (e) Renewal annually for master plumber: forty dollars (\$40.).
 - (f) Original registration for journeyman: twenty dollars (\$20.).
 - (g) Renewal annually for journeyman: ten dollars (\$10.).
- B. Reinspections. Reinspections caused by failure of the applicant to comply with Code requirements or to expeditiously correct defects after initial inspections shall result in payment of one hundred dollars (\$100.) for every additional inspection.

§ 110-10. Sewers.

In accordance with Chapter 192, Sewers, the following fees shall be charged:

- A. Connection charge. There is hereby imposed upon each owner of property within the Upper Dublin Township Sewer District which shall be connected to the sewer system hereafter a connection charge for each equivalent dwelling unit (EDU) or portion thereof. Any fractional EDU shall be rounded off to the next higher whole EDU. An EDU shall be equal to three hundred fifty (350) gallons of daily wastewater flow as determined by historical wastewater flow records, or the criteria set forth by the Pennsylvania Department of Environmental Resources Rules and Regulations, whichever is greater. The connection

charge shall be paid upon application for a sewer connection permit and shall be based upon the following schedule:

Type of Part	Tapping Fee per EDU
Capacity Part	\$1,500.00
Collection Part	\$2,000.00
Special Purpose Part	As applicable
Reimbursement Part	As applicable

B. Upper Dublin Township District.

- (1) Commencing January 1, 1991 the annual sewer rental for properties located in the Upper Dublin Township sewer system shall be assessed as follows:
 - (a) Annual service charge: ninety dollars (\$90.) per property. A property for this purpose shall be a single-family dwelling, each unit of a multifamily dwelling [excepting rooming houses where each tenant occupies only one (1) or two (2) rooms using common facilities], each individual apartment or condominium in a residential complex, each commercial establishment, whether standing alone or in a shopping center or similar grouping of buildings, each institution, each industrial or office building.
 - (b) Usage rate: two dollars and thirty cents (\$2.30) per one thousand (1,000) gallons of water usage; provided, however, that credit of five percent (5%) of actual consumption shall be given to all residential users.
- (2) Those properties served by the sewer system but with nonmetered private wells shall pay an annual rental of two hundred eighty-five (\$285.).
- (3) Those properties on which there exists an in-ground swimming pool shall be given a credit of thirty dollars (\$30.) per year and those properties with aboveground swimming pools a credit of fifteen dollars (\$15.) a year.
- (4) A fee of fifteen dollars (\$15.) will be charged for each sewer rent certification requested to provide the status of sewer rent payment on any property in the township.

- C. Fort Washington Industrial Park Sewer District.** All connection fees, discounts, penalties and other rules and regulations heretofore existing with respect to the Upper Dublin Township Sewer District and/or the sewer system located therein shall, upon the effective date of this chapter, become applicable to the Fort Washington Industrial Park Sewer District and the sewer system located therein; provided, however, that all properties located in the Fort Washington Industrial Park Sewer District may continue to be billed on a quarterly basis, notwithstanding the amount of their annual sewer rental bill. The township reserves the right to, and may from time to time, adopt, revise and amend and readopt such rules and regulations as it deems necessary and proper for the use and operation of the sewer systems, and all such rules and regulations shall be and become a part of this chapter. This section shall become effective upon the acquisition by the township of the wastewater treatment and collection system currently owned by Delaware Valley Industrial Sewage, Inc. In addition, the area plan of the Fort Washington Industrial Park Sewer District is on file in the township offices.

- (1) The sewer rental rates for properties located in the Fort Washington Industrial Park Sewer District shall be assessed as follows:

- (a) Quantity charges. Gallon of sewer use is assumed to equal water meter registration.

Gallons per Quarter	Rate per 1,000 Gallons
For the first 5,000	\$8.183
For the next 15,000	7.707
For the next 25,000	6.622
For the next 55,000	5.537
For the next 100,000	4.190
For all over 200,000	3.497

- (b) Minimum charges. Minimum charges, dependent upon the size water meter through which water service is provided, will be made to each customer for each meter as follows (subject to the special provision set forth below):

Size of Meter (inches)	Minimum Charge Per Quarter
5/8 or 3/4	\$ 40.92
3/4	71.74
1	102.57
1 1/2	189.63
2	416.20
3	802.57
4	1,192.41
6	2,279.85

- (c) Special provision. The total billing applicable to customers for any quarter shall not be less than fifty percent (50%) of the maximum quarterly billing of the preceding four (4) quarters.

- (2) The customer shall pay the minimum charge only when the amount resulting by applying the meter rates to the quantity of sewage is less than the said minimum charge. When such amount is greater than said minimum charge, then the former shall constitute the bill for service rendered.

- (3) Allowance will be made to any customer for water not released into the township's mains, provided that the customer, at his own expense, shall install a meter and arrange his piping in such a manner that the water not released into the mains can be accurately measured.

- D. Penalties. All users who shall fail to make payment of any such rental charged against them within sixty (60) days of the date of the invoice shall be charged a penalty of ten per centum (10%) of the amount of the rental, which penalty shall be added to the rental collected as provided by law.

§ 110-11. Garbage and refuse collection.

Applicants for permits to collect garbage and refuse pursuant to Chapter 203, Solid Waste, shall pay a permit fee of forty dollars (\$40.).

§ 110-12. Streets and sidewalks.

Pursuant to Chapter 207, Streets and Sidewalks, the following fees shall be charged:

A. Erection of poles; license.

- (1) The applicant shall make payment to the township of the following amount: for the erection, setting or planting of any pole, the sum of two dollars (\$2.) for each pole, except that, in case of renewals, the application must be made, but no permit fee shall be charged.
- (2) A license charge or tax of twenty-five cents (\$0.25) per pole per annum shall be and hereby is assessed on all poles erected in the Township of Upper Dublin.

B. Highway occupation fee. The permit fee for occupying a portion of a highway, avenue, street or sidewalk with building or other materials shall be the sum of one dollar (\$1.) for each month or fraction thereof.

C. Street opening. Before the issuance of a permit, the applicant shall make payment to the township of the fee or fees as are hereinafter provided.

- (1) For openings or excavations in any highway, road, street, avenue or public alley having an unimproved surface, where it will not be necessary for the township to make any restorations, the sum of seven dollars (\$7.) per square yard or fraction thereof for each opening.
- (2) For openings or excavations in any highway, road, street, avenue or public alley having an improved or paved surface, the sum of forty dollars (\$40.) per square yard or fraction thereof for the first five (5) square yards or less for each opening of paving opened or broken; the sum of thirty-two dollars (\$32.) per square yard or fraction thereof for any and all additional paving opened or broken.
- (3) For openings or breaks in improved sidewalks, the sum of fifteen dollars (\$15.) per square yard or fraction thereof, and for breaking the surface of any improved curb, the reconstruction or resetting fee of eight dollars (\$8.) per lineal foot or fraction thereof. The area of sidewalk and/or curb to be replaced shall be determined by the township in accordance with the provisions of § 207-18.
- (4) All restorations are to be performed by the township unless otherwise approved. The township may, at its option, permit the applicant to make final restoration.
- (5) Where the applicant is permitted to make final restorations of an opening in an improved highway, road, street, avenue or public alley, he shall pay an inspection fee of fifteen dollars (\$15.) for the first ten (10) lineal feet or fraction thereof, plus two dollars (\$2.) for each additional ten (10) lineal feet or fraction thereof. Inspections shall also be at a rate of thirty dollars (\$30.) per hour.
- (6) In all cases where the applicant is permitted to make his own final restoration, he must comply with the specifications set forth herein, and work is subject to the approval and inspection of the Upper Dublin Township Engineering Department.

- (7) The aforementioned charges may be amended from time to time by resolution of the Board of Commissioners of the township.

D. Private lanes or driveway openings. Before the issuance of a permit, the applicant shall make payment to the township of the fee or fees as are hereinafter provided.

- (1) For openings for excavations in any highway, road, street, avenue or public alley having an unimproved surface, where it will not be necessary for the township to make any restorations, the sum of five dollars (\$5.) per square yard or fraction thereof for each opening.
- (2) For openings or excavations in any highway, road, street, avenue or public alley having an improved or paved surface, the sum of thirty-two dollars (\$32.) per square yard or fraction thereof for the first five (5) square yards or less for each opening of paving opened or broken; the sum of twenty-four dollars (\$24.) per square yard or fraction thereof for any and all additional paving opened or broken.
- (3) For openings or breaks in improved sidewalks, the sum of twelve dollars (\$12.) per square yard or fraction thereof, and for breaking the surface of any improved curb, the reconstruction or resetting fee of six dollars (\$6.) per lineal foot or fraction thereof. The area of sidewalk and/or curb to be replaced shall be determined by the township in accordance with the provisions of § 207-18.
- (4) All restorations are to be performed by the township unless otherwise approved. The township may, at its option, permit the applicant to make final restoration.
- (5) Where the applicant is permitted to make final restorations of an opening in an improved highway, road, street, avenue or public alley, he shall pay an inspection fee of ten dollars (\$10.) for the first ten (10) lineal feet or fraction thereof.
- (6) In all cases where the applicant is permitted to make his own final restoration, he must comply with the specifications set forth herein, and work is subject to the approval and inspection of the Upper Dublin Township Engineering Department.

§ 110-13. Subdivision and land development.

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

A. Plan processing.

- (1) The following fees shall be chargeable to cover the cost of processing plans:
 - (a) Single-family residential.

Number of Lots	Fee per Lot	
	Without New Streets	With New Streets
2 to 10	\$50.00 plus \$5.00	\$100.00 plus \$5.00
11 to 20	\$100.00 plus \$5.00	\$200.00 plus \$5.00
21 to 99	_____	\$400.00 plus \$5.00
100 or more	_____	\$500.00 plus \$5.00

- (b) Nonresidential: one hundred dollars (\$100.), plus fifteen dollars (\$15.) per lot.
- (2) The fees ordained by Article VIII of Chapter 212, Subdivision and Land Development, shall also be paid, and the fee schedule set forth above shall not be in derogation of the fees therein set forth.
- B. Tree removal or relocation permits. Applications for tree removal or tree relocation permits filed with the township shall be accompanied by a fee of one dollar (\$1.) for each individual site under one-half (1/2) acre proposed to have any tree or trees removed therefrom or relocated thereon; a fee of ten dollars (\$10.) for each individual site over one-half (1/2) acre but less than one (1) acre proposed to have any tree or trees removed therefrom or relocated thereon; and a fee of ten dollars (\$10.) per acre or fraction thereof for each individual site over one (1) acre proposed to have any tree or trees removed therefrom or relocated thereon. Such fees are hereby declared to be necessary for the purpose of processing the application and making the necessary inspections for administration and enforcement.
- C. Engineering review fees. There shall be charges for engineering services, inspections and other duties performed by the Township Engineer in accordance with resolutions adopted by the township at rates adjusted from time to time.
- D. Open space contribution.
- (1) There shall be paid to the township as a contribution for the purchase and maintenance of open space, parks, and recreation areas, a fee in the amount of six hundred dollars (\$600.) for each dwelling unit constructed by a developer comprising three (3) or more units.
- (2) For the purpose of this subsection, a dwelling unit shall include but not be limited to a single-family dwelling, townhouses, apartments and each half of duplexes and mobile homes.
- (3) The said contribution shall be made at the time a building permit is obtained from the township.
- (4) When, at the discretion of the Commissioners, circumstances surrounding the development of a site warrant special consideration, this contribution may be reduced or waived.
- E. Road improvement contribution.
- (1) For the construction of all new residential dwelling units, three hundred fifty dollars (\$350.) per dwelling unit.
- (2) For new commercial, shopping center, industrial and office building construction, fifty cents (\$0.50) per square foot of total floor area. For existing buildings, fifty cents (\$0.50) per square foot for additions, renovations and alterations resulting in the installation of additional parking places.

§ 110-14. Swimming pools.

Pursuant to Chapter 218, Swimming Pools, the following fees shall be charged:

- A. See building permit fee schedule, § 110-3A(2)(b).

B. Public or club swimming pools. Each club or public pool shall pay an annual fee for one hundred twenty dollars (\$120.) to cover the cost of inspection.

§ 110-15. Realty tax certification fee.

In accordance with Chapter 224, Taxation, the fee for preparing and providing by mail a real estate tax certification for any single tax parcel within the township shall be twenty dollars (\$20.).

§ 110-16. Well permits.

In accordance with Chapter 244, Wells, a fee of twenty-five dollars (\$25.) shall be charged for each residential well, and a fee of fifty dollars (\$50.) shall be charged for each commercial or industrial well.

§ 110-17. Zoning.

In accordance with Chapter 255, Zoning, the following fees shall be charged:

A. Variances.

(1) Zoning. An applicant for a change of zoning shall make payment of a fee of one thousand dollars (\$1,000.).

B. Conditional use application. An applicant for a conditional use approval shall pay a fee of five hundred dollars (\$500.).

C. Zoning Hearing Board. An applicant for a variance or a special exception shall pay the following fees:

Use	Fee
Residential	\$ 500.00
Commercial or industrial	1,500.00
For hearing continued or rescheduled on the request of the applicant	50.00

B. The annual inspection fee for day camps shall be one hundred dollars (\$100.).

§ 110-18. Returned payments.

There will be a charge of fifteen dollars (\$15.) for every payment made to the township which must be returned to the payer for lack of funds.

§ 110-19. Police, special duty.

There is hereby imposed a fee for the use of off-duty township police, in uniform, to provide police services to private individuals or corporations for special duty. The fee shall be twenty-

five dollars (\$25.) per hour, per officer, with a minimum time period being two (2) hours per officer.

(14) Chapter 125, Food and Beverages:

(a) Former Title 5, Ch. 2, Art. 3, Sec. 3.10, which incorporated the provisions of former Title 5, Ch. 2, Art. 1, is hereby deleted.

(b) A new Part 3, Public Eating and Drinking Places, is hereby added to read as follows:

**Part 3
Public Eating and Drinking Places**

**ARTICLE VI
General Provisions**

§ 125-32. Definitions.

The following shall be construed in this Part 3 to have the meanings set forth as follows:

PUBLIC EATING AND DRINKING PLACE — Any place within the Township of Upper Dublin where food or drink is served to or provided for the public, with or without charge.

RETAIL FOOD ESTABLISHMENT — Any place, whether temporary or permanent, stationary or mobile, where food or drink is packaged, stored, served, sold or offered for sale directly to the consumer.

PROPRIETOR — Any person, partnership, association or corporation conducting a public eating and drinking place or a retail food establishment.

EMPLOYEE — Any cook, waiter, clerk, cashier, kitchen help, chambermaid, house servant or other employee of any kind in a public eating and drinking place or a retail food establishment who, in any manner whatever, handles or comes in contact with any food or drink served to or provided for the public, and includes the proprietor or any member of his family who handles said food or drinks.

§ 125-33. Certificate of inspection required.

A. On or after the passage of this Part 3, it shall be unlawful for any proprietor to conduct or operate a public eating or drinking place or retail food establishment in the Township of Upper Dublin without first obtaining a certificate of inspection from the Board of Health of the township or after revocation of the certificate as herein provided. Said certificate shall be issued only after said Board shall have ascertained by due inspection that the premises at which the proposed public eating or drinking place is to be conducted complies in all respects with the provisions of the Act of Assembly of May 23, 1945 (No. 369), and with the rules and regulations adopted by the Department of Health of the Commonwealth of Pennsylvania pursuant to the authority vested herein by said Act. Every certificate of inspection shall be conspicuously displayed at all times in the public eating or drinking place designated therein.

- B. Said certificate shall not be transferable and shall be valid for one (1) year from the date thereof and only for the public eating or drinking place or retail food establishment located at the premises designated in said certificate.
- C. Whenever any person maintains more than one (1) food establishment, he shall be required to apply for and procure a separate certificate for each food establishment.

§ 125-34. Inspection fee.

There shall be paid to the township an annual fee to cover the cost of inspection, which fee shall be established by the Board of Commissioners and set forth in Chapter 110, Fees, of the Upper Dublin Code.

§ 125-35. Inspection.

The Township Health Enforcement Officer, as the duly authorized agent of the Board of Health, shall have the power to enter at reasonable times upon private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of the provisions of this Part 3.

§ 125-36. Examination and certification of all employees.

Any food-handling employee with any illness requiring absence from work exceeding five (5) working days should be authorized to return to work after a physician's note has been received by the Health Enforcement Officer certifying the employee's freedom from communicability.

§ 125-37. Refusal to grant certificate or revocation of certificate.

- A. Any proprietor whose application for a certificate of inspection has been denied may request and shall be granted a hearing before the Board of Health as herein provided.
- B. Whenever the Board of Health, or duly authorized representative, determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Part 3 or of any regulation adopted pursuant thereto, it shall give notice of such alleged violation to the person or persons responsible therefor, as hereinafter provided.
 - (1) Such notices shall:
 - (a) Be put in writing.
 - (b) Include a statement of the reasons why it is being issued.
 - (c) Allow a reasonable time for the performance of any act it requires.
 - (d) Be served upon the holder of a license issued under this Part 3 or upon the owner or his agent or the occupant of any premises, provided that such notice shall be deemed to have been properly served when a copy thereof has been served personally or in accordance with any other method authorized or required under the laws of this commonwealth.

- (2) Such notice may:
- (a) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Part 3.
 - (b) State that unless conditions or practices described in such notice which violate this Part 3 are corrected within the reasonable time specified in such notice a license which has been issued pursuant to this Part 3 may be suspended or revoked.
- C. Any person who is affected by any notice which has been issued in connection with the enforcement of any provisions of this Part 3 or of any regulation adopted pursuant thereto may request and shall be granted a hearing on the matter before the Board of Health, provided that such person shall file, in the offices of the township, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten (10) days after the day the notice was served. Upon receipt of such petition, the Board of Health shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard. The hearing shall be commenced not later than ten (10) days after the day on which the petition was filed, provided that, upon application of the petitioner, the Board of Health may postpone the date of the hearing for a reasonable time beyond such ten-day period when, in its judgment, the petitioner has submitted a good and sufficient reason for such postponement.
- D. After such hearing, the Board of Health shall sustain, modify or withdraw the notice, depending upon its finding based on such hearing as to whether or not the provisions of this Part 3 and of the regulations adopted pursuant thereto have been complied with. If the Board of Health sustains or modifies such notice, it shall be deemed to be an order. Any notice shall automatically become an order if a written petition for a hearing has not been filed in the office of the Board of Health within ten (10) days after such notice was served. In the case of any notice which states that the license required by this Part 3 may be suspended or revoked, the Board of Health may suspend or revoke such license if an order is issued and corrective action has not been taken within the time specified in the notice.
- E. The proceedings at such hearing, including the findings and decision of the Board of Health, shall be summarized, put into writing and entered as a matter of public record in the offices of the township. Such record shall include, also, a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the Board of Health may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this commonwealth.
- F. Whenever the Board of Health finds that an emergency exists involving a serious health hazard which requires immediate action to protect the public health, it may, without notice or hearing, issue a written order citing the existence of such an emergency and the conditions violating this Part 3 or regulations adopted pursuant thereto which require corrective action to remove such health hazard. If such corrective action has not been taken, the Board of Health may take such action as may be necessary to protect the public health, including complete shutdown. Notwithstanding other provisions of this Part 3, such order shall be effective immediately, but upon petition to the Board of Health shall be afforded a hearing as soon as possible, but in any case not later than three (3) days after the petition was filed. After such hearing, depending upon its finding as to whether or not the provisions of this Part 3 and of the regulations adopted pursuant thereto have been complied with, the Board of Health shall continue such order in effect or modify it or revoke it.

§ 125-38. Rules and regulations.

The Board of Health is hereby authorized to promulgate specific rules and regulations governing the handling of food and drink and the conduct of any public eating or drinking place or retail food establishment. These rules and regulations shall be adopted as part of this Part 3 and amended from time to time by resolution of the Board of Township Commissioners.

§ 125-39. Violations and penalties.

Any proprietor, manager, partner, agent, servant or employee who shall conduct a public eating or drinking place in the Township of Upper Dublin without first having obtained a certificate of inspection as herein provided or who shall continue to conduct such place after the revocation of said certificate or who shall violate any of the other provisions of this Part 3 shall, for each offense, be subject to a fine of not less than three hundred dollars (\$300.) nor more than one thousand dollars (\$1,000.) and, upon failure of such proprietor, manager, partner, agent, servant or employee to pay said fine and the costs of prosecution, shall be subject to imprisonment in the county prison for a period not exceeding thirty (30) days.

(15) Chapter 135, Junkyards, § 135-1C (former Title 5, Ch. 4, Sec. 1.01C, of the 1986 Code) is amended to remove the specific fee and to replace it with "the fee set forth in Chapter 110, Fees."

(16) Chapter 145, Littering, § 145-14 (former Title 5, Ch. 5, Sec. 1.15, of the 1986 Code) is amended to raise the maximum penalty to six hundred dollars (\$600.) and to delete the imprisonment provisions.

(17) Chapter 158, Nuisances, § 158-2I [former Title 5, Ch. 6, Sec. 1.02(i), of the 1986 Code] is hereby amended as follows:

(a) The specific fees are deleted and replaced with "as set forth in Chapter 110, Fees."

(b) A new § 158-10, Composting, is added to read as follows:

§ 158-10. Composting.

- A. Only chopped or whole leaves and grass clippings are permitted in a compost pile. Food products of any type or classification are not permitted in the compost pile.
- B. Compost piles must be located in the side or rear yard with the entire contents of the pile being at least five (5) feet off any property line and not visible from any public right-of-way.
- C. Compost piles should be located in a level, shady area out of direct sunlight that will not develop puddles or be affected by drainage after rainfall.

(18) Chapter 168, Parks and Recreation Areas, (former Title 6, Ch. 2, of the 1986 Code) is hereby amended as follows:

(a) Section 168-2C, I, K, L, M, P, Q, R, S and U (former Section 1.02C, I, K, L, M, P, Q, R, S and U) is amended to read as follows:

- C. No vehicle shall be used or parked in any roadway or section of the parklands except in areas designated for such purposes. No person may operate any recreational vehicle within

any township park. "Recreational vehicle" shall mean any hot-air balloon, mini-bike, dirt bike, all-terrain vehicle (ATV), off-road vehicle (ORV) or other form of motorcycles or any snowmobiles.

- I. Firearms or other weapons shall not be permitted except for use in a properly designated area under adequate supervision and with a special permit. No firecrackers, fireworks or rockets are permitted except with adequate supervision and with a special permit.
- K. No person or persons shall cut, remove, injure or destroy flowers, plants, wildflowers, shrubbery or trees. This includes downed trees cut up for firewood. No person or persons shall erect any structures or install plant material on parkland or assume parkland for personal use.
- L. Pet animals, including but not limited to dogs, cats and horses, shall not be permitted except in designated areas.
- M. No person shall scatter or drop or leave litter except in receptacles provided for that purpose. No dumping of household, construction, commercial or landscape debris in receptacles for removal by the township is permitted.
- P. Fires shall only be allowed in designated areas where fireplaces, stoves or grills are provided by the township. Fires must be completely extinguished before leaving a site.
- Q. Groups or individuals wishing to reserve a park facility shall apply for a permit prior to occupancy. Application for a permit must be made at least five (5) business days before the time the group or party desires to occupy the park and scheduled reservation fees, and security deposits as may be established from time to time must be paid.
- R. When possible, township residents shall be charged lesser fees than nonresidents for the use of park facilities and for participation in recreation programs.
- S. Activities and games shall only take place in areas designated for such. Individuals or groups using parklands, with or without township permission, are responsible for any damage done to turf or equipment.
- U. There shall be no soliciting of any kind, including the sale or vending of food, on parklands or at township recreational programs except by permit issued by the township.

(b) Section 168-2V is added to read as follows:

- V. Camping shall be permitted only in certain designated areas and only by special permit issued by the Department.

(19) Chapter 177, Precious Metal and Gems, § 177-2C [former Title 7, Ch. 10, Sec. 1.02(c), of the 1986 Code] is hereby amended to delete the specific fee and to insert "as set forth in Chapter 110, Fees."

(20) Chapter 192, Sewers, is hereby amended as follows:

(a) Throughout the chapter "the Authority" is amended to "the township."

(b) In Section 192-1B [former Title 2, Ch. 10, Sec. 1.01(b) of the 1986 Code], the second sentence is hereby amended to read as follows: "The Fort Washington Industrial Park Sewer District shall be coterminous with the franchise area of Delaware Valley

Industrial Sewage, Inc., that existed prior to the assignment of said facility to the township, as more particularly described in Exhibit A attached hereto and incorporated herein by reference.”

(c) Section 192-2B(2) [former Title 2, Ch. 10, Sec. 1.02(b) of the 1986 Code] is amended to delete “and with the approval of Upper Dublin Township.”

(d) Section 192-2B(3) [former Title 2, Ch. 10, Sec. 1.02(c) of the 1986 Code] is hereby deleted.

(e) Section 192-4 [former Sec. 1.04], Time and method of payment and penalties, is hereby deleted.

(f) Section 192-9C [former Title 5, Ch. 10, Sec. 1.05(c), of the 1986 Code] is amended to add the following wording immediately following the second sentence thereof: “The property owner is responsible for the construction and maintenance of the lateral connection from the building to the sewer main.” In addition, the word “applicant” is hereby changed to “owner” in the original second sentence.

(g) Section 192-10 [former Title 5, Ch. 10, Sec. 1.06, of the 1986 Code] is amended to change the penalty from three hundred dollars (\$300.) to one thousand dollars (\$1,000.).

(21) Chapter 198, Snow and Ice Removal, § 198-5C (former Title 7, Ch. 7, Sec. 1.05C, of the 1986 Code) is hereby amended to delete “ashes” and “sawdust” from the section.

(22) Chapter 203, Solid Waste, § 203-15B (former Ord No. 768, Section 1, final unnumbered paragraph) is amended to delete the word “capitalized” from the first line.

(23) Chapter 207, Streets and Sidewalks (former Title 8, Chs. 1, 3 through 6 and 8 and Title 3, Ch. 2, of the 1986 Code) is hereby amended as follows:

(a) Section 207-2 (former Title 8, Ch. 1, Sec. 1.02) is amended to add “swimming pools” prior to “sinks.”

(b) Section 207-3A (former Title 8, Ch. 1, Sec. 1.03, first unnumbered paragraph) is amended to add “not exceeding” to the penalty provision.

(c) Former Title 8, Ch. 1, Sec. 1.03, third unnumbered paragraph, which provided for imprisonment on default of payment of fines, is deleted.

(d) Section 207-10A (former Title 8, Ch. 3, Sec. 1.07, first unnumbered paragraph) is amended to add “not exceeding” to the penalty provision.

(e) Former Title 8, Ch. 3, Sec. 1.07, third unnumbered paragraph, which provided for imprisonment in default of payment, is deleted.

(f) Section 207-13A (former Title 8, Ch. 4, Sec. 1.03, first unnumbered paragraph) is amended to add “not exceeding” to the penalty provision.

(g) Former Title 8, Ch. 4, Sec. 1.03, third unnumbered paragraph, which provided for imprisonment in default of payment of fines, is deleted.

(h) Section 207-24 (former Title 8, Ch. 5, Sec. 1.10, first unnumbered paragraph) is amended to add “not exceeding” to the penalty provision.

(i) Former Title 8, Ch. 5, Sec. 1.10, second unnumbered paragraph, which provided for imprisonment in default of payment of fines, is deleted.

- (h) Section 207-24 (former Title 8, Ch. 5, Sec. 1.10, first unnumbered paragraph) is amended to add "not exceeding" to the penalty provision.
 - (i) Former Title 8, Ch. 5, Sec. 1.10, second unnumbered paragraph, which provided for imprisonment in default of payment of fines, is deleted.
 - (j) Section 207-30A (former Title 8, Ch. 6, Sec. 1.06) is amended to add "not exceeding" to the penalty provision.
 - (k) Former Title 8, Ch. 6, Sec. 1.06, third unnumbered paragraph, which provided for imprisonment in default of payment of fines, is deleted.
 - (l) Section 207-33 (former Title 3, Ch. 2, Sec. 1.02) is amended to change "Chairman of the Highway Committee" to "Township Engineering Department."
 - (m) Section 207-35A (former Title 3, Ch. 2, Sec. 1.04) is amended to change "Highway" to "Engineering."
 - (n) Section 207-37A [former Title 3, Ch. 2, Sec. 1.06(a)] is amended to change the depth of curbs from twenty-two (22) inches to eighteen (18) inches.
 - (o) Section 207-37B [former Title 3, Ch. 2, Sec. 1.06(b)] is amended to change the minimum thickness of sidewalks used for driveways from eight (8) inches to six (6) inches.
 - (p) Section 207-41C [former Sec. 1.03(C) of Ord. No. 830] is amended to delete the words "Building and Regulations Committee of the" therefrom.
- (24) Chapter 212, Subdivision and Land Development, (former Title 9 of the 1986 Code) is hereby amended as follows:

- (a) Section 212-5 (former Sec. 2.01).

[1] The following definitions are hereby amended to parallel the definitions as set forth in the Municipalities Planning Code, to read as follows:

APPLICANT — A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors and assigns.

APPLICATION FOR DEVELOPMENT — Every application, whether preliminary, tentative or final, required to be filed and approved prior to the start of construction or development, including but not limited to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

COMMON OPEN SPACE — A parcel or parcels of land or an area of water, or a combination of land and water, within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas and areas set aside for public facilities.

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.

DEVELOPMENT PLAN — The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan," when used in this chapter, shall mean the written and graphic materials referred to in this definition.

LAND DEVELOPER — A person who is the legal or beneficial owner, or authorized agent of the registered owner, of land subject to land development.

LAND DEVELOPMENT — Any of the following activities:

- A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (1) A group of two (2) 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 (2) or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. Development in accordance with 53 P.S. § 10503(1.1).

LANDOWNER — The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner or other person having a proprietary interest in land.

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.

MOBILE HOME — A transportable, single-family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

MOBILE HOME LOT — A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

MOBILE HOME PARK — A parcel or contiguous parcels of land which has been so designed and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

PUBLIC NOTICE — Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing.

The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

STREET — Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private.

STRUCTURE — Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

SUBDIVISION — The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

[2] The definition of "Comprehensive Plan" is hereby deleted.

[3] In the definition of "declaration," the phrase "the Act of 1963, July 3, P.L. 196, Article I, Section 101 et seq. (Unit Property Act)" is hereby amended to read "the Uniform Condominium Act, 68 Pa.C.S.A. § 3101 et seq."

[4] In the definition of "declaration plan," the phrase "P.L. 196, July 3, 1963 (Unit Property Act)" is hereby amended to read "the Uniform Condominium Act, 68 Pa.C.S.A. § 3101 et seq."

[5] The definition of "improvements" is hereby amended by the addition of the phrase "includes but is not limited to" at the beginning thereof.

[6] The definition of "Official Street Map" is hereby deleted.

[7] The definition of "plan" is hereby amended by the addition of the following sentence at the end thereof: "Plan" shall also have the same meaning as "plat."

[8] The definition of "plat" is hereby amended by the addition of the following sentence at the end thereof: "Plat" shall also have the same meaning as "plan."

[9] The definition of "right-of-way, ultimate" is hereby amended to delete "as shown on the Comprehensive Plan of Upper Dublin Township" from the end thereof.

[10] The definition of "runoff from a fully developed area upstream" is hereby amended to delete "or the Township Comprehensive Plan" from the end thereof.

(b) Former Sec. 3.00, Subsection 6, Resubmission, is hereby deleted.

(c) Section 212-9 [former Art. 3, Sec. 3.00, Subsection 4] is hereby amended to change the words "Official Plan" to "Official Map" therein.

(d) Section 212-13 (former Sec. 3.00, Subsection 9) is hereby amended to change "the Pennsylvania Unit Property Act" to "the Uniform Condominium Act, 68 Pa.C.S.A. § 3101 et seq."

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(e) Section 212-14H (former Sec. 4.00, Subsection 8) is hereby amended to add the following to the end thereof: "If water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the governing body or planning agency, as the case may be, that the subdivision or development is to be supplied by a certificated public utility, a bona fide cooperative association of lot owners or by a municipal corporation, authority or utility. A copy of a certificate of public convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence."

(f) Section 212-14J (former Sec. 4.00, Subsection 10) is hereby amended to delete the phrase "the Comprehensive Plan for" therefrom.

(g) Section 212-15B (former Sec. 4.01, Subsections 2 through 6) is hereby amended to delete the specific standards contained therein and replace them with reference to the Engineering and Construction Standards, all to now read as follows: "Right-of-way width, paving width and curbing, street width, alley, street alignment and street intersection specifications shall be in accordance with the Engineering and Construction Standards in force at the time and available at the Township Building."

(h) Section 212-16A(5) [former Sec. 4.02, Subsection 1(e)] is hereby amended to require compliance also with § 212-15D, by adding a reference to that section immediately following reference to "Section 4.02 1.(a)."

(i) Section 212-18C (former Sec. 4.04, Subsection 3) is hereby amended to delete the phrase "five (5) feet from the curblin" therefrom.

(j) Section 212-21G (former Sec. 4.07, Subsection 7) is hereby amended to read as follows: "Building numbers. House or building numbers shall be assigned by the township in accordance with the provisions of Chapter 76, Buildings, Numbering of."

(k) Former Sec. 4.11., Special Drainage Problems, Flood-Prone Areas and Watercourses, is hereby deleted.

(l) Former Sec. 4.12, Subsection 5(b), concerning the specifications for installation and design of the required measures, is hereby deleted.

(m) Section 212-24A [former Sec. 4.10, Subsection 1] is hereby amended to change "retention" to "detention".

(n) Section 212-26B(8) [former Sec. 4.13, Subsection 2(h)] is hereby amended to change "up to a point one (1) foot above the Established Flood Level or Regulatory Flood Elevation (where available)" to "in accordance with the provisions of Chapter 122, Flood Damage Prevention."

(o) Section 212-37 (former Sec. 5.01) is hereby amended as follows:

[1] Reference to "the Unit Property Act (July 3, 1963, P.L. 196)" is amended to read "the Uniform Condominium Act, 68 Pa.C.S.A. § 3101 et seq."

[2] All references to "the Unit Property Act" are hereby changed to "the Uniform Condominium Act."

[3] All references to "the Code of Regulations" are hereby changed to "the bylaws."

[4] All references to the "declaration plan" are hereby changed to "plats and plans of the condominiums."

[5] Former Subsection A2, Contents of the Declaration, is hereby deleted.

(p) Section 212-38 (former Sec. 5.02).

[1] All references to the "declaration plan" are hereby changed to "plats and plans of the condominiums."

[2] Former Subsection A2, Contents of the Declaration Plan, is hereby deleted.

(q) Section 212-39 (former Sec. 5.03).

[1] All references to "the Code of Regulations" are hereby changed to "the bylaws."

[2] Former Subsection 2, Contents of Code of Regulations, is hereby deleted.

[3] In Section 212-39B(1) [former Sec. 5.04, Subsection 2(a)], reference to the "declaration plan" is hereby changed to "plats and plans of the condominiums."

(r) Former Sec. 5.04, Conversions of Real Property or Structure to Condominiums, and Sec. 5.05, Declaration of Revocation, are hereby deleted.

(s) Section 212-44 (former Section 6.04).

[1] Subsection A(5) [former Subsection 1(e)] is amended to delete the term "Township Comprehensive Plan" therefrom.

[2] Subsection D(1)(b) [former Subsection 4(a)2] is hereby amended to add "private wells" immediately following the word "mains."

[3] Subsection E(2) [former Subsection 5(b)] is hereby amended to add "private wells" immediately following the word "mains."

[4] Subsection F is revised to change the term "certificates" to "certifications"; to delete the words "the final plan" in opening line thereof; and to add "President of the Board of Commissioners, attested by the" immediately following "the signature of the" in Subsection F(3).

[5] A new Subsection F(4) is hereby added, to read as follows:
"The certificates as required by 53 P.S. § 10503.1."

(t) A new Subsection C(4)(e) is hereby added to § 212-45 (former Sec. 6.05), to read as follows: "The certificates as required by 53 P.S. § 10503.1."

(u) Section 212-47 (former Sec. 6.07).

[1] Subsection A (former Subsection 1) is hereby amended to add "with the appropriate fee as provided in the Township Fee Schedule" immediately following the word "submitted."

[2] Subsection C (former Subsection 3) is hereby amended to read as follows: "When a preliminary or final subdivision or land development plan is amended or revised in any respect after the original submission date, before the amended or revised plan is accepted by the Township Manager, the subdivider or developer shall execute a statement indicating that the original plan is amended or revised and that the time for review is extended ninety (90) days following the next regularly scheduled meeting of the Board or, if that meeting is more than thirty (30) days following the filing of the revised plan, then ninety (90) days following the 30th day after filing. If the applicant refuses to extend the time for plan processing, the Board of Commissioners shall at its next public meeting deny the original application."

[3] Subsection E (former Subsection 5) is hereby amended to change "received by" to "filed with" in the first sentence thereof and to delete the last 2 sentences therefrom.

[4] Subsections G(1)(a) and (b)[1] [former Subsections 7(a)1 and 2] are hereby amended to delete the entries concerning distribution to the Authority therefrom.

[5] Subsection H (former Subsection 8) is hereby amended to delete "along with the current fees for the township and Montgomery County Planning Commission" therefrom.

[6] Former Subsection 9, regarding acceptance of plans, is hereby deleted.

[7] Former Subsection 10(b), regarding Township Authority approval, is hereby deleted.

[8] The opening paragraph of Subsection J (Former Subsection 11) is hereby amended to read as follows: "The Township P.E.R. Committee and Board of Commissioners shall act on a tentative sketch within forty (40) days and shall act on a preliminary or final plan within ninety (90) days following the next regularly scheduled meeting of the Board or, if that meeting is more than thirty (30) days following the filing of the revised plan, then ninety (90) days following the 30th day after filing. The following optional consequences shall result from the action of the Board of Commissioners."

(v) Section 212-49 (former Sec. 7.00).

[1] In Subsection A (former Subsection 1), the word "cold" is changed to read "sold."

[2] Subsection B (former Subsection 2) is hereby amended by deleting "not longer than three (3) years" therefrom.

(w) Section 212-50 (former Sec. 7.01).

[1] Subsection A (former Subsection 1) is hereby amended to change the reference to "Section 510 of Act 247" to refer to "53 P.S. § 10509."

[2] Subsection B (former Subsection 2) is hereby amended to delete "not exceeding in cost, however, the amount collected upon the bond" and replace it with "in accordance with 53 P.S. § 10511."

(x) Section 212-52B (former Sec. 7.03, Subsection 2) is hereby amended to read as follows: "Samples of the materials shall be furnished to the township in the same manner as is required of contractors under the Engineering and Construction Standards in force at the time and available at the Township Building."

(y) Former Sec. 7.04, Off-Site Improvements, is hereby deleted.

(z) Section 212-53 (former Sec. 7.05) is hereby amended to read as follows: "Modifications shall be in accordance with 53 P.S. § 10509(m)."

(aa) Former Art. 8, Guidelines in the Development of Planned Building Groups, is hereby deleted.

(bb) Former Art. 9, Floodplain Land Development Regulations, is hereby deleted.

(cc) Former Sec. 10, Subsection 4, Outfall Sewer Contribution, is hereby deleted.

(dd) Former Sec. 10, Subsection 6, Road Improvement Contribution, is hereby deleted.

(ee) Section 212-56 (former Sec. 11.00) is hereby amended to read as follows: "The Board of Commissioners of Upper Dublin Township may, from time to time, amend, supplement, change, modify or repeal this chapter by proceeding in the manner provided in 53 P.S. § 10505 and the definition of "public notice" in 53 P.S. § 10107."

(ff) Section 212-58 (former Sec. 11.02) is hereby amended to read as follows: "Any person who shall subdivide or develop any lot, tract or parcel of land, lay out, construct, open or dedicate any improvement for public use or travel or for the common use of occupants of building abutting thereon or sell any lot or erect any building in a subdivision without having first complied with the provisions hereof or the provisions of 53 P.S. § 10101 et seq., shall be punishable as provided in 53 P.S. § 10515.3 and 10515.1."

(25) Chapter 218, Swimming Pools, Article II, Public Pools (Title 5, Ch. 7, of the 1986 Code) is hereby amended as follows:

(a) Throughout the Article, "club or public pools" is amended to "camp, club or public pools."

(b) Section 218-9 (former Sec. 1.02) is amended to add "and obtain a certificate of inspection stating that the pool complies with all applicable state and local statutes" after the word "annually."

(c) Section 218-10G is added to read as follows:

G. Lifeguards.

(26) Chapter 224, Taxation, is hereby amended as follows:

(a) Section 224-9 (former Ord. No. 716, Sec. 2.10) is amended to remove the specific fee to Chapter 110, Fees.

(b) Section 224-16 (former Ord. No. 717, Section 2) is amended to read as follows:

§ 224-16. Imposition of tax.

A tax at the rate of one percent (1%) on each dollar is hereby imposed on all earned income and net profits, as defined herein, earned by residents of the Township of Upper Dublin and on all earned income and net profits earned by nonresidents of the Township of Upper Dublin for work done or services performed or rendered in said township.

(27) Chapter 244, Wells, § 244-11A (former Title 5, Ch. 9, Sec. 1.11, first unnumbered paragraph, of the 1986 Code) is hereby amended to change the penalty from one thousand dollars (\$1,000.) to six hundred dollars (\$600.) and to delete the imprisonment provisions.

(28) Chapter 255, Zoning (former Title 10, Ch. 1, of the 1986 Code) is hereby amended as follows:

(a) Section 255-2 (former Sec. 1.01) is amended to delete "is in accordance with a comprehensive plan."

(b) Section 255-3 is amended to read as follows:

§ 255-3. Planning agency.

The Board of Commissioners of the Township of Upper Dublin shall act as the planning agency as provided in 53 P.S. § 10101 et seq. and as provided in Chapter 39, Planning Agency.

(c) Section 255-4, (former Sec. 1.02) is amended to read as follows:

§ 255-4. Minimum requirements; objectives.

In interpreting, implementing and applying the broad purposes and objectives set forth in § 255-1 above, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the health, safety, morals and the general welfare of the township. This chapter is enacted to implement the purpose set forth in § 255-2 above, in the respects therein stated and more particularly with a view toward the following community development objectives:

- A. Guiding and encouraging the future development of the township in accordance with comprehensive planning of land use and population, density that represents the most beneficial and convenient relationships among the residential, commercial, industrial and recreational areas within the township, having regard to their suitability for the various uses appropriate to each of them and their potentiality for such uses, as indicated by topography and soil conditions, existing man-made conditions and the trends in population, in the direction and manner of the use of land in building development and in economic activity, considering such conditions and trends both within the township and with respect to the relation of the township to surrounding areas.
- B. Protecting the character and the social and economic stability of each of such areas and encouraging their orderly and beneficial growth.

- C. Protecting and conserving the value of land and buildings throughout the township appropriate to the various zoning districts established herein.
- D. Bringing about through proper timing the gradual conformity of land use to this chapter and minimizing conflicts among the uses of land and buildings.
- E. Aiding in bringing about the most beneficial relation between land use and the circulation of traffic throughout the township, having particular regard to traffic to and from the expressways and to avoidance of congestion in the streets and the provision of safe and convenient access appropriate to the various land uses.
- F. Aiding in providing a guide for public policy and action in the efficient provision of public facilities and services, in the provision of safe and proper sanitary sewage disposal and for private enterprise in building development, investment and other economic activity relating to land use; insofar as such objectives are consistent with the purpose set forth in § 255-2 and with the aforesaid minimum requirements therefor. The provisions of this chapter shall be interpreted, administered and applied in such a manner as will facilitate attainment of the said objectives.
- G. Providing for sufficient open space to guarantee adequate light and air, recreational facilities and freedom from congestion.
- H. Conserving our natural resources by regulating the development of land along our stream beds.
- I. Providing diversity of residential housing to reflect changing living habits, at the same time maintaining ability to provide necessary municipal services and facilities.

(d) Section 255-7 (former Sec. 2.01) is amended as follows:

[1] The following definitions are amended to read as follows:

DAY CAMP — A camp for minor children conducted daily but excluding Saturdays and Sundays.

(7) **CONDOMINIUM** — A multifamily dwelling as defined in 68 Pa.C.S.A. § 3103.

FAMILY — Any number of individuals living and cooking together as a single housekeeping unit, including not more than three (3) unrelated individuals. The term "unrelated individual" shall include any individual who is unrelated by blood, marriage, or legal adoption to one (1) or more other individuals in the unit, but it excludes domestic servants. The term "family" shall include a community residential program for not more than three (3) unrelated individuals.

GARAGE, PRIVATE — A building or part of a principal building used for the storage of motor vehicles. Detached garages shall be considered accessory buildings; attached garages shall be part of the principal use.

IMPERVIOUS SURFACE — Any surface which does not absorb rain and includes all buildings, roads, sidewalks, swimming pools, parking areas and any area paved in concrete or asphalt.

JUNKYARD — A lot, land or structure or part thereof used primarily for the collection, storage and sale of wastepaper, rags, scrap metal or discarded materials; or for the collection, dismantling, storage and salvaging of machinery or vehicles not in running condition and for the sale of parts thereof. The term "junkyard" shall not include recycling centers.

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 pursuant to 53 P.S. § 10107.

LOT AREA — The total horizontal area of the lot lying within the lot lines, provided that no area of land lying within any street or right-of-way shall be deemed a portion of any lot area. The area of any lot abutting a street shall be measured to the right-of-way line only.

LOT LINE — A property boundary line of any lot held in single and separate ownership, except that, in the case of any lot abutting a street, the lot line for such portion of the lot as abuts the street shall be deemed to be the same as the right-of-way line and shall not be the center line of the street or any other line within the right-of-way line even though such may be the property boundary line.

MOBILE HOME LOT — A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected on the lot.

MOBILE HOME PARK — A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for nontransient use, consisting of two (2) or more mobile home lots. "Mobile home parks" shall include mobile home developments.

MOBILE HOMES — A transportable single-family dwelling intended for permanent occupancy, office or place of assembly contained in one (1) unit or in two (2) units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used without a permanent foundation.

RIGHT-OF-WAY — Land used or intended for use as a street, alley or crosswalk.

SANITARY SEWERS — The sanitary sewer system and appurtenant facilities constructed and laid out in accordance with the regulations of and under the supervision of the township.

STREET LINE — The dividing line between a lot and the outside boundary or ultimate right-of-way line of a public street, road or highway legally opened or officially plotted.

STREET or ROAD — Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private, pursuant to 53 P.S. § 10107.

STRUCTURE — Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, pursuant to 53 P.S. § 10107.

- A. **PRINCIPAL USE** — The principal or dominant use to which land or a lot is devoted. Only one (1) principal use shall be permitted on a single lot.

VARIANCE — Relief granted pursuant to the provisions of 53 P.S. §§ 10601 et seq. and 10901 et seq.

- A. **REQUIRED FRONT YARD** — A yard extending the full width of the lot along the front lot line and extending in depth from that point to the required building setback line.
- B. **REQUIRED REAR YARD** — A yard extending the full width of the lot along the rear lot line and extending in depth from the rear lot line to the required building setback line.
- C. **REQUIRED SIDE YARD** — A yard extending from a required front yard setback line to the required rear yard setback line and extending in width from the lot line to the required building setback line.

[2] The definitions of “comprehensive plan,” “topsoil” and “ultimate right-of-way” are deleted.

[3] The following definitions are added to read as follows:

NONCONFORMING LOT — A lot the area or dimension of which was lawful prior to the adoption or amendment of this chapter, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

NONCONFORMING STRUCTURE — A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in this chapter or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such chapter or amendment or prior to the application of such chapter or amendment to its location by reason of annexation. Such “nonconforming structures” include but are not limited to nonconforming signs.

NONCONFORMING USE — A use, whether of land or of structure, which does not comply with the applicable use provisions in this chapter or any amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this chapter or such amendment or prior to the application of such chapter or amendment to its location by reason of annexation.

SETBACK LINE — A line establishing the minimum distance of a principal building or structure to a lot line.

TRAILER HOUSE — Any vehicle used for living or sleeping purposes.

TRAILER PARK — Any premises used as a parking space for more than one (1) house trailer.

ULTIMATE RIGHT-OF-WAY — A strip of land occupied or intended to be occupied by a street, trail, railroad, electric transmission line, gas pipeline, water main, sanitary or storm sewer or for any other special use.

TOPSOIL — The natural surface layer of soil, usually darker than subsurface layers, to a depth of at least six (6) inches within an undisturbed area of soils.

[4] The definition of "Building" is amended to remove the word "permanently."

(e) Section 255-14 (former Sec. 4.04) is amended to add "within the right-of-way or" following the second occurrence of "maintained."

(f) Section 255-15C (former Sec. 4.06G) is amended to read as follows:

C. In all districts where lots cannot be served by public sewers, each application for a zoning or building permit shall be accompanied by an on-site sewer permit issued by the authority having jurisdiction.

(g) Section 255-17B (former Sec. 4.03A) is amended to read as follows:

B. In case of a corner lot, in residential districts, there shall be two (2) front yards (those abutting streets), one (1) side and one (1) rear yard, all of which meet the requirements for the district in which the lot is located.

(h) Section 255-18 (former Sec. 4.18) is amended to read as follows:

§ 255-18. Modification of lot area requirements.

Upon application for a conditional use pursuant to the conditional use standards outlined in this chapter, the Board of Commissioners may permit the building of a dwelling house on an existing vacant lot adjacent to a private street or subdivision of a lot to allow more than one (1) dwelling housed, provided that the following standards are met:

A. The size of the lot or lots are at least one and one-half (1 1/2) acres per lot.

B. The yard requirements, street frontage and other regulations with respect to lotting meet the requirements established for A Residential Districts, regardless of the residential district in which the private street is located.

(i) Former Sec. 4.13, junkyards, is deleted.

(j) Section 255-26D(2) [former Sec. 4.07A4(b)] is amended to add "right-of-way" following "street."

(k) Section 255-27E (former Sec. 4.07B5) is amended to read as follows:

E. The following when authorized as a special exception for existing structures:

(1) Dwelling unit for household employees, caretakers or watchmen and members of the immediate family.

(2) The renting of an accessory dwelling on the property.

(l) Section 255-29A [former Sec. 4.08(a)] is amended to read as follows:

A. The accessory building shall not be greater than one (1) story in height and in no event taller than fifteen (15) feet when measured from the peak of the roofline to the grade line on the side of such building facing the public way or street.

(m) Section 255-29E [former Sec. 4.08(e)] is amended to read as follows:

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E. Private garages and other accessory buildings shall be located no closer than ten (10) feet from any property line in all residential districts, and such buildings shall be located no closer than ten (10) feet further back from the rearmost portion of the principal building and may not exceed twenty (20) feet in height.

(n) Former Sec. 4.08, final paragraph, which regarded farm buildings, is deleted.

(o) Article VI, Planned Residential Areas, (former Sec. 4.12) is amended to read as follows:

**ARTICLE VI
Planned Residential Areas**

§ 255-36. Intent.

In accordance with the declaration of legislative intent as set forth in Article I, § 255-2 of this chapter, it is recognized that those purposes may be accomplished to the best advantage of the township through the planned arrangement of residential subdivisions wherein actual provision is made for recreational or park areas. In order to accomplish this purpose, the Board of Commissioners may approve a reduction in lot area requirements within a specified area under consideration for residential development if it is determined that the reduction will be appropriate for the particular land in question and will be beneficial to the public health, safety, morals and general welfare.

§ 255-37. Review of plan.

In order to accomplish the objective of this Article, the owner of any tract of land, either individually or with the owner of an adjoining tract, which shall have an aggregate area of twenty-five (25) acres or more may submit a proposed plan to the township for review by the Board of Commissioners in accordance with the appropriate provisions of Chapter 212, Subdivision and Land Development. The plan shall include specific evidence and facts showing consideration and be subject to, inter alia, the following conditions:

- A. The amount by which the square foot area of the individual lots is reduced shall not exceed ten percent (10%) of the district requirement.
- B. The width of lots at building line, front yards, side yards and rear yards shall comply with the minimum requirements for the district.
- C. All lots shall be served by public water and sewer.
- D. The total number of lots shall be no greater than would be the case if the subject land were to be developed in accordance with the prior requirements for the zoning district.
- E. The area to be dedicated for public use shall be at least equal in square foot area to the total area by which the lots were reduced below the minimum requirements of the district, but shall in no case be less than two and one-half (2 1/2) acres.
- F. The area to be dedicated for public use shall be so located and be of such shape as to be acceptable to the Board of Commissioners.

(p) The introductory paragraph of § 255-39A [former Sec. 5.01(1)] is amended to read as follows:

A. A building may be erected, altered or used and a lot or premises may be used for any one (1) use permitted in this section. Permitted uses on each lot in A and B Residential Districts shall be as follows:

(q) Section 255-39.1 (former Art. 8-A, Sec. 2E) is amended to read as follows:

§ 255-39.1. Decks.

Decks and patios may extend into the required rear and side yard setbacks of a residential district, provided that they are not enclosed either on the sides, by a roof or underneath the deck. The deck perimeter shall not exceed twenty (20) feet to the rear or ten (10) feet to the side, and in no case shall it be closer than ten (10) feet to a property line. Decks and patios adjacent to interior townhouses are not limited by side yard setbacks.

(r) Former Sec. 6.03, exceptions, is deleted.

(s) Section 255-42B(3)(l) (former Sec. 5.05C, Subdivision 12) is amended to remove the specific fee and replace it with "as set forth in Chapter 110, Fees."

(t) Section 255-45A (former Sec. 8.01) is amended to change "uses" to "one use."

(u) Section 255-46 (former Art. 8-A, Section 1) is amended to delete "and the Comprehensive Plan of the township."

(v) Section 255-53A (former Art. 8-A, Sec. 3) is amended to delete "the (comprehensive or general) plan of the community," and insert "this chapter."

(w) Section 255-56 (former Art. 8-A, Sec. 6) is amended to delete "1978" from the BOCA Code designation.

(x) Section 255-57 (former Art. 8-A, Sec. 8) is amended to change "Unit Property Act" to the "Uniform Condominium Act."

(y) Section 255-58A (former Art. 8-B, Sec. 1, first unnumbered paragraph) is amended to delete "the Comprehensive Plan" and to insert "this chapter."

(z) Former Art. 8-B, Sec. 4, regarding penalties, is deleted.

(aa) Section 255-63A (former Art. 8-C, Sec. 1, first unnumbered paragraph) is amended to delete "the Comprehensive Plan" and to insert "this chapter."

(bb) Section 255-80 (former Art. 8-E, Sec. 2) is amended to read as follows:

§ 255-80. Use regulations.

A building or group of buildings may be erected or used and a lot may be used and occupied for any of the following purposes and no other upon application to and approval as a conditional use

by the Board of Commissioners in accordance with the conditional use requirements of this chapter:

(cc) Section 255-81D(4) [former Art. 8-E, Sec. 3(4)(d)] is amended to delete "as a special exception by the Board of Adjustment."

(dd) Section 255-82A (former Art. 8-E, Sec. 4, Subsection 1) is amended to read as follows:

A. The development shall be consistent with the purpose of this chapter to promote the health, safety, morals and general welfare of the township.

(ee) Section 255-91A(1) (former Art. 8-F, Sec. 5A, Subsection 1) is amended to delete "the Comprehensive Plan of Upper Dublin Township" and to insert "this chapter."

(ff) Section 255-91C(1) [former Art. 8-F, Sec. 5A, Subsection 9(1)] is amended to delete "and the Upper Dublin Township Comprehensive Plan."

(gg) Section 255-94C [former Sec. 10.02(12)] is amended to read as follows:

C. Accessory dwelling units. A single permanent dwelling unit as a customary accessory use to the permitted retail operation under Class L and I may be allowed, provided that an additional five thousand (5,000) square feet of lot area is added to the minimum requirements of § 255-95 of this Article, and provided that such dwelling unit shall be occupied by the owners or employees employed on the premises and the immediate families of such owners or employees.

(hh) Section 255-98K (former Sec. 11.01K) is amended to change "Board of Commissioners" to "Zoning Hearing Board."

(ii) Section 255-99 (former Sec. 11.02) is amended to delete reference to the general and comprehensive plans.

(jj) Section 225-111C (former Sec. 12.09C) is amended to add "except" before "outdoors."

(kk) Former Sec. 12.09D, which provided for the sorting of materials and wastes, is deleted.

(ll) Section 255-117D(1) (former Sec. 12.16D, Subsection 1) is amended to delete reference to the comprehensive plan.

(mm) Section 255-121G (former Sec. 20.04G) is amended to replace "by the Township Comprehensive Plan" with "by this chapter."

(nn) Section 255-127A (former Sec. 21.01A) is amended to replace "the Township's Comprehensive Plan" with "this chapter."

(oo) Section 255-132I (former Sec. 21.06I) is amended to read as follows:

I. Decks. Decks and patios may extend into the required rear and side yard setbacks of a residential district, provided that they are not enclosed either on the sides, by a roof or

underneath the deck. The deck perimeter shall not exceed twenty (20) feet to the rear, ten (10) feet to the side and in no case be closer than ten (10) feet to a property line. Decks and patios adjacent to interior townhouses are not limited by side yard setbacks.

(pp) Section 255-136A (former Sec. 9.01, Subsection 1) is amended to add "together with cross easements."

(qq) Former Sec. 9.06, Parking area landscape requirements, is deleted.

(rr) Former Secs. 13.09, 13.10 and 13.11, temporary or nonconforming use, nonconforming signs and abatement of certain nonconforming uses, are deleted.

(ss) Section 255-156A (former Sec. 14.03, Subsection 1) is amended to change "lines of any street" to "street right-of-way."

(tt) Section 255-156D (former Sec. 14.03, Subsection 4) is amended to change "specification" to "space".

(uu) Former Sec. 14.03, Subsection 6, regarding restricting advertising, is deleted.

(vv) Section 255-159 (former Sec. 14.06) is amended to change the first paragraph to read: "A permit shall be obtained from the office of the Zoning Officer for each sign and a fee paid in accordance with Article XXIV, § 255-190, herein."

(ww) Original Subsections A, B and C of § 255-159 (former Sec. 14.06) are hereby deleted.

(xx) Section 255-160, first unnumbered paragraph (former Sec. 15.00, first unnumbered paragraph) is amended to delete reference to the comprehensive plan.

(yy) Section 255-172 (former Sec. 16.00) is amended to read as follows:

§ 255-172. Membership; terms; vacancies; alternates.

A. The membership of the Board shall, upon the determination of the Board of Commissioners, consist of either three (3) or five (5) residents of the township appointed by resolution by the Board of Commissioners. The terms of office of a three-member Board shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The terms of office of a five-member Board shall be five (5) years and shall be so fixed that the term of office of one (1) member of a five-member Board shall expire each year. If a three-member Board is changed to a five-member Board, the members of the existing three-member Board shall continue in office until their term of office would expire under prior law. The Board of Commissioners shall appoint two (2) additional members to the Board with terms scheduled to expire in accordance with the provisions of this section. The Board shall promptly notify the Board of Commissioners of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the township.

B. The Board of Commissioners shall appoint by resolution at least one (1) but no more than three (3) residents of the township to serve as alternate members of the Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of 53 P.S. § 10906, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board

members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this Act and as otherwise provided by law. Alternates shall hold no other office in the township, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board nor be compensated pursuant to 53 P.S. § 10907 unless designated as a voting alternate member pursuant to 53 P.S. § 10906.

(zz) Section 255-174A (former Sec. 16.02, first unnumbered paragraph) is amended to read as follows:

A. In any instance where the Zoning Hearing Board is required to consider a variance, special exception or any other challenge brought before it in accordance with this chapter or the Pennsylvania Municipalities Planning Code, the Board shall, among other things:

- (1) Consider the suitability of the property for the use desired; assure itself that the proposed change is consistent with the spirit, purpose and intent of this chapter.
- (2) Determine that the proposed change will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood and that the use of the property adjacent to the area included in the proposed change or plan is adequately safeguarded.
- (3) Determine that the proposed change will serve the best interests of the township, the convenience of the community (where applicable) and the public welfare.
- (4) Consider the effect of the proposed change upon the logical, efficient and economical extension of the public service and facilities such as public water, sewers, police and fire protection and public schools.
- (5) Consider the suitability of the proposed location of an industrial or commercial use with respect to the probable effects upon highway traffic and assure adequate access arrangements in order to protect major streets from undue congestion and hazard.
- (6) Be guided in its study, review and recommendation by sound standards of subdivision practice, where applicable.
- (7) Determine that there are special circumstances or conditions fully described in the findings applying to the land or buildings for which the variance is sought, which circumstances or conditions are such that the application of the provisions of this chapter should deprive the applicant of the reasonable use of such land or building.
- (8) Determine that the unique circumstances for which the variance is sought were neither created by the owner of the property nor were due to or the result of general conditions in the district in which the property is located.

(ab) Former Sec. 16.06, Advisory review by Planning Commission, is deleted.

(ac) Section 255-179A(1) (former Sec. 16.08, Subsection A) is hereby amended to read as follows:

- (1) By publishing once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of

the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

(ad) Section 255-179C is added to read as follows:

C. Hearings shall be held in accordance with 53 P.S. § 10908.

(ae) Section 255-182 (former Sec. 16.11) is amended to delete "Zoning Hearing Board and approved by the" both times it appears.

C. The following sections are amended to delete the imprisonment provisions:

- (1) Section 61-14B [former Sec. 1.14(b)].
- (2) Section 69-9 (former Title 5, Ch. 8, Sec. 1.08, of the 1986 Code).
- (3) Section 79-2 [former Title 5, Ch. 3, Sec. 1.01(b), of the 1986 Code].
- (4) Section 86-3 (former Title 7, Ch. 3, Sec. 1.03, of the 1986 Code).
- (5) Section 125-22 (former Title 5, Ch. 2, Art. 2, Sec. 2.11, of the 1986 Code).
- (6) Section 129-4 (former Title 7, Ch. 4, Sec. 1.04, of the 1986 Code).
- (7) Section 135-5 (former Title 5, Ch. 4, Sec. 1.05, of the 1986 Code).
- (8) Sections 142-6A and 142-7 (former Ord. No. 820, Secs. 1.11, first unnumbered paragraph, and 1.12).
- (9) Section 158-9A (former Title 5, Ch. 6, Sec. 1.08, first unnumbered paragraph, of the 1986 Code).
- (10) Section 168-7 (former Title 6, Ch. 2, Sec. 1.07, of the 1986 Code).
- (11) Section 171-4 (former Title 7, Ch. 6, Sec. 1.04, of the 1986 Code).
- (12) Section 177-10 (former Title 7, Ch. 10, Sec. 1.10, of the 1986 Code).
- (13) Section 203-28 (former Ord. No. 768, Section 9).
- (14) Section 207-38 (former Title 3, Ch. 2, Sec. 1.07, of the 1986 Code).
- (15) Section 218-6 (former Title 3, Ch. 5, Sec. 1.05, of the 1986 Code).
- (16) Section 218-13 (former Title 5, Ch. 7, Sec. 1.06, of the 1986 Code).
- (17) Section 224-14 (former Ord. No. 716, Sec. 2.15).
- (18) Section 224-22 (former Ord. No. 717, Section 8A and B).
- (19) Section 230-6 (former Title 7, Ch. 8, Sec. 1.06, of the 1986 Code).

D. Throughout the Code "Board of Adjustment" is amended to "Zoning Hearing Board

§ 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, resolution or regulation, the provisions of the Code shall control. Where the provisions of any statute, other ordinance, resolution or regulation impose greater restrictions or requirements, the provisions of such statute, other ordinance, resolution or regulation shall control.

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

A. 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.

B. 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.

§ 1-9. Filing of copies of Code.

Three (3) copies of the Code in a post-bound volume shall be filed with the Ordinance Book in the office of the Township Secretary and shall remain there for use and examination by the public. Upon adoption, such copies shall be certified to by the Township Secretary, as provided by law, and such certified copies shall remain on file in the office of the Township Secretary, 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 Commissioners 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 Commissioners subsequent to the effective date of this codification which the Board of Commissioners 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.

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§ 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 and of the adoption 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 notices of introduction and adoption, as required by law, and the availability of copies of the Code for inspection by the public, 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. Anyone violating this section of this ordinance shall, upon conviction thereof, be punished by a fine not exceeding six hundred dollars (\$600.), plus costs of prosecution, and, in default of payment thereof, by imprisonment for a term not exceeding thirty (30) days.

§ 1-14. Severability.

The provisions of this ordinance and of 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 Commissioners 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 January 11, 1995.

ADOPTED THIS 10th DAY OF JANUARY, 1995.

SIGNED:


PRESIDENT

ATTEST:


SECRETARY



PROPOSED CODE ADOPTION ORDINANCE
for the
CODE OF THE TOWNSHIP OF UPPER DUBLIN, PENNSYLVANIA
November 3, 1994

Revised December 9, 1994
Pages 4 and 26 Revised and Page 26.1 Added January 6, 1995

GENERAL CODE PUBLISHERS CORP.
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Rochester, New York 14624-9933

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FAX 716/328-8189

C E R T I F I C A T I O N

TOWNSHIP OF UPPER DUBLIN

Office of the Township Secretary

I, Frances S. Amey, Township Secretary of the Township of Upper Dublin, hereby certify that the chapters contained in this volume are based upon the original ordinances and resolutions of the Board of Commissioners of the Township of Upper Dublin, and that said ordinances and resolutions, as revised and codified, renumbered as to sections and rearranged into chapters, constitute the Code of the Township of Upper Dublin, County of Montgomery, Commonwealth of Pennsylvania, as adopted by ordinance of the Board of Commissioners on January 10, 1995.

Given under my hand and the Seal of the Township of Upper Dublin, County of Montgomery County, Commonwealth of Pennsylvania, this 11th day of January, 1995, at Upper Dublin, Pennsylvania.

FRANCES S. AMEY


Township Secretary

ORDINANCE NO. 880

AN ORDINANCE ESTABLISHING MINIMUM REGULATIONS GOVERNING THE DESIGN, CONSTRUCTION, ALTERATION, ENLARGEMENT, REPAIR, DEMOLITION, REMOVAL, MAINTENANCE AND USE OF ALL BUILDINGS AND STRUCTURES; PROVIDING FOR THE ISSUANCE OF PERMITS, COLLECTION OF FEES, MAKING OF INSPECTIONS; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; KNOWN AS THE BUILDING CODE; AND REPEALING EXISTING TITLE 3, CHAPTER 1, ARTICLES 1 THROUGH 4, OF 1986 CODE OF THE TOWNSHIP OF UPPER DUBLIN, COUNTY OF MONTGOMERY, COMMONWEALTH OF PENNSYLVANIA.

Be it ordained by the Board of Commissioners of the Township of Upper Dublin as follows:

Section 1. Chapter 73, Building Construction, Art. I, Construction Standards, of the Code of the Township of Upper Dublin is adopted to read as follows:

ARTICLE I
Construction Standards

§ 73-1. Adoption of standards.

A certain document, three (3) copies of which are on file in the office of the Secretary of the Township of Upper Dublin, being marked and designated as the "BOCA National Building Code, Twelfth Edition, 1993," as published by the Building Officials and Code Administrators International, Inc., be and is hereby adopted as the Building Code of the Township of Upper Dublin in the Commonwealth of Pennsylvania, for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said BOCA National Building Code are hereby referred to, adopted and made a part hereof as if fully set out in this Article, with the additions, insertions, deletions and changes, if any, prescribed in § 73-2 of this Article.

§ 73-2. Modifications of standards.

The following sections are hereby revised as follows:

- A. Section 101.1, insert: "the Township of Upper Dublin."
- B. Section 112.3.1, insert: "The currently adopted fee schedule as per Chapter 110, Fees."
- C. Section 116.4, insert: "... a summary offense, punishable by a fine of not more than one thousand dollars (\$1,000.)."
- D. Section 117.2, insert: "... of not more than one thousand dollars (\$1,000.)."
- E. Section 121.0, add the following:

SECTION 121.0 MEANS OF APPEAL

121.1 Appeals: An appeal from any decision of the Code Official may be taken to the Commissioners. Such appeal shall be made in writing within ten (10) days after such decision has been made, shall be verified by affidavit and filed with the Township Secretary. The appellant or his representatives shall have the right to appear and be heard,

if such a right is requested in the written appeal. A prompt decision of such appeal shall be made. In making the decision, the Commissioner may vary or modify any provision of this chapter where there are practical difficulties in the way of executing the strict letter of the law, so that the spirit of the law shall be observed, public safety secured and substantial justice done. Every action of the Commissioners on such appeals shall be by resolution, copies of which shall be certified to the Code Official and the appellant.

121.2 Committee on Building Code: The Commissioners shall appoint a Committee on Building Code, to serve at the will of the Commissioners. It shall be the duty of the Committee on Building Code to review the Building Code and make such recommendation to the Commissioners as the Committee deems necessary.

121.3 Rules:

1. Rules necessary to define or carry out the intent or purpose of this Article, or to set forth conditions under which new materials or methods of construction may be used, may be recommended from time to time by the Building Code Committee to the Commissioners.
2. Rules adopted as herein provided shall have the same force and effect as the provisions of this chapter.
3. Any rule may be amended or repealed by the same procedure provided for the adoption of new rules.

F. Section 3408.2, insert: August 15, 1994.

§ 73-3. Construal of provisions.

Nothing in this Article or in the Building Code hereby adopted shall be construed 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, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Article.

Section 2. Nothing in this ordinance shall be construed to affect any suit or proceeding in any court, any rights acquired or liability incurred, any permit issued or any cause or causes of action existing under the said Title 3 prior to the adoption of this ordinance.

Section 3. The provisions of this ordinance are severable, and if any section, sentence, clause, part or provision thereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining section, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board that this ordinance would have been adopted as if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

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

ENACTED AND ORDAINED this 10th day of January, 1995.


BY:

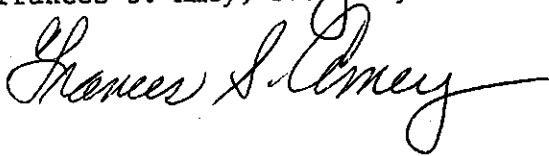
UPPER DUBLIN TOWNSHIP



Richard R. Rulon, President
Board of Commissioners

Attest:



Frances S. Amey, Secretary

ORDINANCE NO. 881

AN ORDINANCE REGULATING THE FABRICATION, ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, LOCATION AND USE OF DETACHED ONE- AND TWO-FAMILY DWELLINGS, THEIR APPURTENANCES AND ACCESSORY STRUCTURES IN THE TOWNSHIP OF UPPER DUBLIN; AND PROVIDING FOR THE ISSUANCE OF PERMITS THEREFORE PROVIDING PENALTIES FOR THE VIOLATION THEREOF, AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH.

Be it ordained by the Board of Commissioners of the Township of Upper Dublin as follows:

Section 1. Chapter 73, Art. II, One- and Two-Family Dwellings, of the Code of the Township of Upper Dublin, is hereby adopted as follows:

ARTICLE II
One- and Two-Family Dwellings

§ 73-4. Adoption of standards.

That certain document, three (3) copies of which are on file in the offices of the Township of Upper Dublin, being marked and designated as the "CABO One- and Two-Family Dwelling44 Code/1992," as published by the Building Officials and Code Administrators International, Inc., is hereby adopted as the One- and Two-Family Dwelling Code of the Township of Upper Dublin for the control of buildings and structures as therein provided; and each and all of the regulations, provisions, penalties, conditions and terms of the One- and Two- Family Dwelling Code/1992 are hereby referred to, adopted and made a part hereof as if fully set out in this Article, with the additions, insertions, deletions and changes prescribed in § 73-5.

§ 73-5. Modifications to standards.

The following sections are hereby revised as follows:

A. Chapter 3, Foundations.

(1) Section R-303 Footings. Add the following:

R-303.1: All footings shall be a minimum of three (3) feet below grade.

R-303.2: All footings shall be at least eight (8) inches wider than the foundation wall.

R-303.3: All footings shall be poured separate and before the foundation walls are placed.

R-303.4: Minimum thickness of all footings shall be eight (8) inches thick.

R-303.5: A two-by-four (2 x 4) key way is required in footings prior to the placement of a concrete foundation wall.

(2) Section R-304.1 Concrete and masonry. Add the following:

R-304.1.a: Minimum thickness is ten (10) inches. The only exception to this rule is a single-story ranch home of all frame construction. In this type of construction an eight-inch poured wall or eight-inch block wall top coarse solid is allowed, provided that there is no masonry such as brick, stone or veneer used as facing for the home.

R-304.1.b: All honeycombing shall be filled with cement mortar.

R-304.1.c: Exterior wall snap ties shall be broken off and filled with a waterproofing coating.

B. Chapter 4, Wall Construction.

- (1) Section R-402.2. Delete and replace with the following:

R-402.2 Grade: All lumber shall be No. 2 or better for load bearing.

- (2) Section R-402.3. Add the following:

R-402.3.a Construction: Studs, joist and rafters shall be placed sixteen (16) inches on center and all top plates, jambs, trimmers and headers shall be doubled on bearing walls or be of an engineering design.

C. Chapter 6, Floors.

- (1) Section R-602.1, Identification and grade. Add:

R-602.1.a: All lumber shall be No. 2 or better.

- (2) Section R-602.2.2, Floor sheathing. Add:

R-602.2.2.a: Minimum thickness of floor sheathing used as subflooring shall be three-fourths ($\frac{3}{4}$) inch American Plywood Association approved, or an approved lumber or plywood grading from an inspection bureau or agency.

- (3) Section R-602.2.1, Joist, beams and girders. Add:

R-602.2.1.a: The main supporting beam or girder shall be steel meeting the standards of the American Steel Institute or engineered lumber products.

D. Chapter 7, Roof-Ceiling Construction.

- (1) Section R-703.1 Identification and grade. Add the following sentence at the end of the first paragraph:

Minimum one-half-inch-thick roof sheathing or approved lumber or plywood grading as approved by the American Plywood Association.

E. Chapter 22, Plumbing, Drainage Waste and Vent Systems (DWV).

- (1) Section P-2206.7.3 Vertical leg for waste fixture drains. Amend Subsection 6 to read as follows: "The diameter of Section C may be the same diameter as Section B, but not smaller."

F. Chapter 23, Plumbing Fixtures and Receptors.

- (1) Section P-2301 Fixtures, fittings and appurtenances. Add to this section ordinance E 817, conservation of water for plumbing fixtures.

G. Chapter 24, Water Service and Distribution.

- (1) Table No. P-2403.1, Water Service, Supply and Distribution Piping. Delete all reference to type 'M' pipe.
- (2) Section P-2408.4 Hose bibb. Add the following:

P-2408.4.1: All sillcocks shall be of the anti-freeze type.

H. Chapter 25, Sewers and Private or Individual Sewage Disposal Systems.

- (1) Section P-2501.3 Materials. Delete all sections which reference individual sewage disposal systems. Refer to Commonwealth of Pennsylvania Department of Environmental Resources Sewage Facilities Act (Act 537) for any private or individual sewage disposal systems.

- I. Part VI, Electrical. Delete all reference made to aluminum wiring as listed in the NFIPA 70A listed in Section S-26-6000. The use of aluminum wire within a dwelling is not permitted.

- J. Part VII, Energy Conservation. Delete energy conservation requirements of the CABO Model Energy Code listed in Section S-26-7000. Refer to Pennsylvania Department of Community Affairs and Pennsylvania Residential Building Industries Act 222 (The Building Energy Conservation Act).

Section 2. Nothing in this ordinance shall be construed to affect any suit or proceeding in any court, any rights acquired or liability incurred, any permit issued or any cause or causes of action existing under the provisions prior to the adoption of this ordinance.

Section 3. The provisions of this ordinance are severable, and if any section, sentence, clause, part or provision thereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining section, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board that this ordinance would have been adopted as if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

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

ENACTED AND ORDAINED this 10th day of January, 1995.

By:



Richard R. Rulon, President
Board of Commissioners

Attest:



Frances S. Amey, Secretary



ORDINANCE NO. 882

AN ORDINANCE ESTABLISHING MINIMUM REGULATIONS GOVERNING THE SAFEGUARDING OF LIFE AND PROPERTY FROM FIRE AND EXPLOSION HAZARDS ARISING FROM THE STORAGE, HANDLING AND USE OF HAZARDOUS SUBSTANCES, MATERIALS AND DEVICES, AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE OCCUPANCY OF BUILDINGS AND PREMISES, KNOWN AS THE FIRE PREVENTION CODE; AND REPEALING EXISTING TITLE ORDINANCE NUMBER 732 OF THE TOWNSHIP OF UPPER DUBLIN, COMMONWEALTH OF PENNSYLVANIA.

Be it ordained by the Board of Commissioners of the Township of Upper Dublin as follows:

Section 1. Chapter 117, Fire Prevention, of the Code of the Township of Upper Dublin, is hereby adopted to read as follows:

§ 117-1. Adoption of standards.

A certain document, three (3) copies of which are on file in the office of the Secretary of the Township of Upper Dublin, being marked and designated as the "BOCA National Fire Prevention Code, Ninth Edition, 1993," as published by the Building Officials and Code Administrators International, Inc., be and hereby is adopted as the Fire Prevention Code of the Township of Upper Dublin in the Commonwealth of Pennsylvania, for the control of buildings, structures and premises as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said BOCA National Fire Prevention Code are hereby referred to, adopted and made a part hereof as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in § 117-2 of this chapter.

§ 117-2. Amendments.

The following sections are hereby revised as follows:

- A. Section F-101.1, insert: "the Township of Upper Dublin."
- B. Section F-112.3, insert:

F-112.3 Penalty for violations:

1. Any person who shall violate any of the provisions of this code or fail to comply with any order issued pursuant to any section thereof shall be guilty of a summary offense and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1,000.) as provided in the appropriate court for each offense. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
2. Violation for parking within a no parking area shall be punishable by paying the official notice Upper Dublin Police Department ticket within seventy-two (72) hours. If this ticket is not paid, the violation shall be punishable under the Pennsylvania State Motor Vehicle Code § 3353, Subsection (a)(3)(ii).

- C. Section F-113.0, insert:

F-113.0 MEANS OF APPEAL

F-113.1 Appeals: Whenever the Code Official shall disapprove an application or refuse to grant a permit applied for or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code has been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Code Official to the Commissioners of Upper Dublin Township within thirty (30) days from the date of the decision.

D. Section F-202.0, add:

Bulk plant: That portion of a property where flammable or combustible liquids are received by tank vessel, pipelines, tank car or tank vehicle and are stored or blended for the purpose of distributing such liquids by tank vessel, pipeline, tank car, tank vehicle or container.

E. Section F-406.0, add the following:

SECTION F-406.0 OUTSIDE COOKING

F-406.1 Use of charcoal- or propane-fired equipment: No charcoal- or propane-fired cooking equipment shall be used on patio or patio balcony at any multifamily dwelling in Upper Dublin Township. The cooking equipment shall not be stored within any units or on a patio or patio balcony of any multifamily dwellings within Upper Dublin Township. The charcoal- or propane-fired cooking units may be used at least fifteen (15) feet from any building and on the ground with permission of the owner.

F. Section F-519.0, add the following:

SECTION F-519.0 REGULATIONS APPLYING TO ALL FIRE HYDRANTS WITHIN TOWNSHIP OF UPPER DUBLIN

F-519.1 Fire hydrants required: Fire hydrants connected to sufficient water supply for fire-fighting purposes shall be provided in new real estate subdivisions, on new streets, in office centers, shopping centers, educational institutions, apartment complexes and similar occupancies at the direction of the Code Official who shall consult with an approved rating bureau and the Township Engineer before directing such installations.

F-519.2 Specification: The following specifications shall apply to all fire hydrants installed or replaced after the effective date of this chapter, which are on public water systems. The following specifications shall also apply to private fire hydrants which are on private property but are served by a public water system.

F-519.2.1: All fire hydrants shall adhere to specifications shown on a document known as "Hydrant Hose Connection Standard, dated July 23, 1975, Drawing No. S-5, Construction Standards, Upper Dublin Township," on file with the Code Official in the Township Building, and as revised from time to time by the Code Official.

F-519.2.2: Fire Department Siamese connections on all existing buildings or structures shall be provided with three-inch National Standard Fire Hose Thread (3-6 N H) female connection on Siamese with caps or plugs and chains.

F-519.2.3: All hose cabinets shall be provided with one-and-one-half-inch male National Standard Fire Hose Thread (1.5-9 N H) and single jacketed rubber lines hose.

F-519.2.4: All private yard hydrants which are on a private water system or are metered from a public water system shall be of the yard hydrant type with two (2) two-and-one-half-inch grated valves with National Standard two-and-one-half-inch thread caps. No pumper connection will be permitted. All presently installed private yard hydrants which do not comply with these specifications shall be made to comply with the above type valves.

F-519.3 Conduct prohibited: It shall be unlawful for any person to draw water from a fire hydrant for any purpose, except official use by employees of the township, other than to extinguish a fire, or to willfully permit water from a fire hydrant to be wasted, or damage or break a fire hydrant, or to hinder or obstruct any fireman or any vehicle of the Fire Department from passing along the streets to or from a fire, or from conducting fire-fighting operations at a fire.

G. Section F-3207.5.8, add the following:

F-3207.5.8: No permits shall be issued for bulk plants in Upper Dublin Township.

H. Section F-3601.2.2, add the following:

Section F-3601.2.2: Bulk plants for the storage of liquefied petroleum gases are not permitted in the Township of Upper Dublin.

§ 117-3. Establishment of limits.

The limits referred to in Section F-3003.2 of the BOCA National Fire Prevention Code/1993 in which the storage of explosive materials is prohibited are hereby established as follows: the limits of the township.

§ 117-4. Affect on prior actions and rights.

Nothing in this chapter or in the Fire Prevention Code hereby adopted shall be construed to affect any lawsuit 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, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this chapter.

Section 2. Nothing in this ordinance shall be construed to affect any suit or proceeding in any court, any rights acquired or liability incurred, any permit issued or any cause or causes of action existing under the former Title 4 of the 1986 Code prior to the adoption of this ordinance.

Section 3. The provisions of this ordinance are severable, and if any section, sentence, clause, part or provision thereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining section, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board that this ordinance would have been adopted as if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

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

ENACTED AND ORDAINED this 10th day of January, 1995.

By:




Richard R. Rulon, President
Board of Commissioners

Attest:



Frances S. Amey, Secretary



ORDINANCE NO. 883

AN ORDINANCE ESTABLISHING THE MINIMUM REGULATIONS GOVERNING THE DESIGN, INSTALLATION AND CONSTRUCTION OF PLUMBING SYSTEMS, BY PROVIDING REASONABLE SAFEGUARDS FOR SANITATION TO PROTECT THE PUBLIC HEALTH AGAINST THE HAZARDS OF INADEQUATE, DEFECTIVE OR INSANITARY PLUMBING INSTALLATIONS; KNOWN AS THE PLUMBING CODE; AND REPEALING EXISTING TITLE 3, CHAPTER 4, OF THE FORMER 1986 CODE OF THE TOWNSHIP OF UPPER DUBLIN, COMMONWEALTH OF PENNSYLVANIA.

Be it ordained by the Board of Commissioners of the Township of Upper Dublin as follows:

Section 1. Chapter 174, Plumbing, of the Code of the Township of Upper Dublin, is hereby adopted to read as follows:

§ 174-1. Adoption of standards.

A certain document, three (3) copies of which are on file in the office of the Secretary of the Township of Upper Dublin, being marked and designated as "The BOCA National Plumbing Code, Ninth Edition, 1993," as published by The Building Officials and Code Administrators International, Inc., be and is hereby adopted as the Plumbing Code of the Township of Upper Dublin in the Commonwealth of Pennsylvania; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said BOCA National Plumbing Code are hereby referred to, adopted and made a part hereof, as if fully set out in this chapter, with the additions, insertions and changes, if any, prescribed in § 174-2 of this chapter.

§ 174-2. Amendments.

The following sections are hereby revised as follows:

- A. Section P-101.1, insert: "the Township of Upper Dublin."
- B. Section P-113.2, insert "... in the schedule in Chapter 110, Fees."
- C. Section P-113.3, add the following:

P-113.3 Payment of fees: A permit shall not be issued except to the registered master plumber or a homeowner plumber and not until all prescribed fees have been paid. For the purposes of this chapter, the term "homeowner plumber" shall mean a person who performs plumbing work to the property said person owns and uses as his or her principal residence or domicile. A permit issued to a homeowner plumber shall be valid only for plumbing work actually performed by said homeowner plumber to said homeowner's principal residence or domicile.

- D. Section P-116.4, insert: "... a summary offense, punishable by a fine of not more than one thousand dollars (\$1,000.)."
- E. Section P-117.2, insert: "... of not more than one thousand dollars (\$1,000.)."
- F. Section P-121.0, add the following:

SECTION P-121.0 MEANS OF APPEAL

P-121.1 Appeals: An appeal from any decision of the Code Official may be taken to the Commissioners. Such appeal shall be made in writing within ten (10) days after such decision has been made, shall be verified by affidavit and filed with the Township Secretary. The appellant or his representatives shall have the right to appear and be heard, if such a right is requested in the written appeal. A prompt decision of such appeal shall be made. In making the decision, the Commissioner may vary or modify any provision of this chapter where there are practical difficulties in the way of executing the strict letter of the law, so that the spirit of the law shall be observed, public safety secured and substantial justice done. Every action of the Commissioners on such appeals shall be by resolution, copies of which shall be certified to the Code Official and the appellant.

P-121.2 Committee on Building Code: The Commissioners shall appoint a Committee on Building Code, to serve at the will of the Commissioners. It shall be the duty of the Committee on Building Code to review the Building Code and make such recommendation to the Commissioners as the Committee deems necessary.

P-121.3 Rules:

1. Rules necessary to define or carry out the intent or purpose of this chapter, or to set forth conditions under which new materials or methods of construction may be used, may be recommended from time to time by the Building Code Committee to the Commissioners.
2. Rules adopted as herein provided shall have the same force and effect as the provisions of this chapter.
3. Any rule may be amended or repealed by the same procedure provided for the adoption of new rules.

G. Section P-304.3, insert: "three hundred (300)."

H. Section P-309.4, insert: "three (3) feet, zero (0) inches."

I. Section P-309.5, insert: "...shall be in compliance with the Sewage Facilities Act" and "thirty-six (36)."

J. Section P-122.0, add the following:

**SECTION P-122.0 LICENSING, REGISTRATION
AND BONDING OF PLUMBERS**

P-122.1 On and after the passage of this chapter, it shall be unlawful for any person to carry on or work at the business of plumbing or house drainage in the Township of Upper Dublin until such person registers with and is licensed by the Township of Upper Dublin Department of Licenses and Inspections. Nothing in this chapter, however, shall be construed to prevent the employment of journeyman plumbers or working of apprentices under the direction and supervision of duly registered and licensed master plumbers.

P-122.2 Registration of master plumbers: All master plumbers residing in and/or having a bona fide place of business in the Township of Upper Dublin shall not be required to undergo any examination, and they shall be entitled to register for the current year and annually thereafter before the first day of February in each year.

P-122.3 Registration and fees. Any master plumber engaged in the business of plumbing or house drainage in the Township of Upper Dublin shall pay for each initial registration a fee in accordance with the fee schedule adopted by the Board of Commissioners and set forth in Chapter 110, Fees, of the Upper Dublin Code.

P-122.3.1 Expiration of Licenses. At the expiration of each calendar year said license shall be null and void. A licensed master plumber or journeyman plumber desiring to continue in or work at the business of plumbing or house drainage for the ensuing year shall, before the first day of February of each year, surrender the said license for the current year to the Township of Upper Dublin, Department of Code Enforcement, and re-register his name and business or home address upon such forms as are furnished by the Township of Upper Dublin.

P-122.3.2 Re-registration. For re-registration, unless the licensed master plumber shall have failed to make application for re-registration at the specified time, the journeyman plumber shall be re-registered upon surrendering his journeyman card for the current year and paying a fee in accordance with the fee schedule set forth in Chapter 110, Fees, of the Upper Dublin Code.

P-122.3.3 Registration for Institutions, etc. A person certified as competent by the Administrative Authority of the Township of Upper Dublin may be registered as a master plumber for the care of, alteration to or addition to the drainage system of a designated manufacturing or mercantile establishment, institution, hotel, etc., where it is necessary to have continual service of a master plumber, and may receive a license; but in no case shall said person be permitted to do any plumbing or drainage work in any building or buildings other than that for which he is registered. To obtain a registration other than an institutional registration, the person must submit proof that he is no longer employed by said firm, institution or other business establishment and offer evidence of a bona fide place of business.

P-122.3.4 License may be revoked. The license granted under this chapter may be suspended or revoked by the Township of Upper Dublin, Department of Code Enforcement, when a registered plumber shall violate any of these rules and regulations or shall refuse or neglect to make the necessary corrections to work not approved by the Code Official or his assistants with a reasonable time after notification thereof, or shall permit the use of his name by a person for the purpose of obtaining a permit or permits to do plumbing or drainage work.

P-122.3.5 No person carrying on the business of plumbing and house drainage shall allow his name to be used by any person directly or indirectly, either to obtain a permit or permits or to do any work under his license.

P-122.4 Place of Business. Every registered master plumber shall have a bona fide place of business and shall display on the front of his place of business a sign "Registered master plumber," bearing his name.

P-122.4.1: A bona fide place of business shall be a building or part of a building where a shop is equipped with a reasonable amount of stock, tools and work space or an office where people may call to transact business at least thirty (30) hours per week.

P-122.4.2 Notice of change in status: Every registered master plumber shall give immediate notice to the Township of Upper Dublin, Department of Code Enforcement, of any change of his place of business. Every registered master

plumber retiring from business or failing to actively continue engaging in the business of plumbing or house drainage shall surrender his license to the Township of Upper Dublin, Department of Code Enforcement.

P-122.5: As a precondition to registration and licensing, all master plumbers must obtain a plumbing license permit bond in the amount of twenty-five hundred dollars (\$2,500.) running in favor of Upper Dublin Township, to guarantee compliance with the Plumbing Code.

P-122.6 Exemption: The licensing requirements of this Section P-122.0 shall not apply to homeowner plumbers, as defined herein.

K. Table P-403.4, delete: Material: "Asbestos-cement pipe;" standard: "ASTM C296;" and "Type M" under "Copper or copper-alloy tubing."

L. Table P-404.2, delete: Material: "Asbestos-cement pipe;" standard: "ASTM C428."

M. Tables P-404.3 and P-405.3, delete: Material: "Asbestos-cement pipe" and "Bituminized fiber pipe;" standard: "ASTM C428" and "ASTM D1861; ASTM D1862."

N. Table P-405.4, delete: Material: "Asbestos-cement pipe" and "Bituminized fiber pipe;" standard: "ASTM D2311."

§ 174-3. Affect on prior actions and rights.

Nothing in this chapter or in the Plumbing Code hereby adopted shall be construed 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, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this chapter.


Section 2. Nothing in this ordinance shall be construed to affect any suit or proceeding in any court, any rights acquired or liability incurred, any permit issued or any cause or causes of action existing under the said Title 3, Chapter 4, prior to the adoption of this ordinance.

Section 3. The provisions of this ordinance are severable, and if any section, sentence, clause, part or provision thereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining section, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board that this ordinance would have been adopted as if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

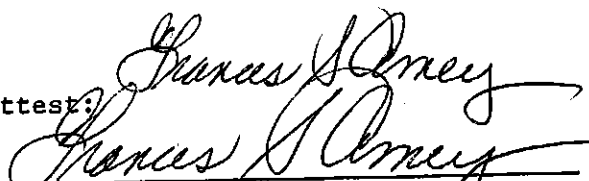
Section 4. This ordinance shall take effect and be in force from and after its approval as required by law.

ENACTED AND ORDAINED this 10th day of January, 1995.

By:


Richard R. Rulon, President

Attest:


Frances S. Amey, Secretary

ORDINANCE NO. 884

AN ORDINANCE ESTABLISHING THE MINIMUM REGULATIONS GOVERNING THE DESIGN, INSTALLATION AND CONSTRUCTION OF MECHANICAL SYSTEMS, BY PROVIDING REASONABLE SAFEGUARDS TO PROTECT THE PUBLIC HEALTH AND SAFETY AGAINST THE HAZARDS OF INADEQUATE, DEFECTIVE OR UNSAFE MECHANICAL SYSTEMS AND INSTALLATIONS; KNOWN AS THE "MECHANICAL CODE."

Be it ordained by the Board of Commissioners of the Township of Upper Dublin as follows:

Section 1. Chapter 152, Mechanical Standards, of the Code of the Township of Upper Dublin, is hereby adopted as follows:

§ 152-1. Adoption of standards.

A certain document, three (3) copies of which are on file in the office of the Secretary of the Township of Upper Dublin, being marked and designated as the "BOCA National Mechanical Code, Eighth Edition, 1993," as published by Building Officials and Code Administrators International, Inc., be and is hereby adopted as the Mechanical Code of the Township of Upper Dublin in the Commonwealth of Pennsylvania, for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of the said BOCA National Mechanical Code are hereby referred to, adopted and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in § 152-2 of this chapter.

§ 152-2. Amendments.

The following sections are hereby revised as follows:

- A. Section M-101.1, insert: "the Township of Upper Dublin."
- B. Section M-113.2, insert: "... in the schedule in Chapter 110, Fees."
- C. Section M-113.3, insert: "... in the schedule in Chapter 110, Fees."
- D. Section M-116.4, insert: "summary offense ... not more than one thousand dollars (\$1,000.)."
- E. Section M-117.2, insert: "... of not more than one thousand dollars (\$1,000.)."
- F. Section M-121.0, add the following:

SECTION 121.0 MEANS OF APPEAL

121.1 Appeals: An appeal from any decision of the Code Official may be taken to the Commissioners. Such appeal shall be made in writing within ten (10) days after such decision has been made, shall be verified by affidavit and filed with the Township Secretary. The appellant or his representatives shall have the right to appear and be heard, if such a right is requested in the written appeal. A prompt decision of such appeal shall be made. In making the decision, the Commissioner may vary or modify any provision of this chapter where there are practical difficulties in the way of executing the strict letter of the law, so that the spirit of the law shall be observed, public safety secured and substantial

justice done. Every action of the Commissioners on such appeals shall be by resolution, copies of which shall be certified to the Code Official and the appellant.

121.2 Committee on Building Code: The Commissioners shall appoint a Committee on Building Code, to serve at the will of the Commissioners. It shall be the duty of the Committee on Building Code to review the Building Code and make such recommendation to the Commissioners as the Committee deems necessary.

121.3 Rules:

1. Rules necessary to define or carry out the intent or purpose of this chapter, or to set forth conditions under which new materials or methods of construction may be used, may be recommended from time to time by the Building Code Committee to the Commissioners.
2. Rules adopted as herein provided shall have the same force and effect as the provisions of this chapter.
3. Any rule may be amended or repealed by the same procedure provided for the adoption of new rules.

§ 152-3. Affect on existing actions and rights.

Nothing in this chapter or in the Mechanical Code hereby adopted shall be construed 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, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this chapter.

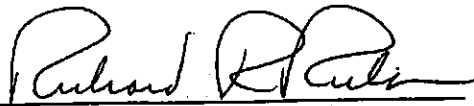
Section 2. Nothing in this ordinance shall be construed to affect any suit or proceeding in any court, any rights acquired or liability incurred, any permit issued or any cause or causes of action existing under any prior provisions prior to the adoption of this ordinance.

Section 3. The provisions of this ordinance are severable, and if any section, sentence, clause, part or provision thereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining section, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board that this ordinance would have been adopted as if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

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

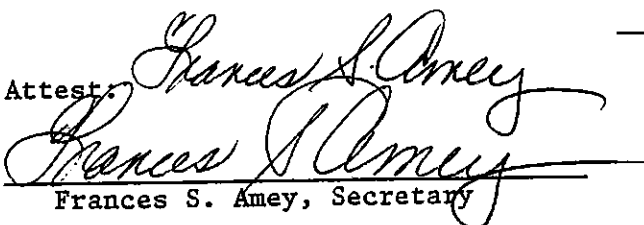
ENACTED AND ORDAINED this 10th day of January, 1995.

Signed:



Richard R. Rulon, President

Attest:


Frances S. Amey, Secretary

ORDINANCE NO. 885

AN ORDINANCE ESTABLISHING THE MINIMUM REGULATIONS GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO INSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE AND THE DEMOLITION OF SUCH STRUCTURES; KNOWN AS THE "PROPERTY MAINTENANCE CODE."

Be it ordained by the Board of Commissioners of the Township of Upper Dublin as follows:

Section 1. Chapter 180, Property Maintenance, of the Code of the Township of Upper Dublin, is hereby adopted to read as follows:

§ 180-1. Adoption of standards.

A certain document, three (3) copies of which are on file in the office of the Secretary of the Township of Upper Dublin, being marked and designated as the "BOCA National Property Maintenance Code, Fourth Edition, 1993," as published by the Building Officials and Code Administrators International, Inc., be and is hereby adopted as the Property Maintenance Code of the Township of Upper Dublin, in the Commonwealth of Pennsylvania; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said BOCA National Property Maintenance Code are hereby referred to, adopted and made a part hereof as if fully set out in this chapter with the additions, insertions, deletions and changes, if any, prescribed in § 180-2 of this chapter.

§ 180-2. Amendments.

The BOCA National Property Maintenance Code is amended and revised in the following respects:

- A. Section PM-101.1, insert: "The Township of Upper Dublin."
- B. Section PM-106.2, insert: "... not more than one thousand dollars (\$1,000.) at the discretion of the court."
- C. Section PM-101.8, add the following:

PM-101.8 Housing license:

PM-101.8.1 Permit required:

- 1. No person shall lease or rent any dwelling, dwelling unit or rooming unit, motel unit or hotel unit in Upper Dublin Township without first making application to and obtaining a permit from the Board of Commissioners (housing license) to rent or lease such dwelling unit or rooming unit.
- 2. This housing license shall be issued after an inspection by the township meets the standards of the BOCA Basic Property Maintenance Code and any other standards of the township that would apply.

3. In even-numbered years, the housing license will be for a two-year period, and the township will inspect all the rental units on the south side of Susquehanna Avenue. All the rental units on the north side of Susquehanna Avenue will be inspected in odd-numbered years. This will mean the township will only inspect one-half ($1/2$) of the township every year.
4. Exceptions: For large rental units over ten (10) units, an application for a permit will be filed every two (2) years, but the township will make its inspections of all empty units every month. The owners of the large rental units shall notify the Code Official by letter of the vacant units so that they can be inspected before rerenting. Motels and hotels will be inspected on the regular inspections, and the units will be spot-checked.

PM-101.8.2 Permit application: Such application shall set forth the name of the applicant, together with the address of the dwelling, the dwelling unit (or units) or the rooming unit (or units) which are or will be offered for rent and such other information as may be required by the Board of Commissioners; such application is to constitute an agreement between the applicant and the Board of Commissioners for the faithful compliance by the applicant and all agents, servants, employees or representatives of the applicant with all ordinances of Upper Dublin Township and all rules and regulations of the Board of Commissioners now in effect or hereafter adopted relating to the basic equipment, physical condition, maintenance and occupancy of dwellings and dwelling units, motel and hotel units.

PM-101.8.3 Fees:

1. A permit fee shall be paid by the applicant at or before the issuance of the permit in accordance with the permit fee schedule adopted in Chapter 110, Fees.
2. Owner or agent. A license will not be issued or renewed for any person who does not either reside or have an office in this township unless he shall designate in writing an agent in this township for the receipt of any notice of a violation or violations of the provisions of this code.

PM-101.8.4 Adoption of rules and regulations: The Board of Commissioners is authorized to make and adopt such procedural rules as it may deem necessary for the proper enforcement of this section, provided that such procedural rules and regulations shall have the same force and effect as the provisions of this section and the penalty for violation thereof shall be the same as the penalty for violation of the provisions of this section.

PM-101.8.5 Abatement of violations: If a violation has not been corrected with the time designated for such compliance and the Board of Commissioners finds that the continuation of such violation constitutes a public nuisance or hazard, it may order the correction of such violation, using township funds or township personnel to accomplish such corrections, and may charge the cost thereof to the violator. It may collect such cost by lien and/or otherwise as may be authorized by the laws of this state.

- D. Section PM-111.0, add the following:

SECTION 111.0 MEANS OF APPEAL.

PM-111.1 Appeals: An appeal from any decision of the Code Official may be taken to the Commissioners. Such appeal shall be made in writing within ten (10) days after such decision has been made, shall be verified by affidavit and filed with the Township Secretary. The appellant or his representatives shall have the right to appear and be heard, if such a right is requested in the written appeal. A prompt decision of such appeal shall be made. In making the decision, the Commissioner may vary or modify any provision of this chapter where there are practical difficulties in the way of executing the strict letter of the law, so that the spirit of the law shall be observed, public safety secured and substantial justice done. Every action of the Commissioners on such appeals shall be by resolution, copies of which shall be certified to the Code Official and the appellant.

PM-111.2 Committee on Building Code: The Commissioners shall appoint a Committee on Building Code, to serve at the will of the Commissioners. It shall be the duty of the Committee on Building Code to review the Building Code and make such recommendation to the Commissioners as the Committee deems necessary.

PM-111.3 Rules:

1. Rules necessary to define or carry out the intent or purpose of this chapter, or to set forth conditions under which new materials or methods of construction may be used, may be recommended from time to time by the Building Code Committee to the Commissioners.
2. Rules adopted as herein provided shall have the same force and effect as the provisions of this chapter.
3. Any rule may be amended or repealed by the same procedure provided for the adoption of new rules.

E. Section PM-304.12, insert: "December 1" and "April 1."

F. Sections PM-602.2.1 and PM-602.3, insert: "October 1" and "May 15."

G. Section PM-708.0, add as follows:

SECTION PM-708.0 OUTSIDE COOKING

PM-708.1 Outside cooking: No charcoal- or propane-fired cooking equipment shall be used on patio or patio balcony at any rental unit in Upper Dublin Township. The cooking equipment shall not be stored within any units or on patio or patio balcony of any multifamily dwellings within Upper Dublin Township. The charcoal- or propane-fired cooking units may be used at least fifteen (15) feet from any building and on the ground with permission of owner of the property.

§ 180-3. Affect on prior actions and rights.

Nothing in this chapter or in the Property Maintenance Code hereby adopted shall be construed 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, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this chapter.


Section 2. Nothing in this ordinance shall be construed to affect any suit or proceeding in any court, any rights acquired or liability incurred, any permit issued or any cause or causes of action existing under prior Title 5, Chapter 1, of the 1986 Code, prior to the adoption of this ordinance.

Section 3. The provisions of this ordinance are severable, and if any section, sentence, clause, part or provision thereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining section, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board that this ordinance would have been adopted as if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.


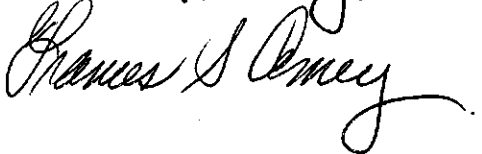
Section 4. This ordinance shall take effect and be in force from and after its approval as required by law.

ENACTED AND ORDAINED this 10th day of January, 1995.

By:


Richard R. Rulon, President
Board of Commissioners

Attest:


Frances S. Amey, Secretary


AN ORDINANCE

NO. 886

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF UPPER DUBLIN, TITLE 5 THEREOF, ENTITLED HEALTH AND SANITATION, CHAPTER 11, WASTEWATER CONTROL REGULATIONS, ARTICLE 2, REGULATIONS, SECTION 2.04, SPECIFIC POLLUTANT LIMITATIONS, SETTING FORTH THE LOCAL DISCHARGE LIMITATIONS FOR DIRECT AND INDIRECT CONTRIBUTORS TO THE WASTEWATER COLLECTION AND TREATMENT SYSTEM OWNED AND OPERATED BY THE TOWNSHIP OF UPPER DUBLIN, KNOWN AS THE UPPER DUBLIN SEWER TREATMENT PLANT, AND FOR THE TOWNSHIP'S DIRECT AND INDIRECT CONTRIBUTIONS INTO ADJACENT WASTEWATER COLLECTION SYSTEMS, IN ORDER TO COMPLY WITH THE NEW LIMITATIONS APPROVED BY THE ENVIRONMENTAL PROTECTION AGENCY ON NOVEMBER 10, 1994.

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

Section 1. The Code of the Township of Upper Dublin, Title 5 thereof, entitled Health and Sanitation, Chapter 11, Wastewater Control Regulations, Article 2, Regulations, Section 2.04, Specific Pollutant Limitations, which presently reads as follows:

Chapter 11
WASTEWATER CONTROL REGULATIONS

* * * * *

Article 2. Regulations

* * * * *

Sec. 2.04 Specific Pollutant Limitations

No person shall discharge wastewater containing in excess of the following:

<u>TOXIC POLLUTANTS</u>	<u>mg/L</u>
Arsenic	0.01
Cadmium	0.04
Chromium (Total)	1.23
Copper	0.19
Cyanide	0.10
Lead	0.20
Mercury	0.0003
Nickel	0.02
Silver	0.005
Zinc	0.16

The above limits apply at the point where the wastewater is discharged to a POTW, which for purposes of these regulations includes all points within and throughout the distribution system. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The Township may impose mass limitations in addition to, or in place of, the concentration based limitations listed herein.

shall now be amended to provide as follows:

Chapter 11
WASTEWATER CONTROL REGULATIONS

* * * * *

Article 2. Regulations

* * * * *

Sec. 2.04 Specific Pollutant Limitations

No person shall discharge wastewater containing in excess of the following:

<u>TOXIC POLLUTANTS</u>	<u>mg/L</u>
Arsenic	0.20
Cadmium	0.04
Chromium (Total)	1.23
Copper	0.48*
Cyanide	0.25
Hexavalent Chromium	0.35**
Lead	0.06
Mercury	0.01
Nickel	0.25
Phenolics	3.59
Silver	0.60
Zinc	0.50

* Effective September 9, 1997, the copper limit will be 0.04.

** Effective September 9, 1997, the hexavalent chromium limit will be .09.

The above limits apply at the point where the wastewater is discharged to a POTW, which for purposes of these regulations includes all points within and throughout the distribution system. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The Township may impose mass limitations in addition to, or in place of, the concentration based limitations listed herein.

Section 2. Nothing in this Ordinance or in Title 5 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Title 5 prior to the adoption of this amendment.

Section 3. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

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

ENACTED AND ORDAINED this 10th day of January , 1995.

BOARD OF COMMISSIONERS OF
TOWNSHIP OF UPPER DUBLIN

By: Richard R. Rulon
Richard R. Rulon, President

ATTEST:

Frances S. Amey
Frances S. Amey, Secretary

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AN ORDINANCE
NO. 887

AN ORDINANCE AMENDING THE ADMINISTRATIVE CODE OF THE TOWNSHIP OF UPPER DUBLIN TO PROVIDE FOR THE PAYMENT OF A PENALTY UPON THE LIENING OF PROPERTY FOR THE FAILURE TO MAKE PAYMENT FOR THE INSTALLATION OF IMPROVEMENTS OR THE PROVIDING OF SERVICES IN THE AMOUNT OF FIVE (5) PERCENT OF THE ASSESSMENT WHICH REMAINS UNPAID PLUS INTEREST ON THE ENTIRE CLAIM IN THE AMOUNT OF TEN (10) PERCENT PER ANNUM.

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

Section 1. The Code of the Township of Upper Dublin Title 2, entitled Administration, shall be amended by the addition of a new Chapter 1A, Municipal Claims, to read and provide as follows:

Title 2, ADMINISTRATION

* * * * *

Chapter 1A, MUNICIPAL CLAIMS

Sec. 1.01 Penalty and Interest on Municipal Claims

Municipal claims filed upon the assessment for amounts remaining unpaid for improvements to real estate shall upon filing have added thereto a penalty of five (5) percent of the amount of the claim. Municipal claims filed upon the failure to pay for services rendered or provided shall upon filing have added thereto a penalty of ten (10) percent of the amount of the claim. In addition, upon collection of any municipal claim, there shall have added thereto interest on the claim and penalty at the rate of ten (10) percent per annum from the date of the filing of the lien or the completion of the work, whichever shall last occur; except where a municipal claim is filed arising out of a project financed by the issuance of Township bonds, interest shall be collectable at the rate of interest paid on the bonds, or at the rate of twelve (12) percent per annum, whichever is less.

Section 2. Nothing in this Ordinance or in Title 2 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any

rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Title 2 prior to the adoption of this amendment.

Section 3. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

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

Approved by the Board this 10 day of January, 1995.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

Richard R. Rulon
Richard R. Rulon, President

Attest:

Frances S. Amey
Frances S. Amey, Secretary
Frances S. Amey

ORDINANCE NO. 899

AN ORDINANCE OF UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, ESTABLISHING THE DATES OF THE REGULAR MEETINGS OF THE COMMISSIONERS OF THE TOWNSHIP OF UPPER DUBLIN DURING THE YEAR 1995.

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

SECTION 1. A workshop of the Commissioners of the Township of Upper Dublin for the year 1995 shall be held on the first Tuesday of each month at 7:00 PM.

SECTION 2. The regular stated monthly meeting of the Commissioners of the Township of Upper Dublin for the year 1995 shall be held on the second Tuesday of each month unless the same shall be a legal holiday, in which case the meeting will be held on the next regular business day following, at 7:30 PM, local time.

SECTION 3. The Public Safety, Works and Services Committee meeting for the year 1995 shall be held on the third Tuesday of each month at 6:30 PM, local time.

SECTION 4. The Parks and Recreation/Library Committee meeting for the year 1995 shall be held on the fourth Tuesday of each month at 7:00 PM, local time.

SECTION 5. The Planning, Environment and Economic Development Committee meeting for the year 1995 shall be held on the fourth Tuesday of each month at 7:30 PM, local time.

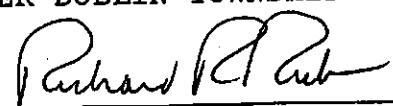
SECTION 6. The public is welcome to attend all meetings, and participation by the public is welcome.


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

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

ENACTED and ORDAINED this 10th day of January, 1995.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP


Richard R. Rulon, President

Attest: 
Frances S. Amey, Secretary

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AN ORDINANCE

NO. 089

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF UPPER DUBLIN, CHAPTER 122 THEREOF, ENTITLED FLOOD DAMAGE PREVENTION, AND CHAPTER 255 THEREOF, ENTITLED ZONING, ARTICLE XXII, FLOODPLAIN CONSERVATION DISTRICT, BY ADOPTING (1) FLOODPLAIN MANAGEMENT REGULATIONS THAT MEET THE LATEST STANDARDS PROMULGATED IN SECTION 60.3(d) OF THE NATIONAL FLOOD INSURANCE PROGRAM REGULATIONS; AND (2) THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE STUDY FOR THE TOWNSHIP OF UPPER DUBLIN EFFECTIVE FEBRUARY 16, 1995, INCLUDING THE FLOOD INSURANCE RATE MAP AND REPORT THEREIN.

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

Section 1. The Code of the Township of Upper Dublin, Chapter 122 thereof, entitled Flood Damage Prevention, shall be amended as follows:

Chapter 122
FLOOD DAMAGE PREVENTION
* * * * *

§122-2. Definitions.

* * * * *

BASE FLOOD - The flood which has been selected to serve as the basis upon which the floodplain management provisions of this and other ordinances have been prepared; for purposes of this chapter, the one-hundred-year flood, as referenced in the current Upper Dublin Township Flood Insurance Study prepared by the Federal Insurance Administration, Federal Emergency Management Agency.

BASE FLOOD ELEVATION - The one-hundred-year flood elevation, as referenced in the Upper Dublin Township Flood Insurance Study, prepared by the Federal Insurance Administration, Federal Emergency Management Agency. Within the approximated floodplain as delineated in the Flood Insurance Study, or other delineated floodplain outside of the Flood Insurance Study, the base flood elevation shall be established as a point on the boundary of the Floodplain District as defined in Chapter 255, Zoning, closest to the construction site in question. When available, information from other Federal, State, and other acceptable sources shall be used to determine the one-hundred-year flood elevation, as well as a floodway area, if possible.

BASEMENT - Any area of a building having its floor below ground level on all sides.

* * * * *

DEVELOPMENT - any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets and other paving, utilities, mining, dredging, filling, grading, excavation or drilling operations, and the storage of materials and equipment.

* * * * *

FLOODPLAIN - See Chapter 255, Zoning, Article XXII, Floodplain Conservation District, Section 255-161, Establishment; boundaries.

* * * * *

FLOODWAY - The designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this chapter, the floodway shall be capable of accommodating a flood of the one-hundred-year magnitude.

HISTORIC STRUCTURE - Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. 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;
- C. 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
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

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 non-elevation design requirements of this ordinance.

MOBILE HOME - A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly contained in one (1) unit, or in two (2) units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. Also including, but not limited to, park trailers, travel trailers, recreational and other similar vehicles which are parked or placed on a site for more than 180 consecutive days.

NEW CONSTRUCTION - Structures for which the start of construction as herein defined commenced on or after September 12, 1978, and includes any subsequent improvements thereto.

ONE-HUNDRED-YEAR FLOOD - A flood that has one (1) chance in one hundred (100) or a one-percent chance of being equaled or exceeded in any one (1) year; for the purposes of this chapter, the one-hundred-year flood (base flood) as defined by the Federal Insurance Administration, Federal Emergency Management Agency in the Flood Insurance Study, Upper Dublin Township.

RECREATIONAL VEHICLE - A vehicle which is (a) built on a single chassis; (b) not more than 400 square feet, measured at the largest horizontal projections; (c) designed to be self-propelled or permanently towable by a light-duty truck; (d) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

* * * * *

SUBSTANTIAL DAMAGE - Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair

work performed. The term does not, however, include either:

- A. 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 or
- B. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

§122-3. Residential structures.

* * * * *

- B. Any modification, alteration, reconstruction or improvement of an kind to an existing residential structure to an extent or amount of less than fifty percent (50%) of its market value shall be elevated or floodproofed to the base flood elevation.

§122-4. Nonresidential structures.

- A. All new construction and substantial improvements of nonresidential structures shall have the lowest floor (including basement) elevated or floodproofed to at least one and one-half (1-1/2) feet above the base flood elevation. The floodproofing measures shall satisfy the requirements of the W1-W2 classes in the publication referenced in §122-15B(1). 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.

* * * * *

§122-5. Space Below the Lowest Floor.

- A. Fully enclosed space below the lowest floor (including basement) is prohibited.
- B. Partially enclosed space below the lowest floor (including basement) 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

"partially enclosed space" also includes crawl spaces. Designs for meeting this requirement must either (a) be certified by a registered professional engineer or architect, or (b) meet or exceed the following minimum criteria:

- (1) A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
- (2) The bottom of all openings shall be no higher than one (1) foot above grade.
- (3) Openings may be equipped with screens, louvers or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

§122-6. Accessory Structures.

Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

- A. The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or the storage of tools, material, and equipment related to the principal use or activity.
- B. Floor area shall not exceed 600 square feet.
- C. The structure will have a low damage potential.
- D. The structure will be located on the site so as to cause the least obstruction to the flow of floodwaters.
- E. Power lines, wiring, and outlets will be at least one and one-half (1-1/2) feet above the 100 year flood elevation.
- F. Permanently affixed utility equipment and appliances including but not limited to furnaces, heaters, washers and dryers are prohibited.
- G. Sanitary facilities are prohibited.
- H. The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the

following minimum criteria:

- (1) A minimum of two (2) openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
- (2) The bottom of all openings shall be no higher than one (1) foot above grade.
- (3) Openings may be equipped with screens, louvers or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

§122-7. Damaged existing structures.

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§122-8. Fill.

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§122-9. Placement of structures.

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§122-10. Anchoring.

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§122-11. Floors, walls and ceilings.

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§122-12. Electrical systems.

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§122-13. Plumbing.

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§122-14. Water and sanitary sewer systems.

All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damage and the infiltration of flood waters. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.

§122-15. 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.

§122-16. Paints and adhesives.

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§122-17. Storage requirements.

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§122-18. Additional standards for mobile homes.

- A. All mobile homes and any improvements thereto shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the following:

* * * * *

- B. All mobile homes and any improvements thereto shall also be elevated in accordance with the following requirements:

* * * * *

- C. All mobile homes and any improvements thereto shall be placed on a permanent foundation.

- D. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the appropriate disaster preparedness authorities for mobile home subdivisions.

- E. Placement of a mobile home on a lot shall require a building permit under Chapter 73, Building Construction.

§122-19. Variances.

* * * * *

- B. Relief issued shall conform to the following general guidelines:

- (1) Any new residential structure or substantial improvement of a residential structure which cannot be elevated to one and one-half (1-1/2) feet above the base flood elevation as required by §122-3(A), shall be floodproofed as specified herein and in accordance with the requirements established for

the W1-W2 classes in the Office of the Chief of Engineers, United States Army, publication number EP 1165 2 314, June, 1972, and as subsequently amended.

- (2) Any modification, alteration, reconstruction or improvement of any kind to an existing residential structure, to an extent or amount of less than fifty percent (50%) of its market value, which cannot be elevated or floodproofed to the base flood elevation as required by §122-3(B), shall be elevated to the maximum extent possible or floodproofed for the remaining height to the base flood elevation in accordance with the requirements established for the W3-W4 classes in the publication referenced in §122-19B(1).
- (3) Any new nonresidential structure or substantial improvement of a nonresidential structure which cannot be elevated or floodproofed to at least one and one-half (1-1/2) feet above the base flood elevation as required by §122-4(A), shall be elevated to the maximum extent possible or floodproofed for the remaining height to at least one and one-half (1-1/2) feet above the base flood elevation to at least one (1) foot above the base flood elevation. The floodproofing measures shall satisfy the requirements of the W3-W4 classes in the publication referenced in §122-19B(1).
- (4) Any modification, alteration, reconstruction or improvement of any kind to an existing nonresidential structure, to an extent or amount of less than fifty percent (50%) of its market value, which cannot be elevated or floodproofed to the base flood elevation as required by §122-4(B), shall be elevated to the maximum extent possible and floodproofed for the remaining height to the base flood elevation. The floodproofing measures shall satisfy the requirements of the W3-W4 classes in the publication referenced in §122-19B(1).

§122-20. Administration.

To ensure that the aforementioned flood damage controls are being employed in all new construction and improvements within the Floodplain Conservation District, the Building Inspector shall provide the applicant information concerning the location of the district boundaries relative to his proposed construction or improvements and the water surface elevation of the one-hundred-year flood at the proposed construction site. The source of the information concerning the district

boundary shall be the Flood Insurance Study for Upper Dublin Township as prepared by the Federal Emergency Management Agency, Federal Insurance Administration, and other sources as appropriate according to those cited in Article XXII of Chapter 255, Zoning, regarding the Floodplain Conservation District for Upper Dublin Township. The source for the information concerning the base flood elevation shall be the Flood Insurance Study. For those floodplains where this study does not contain this information for other floodplain areas, the base flood elevation shall be determined as specified in §122-2 of this chapter.

§122-21. Additional permit requirements.

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§122-22. Review of application and plans.

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§122.23. Start of construction.

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§122-24. Disclaimer of liability.

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Section 2. The Code of the Township of Upper Dublin, Chapter 255 thereof, entitled Zoning, Article XXII, Floodplain Conservation District, shall be amended as follows:

**Chapter 255
ZONING**

**ARTICLE I
General Provisions**

* * * * *

§255-7. Definitions.

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FLOODWAY - The designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this chapter, the floodway shall be capable of accommodating a flood of the one-hundred-year magnitude.

* * * * *

MOBILE HOME - A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly contained in one (1) unit, or in two (2) units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. Also including, but not limited to, park trailers, travel trailers, recreational and other similar vehicles which are parked or placed on a site for more than 180 consecutive days.

* * * * *

ONE-HUNDRED-YEAR FLOOD - A flood that has one (1) chance in one hundred (100) or a one-percent chance of being equaled or exceeded in any one (1) year; for the purposes of this chapter, the one-hundred-year flood (base flood) as defined by the Federal Insurance Administration, Federal Emergency Management Agency in the Flood Insurance Study, Upper Dublin Township.

* * * * *

ARTICLE XXII
Floodplain Conservation District

* * * * *

§255-161. Establishment; boundaries.

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(1) Those areas subject to inundation by the waters of the one-hundred-year flood as prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated February 16, 1995, or the most recent revision thereof.

(a) Said floodplains shall be comprised of three (3) subdistricts as follows:

[1] Floodway (F1). That portion of the Floodplain Conservation District identified as "Floodway" in the AE Zone in the Flood Insurance Study prepared by the Federal Emergency Management Agency. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.

* * * * *

[3] Approximated floodplain (F3). Those portions of land within the Floodplain Conservation District subject to inundation by the one-hundred-year flood, where a detailed study has not been performed, but where a one-hundred-year floodplain boundary has been approximated. When available, information from other Federal, State and other acceptable sources shall be used to determine the one-hundred-year flood elevation, as well as a floodway area, if possible. When no other information is available, the one-hundred-year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.

(b) The boundaries of the Floodplain District may be redefined or reestablished from time to time upon recommendation by the Township Engineer after application and presentation of detailed engineering studies and any additional pertinent supporting data to the Township Engineer. However, prior to any change to a floodplain area delineated in the Flood Insurance Study, approval must be obtained from the Federal Insurance Administration.

* * * * *

§255-166. Application procedure.

A. In a floodplain, as defined in §255-161 herein, a zoning permit shall be required for any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets and other paving, utilities, mining, dredging, filling, grading, excavating or drilling operations, and the storage of materials and equipment. Application for a zoning permit shall be filed with the Zoning Officer, who shall make an initial determination of the application. For a use other than those permitted in §255-163, an application seeking approval of a conditional use shall be forwarded to the Board of Commissioners or variance shall be forwarded to the Zoning Hearing Board, along with required studies or information and the findings of the Zoning Officer.

* * * * *

Section 3. Nothing in this Ordinance or in Title of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Title 10 prior the adoption of this amendment.

Section 4. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provisions thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining section, sentences, causes, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part or provision had not been included herein.

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

Approved by the Board this 14th day of February, 1995.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN



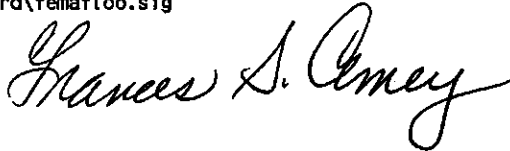
Richard R. Rulon, President

ATTEST:



Frances S. Amey, Secretary

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AN ORDINANCE

NO. 890

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF UPPER DUBLIN, CHAPTER 110 THEREOF, ENTITLED, FEES, SECTION 110-10 BY AMENDING THE DEADLINE FOR SEWER RENT PAYMENTS TO 30 DAYS FROM THE DATE OF THE INVOICE, AFTER WHICH A PENALTY WILL BE ADDED.

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

Section 1. The Code of the Township of Upper Dublin, Chapter 110 thereof, entitled FEES, Section 110-10, entitled Sewers shall be amended to read as follows:

Chapter 110
FEES

* * * * *

Section 110-10. Sewers. All users who shall fail to make payment of any such rental charged against them within ~~sixty~~ ~~(60)~~ thirty (30) days of the date of the invoice, shall be charged a penalty of ten per centum (10%) of the amount of the rental, which penalty shall be added to the rental collected as provided by law.

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

Section 3. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

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

ENACTED AND ORDAINED this 14th day of February, 1995.

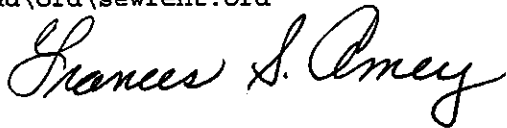
BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

ATTEST:


RICHARD R. RULON, PRESIDENT


FRANCES S. AMEY, SECRETARY

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AN ORDINANCE

NO. 891

AN ORDINANCE TO AMEND the Code of the Township of Upper Dublin Chapter 35 thereof, entitled Pensions, by revoking existing Article I entitled, Police Pension Plan, in its entirety, and by adding a new Part I entitled, Police Pension Plan and Pension Fund, to establish a Pension Plan and Pension Fund; provide for membership therein by all regular, full-time members of the Upper Dublin Township Police Force who are subject to Civil Service provisions; to transfer assets from former pension funds to the newly created Pension Fund; to create and maintain the Pension Fund through certain payments and receipts; to provide for payments from the Commonwealth Treasurer to the Township Treasurer; to establish a Pension Board of Trustees to administer the Pension Plan and Pension Fund; to set forth the powers and duties of the Pension Board; to provide for the employment of an actuary; to establish a retirement date after which benefits shall be payable from the Pension Fund; to establish the basic monthly pension benefit and basis therefore; to establish a length of service increment in addition to the basic monthly pension benefit; to provide for surviving spouses and children; to establish requirements for disability retirement; to provide entitlement to vest in the Pension Plan; to provide for credit based on military service; to establish a cost of living allowance; to provide for payment into the fund by all active members of the Pension Fund; to provide for a refund of contributions upon termination of full time employment before completion of twelve years of service or upon the death of a police officer before the commencement of monthly pension benefits; to provide for payments free of claims; to provide for payment of administration expenses; and to revoke all prior Ordinances and Resolutions enacted by the Board of Commissioners providing for pensions or retirement benefits for police officers of the Township.

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

Section 1. The Code of the Township of Upper Dublin, Chapter 35 thereof, entitled Pensions, is hereby amended by revoking Article I, Police Pension Plan, in its entirety.

Section 2. The Code of the Township of Upper Dublin, Chapter 35 thereof, entitled Pensions, is hereby amended by adding thereto a new Part 1 entitled, Police Pension Plan and Pension Fund, to provide as follows:

Chapter 35

PENSIONS

*** * * * ***

Part 1

Police Pension Plan and Pension Fund

ARTICLE I

Administration

§ 35-1. Establishment of Pension Plan and Pension Fund.

The Township of Upper Dublin hereby establishes a municipal pension plan and municipal pension fund for the benefit of such members of the Upper Dublin Township Police Force as shall receive honorable discharge therefrom by reason of age and service, or disability. The pension plan shall be known as the "Upper Dublin Township Police Pension Plan," (hereinafter "Pension Plan"). The pension fund shall be known as the "Upper Dublin Township Police Pension Fund", (hereinafter "Pension Fund"). The Pension Plan and Pension Fund are established pursuant to Act of May 29, 1956, P.L. 1804, as amended (Act No. 600 of 1956; 53 P.S. Section 767 et seq.)

§ 35-2. Membership.

All regular, sworn, full-time members of the Upper Dublin Township Police Force (hereinafter "Police Force"), as of the effective date hereof who are subject to the provisions of Civil Service, shall become members of the Pension Fund ("Members"). Individuals who were members of prior pension funds who retired or who were employed on the Police Force but not yet retired prior to the enactment of this Article, shall be referred to hereinafter as "Original Members". Individuals who became members of the Police Force after the effective date hereof, shall become Members of the Pension Fund upon becoming regular, sworn, full-time members of the Police Force. The term "Original Members" includes all active, retired and vested Police Officers prior to the enactment of this Chapter. The term "Police Officer" refers to a regular, sworn, full-time member of the Police Force subject to the provisions of Civil Service, and hence a Member of the Pension Fund.

§ 35-3. Transfer of Existing Assets and Liabilities.

As of the enactment of this Article, all assets and liabilities of any former pension funds established either by the Township or by a private organization or association, shall be transferred to the Pension Fund herein created; thereafter, all payments of pensions and other benefits shall be made from this Pension Fund, and all contributions by Members, by the Township and from all other sources, shall be paid into this Pension Fund. The Pension Fund shall assume the liability of continuing the payments

of pension to Original Members in accordance with the laws and regulations under which the Original Members retired.

§ 35-4. Creation and Maintenance of the Pension Fund.

The Pension Fund shall be created and maintained by:

a. Payments made by the Commonwealth Treasurer to the Township Treasurer from moneys received from taxes paid upon premiums by foreign casualty insurance companies for purposes of pensions and retirement for policemen.

b. A charge against each Police Officer in accordance with an existing collective bargaining agreement. Said charges shall be made through payroll deductions on all compensations received by a Police Officer in the frequency that those compensations occur. These charges shall be paid into the Pension Fund at the time of their deduction.

c. Gifts, grants, devises or bequests made to the Pension Fund.

d. Annual appropriations made by the Township.

e. All such payments received shall be deemed to be a part of the Pension Fund and shall not be applied to any other pension fund or account or disbursed in any manner, except as provided herein.

f. Payments made under the Pension Plan and the provisions of this Article shall be a charge only upon the Pension Fund and not upon other moneys or funds of the Township.

§ 35-5. Payments from Commonwealth Treasurer.

The payments made by the Commonwealth Treasurer to the Township Treasurer from the moneys received from taxes paid upon premiums by foreign casualty insurance companies for pension retirement or disability benefits for Police Officers shall be used as follows:

a. To reduce any unfunded past service liability or, after such liability has been funded;

b. To apply against the annual obligation of the Township for future service costs; or, to the extent that the payment may be in excess of such obligation,

c. To reduce the Member contributions.

d. Any other moneys paid into the Pension Fund shall be applied equally against the Member and Township portions of the future service costs.

§ 35-6. Establishment of Pension Board of Trustees.

a. A board of trustees is hereby established for the purpose of administering the Pension Plan and Pension Fund, which board shall be known as the Upper Dublin Township Police Pension Plan and Pension Fund Board of Trustees, (hereinafter "Pension Board").

b. The Pension Board shall consist of five (5) Trustees:
(1) The President of the Board of Commissioners or an individual appointed by the Board of Commissioners, (2) the Township Manager, (3) the Township Finance Director, and (4) two Police Officers elected by a majority of the Members of the Pension Fund. The Chairman of the Pension Board shall be the Chairman of the Board of Commissioners or the Commissioners' representative.

c. Pension Board Trustees shall serve without compensation.

d. Each Trustee shall be appointed for a two-year term. Trustees may be reappointed or reelected.

e. The Township Manager shall appoint a secretary as the non-voting Secretary of the Pension Board who shall keep minutes of the Pension Board's proceedings and all dates, records, and documents pertaining to the Pension Board's administration of the Pension Plan.

f. No Trustee shall be liable for any act or omission of any other Trustee, nor for any act or omission on his own part excepting only his own willful misconduct. The Township shall indemnify and save harmless claims or liabilities arising from acting as a Pension Board Trustee, excepting only expenses and liabilities arising out of a Trustee's own willful misconduct. Trustees shall serve without bond.

g. No Trustee shall vote on any matter in which he has a direct personal interest.

h. The action of the Pension Board shall be determined by the vote or other affirmative expression of a majority of its Trustees. All actions of the Pension Board shall be certified by its Chairman and attested to by its Secretary.

i. The Pension Board shall meet at least semi-annually and at other times at the call of the Chairman or the request of at least two members of the Pension Board.

§ 35-7 Powers and Duties of the Pension Board.

The Pension Board shall have the following powers and duties:

a. To administer the Pension Plan and Pension Fund in accordance with an Agreement of Trust entered into by the Board of Commissioners and professional money manager(s). The Agreement of Trust may permit the money manager(s) to manage and operate the Pension Fund and to receive, hold, invest and disperse any sum or sums as may be necessary to carry out the Pension Plan, and all other applicable statutes, ordinances and regulations.

b. To provide guidance to any money manager(s) of the Pension Fund for the investment of all monies deposited in such Pension Fund, and the reinvestment of all earnings of the Pension Fund.

c. To adopt rules and regulations for the governance of the affairs of the Pension Board to better enable it to carry out its powers and duties imposed hereunder.

d. To employ, retain and compensate actuaries, accountants, auditors, attorneys, money managers and investment consultants as it may deem necessary to carry out its duties hereunder upon approval of the Board of Commissioners.

e. To make all decisions pertinent to the Pension Board regarding pension payments to any applicant or participant, or for the return of any individual contributions to any person who may be entitled to the same under the Pension Plan.

f. To designate a Pension Fund Custodian for the depository of all funding.

g. To determine what amounts shall be deposited into the Pension Fund.

§ 35-8. Determinations by Pension Board.

The Pension Board shall have full power and authority to make all decisions in accordance with the terms of the Pension Plan including, but not limited to, the following:

a. To determine all questions relating to the eligibility of Police Officers to become participants in the Pension Plan.

b. To compute and certify to the Pension Plan Custodian the amount and kind of benefits payable to participants in the Pension Plan.

c. To make and publish such rules and regulations for the administration of the Pension Plan as are not inconsistent with the terms of the Agreement of Trust.

d. The determinations by the Pension Board shall be made based upon the submission of such evidence as the Pension Board shall require.

e. The determination of the Pension Board in each case shall be final and conclusive.

§ 35-9. Employment of Actuary.

The Board of Commissioners may, from time to time, employ an actuary at a compensation to be determined by the Board of Commissioners. In selecting an actuary, the Board of Commissioners shall consult with the Pension Board. The actuary shall determine the present value of the liability for the pensions payable under this Article to Original Members for service prior to the effective date of this Article and shall offset the value of any assets transferred to the Pension Fund from previous pension funds to determine the unfunded liability. The unfunded liability shall be paid entirely by the Township provided that it may be funded over a period not to exceed twenty-five (25) years. The actuary shall also determine the amount which shall be contributed annually to the Pension Fund for the service of Police Officers subsequent to the establishment of the Pension Fund (the "future service cost"). An actuary shall be employed, and all required actuarial studies shall be made, in accordance with all applicable laws, including but not limited to the Municipal Pension Plan Funding Standard and Recovery Act, act of December 18, 1984, P.L. 1005, no. 205, §101, as amended 53 P.S. §895.01 et seq.

**ARTICLE II
Benefits**

§ 35-10. Benefits and Retirement Policies.

Benefits from the Pension Fund shall be payable to Police Officers who have completed a minimum aggregate total of twenty-five (25) years of service and have attained at least fifty-five (55) years of age, unless an actuarial study shows that the reduction in age to fifty (50) is feasible, after which Members may retire from active duty.

Retired Police Officers shall be subject to temporary service from time to time, as a police reserve in cases of riot, tumult or preservation of the public peace, until unfitted for such service, when they may be finally discharged by reason of age or disability.

§ 35-11. Basis for Determination of Benefits.

a. The basic monthly pension or retirement benefit, other than length of service increments, shall be one-half the monthly average salary of a Member during the last thirty-six (36) months of employment.

§ 35-12. Length of Service Increment.

In addition to the basic monthly pension or retirement benefit, those Members eligible shall receive a monthly service increment for completed years of service in excess of twenty-five (25) years. This length of service increment shall not exceed One Hundred Dollars (\$100.00) per month.

§ 35-13. Pension Benefits for Surviving Spouse. Beneficiary.

Upon the death of a retired Member, or upon the death of an active Member who was eligible for retirement at the time of death, the surviving spouse, or the surviving minor children upon the death or remarriage of the surviving spouse, shall receive a pension equal to fifty percent (50%) of the pension which such Member was receiving or which such active Member was eligible to receive if he had been retired at the time of death.

Said benefit shall terminate as of the date of the remarriage or death of said surviving spouse, or, if applicable, when the surviving minor children obtain the age of eighteen (18) or die, whichever event shall occur first.

§ 35-14. Disability Retirement.

a. Service Connected Disability

(1) When the permanent disability of a Member is determined to be service connected, no minimum period of service shall be required for eligibility.

(2) The disability benefit shall be equal to a percentage of the Member's average monthly compensation during the last thirty-six (36) months of employment or total service if having less than thirty-six (36) months of employment.

(3) A monthly pension benefit equal to a percentage of the Member's average monthly compensation during the last thirty-six (36) months of employment, or total service if having less than thirty-six (36) months of employment, shall be paid to the survivor annuitant of Police Officers dying in the line of service.

(4) The percentage of the Member's average monthly salary is subsections (2) and (3) above shall be determined by the Board of Commissioners.

b. Qualifications & Restrictions

(1) A Member may qualify for a disability retirement if he is permanently unable to perform the normal duties of a Police Officer by reason of physical or mental impairment.

(2) A Member may elect a disability retirement in lieu of continued employment under the Americans With Disabilities Act ("ADA").

(3) The disability benefit shall not be reduced by the amount of any payments for which the Member shall be eligible under the Act of June 2, 1915 (P.L. 736, No. 338) known as "The Pennsylvania Workmen's Compensation Act" or the Act of June 21, 1939 (P.L. 566, No. 284) known as "The Pennsylvania Occupational Disease Act".

§ 35-15. Vesting.

If a Member, before reaching his retirement date but after having completed twelve (12) years of total service, for any reason ceases to be employed as a full-time Police Officer by the Township, he shall be entitled to vest his retirement benefits by filing with the Pension Board a written notice of his intention to vest within ninety (90) days of the date he ceases to be a full-time Police Officer. Upon reaching the date which would have been his superannuation retirement date if he had continued to be employed as a full-time Police Officer, he shall be paid a partial superannuation retirement benefit determined by applying the percentage his years of service bears to the years of service which he would have rendered had he continued to work until his superannuation retirement date to the gross pension using, however, the monthly average salary during the thirty-six (36) months prior to his termination of employment.

§ 35-16. Military Service.

a. Any Police Officer who has been in regular service in the Police Department for at least six (6) months, and who thereafter enters into the military service of the United States, shall have credited to his employment record for pension or retirement benefits all of the time spent by him in such military service, if he returns to his employment within six (6) months after his separation from military service.

b. Any Police Officer shall be eligible to receive service credit for intervening military service provided he is not entitled to receive retirement benefits for such service under a retirement system administered and wholly or partially paid for by any other governmental agency with the exception of a Police Officer eligible to receive or receiving military retirement pay earned by a

combination of active duty and nonactive duty with a reserve or national guard component of the armed forces.

§ 35-17. Cost of Living Allowance.

a. Any Member receiving retirement benefits shall be eligible to receive an annual cost of living increase. The cost of living increase shall not exceed the percentage increase in the Consumer Price Index from the year in which the Police Officer last worked.

b. In no case shall the pension benefit exceed seventy-five percent (75%) of the salary used to compute retirement benefits.

c. The total cost of living increase shall not exceed thirty percent (30%).

d. No cost of living increase shall be granted which would impair the actuarial soundness of the Pension Fund.

§ 35-18. Members' Contributions.

a. Members shall pay into the Pension Fund, monthly, an amount equal to not less than five percent (5%) nor more than eight percent (8%) of the Member's monthly compensations. The amount shall be set by resolution by the Board of Commissioners in accordance with an existing collective bargaining agreement which shall have been initially established based upon actuarial recommendations as to what amount is necessary to fund the Pension Plan.

b. The Township Manager is hereby authorized to establish a system of payroll deductions necessary for the administration of the Pension Fund. The remainder of the needed annual contribution as determined by the actuary shall be paid to the Pension Fund by the Township by annual appropriations.

c. If an actuarial study shows that the condition of the Pension Fund is such that payments into the Pension Fund by Members may be reduced below the minimum percentages prescribed herein, or eliminated, and that if such payments are reduced or eliminated contributions by the Township will not be required to keep the Pension Fund actuarially sound, the Board of Commissioners may by ordinance or resolution, on an annual basis, reduce or eliminate payments into the Pension Fund by Members.

§ 35-19. Refund.

Any Police Officer who, for any reason whatsoever, shall be ineligible to receive a pension hereunder after having contributed to the Pension Fund, or a prior pension fund, shall be entitled to a refund of all such moneys paid by him into the Pension Fund or

prior funds, plus all interest earned by such moneys while in the Pension Fund or prior funds, as determined by regulations of the Township, as promulgated from time to time, immediately upon discontinuance of his employment with the Police Department. If such discontinuance is due to death, such moneys shall be paid to his designated beneficiary or, in the absence thereof, to his estate.

§ 35-20. Payments to be Free From All Claims.

All payments under the Pension Plan shall not be subject to levy, attachment, execution, garnishment or other legal process, and shall be payable only to the Member or his designated beneficiary and shall not be subject to assignment or transfer.

§ 35-21. Administration Expenses.

The expense of the management and administration of the Pension Fund, including the compensation of an actuary and Custodian of the fund, shall be paid by the Pension Fund to the extent allowable by law, and otherwise by appropriations made by the Board of Commissioners.

**ARTICLE III
General Provisions**

§ 35-22. Modification.

The Pension Plan and Pension Fund established herein may be discontinued, modified, altered, terminated or repealed according to law, by Ordinance, provided Act 111 requirements have been met.

§ 35-23. Revocation of Prior Enactments.

Any and all Ordinances and Resolutions heretofore enacted by the Board of Commissioners providing for pensions and/or retirement benefits for Police Officers of the Township are hereby repealed, and any Ordinance or Resolution or any part thereof conflicting with the provisions of this Pension Plan shall be, and the same are, hereby repealed in so far as the same affects this Pension Plan. Any Police Officer who shall have terminated employment before the effective date of this Pension Plan and any dependent or beneficiary shall be entitled to the benefits, if any, they were previously receiving.

It is the intent of this Article as authorized and permitted by law, to preserve, continue and guarantee all such rights and benefits in every instance where those rights and benefits under the prior funds may be more beneficial and advantageous to the Original Members than the regulations and benefits herein mandatorily imposed.

§ 35-24. Construct of Provisions.

As used in this Ordinance, the masculine shall include the feminine and the feminine shall include the masculine.

Section 3. Nothing in this Ordinance or in Chapter 35 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 35 prior to the adoption of this amendment.

Section 4. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.


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

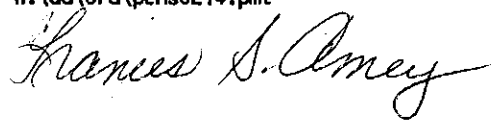
ENACTED AND ORDAINED this 14th day of March, 1995.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

ATTEST:


RICHARD R. RULON, PRESIDENT


FRANCES S. AMEY, SECRETARY
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AN ORDINANCE

NO. 892

AN ORDINANCE TO ADOPT A MAP OF THE STREETS IN THE TOWNSHIP TO BE KNOWN HEREINAFTER AS THE "OFFICIAL MAP OF THE TOWNSHIP OF UPPER DUBLIN".

WHEREAS, the Pennsylvania Municipalities Planning Code, act of December 21, 1988, P.L. 1329, No. 170, as amended, 53 P.S. §10101, provides that a municipality may cause to be made an official map of the municipality including, but not limited to, existing and proposed public streets; and

WHEREAS, the Board of Commissioners of the Township of Upper Dublin has directed the Township Engineer to update the existing street map to be used as the "Official Map of the Township of Upper Dublin" to show the existing and proposed streets in the Township, a true and correct copy of which is attached hereto and made a part hereof.

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

Section 1. The attached map of existing and proposed public streets and known private roads and streets in the Township as the "Official Map" of the Township of Upper Dublin.

Section 2. The Official Map may be amended from time to time as provided in the Pennsylvania Municipalities Planning Code, and such amendments shall be duly noted on the Official Map.

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

Section 4. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the intent of

the Board that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

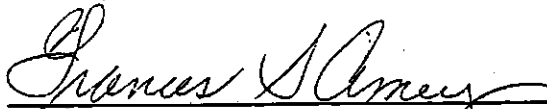

Section 4. This Ordinance shall take effect and be in force from and after its approval as required by law.

ENACTED AND ORDAINED this 14th day of March, 1995.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

ATTEST:


RICHARD R. RULON, PRESIDENT


FRANCES S. AMEY, SECRETARY

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AN ORDINANCE
NO. 893

AN ORDINANCE TO AMEND the Code of the Township of Upper Dublin by enacting a new title, Cable Television Franchises, setting forth detailed regulations regarding the following: Grant of Franchise, the terms and conditions under which the Township may grant a non-exclusive, revocable franchise; establishing the franchise area and granting use of public rights of way; requiring that the grantee obtain approval from the Township prior to erecting poles; requiring all cable communication systems to be operated as non-exclusive franchises and setting forth the term of any franchises granted pursuant to this ordinance; setting forth regulations for the transfer of ownership or control and renewal of franchises; establishing franchise fees; enumerating grounds for revocation of any franchise granted under this ordinance; providing regulations for termination of a franchise by insolvency or by judicial action; applying equal opportunity policy to any franchise granted under this ordinance; setting forth notice requirements; stating that compliance by the Township with the terms of this ordinance is mandatory; and the right of inspection of construction. The ordinance sets forth the following regarding the regulation of franchises: regulatory authority is granted to the Township with regulatory responsibility for the administration and enforcement of the provisions of this ordinance including the award, renewal, extension or termination of a franchise; consent prior to sale or transfer of any franchise; performance evaluation and rate regulation; the ordinance requires the formation of a citizens' advisory committee and sets forth their responsibilities. The ordinance sets forth the following regarding bonds, insurance and indemnification: requiring and setting forth guidelines for performance bonds and letters of credit; sets forth requirements regarding liability and insurance enumerating the types and amounts of insurance required under the ordinance. The ordinance sets forth the following requirements regarding design and construction provisions: authority to construct is granted under certain circumstances and construction and technical standards are set forth; franchises are required to specify their construction schedule; setting forth time limits within which the franchise must extend service once it is requested; setting forth regulations for underground and above-ground installation of service; setting forth construction reporting requirements and providing for tests and performance monitoring after the construction of new plant in excess of one continuous mile. The ordinance sets forth the following service provisions: services to subscribers and users are enumerated; guidelines are set forth for installations, connections, reconnections, billing and delinquent accounts; regulations are provided for service calls and complaint procedures; granting to all subscribers the right to receive continuous, uninterrupted service insofar as their financial and other obligations are honored; setting forth provisions in the event of abandonment of system; protection for subscriber privacy; and requiring non-discrimination by the franchise to all subscribers. The ordinance mandates that all franchises shall maintain an office within the franchise territory and keep records which the Township shall have the right to inspect; sets forth the type of records which must be kept and the manner in which those records must be kept; requires certain reports which must be filed by the franchisee upon the Township and sets forth requirements regarding the content of such reports. The ordinance also requires and sets forth regulations regarding public notice of any public meeting relating to this ordinance or the

franchise. The ordinance also requires and sets forth regulations regarding public notice of any public meeting relating to this ordinance or the franchise.

The Board of Commissioners of the Township of Upper Dublin ordains as follows:

Section 1. The Code of the Township of Upper Dublin shall be amended by adding thereto a new title, Cable Television Franchises, to provide as follows:

**CHAPTER 11
CABLE TELEVISION FRANCHISES**

**Article I
General Provisions**

§1.01. Chapter.

This Chapter shall be known and may be cited as the "Cable Communications Regulatory Code".

§1.02.Purpose.

The Township of Upper Dublin finds that the development of cable television and communications systems has the potential of having great benefit and impact upon the people of Upper Dublin. Because of the complex and rapidly changing technology associated with cable television, the Township further finds that the public convenience, safety and general welfare can best be served by establishing regulatory powers which should be vested in the Township or such persons as the Township shall designate. It is the intent of this Chapter to provide for and specify the means to attain the best possible public interest and public purpose in these matters and any franchise issued pursuant to this Chapter shall be deemed to include this finding as an integral part thereof.

Further, it is recognized that cable communications systems have the capacity to provide not only entertainment and information services to the Township's residents, but can provide a variety of broadband, interactive communications services to institutions and individuals. Many of these services involve Township agencies and other public institutions, by providing governmental, educational or health care communications.

For these purposes, the following goals underlie the regulations contained herein:

- a) Communications services should be provided to the maximum number of Township residents.
- b) The system should be capable of accommodating both the present and reasonably foreseeable future communications needs of the Township.

- c) The system shall be constructed and maintained during the franchise term so that new components may be integrated with existing facilities to the maximum extent possible.
- d) The communications system authorized by this Chapter shall be responsive to the needs and interests of the local community.

Article II Definitions and Word Usage

§2.01. Word Usage.

The present tense includes the future; the singular number includes the plural, and the plural, the singular; and the masculine gender includes the feminine gender.

§2.02. Definitions.

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

ACCESS CHANNELS - Public, educational and governmental access channels as defined herein.

BOARD - The Board of Commissioners of the Township of Upper Dublin.

CABLE COMMUNICATIONS SYSTEM - Also referred to as "system" and "cable television system." - A facility consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within a community, but such term does not include (A) a facility that serves only to retransmit the television signals of one or more television broadcast stations; (B) a facility that serves only subscribers in one or more multiple unit dwellings under common ownership, control, or management, unless such facility or facilities uses any public right-of-way; (C) a facility of a common carrier which is subject, in whole or in part, to the provisions of title II of the Cable Act, except that such facility shall be considered a cable system (other than for purposes of Section 621 (c) of the Cable Act to the extent such facility is used in the transmission of video programming directly to subscribers); or (D) any facilities of any electric utility used solely for operating its electric utility systems.

CHANNEL - A six Megahertz (Mhz) frequency band, which is capable of carrying either one standard video signal, a number of audio, digital or other non-video signals or some combination of such signals.

COMMERCIAL SUBSCRIBER - A subscriber who receives a service in a place of business where the service may be utilized in connection with a business, trade or profession and who pays the charges therefor.

COMMUNICATIONS POLICY ACT or CABLE ACT - The Cable Communications Policy Act of 1984, Pub. L. No. 98-549, 98 Stat. 2779 (1984)(codified at 47 U.S.C. §§521-611 [1982 & Supp. V 1987]) and any amendments thereto.

DROP - A coaxial connection from feeder cable to the subscriber/user television set, radio or other terminal.

EDUCATIONAL ACCESS CHANNEL - Any channel designated for non-commercial educational access use.

FCC - The Federal Communications Commission, its designee, and any legally appointed successor.

FRANCHISE - The nonexclusive rights granted pursuant to this Chapter to construct, operate and maintain a cable communications system along the public ways within all or a specified area in the Township. Any such authorization, in whatever form granted, shall not mean or include any license or permit required for the privilege of transacting and carrying on a business within the Township as required by other ordinances and laws of the Township.

FRANCHISE AREA - The entire Township, or portions thereof, for which a franchise is granted under the authority of this agreement. If not otherwise stated in the franchise, the Franchise Area shall be the corporate limits of the Township, including all territory thereafter annexed to the Township.

FRANCHISE FEE - The percentage, as specified by the Township, of the franchisee's gross annual revenues from all sources payable in exchange for the rights granted pursuant to this Chapter and the franchise agreement.

FRANCHISEE or GRANTEE - The natural person(s), partnership(s), domestic and foreign corporation(s), association(s), joint venture(s), or organization(s) of any kind which has been legally granted a franchise by the Township, and its lawful successor, transferee or assignee.

GOVERNMENT ACCESS CHANNEL - Any channel specifically designated or dedicated for non-commercial government access use.

GRANTOR - The Township of Upper Dublin as represented by the Township Board of Commissioners acting within the scope of its jurisdiction.

GROSS ANNUAL REVENUES - All subscriber revenues derived from the provision of cable television service, including monthly fees charged to subscribers for basic service; monthly fees charged to subscribers for any optional service; pay television fees; pay-per-view fees; FM service fees; commercial fees; premium service fees; monthly fees charged to subscribers for any tier of service other than basic service; installation, disconnection, and reconnection fees. Gross Revenues shall not include any tax on Services furnished by the Grantee which are imposed directly on any Subscriber or user by the State, Township or other governmental unit and which are collected by the Grantee on behalf of said governmental unit.

INSTALLATION - The connection of the system from feeder cable to subscribers' terminals.

LEASED ACCESS CHANNEL, or COMMERCIAL ACCESS CHANNEL - Any channel designated or dedicated for use by persons unaffiliated with the Grantee, at rates in accordance with the Cable Act.

MONITORING - Observing a communications signal, or the absence of a signal, where the observer is not a party to the communication, whether the signal is observed by visual or electronic means, for any purpose whatsoever.

PERSON - An individual, partnership, association, organization, corporation or any lawful successor transferee of said individual, partnership, association, organization or corporation.

PUBLIC ACCESS CHANNEL - Any channel designated or dedicated for non-commercial use by the general public or noncommercial organizations which is made available for use without charge on a nondiscriminatory basis in accordance with the rules and regulations specified in the franchise.

PUBLIC WAY or PUBLIC RIGHTS 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, parkways, waterways, utility easements or other public right-of-way or hereafter held by the Township which shall entitle the Township and the Grantee to the use thereof for the purpose of installing and maintaining the Grantee cable television system. No reference herein, or in any franchise, to the "public way" shall be deemed to be a representation or guarantee by the Township that its title to any property is sufficient to permit its use for such purpose, and the Grantee shall, by its use of such terms, be deemed to gain only such rights to use property in the Township as the Township may have the undisputed right and power to give. The Grantee is also authorized to utilize public rights-of-way and easements within the Township that have been dedicated for compatible uses as provided for in §621(a)(2) of the Cable Communications Policy Act.

REASONABLE NOTICE, - Where not elsewhere specified, shall be written notice addressed to the Grantee at its principal office within the Township or such other office as the Grantee has designated to the Township as the address to which notice shall be transmitted to it, which notice shall be certified and postmarked not less than ten (10), business days prior to that day in which the party giving such notice shall commence any action which requires the giving of notice. In computing said ten (10), business days, holidays recognized by the Township shall be excluded.

RESIDENTIAL SUBSCRIBER - A subscriber who receives a service in an individual dwelling unit where the service is not to be utilized in connection with a business, trade or profession and who pays the charges therefor.

SALE - Include any sale, exchange or barter transaction.

SCHOOL - Any public or nonprofit educational institution including primary and secondary schools, colleges and universities, both public and private.

SERVICE AREA - The entire geographic area within the franchise territory.

STATE - The Commonwealth of Pennsylvania.

SYSTEM FACILITIES or FACILITIES - Cable communications system equipment used by the franchisee to provide services in the franchise area; provided, however, such system facility excludes buildings, contracts, facilities, and equipment whose primary use is for providing service to other system facilities located outside the Township limits.

TRANSFER - The disposal, voluntarily or involuntarily, by the Grantee, directly or indirectly, by gift, assignment, voluntary sale, merger, consolidation or otherwise, of five percent (5%) or more at one time of the ownership or controlling interest in the system, or twenty percent (20%) cumulatively over the term of the franchise of such interests to a corporation, partnership, limited partnership, trust or association, or person or group of persons acting in concert. An internal reorganization in which ultimate control of the grantee does not change shall not constitute a transfer for purposes of this Chapter.

TRUNK LINE - The major distribution cable used in cable communications, which divides into feeder lines which are tapped for service to subscribers.

USER - A person or organization utilizing channel or equipment and facilities for purpose of producing and/or transmission of material, as contrasted with receipt thereof in a subscriber capacity.

Article III Grant of Franchise

§3.01. Grant

A. In the event that Township shall grant a nonexclusive, revocable franchise to construct, operate, and maintain a cable communications system within the Township, said franchise shall constitute both a right and an obligation to provide the services of a cable communications system as regulated by the provisions of this Chapter and the franchise.

B. The franchise shall be granted under the terms and conditions contained herein, consistent with the First Class Township Code and/or other applicable statutory requirements. In the event of conflict between the terms and conditions of this Chapter, the franchise, or the terms and conditions on which the Township can grant a franchise, the franchise shall control.

C. Any franchise granted by the Township is hereby made subject to the general ordinance provisions now in effect and hereafter made effective. Nothing in the franchise shall be deemed to waive the requirements of the various codes and ordinances of the Township regarding permits, fees to be paid, or manner of construction.

§3.02. Use of Public Rights of Way.

For the purpose of operating and maintaining a cable communications system in the Township, the Grantee may erect, install, construct, repair, replace, reconstruct and retain in, on, over, under, upon, across, and along the public streets and ways within the Township such wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, pedestals, attachments and other property and equipment as are necessary to the operation of the cable communications systems, provided, however, that Grantee complies with all design, construction, safety, and performance provisions contained in this Chapter, the franchise agreement, and other applicable laws. A Grantee shall own its cable communications system, but shall have no property right in the public rights of way upon the completion of the franchise term.

§3.03. Use of Grantee Facilities.

No poles or pedestals shall be erected by a Grantee without prior approval of the Township with regard to location, height, type, or aesthetics. Grantee shall not acquire a vested right in the location of its facilities, and they shall be removed or modified by a Grantee at its own expense whenever the Township determines that the public convenience would be enhanced thereby. Existing poles and conduits shall be utilized where possible. The Township shall have the right, during the life of a franchise, to install and maintain free of charge upon the poles owned by a Grantee, any wire and pole fixtures that do not unreasonably interfere with the operations of the Grantee.

§3.04. Franchise Required.

No cable communications system shall be allowed to occupy or use the streets of the Township or be allowed to operate without a franchise.

§3.05. Term of Franchise.

The term of any franchise granted pursuant to this Chapter shall be specified in the franchise.

§3.06. Franchise Nonexclusive.

Any franchise granted pursuant to this Chapter shall be nonexclusive. The Township specifically reserves the right to (i) grant at any time such additional franchises for a cable communications system as it deems appropriate, and/or (ii) build, operate, and own such cable communications system or systems as it deems appropriate.

§3.07. Time is of the Essence.

Whenever this Chapter shall set forth any time for an act to be performed by or on behalf of a Grantee, such time shall be deemed of the essence and any failure of a grantee to perform within the time allotted shall always be sufficient ground for the Township to invoke an appropriate penalty including possible revocation of the franchise pursuant to Section 3.11 of this Code.

§3.08. Severability.

If any section, subsection, sentence, clause, phrase or portion of this Chapter or the franchise is for any reason held invalid or unconstitutional by any court of competent jurisdiction, or by any Federal, State, or Local statute or regulation, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

§3.09. Transfer of Ownership or Control.

A. Transfer of Franchise. Any franchise granted hereunder shall not be transferred without the prior consent of the Township, and then only under such reasonable conditions as the Township may establish.

B. The Grantee shall promptly notify the Township of any actual or proposed transfer.

C. For the purpose of determining whether it shall consent to a transfer, the Township may inquire into the legal, financial, character, technical, customer service, and

operations qualifications of the prospective controlling party, and the Grantee shall assist the Township in any such inquiry. Failure to provide all information reasonably requested by the Township as part of said inquiry shall be grounds for denial of the proposed transfer. If the Township finds the results of its inquiry are satisfactory, its consent to such transfer shall not be unreasonably withheld.

D. Assumption of Control. Any financial institution having a pledge of the franchise or its assets for the advancement of money for the construction and/or operation of the franchise shall have the right to notify the Township that it or its designees satisfactory to the Township will take control and operate the cable television system. Further, said financial institution shall also submit a plan for such operation that will insure continued service and compliance with all franchise obligations during the term the financial institution exercises control over the system. The financial institution shall not exercise control over the system for a period exceeding one year, unless extended by the Township at its discretion and during said period of time it shall have the right to petition for transfer of the franchise to another Grantee. If the Township finds that such transfer, after considering the legal, financial, character, technical, customer service, and operations qualifications of the applicant are satisfactory, the Township will transfer and assign the rights and obligations of such franchise as in the public interest. The consent of the Township to such transfer shall not be unreasonably withheld.

E. The consent or approval of the Township to any transfer of a Grantee shall not constitute a waiver or release of the rights of the Township in and to the streets, and any transfer shall, by its terms, be expressly subject to the terms and conditions of this Chapter and the franchise.

F. In the absence of extraordinary circumstances, the Township will not approve any transfer or assignment of the franchise prior to completion of construction of the proposed system. This provision shall not apply to routine line extensions.

G. Any approval by the Township of transfer of ownership or control shall be contingent upon the prospective controlling party becoming a signatory to the franchise.

§3.10. Franchise Renewal.

A. Renewal Discretionary. Upon or prior to completion of the term of any franchise granted under this Chapter, the Township shall proceed with the renewal process in accordance with the provisions of the Cable Act.

B. In the event that the Board deems it necessary, the Township may hire an independent consulting agency or consultant to advise the township with regard to all the matters set forth hereinabove.

§3.11. Franchise Fees.

A. Because the Township finds that:

- (1) the streets of the County, State, and Township to be used by a Grantee in the operation of its system within the boundaries of the franchise area are valuable public properties acquired and maintained by the County, State, and Township at great expense to its taxpayers.
- (2) the grant of a right to use the public streets is a valuable property right without which the Grantee would be required to invest substantial capital in right-of-way costs and acquisitions.
- (3) the administration of this Chapter and the franchise imposes upon the Township additional regulatory responsibility and expense.

A Grantee of any franchise hereunder shall pay to the Township a franchise fee in an amount as designated in the franchise, but in no event less than five percent (5%) of gross annual revenues.

B. Franchise Fee in Addition to Other Tax or Payment. This payment shall be in addition to any tax, fee, or assessment of general applicability, including any tax, fee, or assessment imposed on both utilities and cable operators or their services. Payment of the franchise fee made by Grantee to the Township shall not be considered in the nature of a tax, but shall be in addition to any and all taxes of general applicability which are now or may be required hereafter to be paid by an Federal, State, or Local law.

C. Acceptance by the Township. No acceptance of any payment by the Township shall be construed as a release or as an accord and satisfaction of any claim the Township may have for further or additional sums payable as a franchise fee under this Chapter or for the performance of any other obligation of the Grantee.

D. Failure to Make Required Payment. In the event that any franchise payment or recomputed amount is not made on or before the dates specified herein, Grantee shall pay as additional compensation an interest charge, computed from such due date, at the annual rate equal to the commercial prime interest rate of the Township primary depository bank during the period that such unpaid amount is owed.

E. Payments to be Made Quarterly. The franchise fee and any other cost or damage assessed against the Grantee shall be payable quarterly to the Township and shall commence as of the effective date of the franchise. The Township shall be furnished at the time of said payment with a statement certified by the Grantee's Accounting Manager reflecting the total amounts of quarterly gross revenues and the above charges and computations for the period covered by the payment. An annual statement of gross revenues

shall be furnished to the Township by a certified public accountant. Said quarterly payments shall be made to the Township no later than forty-five (45) days following the end of each calendar quarter. Quarterly computation dates are the last day in the months of March, June, September and December.

F. The Township's Right of Inspection. The Township shall have the right to inspect the Grantee's income records and the right to audit and to recompute any amounts determined to be payable under this Chapter for a period of four (4) years from the date of payment. Audits shall be at the expense of the Township unless the audit discloses an underpayment in any one year of five percent (5%) or more, in which case the costs of the audit shall be borne by the Grantee. Any additional amount due the Township as a result of the audit shall be paid within thirty (30) days following written notice to the Grantee by the Township which notice shall include a copy of the audit report unless written notice of disagreement is filed by the Grantee with the Township within such time. In case of such dispute, the issue shall be resolved through binding arbitration in accordance with the procedures of the American Arbitration Association.

§3.12. Revocation.

A. Grounds for Revocation. The Township reserves the right to revoke any franchise granted hereunder and rescind all rights and privileges associated with the franchise in the following circumstances, each of which shall represent a default and breach under this chapter and the franchise grant:

- (1) If the Grantee shall default in the performance of any of the material obligations under this Chapter or under such documents, contracts and other terms and provisions entered into by and between the Township and the Grantee.
- (2) If the Grantee shall fail to provide or maintain in full force and effect the liability and indemnification coverage or the performance bond as required herein.
- (3) If the Grantee shall violate any lawful orders or rulings of any regulatory body having jurisdiction over the Grantee relative to this Chapter or the franchise.
- (4) If the Grantee practices any fraud upon the Township.
- (5) The Grantee's construction schedule is delayed later than the schedule contained in the franchise or beyond any extended date set by the Township.

- (6) The Grantee becomes insolvent, unable or unwilling to pay its debts or is adjudged bankrupt.
- (7) Failure to restore service after ninety-six (96) consecutive hours of total system outage in forty percent (40%) or more of the system, except when approval of such interruption is obtained from the Township or is excused pursuant to subparagraph B.
- (8) If the Grantee transfers the franchise without the consent of the Township.

B. Effect of Circumstances Beyond Control of Grantee. The Grantee shall not be declared in default or be subject to any sanction under any provision of this Chapter in any case in which performance of any such provision is prevented by acts of God or other reasons beyond the Grantee's control. A default shall not be deemed to be beyond the Grantee's control if committed by a corporation or other business entity in which the Grantee holds a controlling interest whether held directly or indirectly.

C. Pending litigation or any appeal to any regulatory body or court having jurisdiction over the Grantee shall not excuse the Grantee from the performance of its franchise fee obligations under this Chapter or the franchise. Failure of the Grantee to perform such obligations because of pending litigation or petition may result in forfeiture or revocation pursuant to the provisions of this section. The Township shall comply with any related court orders, unless compliance is stayed by court order or agreement.

D. Procedure Prior to Revocation.

- (1) The Township shall make written demand that the Grantee comply with any such requirement, limitation, term, condition, rule or regulation or correct any action deemed cause for revocation. If the failure, refusal or neglect of the Grantee continues for a period of forty-five (45) days following such written demand, the Township may place its request for termination of the franchise upon a regular Board meeting agenda. The Township shall cause to be served upon such Grantee at least seven (7) days prior to the date of such Board meeting, a written notice of this intent to request such termination, and the time and place of the meeting, notice of which shall be published by the Township Secretary at least once, seven (7) days before such meeting in a newspaper of general circulation within the Township.
- (2) The Board shall hear any persons interested therein, and shall determine in its discretion, whether or not any failure, refusal or neglect by the Grantee was with just cause.

- (3) If such failure, refusal or neglect by the Grantee was with just cause, as determined by the Board, the Board shall direct the Grantee to comply within such time and manner and upon such terms and conditions as are reasonable.
- (4) If the Board shall determine such failure, refusal, or neglect by the Grantee was without just cause, then the Board may, by resolution, declare that the franchise of the Grantee shall be terminated and the performance bond forfeited.

E. Disposition of Facilities. In the event a franchise expires, is revoked or otherwise terminated, the Township may in its sole discretion, do any of the following:

- (1) Order the removal of the system facilities from the Township within a reasonable period of time as determined by the Township;
- (2) Require the Grantee to maintain and operate its system for a period of up to eighteen (18) months or such further time as may be mutually agreed upon. During any time a Grantee continues to operate the system it shall do so pursuant to the terms of this Chapter and its franchise and shall be entitled to received revenues from the system as provided by the franchise agreement.

F. Restoration of Property. In removing its plant, structures and equipment, a Grantee shall refill, at its own expense, any excavation that shall be made by it and shall leave all public ways and places in as good a condition or better as that prevailing prior to a Grantee's removal of its equipment and appliances without affecting the electrical or telephone cable wires or attachments. The Township shall inspect and approve the condition of the public ways and public places and cables, wires, attachments, and poles after removal. The liability, indemnity, insurance and performance bond as provided herein shall continue in full force and effect during the period of removal and until full compliance by a Grantee with the terms and conditions of this paragraph, this Chapter and the franchise.

G. Restoration by Township; Reimbursement of Costs. In the event of a failure by the Grantee to complete any work within a public right of way or any other work required by Township law or ordinance within the time as may be established and to the satisfaction of the Township, the Township may cause such work to be done and the Grantee shall reimburse the Township for the cost thereof within thirty (30) days after receipt of an itemized list of such costs or the Township may recover such costs through the performance bond, letter of credit or security fund provided by Grantee. The Township shall be permitted to seek legal and equitable relief to enforce the provisions of this Section.

§3.13. Receivership and Foreclosure.

A. Termination by Insolvency. Any franchise granted hereunder shall, at the option of the Township, cease and terminate one hundred twenty (120) days after the appointment of a receiver or receivers or trustee or trustees to take over and conduct the business of a Grantee whether in a receivership, reorganization, bankruptcy or similar action or proceeding unless such receivership or trusteeship shall have been vacated prior to the expiration of said one hundred twenty (120) days, or unless:

- (1) Such receivers or trustees shall have, within one hundred twenty (120) days after their election or appointment, fully complied with all the terms and provisions of this Chapter and the franchise granted pursuant hereto, and the receivers or trustees within said one hundred twenty (120) days shall have remedied all defaults under the franchise; and
- (2) Such receivers, or trustees shall, within said one hundred twenty (120) days, execute an agreement duly approved by the Court having jurisdiction in the premises, whereby such receivers or trustees assume and agree to be bound by each and every term, provision and limitation of the franchise herein granted.

B. Termination by Judicial Action. In the case of a foreclosure or other judicial sale of the plant, property and equipment of a Grantee or any part thereof, including or excluding the franchise, the Township may serve notice of termination upon a Grantee and the successful bidder at such sale, in which event the franchise and all rights and privileges of a Grantee granted hereunder shall cease and terminate thirty (30) days after service of such notice, unless:

- (1) The Township shall have approved the transfer of the franchise, in the manner this Chapter provides, and
- (2) Such successful bidder shall have covenanted and agreed with the Township to assume and be bound by all the terms and conditions of the franchise.

§3.14. Equal Opportunity Policy.

Equal opportunity employment shall be afforded by all Grantees to all qualified persons, and no person shall be discriminated against in employment because of race, color, religion, age, national origin, sex, or physical handicap. Grantee shall comply with all equal opportunity provisions enacted by Federal, State and local authorities, as well as all such provisions contained in this Chapter and the franchise.

§3.15. Notices.

All notices from Grantee to the Township pursuant to this Chapter and the franchise shall be to the Township Manager or his/her designee. Grantee shall maintain with the Township, throughout the term of the franchise, an address for service of notices by mail. Grantee shall also maintain with the Township, a local office and telephone number for the conduct of matters related to the franchise during normal business hours. The Grantee shall be required to advise the Township of such address(es) and telephone numbers and any changes thereof.

Article IV Regulation of Franchise

§4.01. Regulatory Authority

A. The Township shall exercise appropriate regulatory authority under the provisions of this Chapter and applicable law. This authority shall be vested in the Township Board of Commissioners and administered through the Township Manager or his designee in order to provide day-to-day administration and enforcement of the provisions of this Chapter and any franchise granted hereunder, and to carry out the Township's responsibilities with regard to cable communications.

B. The Township reserves the right to exercise the maximum plenary authority, as may at any time be lawfully permissible, to regulate the cable communications system, the franchise and the Grantee. Should applicable legislative, judicial or regulatory authorities at any time permit regulation unilaterally by the franchising authority not presently permitted to the Township, the Township may without the approval of the Grantee engage in any such additional regulation as may then be permissible, whether or not contemplated by this Chapter.

§4.02. Supervision of the Franchise.

A. The Township shall have the following regulatory responsibility:

- (1) Administration and enforcement of the provisions of this Chapter and any franchise granted hereunder.
- (2) Award, renewal, extension or termination of a franchise pursuant to the provisions of this Chapter, the franchise, and other applicable law.
- (3) Consent prior to sale or transfer of any franchise granted hereunder.
- (4) Performance evaluation.

- (5) Rate regulation, if applicable per §4.03.

B. The Township also reserves the right to perform _____ all other functions allowed by law, present or future:

- (1) Develop objectives and coordinate activities related to the operation of government channels.
- (2) Approve procedures and standards for public, government and educational access and operations and services, including the use of dedicated channels and sharing of public facilities.
- (3) Analyze plans for expansion, interconnection and growth of cable services.
- (4) Analyze the possibility of integrating cable communications with other Township, State or regional telecommunications networks.
- (5) Formulate and recommend long-range telecommunications policy for the Township, and determine the future cable-related needs and interests of the community.
- (6) Provide the administrative effort necessary for the conduct of performance evaluations, and any other activities required for the administration of the franchise.
- (7) Monitor Grantee's process for handling citizen complaints and periodically inspect and analyze the records related to such complaints.
- (8) Receive applications for rate increases if applicable and provide staff assistance in the analysis and recommendations thereto.
- (9) Monitor a Grantee's adherence to operational standards, service requirements and line extension policies.
- (10) Assure compliance with applicable laws and ordinances.
- (11) Arrange tests and analysis of equipment and performance, as needed to insure compliance with this Chapter and the franchise.
- (12) Assure continuity in service.
- (13) Receive for examination all data and reports required by this Chapter.

§4.03. Rates and Charges.

A. Grantee shall file with the Township schedules which shall describe all services offered, all rates and charges of any kind, and all terms and conditions relating thereto, on the effective date of the franchise and thirty (30) days prior to any change. No rates or charges shall be effective except as they appear on a schedule so filed. Grantee shall notify subscribers in writing at least thirty (30) days prior to the implementation of any change in services offered, rates, charges, or terms and conditions related thereto. A Grantee's written notice shall include a comparison of old and new rates and charges and shall be included in the customer's bill. A complete schedule of Grantee's rates shall be mailed to subscribers annually.

B. Grantee shall establish rates that are nondiscriminatory within the same general class of subscribers which must be applied fairly and uniformly to all subscribers in the franchise area for all services. Nothing contained herein shall prohibit the Grantee from offering (i) discounts to commercial and multiple family dwelling subscribers billed on a bulk basis; (ii) promotional discounts; or (iii) reduced rates for subscribers who have multiple services. Grantee's charges and rates for all services shall be itemized on subscriber's monthly bills.

C. If the Township is authorized by law, it may choose to regulate rates to the extent permissible.

§4.04. Performance Evaluation.

A. The Township and a Grantee shall, at the discretion of the Township, hold scheduled performance evaluation sessions no more frequently than once every two (2) years. All such evaluation sessions shall be open to the public.

B. Special evaluation sessions may be held at any time during the term of the franchise at the request of the Township.

C. All evaluation sessions shall be open to the public and announced in a newspaper of general circulation.

D. Topics which may be discussed at any scheduled or special evaluation session may include, but not be limited to system performance and construction, Grantee compliance with this Chapter and the franchise, customer service and complaint response, subscriber privacy, services provided, programming offered, service rate structures, franchise fees, services offered under the franchise, applications of new technologies, judicial and FCC filings, and line extensions.

E. During the review and evaluation by the Township, a Grantee shall fully cooperate with the Township and shall provide such current and historical information and documents as the Township may need to reasonably perform its regulatory duties.

Article V
Bonds, Insurance, and Indemnification

§5.01. Performance Bond and/or Letter of Credit.

A. **Performance Bond.** Upon the effective date of a franchise which requires a performance bond, a Grantee shall obtain and maintain during the entire term of the franchise and any extensions and renewals thereof, at its cost and expense, and file with the Township, a corporate surety bond in the sum total of seventy-five thousand dollars (\$75,000) or in such other sum as specified in the franchise agreement, to guarantee the faithful performance by a Grantee of all its obligations provided under this Chapter and the franchise. Failure to timely obtain, file and maintain said bond shall constitute a substantial violation within the meaning of this Section.

B. **Conditions.** The performance bond shall provide the following conditions:

- (1) There shall be recoverable by the Township jointly and severally from the principal and surety, any and all fines and liquidated damages due to the Township, as specified in the franchise, and any and all damages, losses, costs, and expenses suffered or incurred by the Township resulting from the failure of a Grantee to: faithfully comply with the provisions of this Chapter and the franchise; comply with all orders, permits and directives of any Township agency or body having jurisdiction over its acts or defaults; pay fees due to the Township; pay any claims, liens or taxes due the Township which arise by reason of the construction, operation, maintenance or repair of the cable communication system. Such losses, costs and expenses shall include but not be limited to attorney's fees and other associated expenses.
- (2) The total amount of the bond shall be forfeited in favor of the Township in the event that the Township revokes the franchise pursuant to §3.12 for the two following reasons:
 - (a) A Grantee abandons the cable communication system at any time during the term of the franchise or any extension thereto; or
 - (b) A Grantee assigns the franchise without the express written consent of the Township provided that a Grantee has been

notified of such non-compliance in writing by the Township and has failed to cure same within thirty (30) days.

C. **Reduction of Bond.** Upon written application by a Grantee, the Township may, at its sole option, permit the amount of the bond to be reduced or waive the requirements for a performance bond subject to the conditions set forth below. Reductions granted or denied upon application by a Grantee shall be without prejudice to a Grantee's subsequent applications or to the Township's right to require the full bond at any time thereafter. However, no application shall be made by a Grantee within one (1) year of any prior application.

D. **Letter of Credit.** If requested by the Township per the franchise agreement in lieu of the performance bond required by this Section, a Grantee shall obtain, maintain and file with the Township an irrevocable letter of credit from a financial institution licensed to do business in the State in an amount specified in the franchise, naming the Township as beneficiary. The form and contents of such letter of credit shall be approved by the Township Solicitor and shall be released only upon expiration of the franchise or upon the replacement of the letter of credit by a successor Grantee. Failure to obtain the letter of credit within the time specified herein shall constitute a substantial violation within the meaning of this Section.

E. **Use of Performance bond or Letter of Credit.** Prior to drawing upon the letter of credit or the performance bond for the purposes described in this Section, the Township shall notify the Grantee in writing specifying the item for which payment is claimed and the date it was due. Grantee shall have ten (10) days from the receipt of such written notice to make a full and complete payment. If the Grantee does not make the payment within ten (10) days, the Township may withdraw the amount thereof, with interest and penalties, from the letter of credit or the performance bond.

F. **Notification.** Within three (3) days of a withdrawal from the letter of credit or performance bond, the Township shall send to the Grantee, by certified mail, return receipt requested, written notification of the amount, date and purpose of such withdrawal.

G. **Replenishment of Letter of Credit or Performance Bond.** No later than thirty (30) days after mailing to the Grantee by certified mail notification of a withdrawal pursuant to paragraph F above, the Grantee shall replenish the letter of credit or performance bond in an amount equal to the amount so withdrawn. Failure to make timely replenishment of such amount to the letter of credit or performance bond shall constitute a substantial violation of this Chapter.

H. **Non-Renewal, Alteration, or Cancellation of Letter of Credit or Performance Bond.** The performance bond or letter of credit required herein shall be in a form satisfactory to the Township and shall require thirty (30) days written notice of any non-renewal, alteration or cancellation to both the Township and a Grantee. Grantee shall, in the event of

any such cancellation notice, obtain, pay all premiums for, and file with the Township, written evidence of the issuance of replacement bond or policies within thirty (30) days following receipt by the Township or a Grantee of any notice of cancellation.

I. To offset the effects of inflation the amounts of the bond or letter of credit provided for herein, are subject to reasonable increases at the end of every three (3) year period of the franchise, applicable to the next three year period, upon the determination of the Township.

5.02. Security fund.

A. Within ten (10) days after the acceptance of a franchise agreement that requires a security fund, the grantee shall deposit with the grantor and maintain on deposit through the term of this franchise the sum of twenty-five thousand dollars (\$25,000), in cash, or in such other sum as specified in the franchise agreement, as security for the payment of any fees, liquidated damages or penalties imposed under this Chapter. Said sum shall be placed by the Township in an interest-bearing account, and any interest accrued thereon shall be paid annually to a Grantee.

B. Within ten (10) days after notice to a Grantee that any amount has been withdrawn from the security fund deposited pursuant to Subsection A of this section, the Grantee shall pay to, or deposit with, the Township a sum of money or securities sufficient to restore such security fund to the original amount of twenty-five thousand dollars (\$25,000), or such other sum as specified in the franchise agreement.

C. The security fund deposited pursuant to this section shall become the property of the Township in the event that this franchise is canceled by reason of default of the Grantee. A Grantee, however, shall be entitled to the return of such security fund, or portion thereof, as remains on deposit with the Township at the expiration of the term of the franchise, provided that there is then no outstanding default on the part of the Grantee.

D. The rights reserved to the Township with respect to the security funds are in addition to all other rights of the Township, whether reserved by this Chapter or authorized by law, and no action, proceeding or exercise of a right with respect to such security funds shall affect any other right the Township may have.

§5.03. Liability and Insurance.

A. Within sixty (60) days after the effective date of the franchise and thereafter continuously throughout the duration of the franchise and any extensions or renewals thereof, a Grantee shall furnish to the Township certificates of insurance, approved by the Township, for all types of insurance required under this Section. Failure to furnish said certificates of insurance in a timely manner shall constitute a violation of this Chapter.

B. Any insurance policy obtained by a Grantee in compliance with this Section shall be filed and maintained with the Township Secretary during the term of the franchise, and may be changed from time to time to reflect changing liability limits and/or to compensate for inflation. Grantee shall immediately advise the Township of any litigation that may develop that would affect this insurance.

C. Neither the provisions of this Section or any damages recovered by the Township hereunder, shall be construed to or limit the liability of a Grantee under any franchise issued hereunder or for damages.

D. All insurance policies maintained pursuant to this Chapter or the franchise shall contain the following, or a comparable, endorsement:

It is hereby understood and agreed that this insurance policy may not be canceled by the insurance company nor the intention not to renew be stated by the insurance company until thirty (30) days after receipt by the Township Manager, by registered mail, of a written notice of such intention to cancel or not to renew.

E. All liability insurance policies maintained pursuant to this Chapter or the franchise shall name the Township as an additional insured.

F. All insurance policies provided under the provisions of this Chapter or the franchise shall be written by companies authorized to do business in the State, and approved by the State Insurance Commission.

G. At any time during the term of the franchise, the Township may request and the Grantee shall comply with such request, to name the Township, all elected Township officials, and Township employees with cable related responsibilities as additional named insured for all general liability insurance policies written under the provisions of this Chapter or the franchise.

H. General Liability Insurance. A Grantee shall maintain, and by its acceptance of any franchise granted hereunder specifically agrees that it will maintain throughout the term of the franchise, general liability insurance insuring the Grantee a minimum of \$2,000,000 for all damage, injury, accident, or death.

I. Such general liability insurance must include coverage for all of the following: comprehensive form, premises-operations, explosion and collapse hazard, underground hazard, products/ completed operations hazard, contractual insurance, broad form property damage, and personal injury.

J. Automobile Liability Insurance. A Grantee shall maintain, and by its acceptance of any franchise granted hereunder specifically agrees that it will maintain

throughout the term of the franchise, automobile liability insurance for owned, non-owned, or rented vehicles in the minimum amount of:

- (1) \ \$2,000,000 for bodily injury and consequent death per occurrence;
- (2) \ \$1,000,000 for bodily injury and consequent death to any one person.
- (3) \ \$500,000 for property damage per occurrence.

K. **Worker's Compensation and Employer's Liability Insurance.** Grantee shall maintain and by its acceptance of any franchise granted hereunder specifically agrees that it will maintain throughout the term of the franchise, Worker's Compensation and employer's liability, valid in the State, in the minimum amount of the statutory limit for Worker's Compensation.

§5.04. Indemnification.

A. To the fullest extent permitted by law, Grantee shall, at its sole cost and expense, fully indemnify, defend and hold harmless the Township, its officers, public officials, boards and commissions, agents, and employees from and against any and all lawsuits, claims, (including without limitation worker's compensation claims against the Township or others), causes of action, actions, liability, and judgments for injury or damages (including but not limited to expenses for reasonable legal fees and disbursements assumed by the Township in connection therewith):

- (1) To persons or property, in any way arising out of or through the acts or omissions of Grantee, its subcontractors, agents or employees.
- (2) Arising out of any claim for invasion of the right of privacy, for defamation of any person, firm or corporation, or the violation or infringement of any copyright, trademark, trade name, service mark or patent, or any other right of any person, firm or corporation, but excluding claims arising out of or related to Township programming or programming for which the grantee is not legally responsible.
- (3) Arising out of Grantee's failure to comply with the provisions of any federal, state, or local statute, ordinances or regulation applicable to Grantee in its business hereunder.

B. The foregoing indemnity is conditioned upon the following:

The Township shall give Grantee prompt notice of any claim or the commencement of any action, suit or other proceeding covered by the provisions of this Section. Nothing herein shall be deemed to prevent the Township from cooperating with the Grantee

and participating in the defense of any litigation by its own counsel at its own costs and expense.

Article VI Design and Construction Provisions

§6.01. Construction and Technical Standards.

A. Compliance with Construction and Technical Standards. Grantee shall construct, install, operate and maintain its system in a manner consistent with all applicable laws, ordinances, construction standards, governmental requirements, FCC technical standards. The system shall be designed, constructed, operated and maintained for 24-hours-a-day continuous operation. The system shall produce, for reception on subscribers' receivers which are in good working order, either monochrome or color pictures (providing the receiver is color capable).

B. Contractor Qualifications. Any contractor, subcontractor, or affiliate proposed for the work of construction, installation, operation, maintenance, and repair of system equipment must be properly licensed under laws of the State, and all Township Codes. The Township should be notified in advance of the name and address of any subcontractor to be used in the construction, operation, or maintenance of the system.

C. Grantee's system and associated equipment erected by a Grantee within the Township shall be so located as to cause minimum interference with the proper use of streets, alleys, and other public ways and places, and to cause minimum interference with the rights and reasonable convenience of property owners who adjoin any of the said streets, alleys or other public ways and places. No pole or other fixtures placed in any public ways by the Grantee shall be placed in such a manner as to interfere with normal travel on such public way.

D. The Township does not guarantee the accuracy of any maps showing the horizontal or vertical location of existing substructures. In public rights-of-way, where necessary, the location shall be verified by excavation.

E. Construction, installation, operation, and maintenance of the cable communications system shall be performed in an orderly and workmanlike manner, in accordance with then current technological standards. All cables and wires shall be installed, where possible, parallel with electric or telephone lines. Multiple cable configurations shall be arranged in parallel.

F. Grantee shall at all times comply with: (1) National Electrical Safety Code (National Bureau of Standards); (2) National Electrical Code (National Bureau of Fire

Underwriters); (3) Bell System Code of Pole Line Construction; (4) applicable FCC or other Federal, State and local regulations; and standards as set forth in the franchise.

G. In any event, the system shall not endanger or interfere with the safety of persons or property in the franchise area.

H. Any antenna structure used in the cable communications system shall comply with construction, marking, and lighting of antenna structure standards as required by Federal and State law or regulation.

I. All worker facilities, conditions, and procedures that are used during construction, installation, operation, and maintenance of the cable television system shall comply with the standards of the Occupational Safety and Health Administration.

J. FCC Rules and Regulations shall govern the measurement of RF radiation, however, the Grantee shall endeavor to exceed the FCC cable television basic signal leakage performance criteria part 76.611, due to the Township's location.

K. The Grantee shall maintain equipment capable of providing standby power for a minimum of eight (8) hours for the headend.

§6.02. Extension of Service.

The Grantee shall provide service to all dwelling units or commercial subscribers within the territorial boundary of the Township as soon as reasonably and economically feasible, provided the average number of homes per contiguous mile of aerial cable plant is fifteen (15) or greater or the average number of homes per contiguous mile of underground cable plant is twenty (20) or greater. Where installation requires a drop in excess of 200 feet from the distribution cable to connection of services to subscribers, the subscriber will be charged for time and material necessary to extend the drop beyond 200 feet. Upon receipt of a request for extension of service to commercial subscribers, Grantee will evaluate the costs and benefits of such an extension and determine whether to complete extension based upon its analysis.

§6.03. Use of Streets.

A. All installations shall be underground in those areas of the Township where public utilities providing both telephone and electric service are underground at the time of installation. In areas where either telephone or electric utility facilities are above ground at the time of installation, Grantee may install its service above ground, provided that at such time as both those facilities are required to be placed underground by the Township or are placed underground, the Grantee shall likewise place its services underground. Where not otherwise required to be placed underground by this Chapter or the franchise, the Grantee's system shall be located underground at the request of a property owner, provided that the

excess cost over the aerial location shall be borne by the property owner making the request. All cable passing under the public way shall be installed in conduit and in accordance with all state and local laws and ordinances.

B. Prior to construction or alteration in any public way, however, the Grantee shall in each case file plans with the appropriate Township agencies and obtain all necessary construction permits and authorizations before proceeding.

C. Interference with Persons, Improvements, Public and Private Property and Utilities. The Grantee's system and facilities, including poles, lines, equipment and all appurtenances, shall be located, erected and maintained so that such facilities shall:

- (1) Not endanger or interfere with the health, safety or lives of persons;
- (2) Not interfere with the free and proper use of public streets, alleys, bridges, easements or other public ways, places or property, except to the minimum extent possible during actual construction or repair;
- (3) Not interfere with the rights and reasonable convenience of private property owners, except to the minimum extent possible during actual construction or repair; and
- (4) Not obstruct, hinder or interfere with any gas, electric, water or telephone facilities or other utilities located within the Township.

D. Restoration to Prior Condition. In case of any disturbance of pavement, sidewalk, property, or other surfacing, the Grantee shall, at its own cost and expense and in a manner approved by the Township, replace and restore all paving, sidewalk, landscaping, or surfacing of any property or public way, disturbed, in as good a condition as, or better than, before said work was commenced and in a good workmanlike, timely manner in accordance with standards for such work set by the Township. Conditions permitting, such restoration shall be undertaken within no more than 10 business days after the damage is incurred and shall be completed within thirty (30) business days unless otherwise authorized by the Township.

E. Relocation of the Facilities. In the event that at any time during the period of the franchise, the Township, county or State shall lawfully elect to alter, or change, the grade of any street, alley or other public ways, or make repairs or improvements to any infrastructure, the Grantee, upon reasonable notice by the proper authority, shall remove or relocate as necessary its poles, wires, cables, underground conduits, manholes and other fixtures at its own expense and with all due deliberate speed. In the event that any utility is reimbursed for the same work, Grantee will be reimbursed on the same terms and conditions.

F. Cooperation with Building Movers. The Grantee shall, on the request of any person holding a building moving permit issued by the Township, temporarily raise or lower its wire to permit the moving of buildings. The expense of such temporary removal, raising or lowering of wires shall be paid by the person requesting the same, and the Grantee shall have the authority to require such payment in advance. The Grantee shall be given not less than fifteen (15) working days' advance notice to arrange for such temporary wire changes.

G. Tree Trimming. The Grantee shall have the authority, except when in conflict with existing Township ordinances, to trim any trees upon or overhanging the public right-of-way so as to prevent the branches of such trees from coming in contact with system facilities, except that at the option of the Township, such trimming as may be required by the Grantee may be done by the Township, or under its supervision and direction, at the expense of the Grantee. The Grantee shall notify the Township Department of Public Works prior to trimming any trees in the right of way.

H. Easements. All necessary easements over and under private property shall be arranged for by the Grantee. This language shall not be interpreted to in any way impinge on Grantee's right to utilize public rights-of-way and easements that have been dedicated for compatible uses as provided for in §621(a)(2) of the Cable Communications Policy Act of 1984.

§6.04. Erection, Removal and Common Use of Poles.

A. Prior to the erection of any towers, poles or conduits or the upgrade or rebuild of the cable communications system under this Chapter, the Grantee shall first submit to the Township and other designated parties for approval a concise description of the facilities proposed to be erected or installed, including engineering drawings, if required, together with a map and plans indicating the proposed location of all such facilities. No erection or installation of any tower, pole, underground conduit, or fixture or any rebuilds or upgrading of the cable communications system shall be commenced by any person until approval therefore has been received from the Township; provided further, that such approval shall not be unreasonably withheld.

B. Where poles already exist for use in serving the Township are available for use by a Grantee, the Township may require the Grantee to use such poles and structures.

§6.05. Construction Reporting Requirements.

A. Within thirty (30) days of the granting of a franchise pursuant to this Chapter, upon request of the Township as specified in the franchise agreement, a Grantee shall provide the Township with a written progress report detailing work completed to date on initial construction, rebuild or upgrading of a cable television system. Such report shall include a description of the progress in applying for any necessary agreements, licenses, or certifications and any other information the Township Manager or designee may deem necessary. The

content and format of the report will be determined by the Township Manager and may be modified at his/her discretion.

B. Such written progress reports shall be submitted to the Township on a monthly basis throughout the entire initial construction or rebuild process. The Township Manager may require more frequent reporting if he/she determines it is necessary to better monitor the Grantee's progress.

C. Prior to the commencement of any initial construction, rebuild or upgrading of a cable television system, the Grantee shall produce an informational document to be distributed to all residents of the area to be under construction, which shall describe the activity that will be taking place. The informational document shall be reviewed and approved by the Township Manager prior to its distribution.

§6.06. Tests and Performance Monitoring.

A. The Grantee shall comply with all performance and testing standards established by the Federal Communications Commission relating to Cable Systems contained in subpart K of part 76 of the Federal Communications Commission's rules and regulations as may, from time to time, be amended.

B. Such tests shall be performed by a qualified technician, or under the supervision of a qualified registered professional. A copy of the report shall be submitted to the Township, upon request, within thirty (30) days, describing test results, instrumentation, calibration, and test procedures, and the qualifications of the technician responsible for the tests.

C. System monitor test points shall be established at or near the output of the last amplifier in the longest feeder line, at or near trunk line extremities. Such periodic tests shall be made at the test points as shall be required by the FCC and/or the franchise.

D. In addition to the performance test reports required herein, a copy of any performance test reports required by the FCC shall be submitted to the Township, upon request, within thirty (30) days of completion.

E. Reports acceptable to the Township on any status monitoring system shall be provided to the Township quarterly upon request.

F. Whenever there have been complaints made or when there exists other evidence, which, in the judgment of the Township, casts doubt on the reliability or quality of the Grantee's system, the Township shall have the right and authority to compel the Grantee to promptly test, analyze, and report on the performance of its system. The Township may require additional tests, full or partial repeat tests, different test procedures, or tests involving a specific subscriber's terminal. Reports on such tests shall be delivered to the Township no

later than seven (7) days after completion and shall include the following information: the nature of the complaints which precipitated the special tests; what system component was tested; the equipment used, and procedures employed in said testing; the results of such tests; and methods by which said complaints were resolved. Said tests and analyses shall be supervised by a qualified technician who shall sign all records of the special tests and forward same to the Township with a report interpreting the results of the tests and recommending what actions should be taken by the Township. All such tests shall be at the expense of the Grantee.

G. The Township shall have the right to employ qualified consultants and attorneys if necessary or desirable to assist in the administration of this, or any other section of this Ordinance or the franchise at its own expense.

Article VII Service Provisions

§7.01. Services to Subscribers and Users.

A. Concurrently with the activation of the cable communications system in the Township, the Grantee shall provide all services to subscribers as described in the franchise.

- (1) The system shall carry the broad categories of programming and services that may be listed in the franchise. Should the Grantee desire to change the selection of programs or services offered it shall maintain the mix, quality and level of services provided over the system. Any such change in programs or services offered shall comply with the conditions and procedures contained in the franchise, and shall be reported to the Township at least thirty (30) days prior to the proposed implementation. The Grantee shall notify all subscribers in writing at least thirty (30) days prior to implementing any change in the selection of programs or services offered on any tiers, or prior to adding or deleting any channels or changing the channel number for any station. The Grantee shall endeavor to ensure diversity of programming and will consult with the Township regarding the community's needs.
- (2) Unless otherwise specified in the franchise agreement, the Grantee shall provide and maintain on such channels the following access services:
 - (a) "Government Access Channel" which shall be a specifically designated channel for non-commercial local governmental use and shall be managed, scheduled and programmed exclusively by the Township.
 - (b) "Educational Channel", if it can be provided without eliminating current programming, which shall be a specifically designated channel for non-

commercial use by local public and private school authorities, and shall be managed, scheduled and programmed exclusively by them.

- (c) No educational or government access channel may be assigned, transferred, or leased, in whole or in part.
- (3) The Grantee shall make available Leased Access channels to assure that the widest possible diversity of information sources are made available to subscribers.
- (a) Such channels shall be specially designated for Leased Access use by persons unaffiliated with the Grantee, at rates which are in accordance with the Cable Act.
 - (b) The number of such channels shall be determined by the provisions of the Cable Communications Policy Act of 1984 or other applicable Federal or State Law.
 - (c) Grantee shall not exercise any editorial control over any programming provided over such channels, except that Grantee may consider such content to the minimum extent necessary to establish a fair and reasonable price for the use of such channels.
- (4) The Grantee shall fully provide the services, facilities and equipment for public, educational and government access as indicated in the franchise.

B. Emergency Override. The Grantee shall, provide equipment for emergency override usage as required by federal law.

§7.02. Installations, Connections, and Other Grantee Services.

A. Standard Installations. Standard installation shall consist of a drop not exceeding two hundred (200) feet from a single point or pedestal attachment to the customer's residence. Service in excess of 200 feet and concealed wiring shall be charged on a time and materials basis. The Grantee shall apprise the customer of what the costs for such custom installation will be before installation begins. The desire of the Subscriber as to the point of entry into the residence shall be observed whenever possible. The Grantee shall use due care in the process of installation and shall repair any damage to the subscriber's property caused by said installation. Such restoration shall be undertaken within no more than ten (10) days after the damage is incurred and shall be completed as soon as possible thereafter.

B. Deposits. Any deposits required by Grantee shall bear interest at the rate earned by the Grantee, if any.

C. Antennas and Antenna Switches. The Grantee shall not, as a condition to providing cable communications service, require any subscriber or potential subscriber, to remove any existing antenna structures for the receipt of over-the-air television signals. The Grantee shall install, upon the request of the subscriber, an RF or antenna switch where required for the provision of services provided by the Grantee provided the subscriber's antenna is properly grounded.

D. Lockout Devices. The Grantee shall provide to subscribers, as part of its literature, information concerning the availability of a lockout device for use by a subscriber.

E. Reconnection. Grantee shall restore service to customers wishing restoration of service provided customer shall first satisfy any previous obligations owed.

F. Free Disconnection. Subscribers shall have the right to have basic subscriber television service disconnected without charge. Such disconnection shall be made as soon as practicable and in no case later than fifteen (15) days following notice to Grantee of same. A refund of unused service charges shall be paid to the customer within sixty (60) days from the date of termination of service. in accordance with federal law.

G. Billing. Grantee shall not require subscribers to pay for services more than one month in advance. All bills shall be itemized by level of service.

H. Delinquent Accounts. Grantee shall use its best efforts to collect on delinquent subscriber accounts. In all cases, the Grantee shall provide the customer with at least ten (10) working days written notice prior to disconnection.

I. Prohibited Activities. In the conduct of its business franchised hereunder, neither the Grantee nor its officers, employees, or agents shall directly or indirectly sell, lease, repair, install, or maintain television sets or receivers or antennas, provided, however, that nothing hereunder shall prohibit Grantee, at customers request from examining or adjusting customer's receiving set to determine whether reception difficulties originate in the set or in the Grantee's system.

§7.03. Service Calls and Complaint Procedures.

A. The Grantee shall establish, operate and maintain a business office readily accessible to Township residents, and a maintenance and repair facility for the purpose of receiving inquiries, requests and complaints concerning all aspects of the construction, installation, operation, and maintenance of the system and for the payment of subscribers' service charges.

B. The Grantee shall have a listed, local telephone number for subscriber service calls and such telephone service shall be available twenty-four (24) hours a day, seven (7) days a week. The Grantee shall provide a sufficient number of telephone lines and telephone

staff members to enable subscribers to reach the Grantee without unreasonable delay. Grantee's number shall be published and made available to subscribers and the general public. The Grantee shall in addition provide a telephone number or numbers to the Township and utility companies to enable the Township or the utility companies to reach the Grantee in case of emergency on a twenty-four (24) hour, seven (7) days a week basis. All telephone staff shall be adequately trained and will have the capability of identifying locations and patterns in service problems.

C. The Grantee shall respond to and resolve subscribers' complaints or requests for service in connection with repairs and maintenance and malfunctions of system facilities. The Grantee shall respond as quickly as possible to such complaints and requests, but shall in any case respond within thirty-six (36) hours. Complaints or requests which may pose a potential health and safety hazard will be responded to immediately. The Township will be copied on written responses to subscriber complaints on a quarterly basis.

D. The Grantee shall prepare and file with the Township copies of all of its rules and regulations in connection with the handling of inquiries, requests and complaints. The Grantee shall, by appropriate means, such as a card or brochure, furnish information concerning the procedures for making inquiries or complaints, including the name, address and local telephone number of the local office where complaints are to be addressed, and furnish information concerning the Township office responsible for the administration of the franchise, including, but not limited to, the address and telephone number of said office on an annual basis.

E. The Grantee shall keep full records of service calls in connection with the system. Such records shall identify the person contacting the Grantee, and the person responding on behalf of the Grantee, the subject matter of the contact, the date and time it was received, the resolution of the matter in question or the action taken by the Grantee in connection with the contact, and the date and time thereof, and such other information as may be deemed pertinent by the Grantee. These records shall be made available for periodic inspection by the Township, subject to the provision of §8.01. Summaries of these records shall be filed with the Township upon request at least twice a year or more frequently at the Township's request.

F. The Grantee shall repair or replace without charge all defective equipment provided by it to the subscriber, provided, however, that the Grantee may charge a subscriber for service to or replacement of any equipment rendered inoperable or damaged due to negligence of such subscriber.

G. Hearing Impaired. Grantee upon request, and subject to the availability and economic feasibility of same and consistent with federal law, shall provide a subscriber with equipment designed to enhance reception of programming with encoded signals for the hearing impaired.

§7.04. Continuity of Service Mandatory.

A. It shall be the right of all subscribers to receive continuous, uninterrupted service insofar as their financial and other obligations to the Grantee are honored, provided it is technically feasible.

B. In the event that a Grantee elects to rebuild, modify or sell its system, or the Township gives notice of intent to terminate or fails to renew its franchise, the Grantee shall cooperate with the Township or new Grantee or operator in maintaining continuity of service to all subscribers. During such period, Grantee shall be entitled to the revenues for any period during which it operates the system.

C. Abandonment of System. In the event the Grantee fails to operate the system for seven (7) consecutive days without prior approval of the Township or without just cause, the Township may, at its option, operate the system or designate an operator until such time as Grantee restores service under conditions acceptable to the Township or a permanent operator is selected. If the Township is required to fulfill this obligation for the Grantee, the Grantee shall reimburse the Township for all reasonable costs or damages in excess of revenues from the system received by the Township that are the result of the Grantee's failure to perform.

§7.05. Protection of Subscriber Privacy.

Subscriber privacy will be protected in accordance with federal law.

§7.06. Rights of Individuals.

A. Nondiscrimination Required. Grantee shall not deny service, deny access, or otherwise discriminate against subscribers, channel users or general citizens on the basis of race, color, religion, national origin, age, sex, or physical or mental handicaps, provided the Subscriber shall pay all applicable fees for the service desired. Grantee shall comply at all times with all other applicable Federal, State and Local laws and regulations.

B. Information Accessibility.

- (1) Each individual shall have the right to information concerning the provisions of this Chapter and the rules and regulations formulated pursuant to it by the Grantee, agent or entity created hereunder or pursuant to this Chapter. The Grantee shall make a copy of this ordinance and the franchise agreement available at its offices during regular business hours.
- (2) Each individual subscribing to the services of the cable communications system or leasing channels thereof or using the access channels shall be provided with a memorandum setting forth all rules and regulations, if any, specifically

outlining such individual rights pertinent to such use. All rights specifically provided in this Section shall be noted.

- (3) Such information as may herein be prescribed will be made available to the public and individual subscribers in such form required for understanding in accordance with federal law.
- (4) Each document filed or submitted under the provisions of this Chapter or pursuant to it, except those required and designated confidential by the Federal Communications Commission is a public document, available for public inspection and copying at the requestor's expense, at the office of the Grantee or the Township during normal business hours. The charge for such copying shall approximate the cost of mechanical reproduction.
- (5) Participation by citizens of the Township on any cable advisory board shall be in the manner and form specified by the Township Board of Commissioners.

Article VIII Books, Records and Reports

§8.01. Records and Books Available to the Grantor.

Upon two weeks prior written notice, the Township shall have the right to inspect, copy or transcribe at any time during normal business hours at Grantee's office within the franchise territory all records of the Grantee which are required to carry out its regulatory responsibilities hereunder.

§8.02. Reports Required. Except where a different time is specified by this Chapter or the franchise agreement the Grantee shall file with the Township upon request:

A. **Regulatory Communications.** All reports required by the Federal Communications Commission (FCC) including, but not limited to annual proof of performance tests and results, and Equal Employment Opportunity (EEO) reports; and all petitions, applications and communications of all types submitted by Grantee to the FCC, the Security and Exchange Commission (SEC), or any other Federal or State regulatory commission or agency, having jurisdiction over any matter affecting operation of Grantee's system shall be submitted simultaneously to the Township by delivery to the Township Secretary who shall advise interested Township departments of such filing.

B. **Facilities Report.** An annual report setting forth the physical miles of plant construction and plant in operation during the fiscal year shall be submitted to the Township. Such report shall also contain any revisions to the system "as built" maps filed with the Township.

C. Construction Reports. Construction reports shall be sent to the Township thirty (30) days after the franchise is awarded and monthly thereafter until construction is completed.

D. Proof of Bonds and Insurance. Grantee shall submit to the Township the required performance bond, or a certified copy thereof, and written evidence of payment of required premium, and all policies of insurance required by this Chapter, or certificates evidencing same.

E. Financial and Ownership Reports.

An annual financial report, certified by the Grantee's Accounting Manager, from the previous calendar year, detailing sources of gross revenue and the basis for the computation of franchise fees for the twelve (12) month period ending December 31.

F. Operational Reports.

- (1) An annual report on the system's technical tests and measurements as set forth herein and in the franchise.
- (2) An annual summary of programs and services offered by Grantee, including public, educational, government, and leased access.
- (3) A quarterly summary of activities including, but not limited to, subscriber totals for each category of service offered including number of pay units sold and new services offered.
- (4) A semi-annual summary of service calls received and handled in addition to any reports required in the franchise.
- (5) An annual projection of system and service plans.

I. Additional Reports. The Grantee shall prepare and furnish to the Township at the times and in the form prescribed, such additional reports with respect to its operation, affairs, transactions or property, as may be reasonably necessary and appropriate to the performance of any of the regulatory duties of the Township in connection with this Chapter or the franchise.

J. Confidentiality. Any books and records which the Township has the right to inspect which contain proprietary and/or confidential material of the Grantee shall be clearly marked "CONFIDENTIAL" by the Grantee; the township shall maintain the confidentiality of material so marked. However, subject to applicable law, the Township shall not be required to maintain the confidentiality of any items required to be delivered to the Township under

this Chapter for the Township's retention. Access to the aforementioned materials shall not be denied by the Grantee on the basis that said materials contain "proprietary" information.

Article IX Theft of Service

§9.01. Tampering with system.

It shall be unlawful for any person, firm or corporation to make or use, or cause to be made or used, any connection, whether physically, electrically, acoustically, inductively or otherwise, with any wires, cable, conduit, apparatus or equipment of a cable communication system with intent to enable himself or others to receive or use any signal without the consent of, or payment to, the cable communication system owner. It shall be unlawful for any person, firm or corporation to willfully tamper with, remove or damage, or cause to be tampered with, removed or damaged, any wire, cable, conduit, apparatus or equipment of a cable communication system without the consent of the consent of the cable communication system owner.

§9.02. Presumptive evidence.

The existence of any of the conditions with reference to wires, cables, conduits, apparatus or equipment described in §9.01 above is presumptive evidence that the person receiving or using any signal by means of such condition has created or caused to be created the condition so existing with intent to receive or use such signal without payment to the cable communication system owner.

§9.03. Enforcement.

Nothing in this chapter shall create a duty to any grantee on the part of the Township or its officers, agents and employees to enforce the provisions of this Chapter.

§9.04. Violations and Penalties.

Any person, firm or corporation violating any of the provisions of this article shall, in addition to all other legal and equitable remedies, be subject to a fine or penalty not exceeding six hundred dollars (\$600.00) for each and every violation, to be collected as like fines or penalties are now by law collectible.

Article X
Miscellaneous Provisions

§10.01. Franchise Applications.

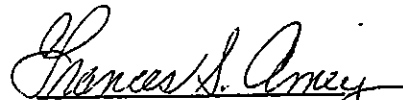
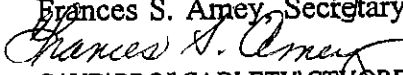
Applicants for a franchise shall submit to the Township written applications utilizing the standard format provided by the Township, at the time and place designated by the Township for accepting applications and including the designated application fee.

Approved by the Board this 14th day of March, 1995.

TOWNSHIP OF UPPER DUBLIN

By: 
Richard R. Rulon, President

Attest:


Frances S. Amey, Secretary

GAUD\PROJ\CABLETV\ACTV\ORD.FIN
2/7/95

CHAPTER 82
CABLE COMMUNICATIONS REGULATORY CODE
FOR THE
TOWNSHIP OF UPPER DUBLIN, PENNSYLVANIA
ADOPTED

March 14, 1995

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AN ORDINANCE

NO. 894

An Ordinance to amend the Code of the Township of Upper Dublin, Chapter 11 thereof, entitled Cable Television Franchises to add a definition for Cable Service and to amend the definition of Gross Annual Revenues.

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

Section 1. The Code of the Township of Upper Dublin, Chapter 11 thereof, entitled Cable Television Franchises, Article II, definitions and word usage, Section 2.02 Definitions, shall be amended to add thereto in alphabetical order a definition of Cable Service and to amend the definition of Gross Annual Revenues, these provisions to provide henceforth as follows:

CABLE SERVICE - (a) The one-way transmission to subscribers of (i) video programming or (ii) other programming service; (b) subscriber interaction, if any, which is required for the selection of any such video programming or other programming service.

GROSS ANNUAL REVENUES - All revenues derived from the provision of Cable Service. Gross Revenues shall not include any tax on Services furnished by the Grantee which are imposed directly on any Subscriber or user by the State, Township or other governmental unit and which are collected by the Grantee on behalf of said governmental unit.

Section 2. Nothing in this Ordinance or in Chapter 11 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 11 prior to the adoption of this amendment.

Section 3. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

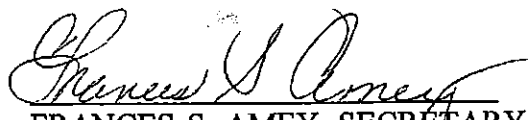
Section 4. This Ordinance shall take effect and be in force from and after its approval as required by law.

ENACTED AND ORDAINED this 9th day of May, 1995.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

ATTEST:


RICHARD R. RULON, PRESIDENT


FRANCES S. AMEY, SECRETARY

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AN ORDINANCE
NO. 895

AN ORDINANCE, TO AMEND THE CODE OF THE TOWNSHIP OF UPPER DUBLIN, CHAPTER 255 THEREOF, ENTITLED ZONING TO INCLUDE A DEFINITION OF "SENIOR ASSISTED LIVING RESIDENCE"; TO PERMIT A SENIOR ASSISTED LIVING RESIDENCE AS A CONDITIONAL USE IN AN INSTITUTIONAL ZONING DISTRICT; TO PROVIDE PARKING, DIMENSIONAL AND OTHER GENERAL REQUIREMENTS FOR SUCH USE; AND TO AMEND THE ZONING MAP BY REDESIGNATING THE THREE HEREIN DESCRIBED TRACTS OR PARCELS ON LIMEKILN PIKE, BETWEEN DILLON ROAD AND BROAD STREET IN DRESHER, UPPER DUBLIN TOWNSHIP, FROM "A"-RESIDENTIAL TO "INST" INSTITUTIONAL.

The Board of Commissioners of the Township of Upper Dublin does hereby ENACT AND ORDAIN that Chapter 255 of the Upper Dublin Township Code entitled "The Upper Dublin Township Zoning Ordinance" shall be amended as follows:

Section 1. The Code of the Township of Upper Dublin, Chapter 255 thereof, entitled Zoning Article I, "General Provisions", Section 255-7, "Definitions", shall be amended by the addition, in alphabetical sequence, of the following definition:

§255-7. Definitions.

* * * * *
* * * * *

SENIOR ASSISTED LIVING RESIDENCE - A residence for persons age 62 and over, regulated by the Commonwealth as a personal care home, as defined in the Pennsylvania Code, which consists of private dwelling units and accessory uses, provides supportive social residential services such as meals, housekeeping, medication management, dressing and grooming assistance, security and twenty-four hour monitoring, an emergency call system, wellness promotion, exercise programs, local transportation, laundry services, and social and recreational programs, together with accessory uses customarily incidental to Senior Assisted Living Residences. A Senior Assisted Living Residence does not provide in-house skilled nursing home services or hospital services.

Section 2. The Code of the Township of Upper Dublin, Chapter 255 thereof, entitled Zoning, Article XIII, "Institutional

Districts", shall be amended as follows:

ARTICLE XIII
INST Institutional Districts

§255-87. Purpose and intent.

It is the purpose and intent of this district to encourage the development of a mixture of institutional uses compatible with surrounding uses in accordance with an approved plan of development subject to the requirements of this chapter.

§255-88. Use regulations.

- A. A building may be erected or used, and a lot may be used or occupied, for any of the purposes listed in this section:
- (1) Education uses, including private schools, colleges and universities.
 - (2) Library or museum.
 - (3) Licensed hospital or medical center.
 - (4) Nursing or convalescent home.
 - (5) Office or clinic for medical or dental examination or treatment of persons as outpatients, including laboratories incidental thereto.
 - (6) Uses accessory to a dwelling in accordance with §255-27, herein.
 - (7) Accessory buildings, structures or uses customarily incidental to uses permitted in the INST District.
 - (8) Off-street parking, subject to the provisions of Article XIX.
 - (9) Signs, subject to the provisions of Article XXI.
- B. The following uses are permitted as a special exception when authorized by the Zoning Hearing Board in accordance with the provisions of Article XXIII:
- (1) Conversion of an existing residential building.
 - (2) Recreational facility owned or operated by a

nongovernmental agency.

- (3) Private club or lodge.
- (4) Community center, adult education center or other similar facility.
- (5) Day-care center.
- (6) Parking area.
- (7) Customary home occupation, or professional office accessory to a dwelling in accordance with §255-27, herein.
- (8) Place of religious worship.

C. The following accessory uses may be allowed:

- (1) Agriculture.
- (2) Dormitory.

D. The following uses are permitted as a conditional use when authorized by the Board of Commissioners in accordance with the provisions of Article XXV:

- (1) Licensed day-care center.
- (2) Life care complex subject to the provisions of §255-90, herein.
- (3) Senior assisted living residence subject to the provisions of §255-90.1, herein.

* * * * *
* * * * *

§255-90.1. Senior Assisted Living Residence.

A. It is the intent of this section to allow Senior Assisted Living Residences only as a conditional use in the Institutional District and to establish reasonable zoning standards to promote the desirable benefits which will follow the development of a safe and adequate Senior Assisted Living Residence and to ensure that adequate space in a suitable environment is provided. It is the further intent of this section to set forth standards which will ensure that the development of a Senior Assisted Living Residence in Upper Dublin Township will

provide appropriate safety features for the residents as well as adequate social residential services and community facilities as an integral part of the Senior Assisted Living Residence. It is the further intent of this section to provide for standards of dwelling unit density, parking space and common areas to enhance the residential nature of the Senior Assisted Living Residence, while providing necessary standards and controls to ensure that a Senior Assisted Living Residence will not exert an adverse impact on surrounding neighborhoods.

- B. Definition. A Senior Assisted Living Residence is a residence for persons age 62 and over, regulated by the Commonwealth as a personal care home, as defined in the Pennsylvania Code, which consists of private dwelling units and accessory uses, provides supportive social residential services such as meals, housekeeping, medication management, dressing and grooming assistance, security and twenty-four hour monitoring, an emergency call system, wellness promotion, exercise programs, local transportation, laundry services, and social and recreational programs, together with accessory uses customarily incidental to Senior Assisted Living Residences. A Senior Assisted Living Residence does not provide in-house skilled nursing home services or hospital services.
- C. Residence regulations. The following requirements shall apply to a Senior Assisted Living Residence:
- (1) The minimum unit size for each dwelling unit occupied by one (1) resident shall be 200 square feet. The minimum unit size for each residential unit occupied by two (2) residents shall be 300 square feet.
 - (2) No more than two (2) residents shall be permitted to reside in any dwelling unit.
 - (3) Each dwelling unit shall contain a fully private bathroom (including toilet, bathtub and/or shower and vanity/sink), personal closet space, emergency call systems, lockable entry doors accessible by master key or similar system available at all times in the Senior Assisted Living Residence and for designated staff, and pre-wiring for private telephone and television reception.
 - (4) No less than eighty (80) square feet of floor area per resident shall be provided for community common areas for dining, active and passive recreation,

circulation and socialization, exclusive of hallways and passageways.

- (5) A central dining area shall be provided, together with a private dining room available for use by residents and their families and guests for private visitation and entertaining.
- (6) All residential units shall be part of a complex, similar to multifamily housing. No stand-alone units or townhouses shall be permitted.

D. Development regulations. The following density, area, dimensional, parking and buffer regulations shall apply to a Senior Assisted Living Residence:

- (1) Lot area. A lot area of not less than seven (7) acres with a minimum lot width at the building line of 300 feet.
- (2) Frontage. The minimum length of the front property line shall be 300 feet.
- (3) Density. A maximum density of fourteen (14) units per acre shall be permitted. No more than twenty-five percent (25%) of the allowable units shall be provided for double-occupancy.
- (4) Building coverage. A maximum building coverage of fifteen percent (15%) of the total lot area shall be permitted.
- (5) Impervious surface coverage. A maximum impervious surface coverage of thirty percent (30%) of the total lot area shall be permitted.
- (6) Yard Setbacks. The following minimum yard setbacks shall be observed from the property line, unless the applicable yard is adjacent to a street, in which case the setback shall be provided from the ultimate right-of-way line:

Yard	Immediately Abutting Institutional Use	Immediately Abutting Residential Use
Front	100 feet	150 feet
Side	100 feet	150 feet
Rear	50 feet	100 feet

- (7) The maximum building height, as defined in the Subdivision and Land Development Code, shall be two floors, not exceeding a maximum height of thirty-five (35) feet.
- (8) Parking. A minimum of one (1) parking space for every three (3) residents shall be provided, plus one (1) parking space for each full time staff member employed on the largest shift. A maximum of thirty-five percent (35%) of the required parking may be held in reserve if the applicant can demonstrate, to the satisfaction of the Board of Commissioners, that the additional parking will not be needed. Regardless of the number of spaces actually developed, a parking area to accommodate the aggregate number of parking spaces required shall be fully designed, and the area which is proposed to be eliminated shall be shown on the land development plan as "parking reserve area." The parking reserve area shall be considered in calculating the impervious surface ratio. The parking reserve area shall be planted with vegetative cover and integrated into the site's land development plan. Such area shall be required to be developed as designed if and when the Zoning Officer determines the need.
- (9) Buffer and screening requirements. The buffer and screening requirements for a Senior Assisted Living Residence shall be the same as those outlined in section 255-90(G) herein for a Life Care Complex. If there is a conflict between said provisions and the Landscape Ordinance, the Landscape Ordinance shall control.

E. General requirements.

- (1) Utilities. A Senior Assisted Living Residence shall be served by a public sewage system and public water system.
- (2) Common areas and facilities. Provisions shall be made for the maintenance and care of all internal and external common areas, including dining and social rooms, driveways, parking areas, walkways, landscaped planting areas, and recreation areas.
- (3) Other facilities. Such other improvements, including driveways, curbs, sidewalks and stormwater collection and control facilities as required by chapter 212, herein, Subdivision and

Land Development, shall be provided.

§255-91. Application procedure.

- A. Application requirements. Before a life care complex or senior assisted living residence can be permitted in the INST Institutional District, it will be necessary for the applicant to submit an application for conditional use approval to the Upper Dublin Board of Commissioners.

* * * * *

- C. Application review.

* * *

- (6) Development of the tract shall commence in earnest within thirty-six (36) months of approval under §255-90 or §255-90.1 of this chapter, or the applicable conditional use approval shall be void.

Section 3. The Code of the Township of Upper Dublin, Chapter 255 thereof, entitled Zoning, Article XIX, "Off-Street Parking and Loading", Section 255-135, "Required spaces", subsection C, shall be amended by the addition of paragraph (13) to read as follows:

- (13) Senior Assisted Living Residence: one (1) parking space for every three (3) residents, plus one parking space for each full time staff member employed on the largest shift.

Section 4. The Zoning Map of the Upper Dublin Township Zoning Ordinance, as amended, is further amended by redesignating the three below described tracts or parcels from "A"-RESIDENTIAL DISTRICT to "INST-INSTITUTIONAL DISTRICT":

- (A) Parcel 54-00-10348-00-2 (Block 7, Unit 29), and
Parcel 54-00-04711-00-5 (Block 7, Unit 2)

All that certain tract of land situate in the Township of Upper Dublin, County of Montgomery, Commonwealth of Pennsylvania being parcels "A" "B" & "C" as shown on a zoning plan of lands of Temple Sinai, plan dated June 26, 1995 prepared by Keystone Surveying Co.

Beginning at a point at the intersection of the centerlines of Limekiln Pike, Dillon and Meetinghouse Roads.

1. Thence from said point of beginning along the centerline of Limekiln Pike South 26 degrees 32 minutes East 542.94 feet

to a point a corner of parcel "D".

2. Thence leaving Limekiln Pike and passing along parcel "D" South 43 degrees 02 minutes West 609.03 feet to a point in line of lands of Upper Dublin Township (Mundock Park).

3. Thence continuing along lands of Upper Dublin Township (Mundock Park) North 46 degrees 58 minutes West 511.76 feet to a point on the centerline of Dillon Road.

4. Thence continuing along the centerline of Dillon Road North 43 degrees 12 minutes East 798.50 feet to the first mentioned point and place of beginning.

Containing 8.25 acres of land.

(B) Parcel 54-00-10345-00-5 (Block 7, Unit 1)

All that certain tract of land situate in the Township of Upper Dublin, County of Montgomery, Commonwealth of Pennsylvania being parcel "D" as shown on a zoning plan of lands of Temple Sinai, plan dated June 26, 1995 prepared by Keystone Surveying Co.

Beginning at a point on the centerline of Limekiln Pike at its intersection with the centerline of Broad Street.

1. Thence from said point of beginning along the centerline of Broad Street South 43 degrees 02 minutes West 552.11 feet to a point a corner of lands of Upper Dublin Township (Mundock Park).

2. Thence leaving Broad Street and passing along lands of Upper Dublin Township (Mundock Park) North 46 degrees 58 minutes West 645.10 feet to a point a corner of parcel C.

3. Thence continuing along parcel C North 43 degrees 02 minutes East 609.03 feet to a point on the centerline of Limekiln Pike.

4. Thence continuing along the centerline of Limekiln Pike South 26 degrees 32 minutes East 5.93 feet to a point.

5. Thence continuing along Limekiln Pike South 42 degrees 04 minutes East 641.83 feet to the first mentioned point and place of beginning.

Containing 8.59 acres of land.

Section 5. Nothing in this Ordinance or in Chapter 255 of the Code of the Township of Upper Dublin, as hereby amended, shall be

construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued or any cause or causes of action existing under the said Chapter 255 prior to the adoption of this amendment.

Section 6. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been herein.


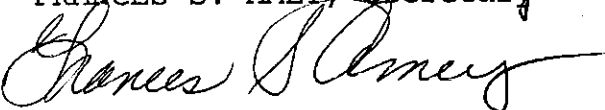
Section 7. This Ordinance shall take effect and be in force from and after its approval as required by Law.

ENACTED AND ORDAINED this 12th day of September, 1995.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

BY: 
RICHARD R. RULON, President

ATTEST:


FRANCES S. AMEY, Secretary


ORDINANCE NO. 896

AN ORDINANCE PROVIDING FOR THE DESIGN, LAYING OUT, CONSTRUCTION AND INSTALLATION OF A PUBLIC SANITARY SEWER COLLECTION LINE EXTENDING AN EXISTING 8" SANITARY SEWER MAIN ACROSS LIMEKILN PIKE FROM THE WEST SIDE TO THE EAST SIDE AT A POINT ON THE EAST SIDE APPROXIMATELY 350 FEET NORTH OF THE INTERSECTION OF LIMEKILN PIKE AND BELL LANE, AND THEN EXTENDING IN A NORTHERLY DIRECTION ON THE EAST SIDE OF LIMEKILN PIKE, WITH THE TOTAL LENGTH OF THE EXTENSION BEING APPROXIMATELY 440 FEET, AND INCLUDING FOUR LATERALS TO ADJACENT PROPERTIES ON THE EAST SIDE OF LIMEKILN PIKE; PROVIDING FOR THE CONDEMNATION OF RIGHTS OF WAY AND PERMANENT AND TEMPORARY EASEMENTS ACROSS PRIVATE PROPERTY TO ACCOMMODATE SAID SEWERS AND FACILITIES; PROVIDING FOR THE PAYMENT OF COSTS OR CONSTRUCTION BY ASSESSMENT BY THE BENEFIT METHOD; PROVIDING FOR THE LIENING OF PROPERTY SUBJECT TO ASSESSMENT; AND AUTHORIZING OTHER NECESSARY ACTION.

WHEREAS, in accordance with Article XXIV of the First Class Township Code of the Commonwealth of Pennsylvania, Upper Dublin Township has the authority to establish and construct sewers and drainage systems for the disposal of sanitary wastewater sewerage; and

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

WHEREAS, in accordance with Article XIX of the First Class Township Code of the Commonwealth of Pennsylvania, Upper Dublin Township has the authority to condemn private property for the construction and installation of sanitary wastewater sewer facilities; and

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

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

SECTION I. SANITARY WASTEWATER SEWER FACILITIES

(a) A public sanitary sewer collection line shall be constructed to extend an existing 8" sanitary sewer main across Limekiln Pike from the west side to the east side at a point on the

east side approximately 350 feet north of the intersection of Limekiln Pike and Bell Lane, and then extending in a northerly direction on the east side of Limekiln Pike, with the total length of the extension being approximately 440 feet, and including four laterals to adjacent properties on the east side of Limekiln Pike, Upper Dublin Township, Montgomery County, Pennsylvania, in accordance with plans to be prepared by an engineering firm to be retained for such purpose by the Board of Commissioners (hereinafter "Engineer"), and shall be interconnected to the existing sanitary wastewater sewer system in place in the Township (hereinafter "the Project").

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

SECTION II. ASSESSMENT OF COSTS

(a) The costs of construction and installation of the sewer system, aforesaid, shall be assessed as provided by law upon the several abutting properties benefited, improved and accommodated by the said sewer system.

(b) The officers of the Township are authorized and directed to execute and file a petition to the Court of Common Pleas of Montgomery County, Pennsylvania, for the appointment of viewers to assess benefits, as provided by law.

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

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

(e) If any assessment shall remain unpaid at the expiration of thirty (30) days following the service of the notice, it shall be the duty of the Township Solicitor to collect the same, with interest from the thirtieth (30th) day after the service of the notice, by action of assumpsit or by filing a lien or municipal claim therefor against the property of such owner, with a penalty of five percent (5%) of the amount of such assessment, together

with interest and costs as provided by law. When an owner has two or more lots against which there is an assessment for the same improvement, all of such lots may be embraced in one claim.

ENACTED AND ORDAINED this 10th day of October, 1995.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

By: Richard R. Rulon
Richard R. Rulon, President

Attest: Frances S. Amey
Frances S. Amey, Secretary
Frances S. Amey

TOWNSHIP OF UPPER DUBLIN
Montgomery County, Pennsylvania

ORDINANCE NO. 897

AUTHORIZING THE INCURRENCE OF NONELECTORAL DEBT OF THE TOWNSHIP BY THE ISSUANCE OF \$1,840,000 AGGREGATE PRINCIPAL AMOUNT GENERAL OBLIGATION BONDS, SERIES OF 1995, TO REFUND THE TOWNSHIP'S GENERAL OBLIGATION BONDS, SERIES OF 1991 AND TO PAY THE COSTS OF ISSUING THE 1995 BONDS; AUTHORIZING THE PREPARATION OF A DEBT STATEMENT AND OTHER DOCUMENTATION; COVENANTING TO CREATE A SINKING FUND AND TO BUDGET, APPROPRIATE AND PAY DEBT SERVICE ON THE BONDS; PLEDGING THE FULL FAITH, CREDIT AND TAXING POWER OF THE TOWNSHIP FOR THE PROMPT AND FULL PAYMENT OF THE BONDS; SETTING FORTH THE SUBSTANTIAL FORM OF THE BONDS; SETTING FORTH THE STATED PRINCIPAL MATURITY DATES AND AMOUNTS, INTEREST RATES AND INTEREST PAYMENT DATES, PLACE OF PAYMENT, SINKING FUND PROVISIONS AND OTHER DETAILS OF THE BONDS, FINDING THAT A PRIVATE NEGOTIATED SALE IS IN THE BEST FINANCIAL INTEREST OF THE TOWNSHIP; ACCEPTING A PROPOSAL FOR THE PURCHASE OF THE BONDS; AUTHORIZING THE PROPER TOWNSHIP OFFICERS TO CONTRACT FOR THE SERVICES OF A PAYING AGENT, SINKING FUND DEPOSITORY AND BOND REGISTRAR; AND AUTHORIZING OTHER NECESSARY ACTION.

WHEREAS, the Township of Upper Dublin (the "Township") is a township of the first class, governed by the First Class Township Code of the Commonwealth of Pennsylvania Act of May 1, 1933, P.L. 103, as amended and reenacted; and

WHEREAS, the Township has heretofore issued its General Obligation Bonds, Series of 1991 which are presently outstanding in the principal amount of \$1,750,000 (the "Prior Bonds"), and is granted the power by the Local Government Unit Debt Act of the Commonwealth of Pennsylvania, approved July 12, 1972, Act No. 185 as reenacted and amended by Act 52 of 1978 approved April 28, 1978 (the "Act") to incur indebtedness and to issue bonds for the purposes of refunding its outstanding indebtedness; and

WHEREAS, pursuant to the provisions of the Act, the Township has determined to refund the Prior Bonds (the "Refunding Program") in order to achieve debt service savings, and proposes to issue \$1,840,000 principal amount of its General Obligation Bonds, Series of 1995 (the "Bonds") for the purpose of financing the Refunding Program and paying the costs and expenses of issuing the Bonds; and

WHEREAS, the Township has determined that it is in the best financial interest of the Township to sell the Bonds at a private negotiated sale, and has received a proposal for the purchase of the Bonds which it desires to accept.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Township of Upper Dublin and IT IS HEREBY ORDAINED, as follows:

1. Authorization of Refunding Program and Incurrence of Indebtedness: Purpose of the Refunding Program. The Township shall undertake the Refunding Program and shall incur indebtedness, pursuant to the Act, in the aggregate principal amount of \$1,840,000 for the purpose of providing funds for and toward the cost of the Refunding Program, including the payment of the expenses of the financing. It is hereby determined and set forth that the purpose of the Refunding Program is to reduce the debt service that would otherwise be payable on the Prior Bonds as shown on the schedule of debt service savings attached hereto as Exhibit A and made a part hereof.
2. Issuance of Bonds. The Township shall issue, pursuant to this Ordinance, \$1,840,000 aggregate principal amount General Obligation Bonds, Series of 1995 to finance the Refunding Program as provided in Section 1 hereof.
3. Type of Indebtedness. The indebtedness authorized by this Ordinance is nonelectoral debt.
4. Execution of Debt Statement, Bonds and Other Documents. The President or Vice President of the Board of Commissioners and the Township Secretary or Treasurer and their successors are hereby authorized to prepare and verify the Debt Statement required by Section 410 of the Act, to execute and deliver the Bonds in the name and on behalf of the Township and to take all other action required by the Act or this Ordinance in order to effect the issuance of the Bonds. Said officers or any of them are further authorized to apply to the Department of Community Affairs for approval of the debt herein authorized and to file with such application a transcript of the proceedings including a certified copy of this Ordinance, the Debt Statement, a Borrowing Base Certificate signed by the appropriate officials of the Township or by the accountants of the Township responsible for auditing its financial affairs, a No-Decrease Statement pursuant to Section 410(b) of the Act and to take any and all such further action and to execute and deliver such other documents as may be necessary or proper to comply with all requirements of the Act or to carry out the intent and purpose of this Ordinance.

5. Type of Bonds. The Bonds when issued will be general obligation bonds.

6. Covenant to Pay Debt Service - Pledge of Taxing Power. The Township hereby covenants with the registered owners of the Bonds: (a) that the Township will include in its budget for the fiscal year ending December 31, 1996 and each year thereafter, the amount of the debt service on the Bonds which will be payable in each such fiscal year so long as the Bonds shall remain outstanding; (b) that the Township shall appropriate such amounts to the payment of such debt service; and (c) that the Township shall duly and punctually pay or cause to be paid from the sinking fund hereinafter created the principal of the Bonds and the interest thereon on the dates and at the place and in the manner stated in the Bonds according to the true intent and meaning thereof. For such budgeting, appropriation and payment the Township hereby pledges its full faith, credit and taxing power. This covenant shall be specifically enforceable.

7. Form of Bonds. The Bonds shall be substantially in the following form with appropriate omissions, insertions and variations:

(FORM OF BOND)

(BOND TEXT - FACE OF BOND)

TOWNSHIP OF UPPER DUBLIN
(Montgomery County, Pennsylvania)

GENERAL OBLIGATION BOND, SERIES OF 1995

No. R- _____ \$ _____

Interest Rate Maturity Date Dated Date CUSIP

December 1, 1995

REGISTERED OWNER:

PRINCIPAL SUM: _____ DOLLARS

The Township of Upper Dublin, Montgomery County, Pennsylvania (the "Township"), a municipal corporation of the Commonwealth of Pennsylvania, for value received, hereby promises to pay to the registered owner hereof on the maturity date set forth above the principal sum set forth above, unless this Bond shall have been called for redemption and payment of the redemption price shall have been duly made or provided for, and to pay interest thereon initially on April 15, 1996 and semiannually thereafter on April 15 and October 15 of each year (each, an "Interest Payment Date"), at the annual rate specified above, calculated on the basis of a 360-day year of twelve 30-day months until the principal sum is paid or has been provided for. This Bond will bear interest from the most recent Interest Payment Date to which interest has been paid or duly provided for or, if no interest has been paid, from December 1, 1995. The principal of this Bond is payable upon presentation and surrender hereof at the corporate trust office of PNC Bank, National Association, in Philadelphia, Pennsylvania (the "Paying Agent"). Interest on this Bond will be paid on each Interest Payment Date by check or draft mailed to the person in whose name this Bond is registered on the registration books of the Township maintained by the Paying Agent, as bond registrar, at the address appearing thereon at the close of business on the last day of the calendar month next preceding such Interest Payment Date (the "Regular Record Date"). Any such interest not so timely paid or duly provided for shall cease to be payable to the person who is the registered owner hereof as of the Regular Record Date, and shall be payable to the person who is the registered owner hereof at the close of business on a Special Record Date for the payment of such defaulted interest. Such Special Record Date shall be

fixed by the Paying Agent whenever moneys become available for payment of the defaulted interest, and notice of the Special Record Date and payment date shall be given by first class mail to the registered owners of the Bonds not less than fifteen (15) days prior to the Special Record Date. The principal of and interest on this Bond are payable in lawful money of the United States of America.

REFERENCE IS HEREBY MADE TO THE FURTHER PROVISIONS OF THIS BOND SET FORTH ON THE REVERSE HEREOF, WHICH PROVISIONS SHALL FOR ALL PURPOSES HAVE THE SAME EFFECT AS IF SET FORTH HEREIN.

IN WITNESS WHEREOF, the Township of Upper Dublin, Montgomery County, Pennsylvania has caused this Bond to be signed in its name and on its behalf by the facsimile signature of the President of its Board of Commissioners and a facsimile impression of its corporate seal to be hereunto affixed, duly attested by the facsimile signature of its Secretary.

TOWNSHIP OF UPPER DUBLIN

By: (facsimile signature)
President, Board of Commissioners

Attest: (facsimile signature)
Secretary

(SEAL)

(FORM OF AUTHENTICATION CERTIFICATE)

AUTHENTICATION CERTIFICATE

This Bond is one of the Township of Upper Dublin General Obligation Bonds, Series of 1995, described in the within mentioned Ordinance.

The Text of Opinion printed hereon is the text of opinion of Saul, Ewing, Remick & Saul on file with the undersigned, which was dated and delivered on the date of delivery of and payment for the Bonds.

DATE OF AUTHENTICATION:

PNC BANK, NATIONAL
ASSOCIATION, Paying Agent

By: _____

Authorized Officer

(BOND TEXT - BACK OF BOND)

This Bond is one of a duly authorized issue of General Obligation Bonds, Series of 1995, of the Township in the aggregate principal amount of \$1,840,000 (the "Bonds"), issued in fully registered form in the denomination of \$5,000 or any whole multiple thereof, all of like date and tenor, except as to dates of maturity, rates of interest and provisions for redemption, and all issued in accordance with the Local Government Unit Debt Act of the Commonwealth of Pennsylvania, Act 52 of 1978 approved April 28, 1978, as amended (the "Act"), and pursuant to an ordinance of the Board of Commissioners of the Township duly enacted on November 14, 1995 (the "Ordinance"). The Bonds are issued for the purpose of refunding the Township's outstanding General Obligation Bonds, Series of 1991, and to pay the costs of issuing the 1995 Bonds.

The Act provides that this Bond and the income therefrom shall at all times be free from taxation for state and local purposes within the Commonwealth of Pennsylvania, but this exemption shall not extend to gift, estate, succession or inheritance taxes or to any other taxes not levied directly on this Bond or the income therefrom.

The Bonds maturing on and after October 15, 2001 are subject to redemption prior to maturity, at the option of the Township, in whole or from time to time in part (within maturities by lot) on any date on or after April 15, 2001 upon payment of a redemption price of 100% of principal amount, together with accrued interest to the date fixed for redemption.

For the purpose of selection of Bonds for redemption, any Bond of a denomination greater than \$5,000 shall be treated as representing such number of separate Bonds, each of the denomination of \$5,000, as is obtained by dividing the actual principal amount of such Bond by \$5,000. Any Bond which is to be redeemed only in part shall be surrendered at the principal corporate trust office of the Paying Agent, together with a duly executed instrument of transfer in form satisfactory to the Paying Agent, and the registered owner of such Bond shall receive, without service charge, a new Bond or Bonds of any authorized denomination as requested by such registered owner in aggregate principal amount equal to and in exchange for the unredeemed portion of the principal of the Bond so surrendered.

Notice of any redemption shall be given by first-class mail, postage prepaid, mailed by the Paying Agent not less than 30 days nor more than 60 days before the redemption date to the registered owner of Bonds at their addresses as they appear on the Bond register maintained by the Paying Agent. Such notice shall also be mailed to The Bond Buyer, or if no longer published, to such substitute financial journal as shall be acceptable to the Paying Agent. Such notice shall be given in the name of the Township, shall identify the Bonds to be redeemed (and, in the case of a partial redemption of any Bonds, the respective principal amounts thereof to be redeemed), shall specify the redemption date and the redemption price, and shall state that on the redemption date the Bonds called for redemption will be payable at the principal corporate trust office of the Paying Agent and that from the date of redemption interest will cease to accrue. The Paying Agent shall use "CUSIP" numbers (if then generally in use) in notices of redemption as a convenience to Bond owners, provided that any such notice shall state that no representation is made as to the correctness of such numbers either as printed on the Bonds or as contained in any notice of redemption and that reliance may be placed only on the identification numbers prefixed "R-" printed on the Bonds. Failure to mail any notice of redemption, or any defect therein, or in the mailing thereof, with respect to any Bond shall not affect the validity of any proceeding for the redemption of other Bonds so called for redemption.

With respect to any optional redemption of the Bonds, if at the time of mailing such notice of redemption, the Township shall not have deposited with the Paying Agent moneys sufficient to redeem all the Bonds called for redemption, such notice may state that it is conditional, that is, subject to the deposit of the redemption moneys with the Paying Agent not later than the opening of business on the redemption date, and such notice shall be of no effect unless such moneys are so deposited.

The Bonds are transferable by the owners thereof, subject to payment of any required tax, fee or other governmental charge, upon presentation and surrender at the principal corporate trust office of the Paying Agent, together with a duly executed instrument of transfer in form satisfactory to the Paying Agent. The Paying Agent shall not be required: (i) to issue, transfer or exchange any of the Bonds during a period beginning at the close of business on the fifth (5th) day next preceding the day on which notice of redemption is to be given and ending at the close of business on the day on which such notice is given, or (ii) to transfer or exchange any Bond selected for redemption in whole or in part.

The Township and the Paying Agent may treat the person in whose name this Bond is registered on the bond register maintained by the Paying Agent as the absolute owner of this Bond for all purposes and neither the Township nor the Paying Agent shall be affected by any notice to the contrary.

No recourse shall be had for the payment of the principal of or interest on this Bond, or for any claim based hereon, against any member, officer or employee, past, present or future, of the Township or of any successor body, as such, either directly or through the Township or through any such successor body, under any constitutional provision, statute or rule of law, or by the enforcement of any assessment or by any legal or equitable proceeding or otherwise, and all such liability of such members, officers or employees is released as a condition of and as consideration for the execution and issuance of this Bond.

It is hereby certified that the approval of the Department of Community Affairs of the Commonwealth of Pennsylvania for the Township to issue and deliver this Bond has been duly given pursuant to the Act; that all acts, conditions and things required by the laws of the Commonwealth of Pennsylvania to exist, to have happened or to have been performed, precedent to or in the issuance of this Bond or in the creation of the debt of which this Bond is evidence, exist, have happened and have been performed in regular and due form and manner as required by law; that this Bond, together with all other indebtedness of the Township, is within every debt and other limit prescribed by the Constitution and the statutes of the Commonwealth of Pennsylvania; that the Township has established a sinking fund for the Bonds and shall deposit therein amounts sufficient to pay the principal of and interest on the Bonds as the same shall become due and payable; and that for the prompt and full payment of all obligations of this Bond, the full faith, credit and taxing power of the Township are hereby irrevocably pledged.

This Bond shall not be entitled to any benefit under the Ordinance or be valid or become obligatory for any purpose until this Bond shall have been authenticated by the Paying Agent by execution of the certificate endorsed hereon.

ASSIGNMENT AND TRANSFER

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

PLEASE INSERT SOCIAL SECURITY OR
OTHER IDENTIFYING NUMBER OF
ASSIGNEE

_____ the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints

_____ attorney to transfer said Bond on the books of the within named Paying Agent, with full power of substitution in the premises.

Dated:

Signature Guaranteed by:

(Bank, Trust Company or Firm)

NOTICE: The signature to this Assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

(Authorized Signature)

[END OF BOND FORM]

8. Terms of Bonds. The Bonds shall be issued in fully registered form, in denominations of \$5,000 or whole multiples thereof, shall be dated as of December 1, 1995, shall bear interest from such date payable initially on April 15, 1996 and semiannually thereafter on April 15 and October 15 of each year until maturity or the date fixed for redemption, at the annual rates and shall mature on October 15 of the years as set forth in the Bond Amortization Schedule attached hereto as Exhibit B and made a part hereof.

The principal of the Bonds shall be payable in lawful money of the United States of America at the corporate trust office of PNC Bank, National Association, in Philadelphia, Pennsylvania which is hereby appointed paying agent, registrar and sinking fund depository for the Bonds. Interest on the Bonds shall be payable in the manner provided in the form of Bond set forth above.

9. Redemption of Bonds. The Bonds maturing on or after October 15, 2001 shall be subject to redemption prior to maturity, at the option of the Township, as a whole or from time to time in part (within maturities by lot) on any date on or after April 15, 2001, upon payment of a redemption price of 100% of principal amount, together with accrued interest to the date fixed for redemption.

For the purpose of selection of Bonds for redemption, any Bond of a denomination greater than \$5,000 shall be treated as representing such number of separate Bonds, each of the denomination of \$5,000, as is obtained by dividing the actual principal amount of such Bond by \$5,000. Any Bond which is to be redeemed only in part shall be surrendered at the principal corporate trust office of the Paying Agent, together with a duly executed instrument of transfer in from satisfactory to the Paying Agent, and the registered owner of such Bond shall receive, without service charge, a new Bond or Bonds, of any authorized denomination as requested by such registered owner in aggregate principal amount equal to and in exchange for the unredeemed portion of the principal of the Bond so surrendered.

On the date designated for redemption and upon deposit with the Paying Agent of funds sufficient for payment of the principal of and accrued interest on the Bonds called for redemption, interest on the Bonds or portions thereof so called for redemption shall cease to accrue and the Bonds or portions thereof so called for redemption shall cease to be entitled to any benefit of security hereunder, and registered owners of the Bonds so called for redemption shall have no rights with respect to the Bonds or portions thereof so called for redemption, except to receive payment of the principal of and accrued interest on the Bonds so called for redemption to the date fixed for redemption.

Notice of any redemption shall be given by first class mail, postage prepaid, mailed by the Paying Agent not less than 30 days nor more than 60 days before the redemption date to the registered owners of the Bonds at their addresses as they appear on the Bond register maintained by the Paying Agent. Such notice shall also be mailed to The Bond Buyer, or if no longer published, to such substitute financial journal as shall be acceptable to the Paying Agent. Such notice shall be given in the name of the Township,

shall identify the Bonds to be redeemed (and, in the case of a partial redemption of any Bonds, the respective principal amounts thereof to be redeemed), shall specify the redemption date and the redemption price, and shall state that on the redemption date the Bonds called for redemption will be payable at the principal corporate trust office of the Paying Agent and that from the date of redemption interest will cease to accrue. The Paying Agent shall use "CUSIP" numbers (if then generally in use) in notices of redemption as a convenience to Bond owners, provided that any such redemption notice shall state that no representation is made as to the correctness of such numbers either as printed on the Bonds or as contained in any notice of redemption and that reliance may be placed only on the identification numbers prefixed "R-" printed on the Bonds. Failure to mail any notice of redemption, or any defect therein, or in the mailing thereof, with respect to any Bond shall not affect the validity of any proceeding for redemption of other Bonds so called for redemption.

10. Sale of Bonds. The Bonds shall be sold at private sale by negotiation as hereinafter set forth in Section 13. After due consideration, the Board of Commissioners hereby finds and determines, on the basis of all available information, that a private negotiated sale of the Bonds is in the best financial interest of the Township.

11. Creation of and Deposits in Sinking Fund. The Township covenants that it shall hereafter maintain a sinking fund designated "Township of Upper Dublin General Obligation Bonds, Series of 1995 Sinking Fund" (the "Sinking Fund") for the Bonds to be held by the Paying Agent (or such substitute or successor Paying Agent which shall hereafter be appointed in accordance with the provisions of the Act) in the name of the Township, but subject to withdrawal only by the Paying Agent.

The Township covenants and agrees to deposit in the Sinking Fund no later than April 15 and October 15 of each year beginning April 15, 1996 the debt service payable on the Bonds on such dates, all as set forth in Exhibit B attached hereto, or such greater or lesser amount as at the time shall be sufficient to pay the principal of and interest on the Bonds as they become due on each such date.

Pending application to the purpose for which the Sinking Fund is established, the President of the Board of Commissioners or the Secretary is hereby authorized and directed to cause the moneys therein to be invested or deposited and insured or secured as permitted and required by Section 1004 of the Act. All income received on such deposits or investments during each applicable period shall be added to the Sinking Fund and shall be credited against the deposit next required to be made in the Sinking Fund.

The Paying Agent is hereby authorized and directed, without further action by the Township, to pay from the Sinking Fund the principal of and interest on the Bonds as the same become due and payable in accordance with the terms thereof and the Township hereby covenants that such moneys, to the extent required, will be applied to such purpose.

All moneys deposited in the Sinking Fund for the payment of the Bonds which have not been claimed by the registered owners thereof after two years from the date when payment is due, except where such moneys are held for the payment of outstanding checks, drafts or other instruments of the Paying Agent, shall be returned to the Township. Nothing contained herein shall relieve the Township of its liability to the registered owners of the unrepresented Bonds.

12. No Taxes Assumed. The Township shall not assume the payment of any tax or taxes in consideration of the purchase of the Bonds.

13. Award and Sale of Bonds. The Township hereby awards and sells the Bonds to Legg Mason Wood Walker Incorporated, Philadelphia, Pennsylvania (the "Underwriters"), at a price of \$1,818,840 (representing the par amount of the Bonds less the underwriter's discount of \$21,160) plus accrued interest, if any, from December 1, 1995 to the date of delivery and in accordance with the other terms and conditions set forth in the proposal of the Underwriters dated November 14, 1995 which is hereby approved and accepted. A copy of said proposal shall be attached to this Ordinance and lodged with the official minutes of this meeting and is hereby incorporated herein by reference. The proper officers of this Township are hereby authorized and directed to endorse the acceptance of this Township on said contract and to deliver executed copies thereof to the Underwriters.

14. Contract with Paying Agent. The proper officers of the Township are authorized to contract with the Paying Agent in connection with the performance of its duties as paying agent, registrar and sinking fund depository on usual and customary terms, including an agreement to observe and comply with the provisions of this Ordinance and of the Act.

15. Redemption of Prior Bonds - Deposit of Funds. The Township hereby calls for redemption on October 15, 1996 all of the Prior Bonds maturing after October 15, 1996. Concurrently with the issuance of the Bonds, the Township shall deposit in escrow with the Paying Agent the amount which is sufficient, after giving effect to the interest to be earned thereon, to pay the principal and interest to the date of redemption on all outstanding Prior Bonds of the Township. The amount so deposited shall be pledged solely for the payment of the Prior Bonds and the Paying Agent shall be directed to transmit to the Paying Agent for the Prior Bonds from the escrow account the amounts necessary to pay when due the interest on the Prior Bonds on April 15 and October 15, 1996 and the principal of the Prior Bonds called for redemption on October 15, 1996. The officers of the Township are hereby authorized and directed to execute all documents and to take such other action as may be necessary or advisable to effect the redemption and payment of the Prior Bonds.

16. Federal Tax Covenants. The Township hereby covenants not to take or omit to take any action so as to cause interest on the Bonds to be no longer excluded from gross income for purposes of federal income taxation and to otherwise comply with the requirements of Sections 103 and 141 through 150 of the Internal Revenue Code of 1986, as

amended (the "Code"), and all applicable regulations promulgated with respect thereto, throughout the term of the Bonds. The Township further covenants that it will make no investments or other use of the proceeds of the Bonds which would cause the Bonds to be "arbitrage bonds" as defined in Section 148 of the Code. The Township further covenants to comply with the rebate requirements (including the prohibited payment provisions) contained in Section 148(f) of the Code and any regulations promulgated thereunder, to the extent applicable, and to pay any interest or penalty imposed by the United States for failure to comply with said rebate requirements, to the extent applicable.

The Township hereby represents and warrants, after due investigation and to the best of its knowledge, that: (i) the Township is a governmental unit with general taxing powers; (ii) the Bonds are not "private activity bonds" within the meaning of Section 141 of the Code; (iii) ninety-five percent (95%) or more of the net proceeds of the Bonds are to be used for local governmental activities of the Township; and (iv) the aggregate face amount of all tax-exempt obligations (other than "private activity bonds") issued or to be issued by the Township (and all "subordinate entities" thereof) during the 1995 calendar year including the Bonds, is not reasonably expected to exceed \$5,000,000. The Township hereby authorizes the proper officers of the Township to execute a certificate to that effect at the time of the closing.

The Township hereby further represents and warrants, after due investigation and to the best of its knowledge, that (i) the Bonds are not "private activity bonds" within the meaning of Section 141 of the Code and (ii) the aggregate face amount of "qualified tax-exempt obligations" within the meaning of Section 265(b)(3)(B) of the Code (which includes qualified 501(c)(3) bonds but not any other private activity bonds) issued or to be issued by the Township (and all "subordinate entities" thereof) during the 1995 calendar year, including the Bonds, is not reasonably expected to exceed \$10,000,000. The Township hereby designates the Bonds as a "qualified tax-exempt obligation" within the meaning of Section 265(b)(3)(B) of the Code. The Township hereby authorizes the proper officers of the Township to executed a certificate to that effect at the time of the closing.

17. Execution and Authentication of Bonds. As provided in Section 4, the Bonds shall be executed by the President or the Vice President of the Board of Commissioners of the Township and the Secretary or Treasurer of the Township and each such execution shall be by manual or facsimile signature. The Bonds shall be authenticated by the manual signature of an authorized officer of the Paying Agent, which shall also certify that the approving opinion of Bond Counsel, which shall be printed on each Bond, is an accurate reproduction of the approving opinion delivered at the closing for the Bonds.

18. Bond Proceeds To Be Deposited In Settlement Account. Upon receipt of the purchase price for the Bonds, including interest thereon accrued to the date of delivery, if any, the same shall be deposited with the Paying Agent, which, under instruction from the proper officers of the Township shall deposit in escrow the amount required to effect the Refunding Program, shall pay the issuance costs on behalf of the Township upon presentation

of proper invoices therefor, and shall deposit any balance of such proceeds in the Sinking Fund.

19. Covenant to Pledge Sufficient Funds. The Township hereby covenants and agrees that, concurrently with the issuance of and payment for the Bonds, the Township will have irrevocably pledged with the Paying Agent for the Prior Bonds amounts sufficient to pay all principal of and interest on the Prior Bonds to the date of redemption thereof so that the Prior Bonds will no longer be outstanding under the Act.

20. Officers Authorized to Act. For the purpose of expediting the closing and the issuance and delivery of the Bonds, or in the event that the President of the Board of Commissioners or the Secretary of the Township shall be absent or otherwise unavailable for the purpose of executing documents, or for the purpose of taking any other action which they or either of them may be authorized to take pursuant to this Ordinance, the Vice President of the Board of Commissioners or the Township Manager, respectively, are hereby authorized and directed to execute documents, or otherwise to act on behalf of the Township in their stead.

21. Approval of Official Statement. The Preliminary Official Statement dated November 6, 1995, in the form presented to this meeting, is hereby approved and "deemed final" by the Township as of its date for purposes of United States Securities and Exchange Commission Rule 15c2-12. A Final Official Statement, substantially in the form of the Preliminary Official Statement and also containing the final terms of the Bonds, shall be prepared and delivered to the Underwriters within seven (7) business days from the date hereof, and the Township hereby approves the use thereof in connection with the public offering and sale of the Bonds. The Township further authorizes its officers to execute and deliver a Continuing Disclosure Agreement containing the undertakings on behalf of the Township as set forth in the Preliminary Official Statement.

22. Bond Insurance. If deemed financially advantageous to the Township in connection with the issuance of the Bonds, the officers of the Township are hereby authorized to purchase a policy of insurance guaranteeing the payment of the principal of and interest on the Bonds, to pay the premium for such policy from the proceeds of the Bonds and to execute such documents as may be necessary to effect the issuance of such policy. If applicable, the Bonds issued under this Ordinance may include a statement of the terms of such insurance policy and the Authentication Certificate of the Paying Agent appearing on each Bond may include a statement confirming that the original or a copy of the insurance policy is on file with the Paying Agent.

23. Further Action. The proper officers of the Township are hereby authorized and directed to take all such action, execute, deliver, file and/or record all such documents, publish all notices and otherwise comply with the provisions of this Ordinance and the Act in the name and on behalf of the Township.

24. Act Applicable to Bonds. This Ordinance is enacted pursuant to, and the Bonds issued hereunder shall be subject to, the provisions of the Act and all the mandatory provisions thereof shall apply hereunder whether or not explicitly stated herein.

25. Contract with Bond Owners. This Ordinance constitutes a contract with the registered owners of the Bonds outstanding hereunder and shall be enforceable in accordance with the provisions of the laws of the Commonwealth of Pennsylvania.

26. Severability. In case any one or more of the provisions contained in this Ordinance or in any Bond shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision of this Ordinance or of said Bonds, and this Ordinance or said Bonds shall be construed and enforced as if such invalid, illegal or unenforceable provisions had never been contained therein.

27. Repealer. All ordinances and parts of ordinances heretofore adopted to the extent that the same are inconsistent herewith are hereby repealed.

28. Effective Date. This Ordinance shall take effect on the earliest date permitted by the Act.

ENACTED AND ORDAINED this 14th day of November, 1995.

BOARD OF COMMISSIONERS
TOWNSHIP OF UPPER DUBLIN

By:

President, Board of Commissioners

Attest:

Frances S. Amey

Secretary

TOWNSHIP OF UPPER DUBLIN

Ordinance No. _____

EXHIBIT A

DEBT SERVICE SAVINGS ANALYSIS

Date	Proposed			Prior	
	Debt Service	Fund Earnings	Net Debt Svc.	Debt Service	Savings
10/15/96	\$167,023.75	\$ 2,523.13	\$164,500.62	\$ 227,285.00	\$62,784.38
10/15/97	224,012.50		224,012.50	225,805.00	1,792.50
10/15/98	223,430.00		223,430.00	223,805.00	375.00
10/15/99	222,280.00		222,280.00	226,265.00	3,985.00
10/15/ 0	220,770.00		220,770.00	223,005.00	2,235.00
10/15/ 1	223,890.00		223,890.00	224,305.00	415.00
10/15/ 2	221,410.00		221,410.00	224,850.00	3,440.00
10/15/ 3	223,360.00		223,360.00	224,620.00	1,260.00
10/15/ 4	219,665.00		219,665.00	223,595.00	3,930.00
10/15/ 5	225,545.00		225,545.00	226,755.00	1,210.00
10/15/ 6	220,500.00		220,500.00	223,755.00	3,255.00
	2,391,806.25	2,523.13	2,389,363.12	2,474,045.00	84,681.88

TOWNSHIP OF UPPER DUBLIN

General Obligation Bonds, Series of 1995

Ordinance No. _____

EXHIBIT B

BOND AMORTIZATION SCHEDULE

<u>Period Ending</u>	<u>Principal</u>	<u>Interest Rate</u>	<u>Interest Payable</u>	<u>Total Debt Service and Sinking Fund Deposit</u>
4/15/96			\$30,736.25	\$ 30,736.25
10/15/96	\$ 95,000.00	3.750000 %	41,287.50	136,287.50
4/15/97			39,506.25	39,506.25
10/15/97	145,000.00	3.850000	39,506.25	184,506.25
4/15/98			36,715.00	36,715.00
10/15/98	150,000.00	4.100000	36,715.00	186,715.00
4/15/99			33,640.00	33,640.00
10/15/99	155,000.00	4.200000	33,640.00	188,640.00
4/15/ 0			30,385.00	30,385.00
10/15/ 0	160,000.00	4.300000	30,385.00	190,385.00
4/15/ 1			26,945.00	26,945.00
10/15/ 1	170,000.00	4.400000	26,945.00	196,945.00
4/15/ 2			23,205.00	23,205.00
10/15/ 2	175,000.00	4.600000	23,205.00	198,205.00
4/15/ 3			19,180.00	19,180.00
10/15/ 3	185,000.00	4.700000	19,180.00	204,180.00
4/15/ 4			14,832.50	14,832.50
10/15/ 4	190,000.00	4.800000	14,832.50	204,832.50
4/15/ 5			10,272.50	10,272.50
10/15/ 5	205,000.00	4.900000	10,272.50	215,272.50
4/15/ 6			5,250.00	5,250.00
10/15/ 6	210,000.00	5.000000	5,250.00	215,250.00
	-----		-----	-----
	1,840,000.00		551,886.25	2,391,886.25
ACCRUED			2,523.13	2,523.13
	1,840,000.00		549,363.12	2,389,363.12
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CERTIFICATE OF SECRETARY

The undersigned, Secretary of the Township of Upper Dublin DOES HEREBY CERTIFY that:

The foregoing Ordinance authorizing \$ _____ aggregate principal amount General Obligation Bonds, Series of 1995 of the Township was duly moved and seconded and enacted by a majority vote of all the Board of Commissioners of said Township at a duly called and convened public meeting of said Board held on November 14, 1995; that public notice of said meeting was given as required by law; that the roll of the Board of Commissioners was called and such Commissioners voted or were absent as follows:

<u>Name</u>	<u>Vote</u>
Richard R. Rulon	
Charles M. Bolig	
H. William Gift	
Cathleen V. Goettner	
Judy R. Herold	
Jules J. Mermelstein	
Robert J. Pesavento	

and that such Ordinance and the votes thereon have been duly recorded in the minutes.

WITNESS my hand and seal of the Township this __ day of November, 1995.

Frances S. Amey, Secretary

(TOWNSHIP SEAL)

SUPPLEMENTAL CERTIFICATE

I certify that such Ordinance has not been altered, amended, modified, suspended or repealed and is still in full force and effect as of the date of the delivery of this Certificate.

WITNESS my hand and seal of the Township this ___ day of December, 1995.

Secretary

(Seal)

ANNUAL BUDGET OF THE TOWNSHIP OF UPPER DUBLIN FOR THE YEAR 1996

ORDINANCE NO. 898

AN ORDINANCE OF UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR THE SPECIFIC PURPOSES OF THE MUNICIPAL GOVERNMENT, HEREINAFTER SET FORTH, DURING 1996.

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

SECTION 1: That for the expenses for the fiscal year 1996 the following amounts are hereby appropriated from the revenues available for the current year for the specific purposes set forth below, which amounts are more fully itemized in the Budget Form.

SUMMARY OF ALL ESTIMATED RECEIPTS

Receipts from Current Tax Levy	\$ 8,996,041
Receipts from Taxes of Prior Years	38,000
Other Revenue Receipts	<u>6,025,044</u>
TOTAL ESTIMATED RECEIPTS AND CASH	\$15,059,085

SUMMARY OF ALL APPROPRIATIONS

GENERAL GOVERNMENT	
Administration and Finance	\$ 1,050,380
Treasurer and Tax Collector	16,420
Library	377,692
Municipal Buildings	<u>215,373</u>
TOTAL	\$ 1,659,865
PROTECTION TO PERSONS AND PROPERTY	
Police	\$ 2,704,023
Fire	<u>917,327</u>
TOTAL	\$ 3,621,350
SEWER OPERATION AND TREATMENT	
Operations	\$ 1,269,404
Treatment	<u>1,556,567</u>
TOTAL	\$ 2,825,971
SANITATION	\$ 1,762,154

NON EXPENDABLE TRUST	\$ 12,630
HIGHWAY MAINTENANCE	\$ 1,722,532
DEBT SERVICE	\$ 726,635
CAPITAL PROJECTS	
Sewer	\$ 886,500
Road, Storm Sewer, Equipment and Buildings	657,379
Open Space	<u>165,100</u>
TOTAL	\$ 1,708,979
PARKS AND RECREATION	\$ 723,714
CODE ENFORCEMENT	\$ 270,255
COMMUNITY CONTRIBUTIONS	<u>\$ 25,000</u>
TOTAL APPROPRIATIONS	\$15,059,085

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

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

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

SECTION 5: The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the Court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION 6: This Ordinance shall take effect and be in force from and after January 1, 1996.

ENACTED AND ORDAINED this 12th day of December 1995.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

BY:


Richard R. Rulon, President

ATTEST:


Frances S. Amey, Secretary

ORDINANCE NO. 899

AN ORDINANCE OF UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, FIXING THE TAX RATE FOR THE YEAR 1996 FOR GENERAL PURPOSES, THE TAX RATE FOR THE YEAR 1996 FOR DEBT SERVICE, THE TAX RATE FOR THE YEAR 1996 FOR FIRE PROTECTION, THE TAX RATE FOR THE YEAR 1996 FOR PARKS AND RECREATION, THE ASSESSMENT FOR THE YEAR 1996 FOR FIRE HYDRANTS, AND ESTABLISHING DISCOUNTS AND PENALTY THEREFOR.

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

SECTION 1: Tax Rates for General Purposes

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 1996, as follows:

Tax rate for General Purposes, the sum of. 23.51 mils
on each dollar of assessed valuation, or the sum of. 235.1 cents
on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

	<u>Mils on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for General Purposes	23.51 mils	235.1 cents

SECTION 2: Tax Rate for Debt Service

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 1996, as follows:

Tax rate for Debt Service, the sum of. 7.00 mils
on each dollar of assessed valuation, or the sum of. 70.0 cents
on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

	<u>Mils on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for Debt Service	7.00 mils	70.0 cents

SECTION 3: Tax Rate for Fire Protection

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 1996, as follows:

Tax rate for Fire Protection, the sum of 3.00 mils
on each dollar of assessed valuation, or the sum of 30.0 cents
on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

	Mils on Each Dollar of Assessed <u>Valuation</u>	Cents on Each One Hundred Dollars of Assessed <u>Valuation</u>
Tax Rate for Fire Protection	3.00 mils	30.0 cents

SECTION 4: Tax Rate for Parks and Recreation

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 1996, as follows:

Tax rate for Parks and Recreation, the sum of 5.90 mils
on each dollar of assessed valuation, or the sum of 59.0 cents
on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

	Mils on Each Dollar of Assessed <u>Valuation</u>	Cents on Each One Hundred Dollars of Assessed <u>Valuation</u>
Tax Rate for Parks and Recreation	5.90 mils	59.0 cents

SECTION 5: Assessment for Fire Hydrants

That the cost and maintenance of fire hydrants for fire protection, with the Fire and Water District of Upper Dublin Township, established by Ordinance No. 543, is hereby distributed by a special assessment for the fiscal year 1996, as follows:

Special assessment for fire hydrants, the sum of35 mils
on each dollar of assessed valuation, or the sum of 3.5 cents
on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

	Mils on Each Dollar of Assessed <u>Valuation</u>	Cents on Each One Hundred Dollars of Assessed <u>Valuation</u>
Special Assessment for Fire Hydrants	.35 mils	3.5 cents

SECTION 6: Discounts and Penalty

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

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

SECTION 8: The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the Court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION 9: This Ordinance shall take effect and be in force from and after January 1, 1996.

ENACTED AND ORDAINED THIS 12th day of December, 1995.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

BY: Richard R. Ruion
Richard R. Ruion, President

ATTEST: Frances S. Amey
Frances S. Amey, Secretary