

## UPPER DUBLIN TOWNSHIP ORDINANCES

| <u>No.</u> | <u>Date</u> | <u>Description</u>  |
|------------|-------------|---|
| 500        | 12/1974     | Establishes millage rate  |
| 501        | 01/1975     | Establishes meeting dates   |
| 502        | 1975        | Regulates maintenance of swimming pools or artificial bodies of water   |
| 503        | 1975        | Fire prevention regulations   |
| 504        | 1975        | Support Abington's request for HUD funds for recreational facilities on their property located in Upper Dublin (Conway Field) |
| 505        | 1975        | Landscape ordinance (trees)   |
| 506        | 1975        | Institutional Districts   |
| 507        | 1975        | Acquires real property for public parks, etc.   |
| 508        | 1975        | Amendments to zoning map  |
| 509-512    |             | DO NOT EXIST  |
| 513        | 1975        | Amendments to zoning map  |
| 514        | 1975        | Requires lessors to report on the status of the occupancy of rental and commercial properties                                 |
| 515        | 1975        | 1976 budget   |
| 516        | 1975        | Establishes tax rate for 1976   |
| 517        | 1975        | Year end budget adjustment for 1975   |
| 518        | 1976        | Street light assessment for 1976  |
| 519        | 1976        | Establishes meeting dates for 1976  |
| 520        | 1976        | Provides for imposition of connection charges   |
| 521        | 1976        | Changes area abutting Cedar Road to B-Residential   |
| 522        | 1976        | Changes area abutting Highland Ave & 309 to MD-Multi Dwelling District  |

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| <u>No.</u> | <u>Date</u> | <u>Description</u>  |
|------------|-------------|---|
| 523        | 1976        | Changes area near intersections of Randolph Ave, Bethlehem Pike and Inverness Avenue to MD-Multi Dwelling District      |
| 524        | 1976        | Lays out Karl Ave between Woodland & Paul Avenues   |
| 525        | 1976        | Vacates Karl Ave between North Hills Ave & Avenue H   |
| 526        | 1976        | Lays out Lukens Ave between North Hills Ave & Avenue H  |
| 527        | 1976        | Vacates Lukens Avenue   |
| 528        | 1976        | Vacates "Old Dreshertown Road"  |
| 529        | 1976        | Lays out "Old Dreshertown Road"   |
| 530        | 1976        | Temporary signs   |
| 531        | 1976        | Landscape regulations, change width of buffers strips   |
| 532        | 1976        | Betz property – change from Motel to CR-Commercial  |
| 533        | 1976        | Eliminates rights of owners of "B" & "C" Residential Districts to erect a house on tracts not served by sewers or water |
| 534        | 1976        | One way traffic on Randolph Avenue  |
| 535        | 1976        | Gun control referendum  |
| 536        | 1976        | Amends land use map – Schnell property  |
| 537        | 1976        | Fire Equipment Loan   |
| 538        | 1976        | 1977 Tax levy   |
| 539        | 1976        | 1977 Budget   |
| 540        | 1976        | Year end budget adjustment for 1976   |
| 541        | 1976        | Street light assessment   |
| 542        | 1976        | Sewer rental rates  |
| 543        | 1976        | Creation of Fire and Water District   |

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| <u>No.</u> | <u>Date</u> | <u>Description</u>   |
|------------|-------------|--|
| 544        | 1976        | Establishes annual assessment for fire hydrants  |
| 545        | 1977        | Establishes meeting dates for 1977   |
| 546        | 1977        | Provides for an audit by independent auditors  |
| 547        | 1977        | Provides for mutual aid and assistance during emergency situations involving civil disobedience and / or natural disasters |
| 548        | 1977        | Criteria for Multi-Dwelling Districts  |
| 549        | 1977        | Smoke Detectors  |
| 550        | 1977        | Controls use of water during an emergency  |
| 551        | 1977        | Rezones area on Dreshertown Road in vicinity of Welsh road to OC-Office Center District                                    |
| 552        | 1977        | Tax levy ordinance for 1978  |
| 553        | 1977        | Annual budget for 1978   |
| 554        | 1977        | Year end budget for 1978   |
| 555        | 1978        | Establishes meeting dates for 1978   |
| 556        | 1978        | Changes size and appointment of P&R Advisory Board   |
| 557        | 1978        | Regulates use of automatic protective devices and provides penalties for failure to obey regulations                       |
| 558        | 1978        | Township Codification  |
| 559        | 1978        | General Sewer Bonds, Municipal Authority, 1978 Series  |
| 560        | 1978        | General Obligation Bonds - 1978  |
| 561        | 1978        | New Flood Plain conservation District – Federal Flood Insurance Program  |
| 562        | 1978        | Amends Land Subdivision Regulations to comply with Flood Insurance   |

## UPPER DUBLIN TOWNSHIP ORDINANCES

| <u>No.</u> | <u>Date</u> | <u>Description</u>  |
|------------|-------------|---|
| 563        | 1978        | Amends UD Building Code to comply with flood insurance program  |
| 564        | 1978        | Rezones Highland Avenue east of Farm Lane to B-Residential  |
| 565        | 1978        | Provides infiltration inflow and rehabilitation study on Township's sewage collection system  |
| 566        | 1978        | Establishes an Industrial Cost Recovery System for recovery of a portion of the Federal Grant in respect to the Township's Sewage Treatment Plant |
| 567        | 1978        | Lot averaging   |
| 568        | 1978        | 1979 Budget   |
| 569        | 1978        | Tax levy ordinance for 1979   |
| 570        | 1978        | Year end budget adjustment  |
| 571        | 1978        | Amends fees, rates and permits for 1979   |
| 572        | 1979        | Establishes meeting dates for 1979  |
| 573        | 1979        | Mobile Home Ordinance (MHD)   |
| 574        | 1979        | Establishes Vacant Property Review Committee  |
| 575        | 1979        | Repeals Ord. No. 572 – sets meeting dates for 1979  |
| 576        | 1979        | Off-street parking and loading  |
| 577        | 1979        | Displaying of street numbers  |
| 578        | 1979        | Amends definition of "Land Development"   |
| 579        | 1979        | Provides penalty for dumping; garbage permits   |
| 580        | 1979        | 1980 Annual Budget  |
| 581        | 1979        | 1980 Tax levy ordinance   |
| 582        | 1979        | Year end budget adjustment  |

## UPPER DUBLIN TOWNSHIP ORDINANCES

| <u>No.</u> | <u>Date</u> | <u>Description</u>   |
|------------|-------------|--|
| 583        | 1979        | Fixes street light assessment for 1980   |
| 584        | 1979        | Amends fees, rates and permits   |
| 585        | 1980        | Establishes meeting dates for 1980   |
| 586        | 1980        | Authorizes participation in Inter-Municipality Self-Insurance Consortium   |
| 587        | 1980        | Zoning changes   |
| 588        | 1980        | Handicapped parking spaces   |
| 589        | 1980        | Establishes an Educational Service Agency  |
| 590        | 07/08/1980  | Authorizes franchise for Cable TV  |
| 591        | 1980        | Authorizes changing rental units into condo units  |
| 592        | 1980        | Prohibits construction, use, etc. privies, septic tanks, etc. in properties adjacent to sewers within the Welsh / Dillon / Limekiln Pike wastewater collection system                          |
| 593        | 1980        | Creates Emergency Services Board   |
| 594        | 1980        | Rezones area on Twining Road in the vicinity of Susquehanna Road to CR-Commercial Retail District, Class L   |
| 595        | 1980        | Permits the reduction of percentage for improvements in the calculation of total number of lots as well as the reduction of front yard or rear yard setback lines as a special conditional use |
| 596        | 1980        | Heliports – conditional use  |
| 597        | 1980        | Annual budget adjustment for 1980  |
| 598        | 1980        | 1981 Budget  |
| 599        | 1980        | Fixes tax rate for 1981  |

TAX LEVY ORDINANCE

ORDINANCE NO. 500

AN ORDINANCE of Upper Dublin Township, Montgomery County and the Commonwealth of Pennsylvania, fixing the tax rate for the year 1975.

BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Commissioners of Upper Dublin Township, County of Montgomery, Pennsylvania:

That a tax be and the same is hereby levied on all property and occupations within the said municipality subject to taxation for the fiscal year 1975, as follows:

Tax rate for general purposes, the sum of.....19.5 mills on each dollar of assessed valuation, or the sum of..... 195 cents on each one hundred dollars of assessed valuation.

For fire protection purposes, the sum of..... 2 mills on each dollar of assessed valuation, or the sum of ..... 20 cents on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

|                               | Mills on Each<br>Dollar of<br>Assessed<br>Valuation | Cents on Each<br>One Hundred<br>Dollars of<br>Assessed<br>Valuation |
|-------------------------------|---|---|
|                               | <u>                    </u>                         | <u>                    </u>   |
| Tax Rate for General Purposes | 19.5 mills  | 195 cents   |
| Tax Rate for Fire Protection  | <u>2.0</u> mills                                    | <u>20</u> cents   |
| TOTAL                         | 21.5 mills  | 215 cents   |

Adopted this 30th day of December, 1974

*James L. ...*  
\_\_\_\_\_  
President of the Board of Township  
Commissioners

ATTEST:

*Harry Ward*  
\_\_\_\_\_  
Township Secretary

ORDINANCE NO. 501

AN ORDINANCE ESTABLISHING THE DATES OF REGULAR MEETINGS OF THE COMMISSIONERS OF THE TOWNSHIP OF UPPER DUBLIN, MONTGOMERY COUNTY, PENNSYLVANIA, DURING THE YEAR 1975.

BE IT ORDAINED AND ENACTED by the Commissioners of Upper Dublin Township, Montgomery County, Pennsylvania, and it is hereby enacted by the authority of the same.

SECTION 1. The regular meetings of the Commissioners for the year 1975 are fixed as follows:

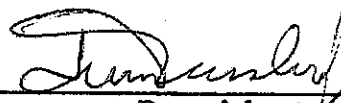
The second Tuesday of each month, beginning January 14, 1975 at 8:00 P.M. prevailing time.

SECTION 2. All meetings shall be held in the Township Building, 801 Loch Alsh Avenue, Fort Washington, Pennsylvania, unless otherwise specifically directed.

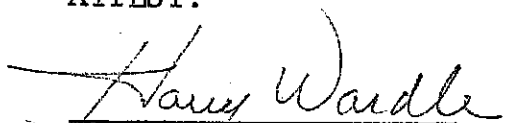
ORDAINED AND ENACTED this 14th day of January, 1975.

COMMISSIONERS OF UPPER DUBLIN  
TOWNSHIP

BY

  
\_\_\_\_\_  
President

ATTEST:

  
\_\_\_\_\_  
Secretary

ORDINANCE NO. 502

AN ORDINANCE REGULATING THE MAINTENANCE OF SWIMMING POOLS OR ARTIFICIAL BODIES OF WATER BY CLUBS, ORGANIZATIONS OR PERSONS WITHIN THE TOWNSHIP OF UPPER DUBLIN, MONTGOMERY COUNTY, PENNSYLVANIA, AND PROVIDING FOR INSPECTIONS, FEES, AND PENALTIES.

The Board of Commissioners of the Township of Upper Dublin, Montgomery County, Pennsylvania, does hereby ENACT and ORDAIN

SECTION 1 - Definition -

Club or Public Pool - Any swimming pool or artificial body of water for the purpose of swimming or bathing, maintained by any person or organization, which shall be for the use of other than the household of the person maintaining the pool, which use shall be extended to others in return for a fee, upon the basis of membership in an organization, or for other consideration.

SECTION 2 - Registration -

Any person or organization desiring to maintain a club or public pool within the Township of Upper Dublin, shall register with the proper authorities of the Township annually before such pool shall be opened for use.

SECTION 3 - Requirements -

No person or organization shall open a club or public pool unless and until the following requirements shall be complied with:

- (a) The pool shall meet the requirements for fencing under Ordinance Number 489;
- (b) The water shall be subjected to a test to establish its purity and shall at least meet the standards established by the Department of Environmental Resources, Commonwealth of Pennsylvania;

- (c) There shall be adequate toilet and shower facilities for the users of the pool;
- (d) There shall be adequate facilities for the disposal of refuse and garbage;
- (e) There shall be no area on the premises where rain or other untreated water may collect and allow the breeding of mosquitoes; and
- (f) There is no conditions existing which might constitute a hazard to the health and safety of the users of the pool or the residents of the Township.

SECTION 4 - Maintenance and Enforcement -

The designated official of the Township shall have the power to make reasonable inspections, from time to time, as he sees fit, of the premises and to require tests of the water from time to time to establish that the water is of the proper purity. The designated officer shall have the power to close the pool for a failure to maintain the purity of the water or to maintain the premises in a healthful and safe condition.

SECTION 5 - Fee -

There shall be a fee of ~~one hundred dollars~~ (\$100.00) to be paid annually to cover the cost of inspection.

SECTION 6 - Penalty -

Any person failing to comply with the terms of this Ordinance shall be subject to a fine not exceeding Three-Hundred (\$300.00) dollars and costs, and in default of payment thereof, shall be subject to imprisonment in the County Prison for a term not exceeding five (5) days. Each day that such person continues in violation shall constitute a separate offence punishable by a like fine or imprisonment. Person shall include every natural person, partnership, association, or corporation. Person applied

to partnership or association shall mean the partners or members thereof,  
and as applied to corporations shall mean officers thereof.

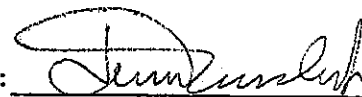
SECTION 7 -

Nothing hereinabove shall be deemed to apply to any pool  
maintained by the Township of Upper Dublin.

ENACTED and ORDAINED this 11th day of Feb. , 1975,

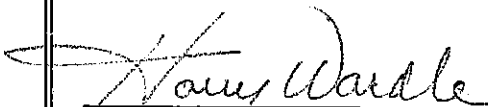
COMMISSIONERS OF UPPER DUBLIN  
TOWNSHIP

BY:



S. Thomas Tresslef, Jr.  
President

ATTEST:



S. Harry Wardle,  
Secretary

ORDINANCE # 503

AN ORDINANCE AMENDING ORDINANCE # 417 RELATING TO  
FIRE PREVENTION REGULATIONS.

The Board of Commissioners of Upper Dublin Township, Montgomery  
County, Pennsylvania, do hereby ENACT and ORDAIN:

SECTION 1. Amend Section 12B which reads:

"Violation for Parking within a "No Parking" area shall  
be punishable as follows:

Any person parking a motor vehicle within a "No Parking"  
area shall, upon summary conviction before a District  
Judge, be sentenced to pay a fine of Five (\$5.00) Dollars  
and costs of prosecution, and in default of the payment  
thereof, shall undergo imprisonment for not more than  
five (5) days in the Montgomery County Prison, excepting  
that in all cases where a police officer of the Township  
shall first give notice of the offense by either handing to  
the offending operator, or affixing securely to the motor  
vehicle in question, a ticket on which he has noted the  
time and place of the offense, the nature of the offense,  
and the license registration of the motor vehicle in question  
and bearing the statement that no prosecution shall be in-  
stituted for ten (10) days thereafter, and that if during  
said ten (10) day period, the offender shall voluntarily  
appear at the office of the Township Secretary, Township  
Building, 801 Loch Alsh Avenue, Fort Washington, Pa.

and voluntarily enter a plea of guilty, and pay a fine of Five (\$5.00) Dollars to the Township Secretary, then no prosecution for said offense shall thereafter be brought. The Chief of Police and the Township Secretary are hereby authorized to prepare a ticket in the form prescribed by this Ordinance and to cause a suitable number of such tickets to be printed for use by the police officers of the Township."

To Read:

" Violation for Parking within a "No Parking" area shall be punishable as follows:

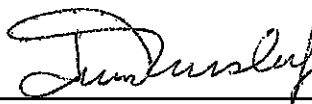
Any person parking a motor vehicle within a "No Parking" area shall, upon summary conviction before a District Judge, be sentenced to pay a fine of Five (\$5.00) Dollars and costs of prosecution, and in default of the payment thereof, shall undergo imprisonment for not more than five (5) days in the Montgomery County Prison, excepting that in all cases where a police officer of the Township shall first give notice of the offense by either handing to the offending operator, or affixing securely to the motor vehicle in question, a ticket on which he has noted the time and place of the offense, the nature of the offense, and the license registration of the motor vehicle in question and bearing the statement that no prosecution shall be instituted for forty-eight (48) hours thereafter, and that if during said forty-eight hours (48) period, the offender shall

voluntarily appear at the office of the Township Secretary, Township Building, 801 Loch Alsh Avenue, Fort Washington, Pa., and voluntarily enter a plea of guilty, and pay a fine of Five (\$5.00) Dollars to the Township Secretary then no prosecution for said offense shall thereafter be brought. The Chief of P

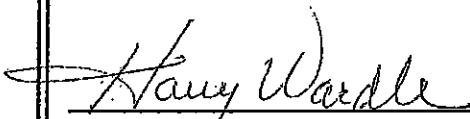
The Chief of Police and the Township Secretary are hereby authorized to prepare a ticket in the form prescribed by this Ordinance and to cause a suitable number of such tickets to be printed for use by the police officers of the Township."

ENACTED and ORDAINED this 11<sup>th</sup> day of March, 1975.

COMMISSIONERS OF UPPER DUBLIN  
TOWNSHIP

BY:   
President

ATTEST:

  
Secretary

ORDINANCE NO. 504

AN ORDINANCE ADOPTING A JOINT CO-OPERATIVE AGREEMENT WITH THE TOWNSHIP OF ABINGTON AUTHORIZING THE TOWNSHIP OF ABINGTON TO CONTINUE TO USE CONWAY MEMORIAL FIELD LOCATED IN THE TOWNSHIP OF UPPER DUBLIN AS AND FOR RECREATIONAL PURPOSES AND AUTHORIZING THE TOWNSHIP OF ABINGTON TO CONSTRUCT A BUILDING ON SAID FIELD FOR SUCH PURPOSES.

The Board of Commissioners of the Township of Upper Dublin, Montgomery County, Pennsylvania, hereby enacts and ordains as follows:

SECTION 1. The joint cooperation agreement hereinafter set forth in this section is hereby adopted.

Agreement made this                      day of                      , 1975.

THE PARTIES to this agreement are the Township of Upper Dublin, Montgomery County, Pennsylvania (hereinafter referred to as Upper Dublin), and the Township of Abington, Montgomery County, Pennsylvania (hereinafter referred to as Abington).

THE CONDITIONS of this agreement are as follows:

(a) Abington owns premises known as Conway Memorial Field in Upper Dublin Township which is more particularly described as follows:

BEGINNING at the point of intersection of the southeasterly line of lands of Abington Township with the southwesterly side of Jefferson Avenue produced, said point being at the distance of Five hundred sixty-three and fifty-seven one-hundredths feet (563.57') measured South Forty degrees 15 minutes West (S 40° 15' W) from a point, said point being at the distance of Six hundred eighty and sixty-five one-hundredths feet (680.65') measured South Seventy-five degrees Five minutes East (S. 75° 05' E) from a point, said point being at the distance of Two hundred two and seventy-eight one-hundredths feet (202.78') measured South Sixty-six degrees Thirty-Four minutes East (S 66° 34' E) from a point in the middle of the original Fitzwatertown Road; thence from said point

beginning South Forty degrees Fifteen minutes East (S 40° 15' E) Four hundred eighty-five and eighteen one-hundredths feet (485.18') to a point; THENCE North Forty-nine degrees Forty-one minutes West (N 49° 41' W) Four hundred forty-nine and sixty-three one-hundredths feet (449.63') to a point; THENCE North Forty degrees Nineteen minutes East (N 40° 19' E) One hundred sixty-five and seven one-hundredths feet (165.07') to a point; THENCE North Seventy degrees Forty-eight minutes East (N 70° 48' E) Three hundred seventy-six and forty-two one-hundredths feet (376.42') to a point; THENCE South forty-eight degrees Forty-four minutes East (S 48° 44' E) two hundred fifty-eight and fifteen one-hundredths feet (258.15') to said point and place of beginning. CONTAINING Four and thirty-three one-hundredths (4.33) Acres.

(b) The premises are presently being used for recreational and athletic purposes.

THE PURPOSE AND OBJECTIVES of this agreement are for Upper Dublin to consent to the continuing use by Abington and residents of Abington of the aforementioned premises for recreational and athletic purposes and to the construction of a structure by or for Abington to be used in connection with such activities.

THE TERMS of this agreement are as follows:

FIRST: Upper Dublin hereby consents to the continued use of the aforementioned premises by Abington and those persons so authorized by Abington for recreational and athletic purposes and to the construction of a structure by or for Abington to be used in connection with such activities, provided all of the foregoing are at no cost to Upper Dublin.

SECOND: The aforementioned premises shall continue to be managed by Abington and the proposed structure to be installed thereon shall also be managed by Abington. Abington may also dispose of the aforementioned structure as it deems appropriate.

THIRD: No organizational structure is necessary to implement this agreement.

FOURTH: The term of this agreement shall continue in full force and effect until the parties hereto mutually agree to terminate.

FIFTH: This joint cooperation agreement between Upper Dublin and Abington shall be deemed in force as to both municipalities when the same has been adopted by ordinance by both municipalities as authorized by Section 9 of Act No. 180 of July 12, 1972.

IN WITNESS WHEREOF, the parties hereto have duly executed this agreement on the date first above written.

TOWNSHIP OF ABINGTON

By \_\_\_\_\_

Attest: \_\_\_\_\_

TOWNSHIP OF UPPER DUBLIN

By \_\_\_\_\_

Attest: \_\_\_\_\_

\* \* \* \* \*

Approved by the Board and enacted into an Ordinance this 13<sup>th</sup> day of MAY, A.D. 1975.

TOWNSHIP OF UPPER DUBLIN

By *[Signature]* President

Attest: *[Signature]*  
Secretary

AN ORDINANCE  
NO. 505

AN ORDINANCE TO AMEND ORDINANCE NO. 41 LAND SUBDIVISION  
ORDINANCE OF UPPER DUBLIN TOWNSHIP BY PROVIDING FOR LAND-  
SCAPE REGULATIONS.

BE IT ORDAINED and ENACTED by the Commissioners of Upper  
Dublin Township, Montgomery County, Pennsylvania, that Ordinance No. 41  
Land Subdivision Ordinance be amended by the additions of the following  
provisions.

LANDSCAPE REGULATIONS

SECTION 1 - Intent

The intent of this Ordinance is to promote practical community de-  
velopment by retarding erosion, sedimentation and stimulating ground water  
recharge, to retard glare and heat pollution, to stimulate air purification and  
oxygen regeneration, to provide for noise abatement, to assist in vehicular  
pedestrian control, to maintain 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 future land developments including residential, multi-family residential,  
motel, office, commercial, institutional, industrial or public purposes, at  
the same time not placing unreasonable requirements and restrictions on the  
owners of existing single-family dwellings.

SECTION 2 - Definitions

The following terms shall have the following meanings when used  
throughout the Ordinance:

- A. Ground Cover - Grass or non-deciduous low growing plants  
installed or planted in such a manner so as to form a con-  
tinuous cover over the ground.
- B. Planting Area - Any area designed for landscaping having a  
minimum area of fifty (50) square feet.
- C. Shrub - A woody perennial plant having persistent woody stems,  
branching from the base.
- D. Sight Triangle - The area of a triangle whose legs are the  
sides of the cartway and an accessway which intersects with  
it, each being not less than ten (10) feet long from the point  
intersection, whose hypotenuse connects two legs.
- E. Tree - Any woody plant having well defined stem of at least  
two (2) inches in caliper measured at a height of six (6) inches  
above the natural grade.
- F. Vehicular Use Area - Any pervious or impervious area, used  
by any type of vehicle whether moving or at rest.
- G. Visual Screen - A barrier of living or non-living landscape  
materials put in place for the purpose of obscuring from view  
those areas so screened.

*Moll*

### SECTION 3 - Areas Where Landscaping Required

In all future land development in Upper Dublin Township, the following proposed land uses shall to the extent set forth below be subject to the landscaping requirements set forth in Section 4:

- A. Land used for residential multi-family residential, office, commercial, institutional or public uses shall devote a minimum of 10% of the total developed area to the landscape requirements.
- B. Land used for industrial purposes shall devote a minimum of 6% of the total developed area to the landscape requirements.
- C. In land used for public or private off-street parking or vehicular use area for multi-family residential, office, commercial, and public facilities a developer shall, as part of the required area of landscaping set forth in Paragraphs A and B above:
  1. Landscape a perimeter strip at least 10 feet wide between the street line on which the property fronts and the parking or vehicular use area.
  2. For parking or vehicular use areas of greater than 10,000 square feet, landscape a perimeter strip at least 4 feet wide along the side and rear property lines.
- D. As part of the landscaping required under Paragraphs A and B, a developer shall landscape a buffer strip at least 10 feet wide for the entire length of all common boundaries abutting non-complimentary districts as set forth below:
  1. For proposed multi-family residential use in C Residence Districts and for proposed multi-family residential, office, commercial, and public uses in AH, AHS, OC, M, CR, RR, and SC districts when any of the above land abuts A, B, or C Residence Districts.
  2. In Industrial Districts when it abuts any non-industrial District.

### SECTION 4 - Landscape Material Requirements

The following standards apply to any land area required to be landscaped by this Ordinance except for those areas subject to Paragraphs B, C, and D of this Section:

- A. Each land area shall contain at least one (1) tree for each one-tenth (0.1) acre of total land area.
  1. The foregoing requirements shall, whenever possible, be met by preserving existing trees and in such case the following formula and standards shall be used to determine compliance with the foregoing requirements:
    - (a) The number of trees required shall be reduced

by a credit for approved preserved trees computed as follows:

| <u>Diameter ** of Tree Trunk<br/>of Approved Preserved Tree</u> | = | <u>Number of Trees<br/>Credited</u> |
|---|---|-------------------------------------|
| 36-inches or greater in diameter                                |   | 7                                   |
| 30-35 inches in diameter  |   | 6                                   |
| 26-29 inches in diameter  |   | 5                                   |
| 20-25 inches in diameter  |   | 4                                   |
| 13-19 inches in diameter  |   | 3                                   |
| 8-12 inches in diameter   |   | 2                                   |
| 3.5-7 inches in diameter  |   | 1                                   |

\*\* Measured at a height of 4-1/2 feet above the natural grade.

(b) To be eligible for approval, a preserved tree shall be maintained in such a manner that fifty (50) percent of the ground area under and within the outer perimeter of the tree shall be maintained at the existing grade level in either vegetative landscape material or pervious surface cover.

(c) Trees to eligible for approval shall be preserved as specified in the guidelines for tree preservation and protection of the Association of Consulting Arborists.

2. To the extent that the foregoing tree coverage requirement is not met by the preservation as provided above, the developer shall plant such trees before use of the land area for its intended purpose is begun.
  3. New trees shall be of 2-inch diameter nominal or greater when measured 3-feet above grade and shall be planted in an area maintained in either vegetative landscape material or pervious surface cover.
- B. Each perimeter area for each off-street parking facility or vehicular use area shall be landscaped as follows:
1. There shall be at least one (1) tree for each forty (40) linear feet of lot frontage in the front setback perimeter area.
  2. Grass or other ground cover shall be planted on all areas within the front, side and rear setback perimeter landscape areas not occupied by other landscape material, or permitted accessways.
  3. When the setback perimeter landscape areas abuts public rights-of-way or other developed or developable pro-

perty, a visual screen shall be installed within the setback perimeter landscape areas and shall run the entire length of such abutting property line, except permitted accessways. Minimum height of screen shall be 3 feet above grade level.

4. A sight triangle shall be observed at those points where an accessway intersects a public right-of-way. An unobstructed cross-visibility between two (2) feet and ten (10) feet above the level of centerline of the public right-of-way must be maintained within the sight triangle.

C. The interior of each off-street parking facility having more than ten thousand (10,000) square feet in area shall be landscaped as follows:

1. There shall be one (1) planting area for each ten thousand (10,000) square feet, or fraction thereof, of paved surface area, provided, that in no event shall the area devoted to interior landscaping be less than two (2) percent of the total developed area. Such planting areas shall be placed so as to control vehicular and pedestrain traffic. In vehicular use areas where the Township Commissioners have determined that strict application of this Section will interfere with the function of the area, the required interior landscaping may be otherwise located.
2. Grass or other ground cover shall be planted on all portions of the interior planting areas not occupied by other landscape material.
3. Vehicles may overhang not more than two (2) feet into any interior planting area, providing the planting area is at least six (6) feet in depth abutting parking spaces.
4. Artificial plant material shall not be used.

D. Each buffer strip shall be landscaped as follows:

1. There shall be not less than one (1) tree for each twenty-five (25) linear feet of required buffer strip, which strip shall provide at least 60% opacity between 2 and 8 feet above the ground at time of planting.
2. Grass or other ground cover shall be planted on all areas of the buffer strip not occupied by other landscape material.

E. Yard tree regulatory zones. Yard tree regulatory zones shall include those areas permitting single and certain multi-family dwelling units in the Township of Upper Dublin, A, B and C Residential Zones.



*MORE*

1. For parcels of land proposed for subdivision or other improvements it shall be unlawful to remove any tree from the front, rear or side yards or within building setback lines as defined by the Upper Dublin Township Code unless a permit for such removal, as defined herein, has been obtained.
2. The division of a single lot, tract or parcel into two or more lots, blocks, parcels, tracts or other portions shall constitute a subdivision and shall require a master plan locating trees, roadways, lot lines and utility easements. In the development of a subdivision, no more than thirty percent (30%) of the trees located on the subdivision plot shall be removed and no tree shall be removed without first obtaining a permit as herein defined.
3. Prior to obtaining final subdivision approval from the Montgomery County Planning Commission the designated official of Upper Dublin Township shall file a letter indicating that said subdivision plan complies with the provisions of this article. Once subdivided and improved, individual parcels of land shall be subject to the requirements of the yard tree regulatory zone.
- 279 ~~4.~~ In the building area of the lot, that area which does not include the front, side, or rear yard setbacks, a permit shall not be required for the removal of trees. If one (1) or more trees is removed to permit construction, a tree or trees shall be replaced by a recommended tree with a two (2) inch diameter or greater when measured three (3) feet above grade for every one thousand (1,000) square feet of ground floor area that has been cleared for construction.
5. In addition to the above, one (1) tree with a two (2) inch diameter or greater when measured three (3) feet above grade shall be planted on a lot of six thousand (6,000) or less square feet and one (1) additional tree shall be required for each additional three thousand (3,000) square feet of any part of the land area. This requirement may be waived by the Building Inspector if upon recommendation of the director of the parks department, a tree canopy covers over fifty percent (50%) of the property as illustrated in an aerial photograph and field check after the building permit has been obtained.

F. Removal Permit

1. Any person, organization, society, association or corporation requesting a Building Permit or a Zoning change for new construction on a lot of two or more acres shall

obtain a permit to remove a tree or trees by filing an appropriate application with the Township of Upper Dublin. Said application shall include a site plan of said parcel of land or a topographic survey of said parcel of land change in elevation is greater than five (5) feet and said application shall include the following information:

(a) An overall site plan including the shape and dimensions of the lot or parcel of land, together, with existing and proposed driveways, structures and improvements.

(b) The location of all trees four (4) inches or over in trunk diameter when measured three (3) feet above grade which said trees shall be identified as to type and species.

(c) A designation of any trees proposed to be removed and a designation of trees to be retained.

(d) If existing trees are to be relocated, the proposed relocation for said trees, together with a statement as to how said trees are to be protected during construction and maintained after construction.

(e) A statement as to why the trees must be removed.

(f) A statement showing how trees not proposed for removal or relocation are to be protected during construction.

(g) Any proposed grade changes that might adversely affect or endanger any trees on said site together with specifications reflecting how the trees can be safely maintained.

(h) Prior to the final building inspection of any structure, the appropriate number of trees shall be planted pursuant to the terms of this article.

#### G. Criteria for Removal

1. In order to effectively carry out the provisions of this article, the following is a list of the basic criteria to be considered in granting a permit for removal or relocation of trees:

(a) Trees which pose a safety hazard to pedestrian or vehicular traffic.

(b) Trees which pose safety hazard to buildings.

-6-

more

(c) Trees which prevent the proper development of a lot or parcel or the proper physical use thereof.

(d) Diseased trees or trees weakened by age, storm, fire, or other injury which are a source of hazard to people, buildings or other improvements on a lot or parcel of land.

#### H. Permit Fees

1. Applications for tree removal or tree relocation permits filed with the Township shall be accompanied by (1) a fee of one dollar (\$1.00) for each individual site under one-half (1/2) acre proposed to have any tree or trees removed therefrom or relocated thereon; (2) a fee of ten dollars (\$10.00) 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 (3) a fee (\$10.00) 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 of this article.

#### SECTION 5 - Maintenance of Required Landscape Areas

- A. All required landscape areas shall be protected from vehicular encroachment by the use of wheel stops, curbing, or other suitable methods.
- B. No required landscape area shall be used for parking; accessory structures; garbage or trash collection; or any other functional use contrary to the intent and purpose of this Ordinance.

#### SECTION 6 - Guarantee

ONE YEAR AFTER THE ISSUANCE OF AN OCCUPANCY PERMIT FOR THE PROPERTY, AN INSPECTION SHALL BE MADE BY THE TOWNSHIP TO DETERMINE THAT BOTH NEWLY PLANTED AND EXISTING PLANT MATERIAL IS ALIVE AND HEALTHY, AND IS CONTINUING TO SATISFY THE INTENT OF THE LANDSCAPE ORDINANCE. ANY MATERIAL WHICH IS UNACCEPTABLE AT THE TIME OF THIS INSPECTION MUST BE REPLACED IN ORDER TO SATISFY THE LANDSCAPE ORDINANCE AS IT ORIGINALLY APPLIED.

#### SECTION 7 - Compliance

The requirements of this Ordinance shall be administered as though part of the Upper Dublin Township Land Subdivision Ordinance No. 41

of 1949, as amended. In addition, no land developed for which landscape development is required shall be commenced until compliance with this Ordinance has been assured by means of a proper completion and maintenance guarantee in the form of a bond, or the deposit of funds or securities in escrow sufficient to cover the cost of the required landscape development and maintenance.

SECTION 8 - Severability

If any section, subsection, clause, or phrase of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any of the remaining portions of this Ordinance.

ORDAINED and ENACTED, this *9th* day of *September* A. D., 1975.

COMMISSIONERS OF UPPER DUBLIN  
TOWNSHIP

BY: *[Signature]*

Attest: *[Signature]*

*Copy. Sept 18 - 1A - 100 R*

AN ORDINANCE  
NO. 506

AN ORDINANCE AMENDING UPPER DUBLIN TOWNSHIP ZONING ORDINANCE NO. 140, ADOPTED AUGUST 20, 1956, AS AMENDED, FOR THE PURPOSE OF REVISING SECTION 200 I TO INCLUDE THE NEW ZONING CLASSIFICATION TO BE KNOWN AS INSTITUTIONAL DISTRICTS.

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

SECTION I: That Section 200 I and J of the Upper Dublin Township Zoning Ordinance shall be deleted and substituted therefore as follows:

Section 200 I - Dwellings:

(a) Dwelling: A structure designed for and occupied exclusively for residential purposes, excluding, however, structure used only for temporary or transient residence such as hotels, motels, rooming houses, dormitories, institutional homes, and the like.

(b) Dwelling Unit: A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

(c) Single-Family Detached Dwelling: A dwelling having only one dwelling unit from ground to roof, independent outside access, and open space on all sides.

(d) Multiple Dwelling: A structure or series of connected structures containing two or more dwelling units in which two or more families live independently of each other as separate housekeeping units. Multiple dwelling shall include the following:

(1) Twin Dwelling: A single-family semi-detached dwelling having only one dwelling unit from ground to roof, independent outside

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access, and any portion of only one wall in common with an adjoining dwelling unit.

(2) Duplex Dwelling: A two-family detached dwelling having no more than two dwelling units from ground to roof, independent access for each, and open space on all sides.

(3) Twin Duplex Dwelling: A Multi-family, semi-detached dwelling having no more than two dwelling units from ground to roof, and any portion of no more than one wall in common with a similar adjoining dwelling, with each unit having independent access.

(4) Townhouse Dwelling: A Single-family, attached dwelling, containing only one dwelling unit from ground to roof, in a multi-family structure, in which dwelling units may share common walls, but shall have independent outside access. Such unit may be independently owned along with the tract of ground upon which it is constructed or may be rented as in an apartment development. In addition, appurtenant areas may or may not be owned, rented or held in some form of community ownership.

(5) Townhouse Structure: A Multi-family structure containing two or more townhouse dwellings. Such dwellings may share common walls or be otherwise connected in a series or group. A development of townhouse dwellings shall average not more than eight units per townhouse structure or group.

(6) Apartment Dwelling: A Multi-family structure in which the residents are the tenants of the owner of the structure.

(7) Condominium: A Multi-family dwelling in which the residents are the separate owners of individual units within the structure, in accordance with the provisions of the Act of July 3, 1963; P.L. 196, Act 117 as amended, the "Unit Property Act."

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SECTION II: That Section 501 B be deleted which reads:

"Permitted uses on each lot in A and B Residential Districts:

Any of the following uses when authorized as a special exception:

Educational, including schools, colleges, universities, other institutions of learning and their adjunct dormitories, both public and private, but excluding correctional or penal institutions."

SECTION III: That the following Articles shall be added:

ARTICLE IX-F INSTITUTIONAL DISTRICTS

Section 01 - Purpose and Intent:

It is the purpose and intent of this District to encourage the development of institutional uses in accordance with an approved plan of development subject to the requirements of this Ordinance.

Section 02 - 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. Educational 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 out-patients including laboratories incidental thereto.
6. Residential accessory building
7. Accessory buildings, structures or uses customarily incidental to uses permitted in INST Districts in connection with such uses.
8. Off street parking subject to the provisions of Article X
9. Signs subject to the provisions of Article XVI

(b) The following uses are permitted as a special exception when authorized by the Zoning Hearing Board in accordance with the provisions of Article XVII:

1. Conversion of an existing residential building
2. Recreational facility owned or operated by a non-governmental agency.
3. Private Club or Lodge
4. Community center, adult education center or other similar facility.
5. Day nursery, nursery school or kindergarten
6. Parking area
7. Customary home occupation or office accessory to a residence.
8. Place of religious worship

(c) The following accessory uses may be allowed:

1. Agriculture
2. Dormitory

Section 03 - Area Regulations:

The regulations for INST Institutional District pertaining to lot area, density, and the arrangement of buildings on subject lots shall be specified below:

(a) Lot Area and Width: Any parcel of land developed under the terms of this Article shall contain a total minimum area of eighty thousand (80,000) square feet with a width of not less than two hundred (200) feet at the building line.

(b) Building Area: Not more than twenty (20) percent of the area of each lot shall be occupied by buildings.

(c) Front Yard: There shall be a front yard of not less than one hundred (100) feet in depth.

(d) Side Yards: There shall be two (2) side yards on each lot neither of which shall be less than twenty-five (25) feet in width.

(e) Rear Yard: There shall be a rear yard on each lot which shall be not less than fifty (50) feet in depth.

(f) Interior Yards:

(1) For buildings of three (3) stories or less, but not excess of thirty-five (35) feet in height, a minimum distance between any two (2) buildings shall be thirty-five (35) feet.

(2) The required distance between any two (2) buildings shall be increased by an amount equal to that portion of the height of each building which exceeds thirty-five (35) feet or three (3) stories whichever is lower. Part or all of the additional required distance between buildings may be provided by setbacks in the building at the thirty-five (35) foot or three (3) story level.

(g) Buffer Yards: Along any district boundary line, separating the INST Institutional District from any Residential District, a buffer yard shall be provided which shall be not less than fifty (50) feet in width measured from such boundary line (or from the street line where such street constitutes the district boundary line.) Such buffer yard may be conterminous with any required yard in this district, and in case of conflicts, the larger yard requirements shall apply. In addition, a buffer yard of not less than fifty (50) feet in width shall be provided in the area separating non-residential uses from residential uses within the INST Institutional District.

(h) Parking: Off-street parking space shall be provided in accordance with the provisions of Article X.

(i) Streets: All access streets shall have minimum right-of-way widths of sixty (60) feet.

Section 2 - Area Regulations:

A. No dwelling constructed under Section 1, A.B.D. or E. above shall be constructed on a lot less than one (1) acre in size.

B. No dwelling constructed under Section C.F. or G. above shall be constructed on a lot less than three (3) acres in size.

SECTION VI: That Article IX-A Section 3-B which reads:

"The Planning Commission shall review all plans for apartment house uses submitted to them and shall within thirty (30) days of their receipt submit these plans, with recommendation thereon, to the Board of Adjustment for final approval."

be changed to read:

"The Planning Commission shall review all plans for apartment house uses submitted to them and shall within thirty (30) days of their receipt act thereon."

SECTION VII: That Article IX-A Section 3-C shall be deleted.

ENACTED into an Ordinance this 9<sup>th</sup> day of SEPTEMBER, 1975, A. D.

BOARD OF COMMISSIONERS  
UPPER DUBLIN TOWNSHIP

BY: \_\_\_\_\_

*James Russell*  
President

Attest: \_\_\_\_\_

*Harry Wardle*  
Secretary

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Cg. Sept 18 - 1A - 1002.

ORDINANCE NO. 507

AN ORDINANCE AMENDING ORDINANCE NO. 419 TAKING, ACQUIRING AND APPROPRIATING CERTAIN REAL PROPERTY, INCLUDING ANY IMPROVEMENTS THEREON, LOCATED IN THE TOWNSHIP OF UPPER DUBLIN, COUNTY OF MONTGOMERY AND COMMONWEALTH OF PENNSYLVANIA, FOR THE PURPOSE OF MAKING, ENLARGING AND MAINTAINING PUBLIC PARKS, RECREATION AREAS AND FACILITIES BY AMENDING THE DESCRIPTION OF THE REAL PROPERTY TO BE ACQUIRED.

WHEREAS, the Township of Upper Dublin did by Ordinance No. 419, take, acquire and appropriate for the purpose of making, enlarging and maintaining a public park and/or recreation area or facility, the following described tract of land:

BEGINNING at a point on the Northeasterly side of Limekiln Pike said point being measured the two following courses and distances from a point formed by the intersection of the Northeasterly side of Jenkintown Road with the Northwesterly side of Fitzwatertown Road (1) leaving Fitzwatertown Road partly along the Northeasterly side of Jenkintown Road and Limekiln Pike North 27 degrees 7 minutes West 150.28 feet more or less to a point an angle on the Northeast side of Limekiln Pike and (2) along the Northeasterly side of Limekiln Pike North 17 degrees 6 minutes West 66.79 feet more or less to the point of beginning; thence extending from said point of beginning Northwesterly along the Northeasterly side of Limekiln Pike crossing the bed of a Creek North 17 degrees 6 minutes West 753.97 feet more or less to a point; thence extending North 70 degrees 55 minutes 30 seconds East 188.44 feet more or less to a point; thence extending Southeast 71 feet more or less to a point at or near the Northerly side of the aforesaid Creek; thence crossing and recrossing the bed of the aforesaid Creek North 73 degrees 19 minutes 28 seconds East 1019.38 feet more

or less to a point; thence extending South 43 degrees 32 minutes West 1414.57 feet more or less to the first mentioned point and place of beginning.

AND WHEREAS, the Township of Upper Dublin has determined to amend the said Ordinance No. 419 in order to modify the amount of real property to be acquired for said purposes and to amend the legal description of the property acquired; now therefore be it ordained by the Commissioners of the Township of Upper Dublin in the County of Montgomery and Commonwealth of Pennsylvania, and it is hereby enacted and ordained by authority of the same as follows:

SECTION 1. Section 1 of Ordinance No. 419 is amended to read as follows:

"Section 1. That the real property described herein, including any improvements and fixtures thereon, is required and is necessary for the purpose of making, enlarging and maintaining a public park, recreation area or facility; that the said Township of Upper Dublin by virtue of its powers and the Act of General Assembly being the Act of 1931, June 24, P.L. 1206, Article XIX, Section 1901, as amended, hereby takes, acquires and appropriates for the purpose of making, enlarging and maintaining a public park and/or recreation area or facility, the following described tracts of land:

Parcel No. 1.

ALL THAT CERTAIN lot or piece of ground Situate in Upper Dublin Township, Montgomery County, Pennsylvania, bounded and described according to a Subdivision Plan prepared for "Cedar Road Homes, Inc. and Grant Homes, Inc." by C. Raymond Weir, Associates, Inc., Civil Engineers and Surveyors, Ambler, Pennsylvania, dated September 13,

BEING Parcel "A" as shown on the above mentioned Plan.

BEING part of the same premises which Naomi Peterman, Singlewoman, by Deed dated March 3, 1966, and recorded in Montgomery County, in Deed Book 3418, page 651, conveyed unto Cedar Road Homes, Inc. (Pennsylvania Corp.) in fee.

Parcel No. 2.

ALL THAT CERTAIN lot or piece of ground Situate in Upper Dublin Township, Montgomery County, Pennsylvania, bounded and described according to a Subdivision Plan prepared for "Cedar Road Homes, Inc. and Grant Homes, Inc." by C. Raymond Weir, Associates, Inc., Civil Engineers and Surveyors, Ambler, Pennsylvania, dated September 13, 1973, and last revised February 28, 1975, as follows, to wit:

BEGINNING at a point of curve on the Northwesterly side of Fitzwatertown Road (LR 46092) (70 feet wide at this point), said point being measured the seven following courses and distances from a point of tangent on the South-easterly side of Jenkintown Road; (1) leaving Jenkintown Road on the arc of a circle curving to the left having a radius of 40.00 feet, the arc distance of 79.87 feet to a point of tangent on the Northwesterly side of Fitzwatertown Road; (2) North 43 degrees 30 minutes 30 seconds East 75.00 feet to a point; (3) South 46 degrees 29 minutes 30 seconds East 10.00 feet to a point (Fitzwatertown Road now 60 feet wide); (4) North 43 degrees 30 minutes 30 seconds East 650.00 feet to a point; (5) North 46 degrees 29 minutes 30 seconds West 10.00 feet to a point (Fitzwatertown Road now 60 feet wide); (6) North 43 degrees 30 minutes 30 seconds East 126.46 feet to a point of curve; and (7) on the arc of a circle curving to the right having a radius of 1,186.28 feet, the arc distance of 173.66 feet to the point of beginning; thence extending from said point of beginning North 24 degrees 26 minutes 00 seconds West along Parcel "B" as shown on the above mentioned Plan, 198.33 feet to a point, a corner of Parcel "A" as shown on the above mentioned Plan; thence extending along the same North 43 degrees 32 minutes 00 seconds East crossing through the bed of Sandy Run Creek 283.50 feet to a point in line of lands now or late of Upper Dublin Township; thence extending along the same North 73 degrees 19 minutes 28 seconds East crossing through the bed of a swale and recrossing the bed of Sandy Run Creek 435.31 feet to a point in line of lands now or late of Fairway Estates, Inc.; thence extending along the same the two following courses and distances: (1) South 43 degrees 29 minutes 30 seconds West crossing through the bed of Sandy Run Creek 298.34 feet to a point; and (2) South 43 degrees 32 minutes 00 seconds West 285.30 feet to a point of curve on the Northwesterly side of Fitzwatertown Road (Fitzwatertown Road now 90 feet wide); thence extending on the arc of a circle curving to the left having a radius of 1,186.28 feet, the arc distance of 155.62 feet to the

first mentioned point of curve and place of beginning.

CONTAINING in area 2.497 acres, more or less.

BEING Parcel "B" as shown on the above mentioned Plan.

BEING part of the same premises which Naomi Peterman, Singlewoman, by Deed dated June 4, 1965, and recorded in Montgomery County in Deed Book 3383, page 166, conveyed unto Grant Homes, Inc., (Pennsylvania Corporation) in fee."

SECTION 2. Section 2 of Ordinance No. 419 is amended to read as follows:

"Section 2. The Solicitor of the Township of Upper Dublin is hereby authorized and directed to take such other and further steps, in Court or elsewhere, as may be necessary to carry out the provisions of this Ordinance, including, but not necessarily limited to, the preparation and filing of an Amended Declaration of Taking."

SECTION 3. The provisions of Ordinance No. 419, except as the same is amended herein, shall continue in full force and effect.

APPROVED by the Commissioners and ENACTED AND ORDAINED this 12<sup>th</sup> day of August A.D. 1975.

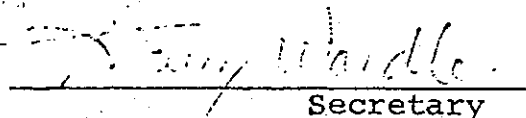
COMMISSIONERS OF UPPER DUBLIN  
TOWNSHIP

By



President

ATTESTE,



Secretary

AN ORDINANCE

NO. 508

AN ORDINANCE TO AMEND ORDINANCE NO. 140, KNOWN AS THE UPPER DUBLIN TOWNSHIP ORDINANCE OF 1956, BY AMENDING THE MAP THEREOF SO AS TO CHANGE AN AREA ON THE NORTHERN SIDE OF TWINING ROAD IN THE TOWNSHIP OF UPPER DUBLIN, MONTGOMERY COUNTY, PENNSYLVANIA. FROM "A" RESIDENTIAL TO "B" RESIDENTIAL.

BE IT ORDAINED AND ENACTED by the Commissioners of Upper Dublin Township.

That the Zoning Map adopted and approved as a part of the Upper Dublin Township Zoning Ordinance of 1956, adopted August 20, 1956, as Ordinance No. 140, as amended, be and is hereby further amended as follows:

SECTION ONE: The parcel hereinafter described be and is hereby changed from "A" Residential to "B" Residential:

ALL THOSE TWO CERTAIN pieces or parcels of land SITUATE in the Township of Upper Dublin, County of Montgomery and Commonwealth of Pennsylvania, separately bounded and described as follows, viz:

PARCEL NUMBER ONE - being triangular in shape and beginning at a point in the middle line of the Fitzwatertown Road at the distance of one hundred and ninety-eight feet measured Southeastwardly and radially from a point in the line established as the center line between the two main tracks of railroad of The Pennsylvania Railroad Company, known as the Trenton Branch, Philadelphia Division; said last mentioned point being at the distance of two thousand eight hundred and seventy-eight feet measured Northeastwardly along said center line between the two main tracks of railroad from another point therein opposite said Railroad Company's Mile Post 25 East of Glen Loch; extending from said beginning point South forty-six degrees twenty-five minutes West, along said middle line of Fitzwatertown Road, the distance of six hundred and forty feet, more or less, to the point of meeting with the production Southeastwardly of the Northeasterly line of a Driveway; twenty feet wide; thence North thirty-eight degrees forty-eight minutes twenty-four seconds West, along said production of Northeasterly line of Driveway and along the said Northeasterly line of Driveway, by land of The Pennsylvania Railroad Company in crossing the Northeasterly line of said Fitzwatertown Road, the distance of one hundred and sixty-two feet and seven one-hundredths of a foot, more or less, to a point, and thence

*more*

North sixty degrees fifty-two minutes seventeen seconds East, still by said land of the Pennsylvania Railroad Company, recrossing said Northwesterly line of Fitzwatertown Road, the distance of six hundred and forty-six feet and ninety-eight one-hundredths of a foot, more or less, to the place of beginning. CONTAINING one acre and one thousand eight hundred and sixty-five ten-thousandths of an acre, more or less.

PARCEL NUMBER TWO - being fifty-nine and sixty-four one-hundredths feet wide beginning at a point at the Northerly corner of land now or formerly of Robert N. William at the distance of two hundred and fifty feet measured Southeastwardly and radially from a point in said center line between the two main tracks of railroad of The Pennsylvania Railroad Company; said last mentioned point being at the distance of two Thousand one hundred and fifty feet and fifty-seven one-hundredths of a foot measured Northeastwardly along said center line between the two main tracks of railroad from another point therein opposite said Railroad Company's Mile Post 25 East of Glen Loch; extending from said beginning point North sixty degrees fifty-two minutes seventeen seconds East, by land of The Pennsylvania Railroad Company, the distance of sixty feet and fifty one-hundredths of a foot, more or less, to the point of meeting with the Southwesterly line of a Driveway, twenty feet wide; thence South thirty-eight degrees forty-eight minutes twenty-four seconds East, along said Southwesterly line of Driveway and along the production Southeastwardly thereof, still by said land of The Pennsylvania Railroad Company in crossing the Northwesterly line of Fitzwatertown Road, the distance of one hundred and sixty-seven feet and thirty-four one-hundredths of a foot, more or less, to a point in the middle line of said Fitzwatertown Road; thence South forty-six degrees twenty-five minutes West, along said middle line of Fitzwatertown Road, the distance of fifty-nine feet and ninety-one one-hundredths of a foot to the point of meeting with the Northeasterly line of said land now or formerly of Robert N. Williams, and thence North thirty-eight degrees forty-eight minutes twenty-four seconds West, by said last mentioned land, recrossing said Northwesterly line of Fitzwatertown Road, the distance of one hundred and eighty-three feet and five one-hundredths of a foot to the place of beginning. CONTAINING two thousand three hundred and ninety-eight ten-thousandths of an acre, more or less.

ORDAINED and ENACTED, this 9<sup>TH</sup> day of ~~SEPTEMBER~~, A. D., 1975

COMMISSIONERS OF UPPER DUBLIN  
TOWNSHIP

BY J. W. [Signature]

Attest: [Signature]

69.

Sept 18-1A

AN ORDINANCE

NO. 513

AN ORDINANCE TO AMEND ORDINANCE NO. 140. KNOWN AS THE UPPER DUBLIN TOWNSHIP ZONING ORDINANCE OF 1956, AND THE MAP THEREOF, BY ESTABLISHING THE BOUNDARIES OF THE INSTITUTIONAL DISTRICT IN THE TOWNSHIP OF UPPER DUBLIN, MONTGOMERY COUNTY, PENNSYLVANIA.

BE IT ORDAINED AND ENACTED by the Commissioners of Upper Dublin Township.

That the Zoning Map adopted and approved as a part of the Upper Dublin Township Zoning Ordinance of 1956, adopted August 20, 1956, as Ordinance No. 140, as amended, be and is hereby further amended as follows:

SECTION ONE: The parcels hereinafter described be and are hereby changed from the "R1" Residential to the "INST" Institutional District: all lands used by and constituting the campuses and related premises:

Christian Academy

Queen of Peace

Saint Alphonsus

Saint Mary's

Temple University

Temple University Music Festival

Wordsworth Academy

As shown on the Official Zoning Map of Upper Dublin Township, three (3) copies of which are on file at the Township:

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SECTION TWO: The parcel hereinafter described be and is hereby changed from "B" Residential to "INST" Institutional District.

Queen of Peace -

As shown on the Official Zoning Map of Upper Dublin Township, three (3) copies of which are on file at the Township Office.

ORDAINED AND ENACTED this 9<sup>TH</sup> day of SEPTEMBER, A. D., 1975.

COMMISSIONERS OF UPPER DUBLIN  
TOWNSHIP

BY: \_\_\_\_\_

*[Handwritten Signature]*

Attest: \_\_\_\_\_

*[Handwritten Signature]*

603.

Sept 15-1A

ORDINANCE NO. 514

AN ORDINANCE OF THE TOWNSHIP OF UPPER DUBLIN, COUNTY OF MONTGOMERY, COMMONWEALTH OF PENNSYLVANIA, REQUIRING LESSORS TO REPORT ON THE STATUS OF THE OCCUPANCY OF RENTAL DWELLING, COMMERCIAL AND INDUSTRIAL UNITS WHICH THEY RENT OR HAVE AVAILABLE FOR RENTAL: PROVIDING FOR QUARTERLY REPORTS THEREON AND PROVIDING METHODS OF ENFORCEMENT AND PENALTIES FOR THE VIOLATION HEREOF.

BE IT ORDAINED AND ENACTED, by the Board of Commissioners of the Township of Upper Dublin, County of Montgomery, Commonwealth of Pennsylvania, and it is hereby enacted and ordained by the authority of the same.

SECTION I. It shall be the duty of the owner of any apartment dwelling Commercial, Industrial or other rental unit located within the Township of Upper Dublin to submit to the Township Manager of the Township of Upper Dublin a list of occupants consisting of the names and apartment numbers of all persons eighteen (18) years of age and older residing in said apartment building or rental unit. Said list shall be submitted within sixty (60) days of the effective date of this Ordinance and shall be updated quarterly thereafter every January 1, April 1, July 1, and October 1, with a list filed on January 1 being accompanied by an affidavit affirming the then current list to be true and correct.

SECTION II. Any owner including an individual, firm, partnership, association, corporation, organization or any other group acting as a unit, and where other than individuals, the officers of such groups or entities, who fails to provide any required list of occupants within ten (10) days of the date it is due shall, upon summary conviction therefore, pay to the Township of Upper Dublin a fine of not more than Three Hundred Dollars (\$300.00) plus costs of prosecution and in default thereof may be sentenced to suffer imprisonment for a period not to exceed five (5) days. Whenever such owner

shall have been notified by Upper Dublin Township or by a service of warrant in a prosecution, or in any other way, that he is committing such violation of this ordinance, each day that he shall thereafter continue the violation shall constitute a separate offense punishable by a like fine or imprisonment.

APPROVED and ADOPTED as an Ordinance this 9<sup>TH</sup> day of *DECEMBER*, 1975.

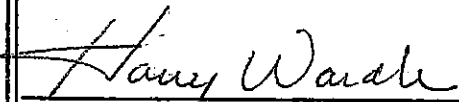
BOARD OF COMMISSIONERS  
UPPER DUBLIN TOWNSHIP



---

Thomas M. Tressler, Jr.  
President

Attest:



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Secretary

ANNUAL BUDGET OF THE TOWNSHIP OF UPPER DUBLIN FOR THE YEAR 1976

ORDINANCE NO. 515

AN ORDINANCE of Upper Dublin Township, Montgomery County, and the Commonwealth of Pennsylvania, appropriating specific sums estimated to be required for the specific purposes of the municipal government, hereinafter set forth, during the current year.

BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Commissioners of Upper Dublin Township, County of Montgomery, Pennsylvania:

SECTION 1. That for the expenses for the fiscal year 1976 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.

GENERAL OPERATING FUNDS  
SUMMARY OF ESTIMATED RECEIPTS

|                                       |                |
|---------------------------------------|----------------|
| Cash and securities for Appropriation | \$ 35,747      |
| Receipts from Current Tax Levy        | 1,440,813      |
| Receipts from Taxes of Prior Years    | 51,000         |
| Other Revenue Receipts                | 568,750        |
| Miscellaneous non-revenue Receipts    | <u>217,600</u> |
| TOTAL ESTIMATED RECEIPTS AND CASH     | \$2,313,910    |

SUMMARY OF APPROPRIATIONS

|                                     | <u>Operation and<br/>Maintenance</u> |
|-------------------------------------|--------------------------------------|
| General Government:                 |                                      |
| Administration                      | \$ 152,000                           |
| Treasurer & Tax Collector           | 5,700                                |
| Municipal Buildings                 | <u>34,000</u>                        |
| TOTAL                               | \$ 191,700                           |
| Protection to Persons and Property: |                                      |
| Police                              | \$ 678,250                           |
| Fire                                | 33,275                               |
| Civil Service                       | <u>500</u>                           |
| TOTAL                               | \$ 712,025                           |

Regulations, Planning & Zoning - Total \$ 61,335

Health and Sanitation:

Health \$ 29,950  
Trash Collection & Disposal 239,200

TOTAL \$ 269,150

Highways:

Highway Maintenance \$ 287,550  
Street Lighting 65,000

TOTAL \$ 352,550

Library:

TOTAL \$ 73,000

Parks & Recreation: TOTAL \$ 118,850

Miscellaneous:

Employee Taxes & Benefits \$ 279,500  
Insurance 108,000  
Refunds 500

TOTAL \$ 388,000

TOTAL FOR OPERATION; MAINTENANCE AND CAPITAL OUTLAY \$2,166,610

Debt Service:

Interest \$ 62,300  
Principal 85,000

TOTAL DEBT SERVICE \$ 147,300

TOTAL

TOTAL APPROPRIATIONS FROM GENERAL OPERATING FUNDS \$2,313,910

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, Pennsylvania.

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

Adopted this 29th day of December 1975.



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Thomas M. Tressler, Jr.  
President  
Upper Dublin Township  
Board of Commissioners

ATTEST:



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Harry Wardle, Secretary

TAX LEVY ORDINANCE

ORDINANCE NO. 516

AN ORDINANCE of Upper Dublin Township, Montgomery County and the Commonwealth of Pennsylvania, fixing the tax rate for the year 1976.

BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Commissioners of Upper Dublin Township, County of Montgomery, Pennsylvania:

That a tax be and the same is hereby levied on all property and occupations within the said municipality subject to taxation for the fiscal year 1976, as follows:

Tax rate for general purposes, the sum of ..... 25.25 mills on each dollar of assessed valuation, or the sum of. 252.5 cents on each one hundred dollars of assessed valuation.

For fire protection purposes, the sum of ..... 2 mills on each dollar of assessed valuation, or the sum of.... 20 cents on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

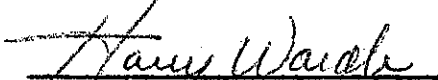
|                               | <u>Mills on Each<br/>Dollar of<br/>Assessed<br/>Valuation</u> | <u>Cents on Each<br/>One Hundred<br/>Dollars of<br/>Assessed<br/>Valuation</u> |
|-------------------------------|---|--|
| Tax Rate for General Purposes | 25.25 mills   | 252.5 cents  |
| Tax Rate for Fire Protection  | <u>2.00</u> mills   | <u>20.0</u> cents  |
| TOTAL                         | 27.25 mills   | 272.5 cents  |

Adopted this 29th day of December 1975.



Thomas M. Tressler Jr.  
President  
Upper Dublin Township  
Board of Commissioners

ATTEST:



Township Secretary

YEAR END BUDGET ADJUSTMENT ORDINANCE

ORDINANCE NO. 517

AN ORDINANCE appropriating and making changes in certain appropriations heretofore made by the Board of Commissioners of the Township of Upper Dublin under Ordinance No. 499, dated December 30, 1974.

WHEREAS, pursuant to Acts of Assembly in such cases made and provided, the Board of Commissioners of Upper Dublin Township, Montgomery County, Pennsylvania, by ordinance adopted and enacted the 30th day of December, 1974 appropriated out of the estimated revenue and income available for year 1975 certain sums estimated by them to be required for the several specific purposes of Township Government, and

WHEREAS, because of the difficulty in accurately determining the exact amount required for certain of the specific purposes of Township Government, which are or may be largely affected by unforeseen contingencies, the same appropriated to the following specific purposes to wit: Debt Service and

WHEREAS, the sums accumulated from receipts are in excess of the total funds appropriated for 1975.

NOW, therefore, the Board of Commissioners of Upper Dublin Township do hereby enact and ordain:

That the sum of \$373.00 from excess receipts to be transferred as follows:

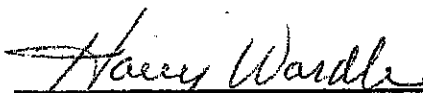
\$373.00 to Debt Service

Adopted and enacted this 29th day of December 1975.



Thomas M. Tressler, Jr.  
President  
Upper Dublin Township  
Board of Commissioners

ATTEST:

  
Township Secretary

ORDINANCE NO. 518

AN ORDINANCE OF THE TOWNSHIP OF UPPER DUBLIN, COUNTY OF MONTGOMERY AND COMMONWEALTH OF PENNSYLVANIA, FIXING THE ASSESSMENT FOR STREET LIGHTING EFFECTIVE AS OF JANUARY 1, 1976, AND THEREAFTER, AND REPEALING ORDINANCE NO. 420, ADOPTED DECEMBER 28, 1970.

SECTION I. That the cost and maintenance of street lighting along any street or highway, or portion thereof, within the Township of Upper Dublin, is hereby distributed according to an assessment on all property benefited by such lighting. This assessment is hereby levied in proportion to the number of feet, or portion thereof, of each such property, which fronts on the lighted street or highway, as follows:

- A. Residentially zoned property, with improvements thereon, at fourteen (14¢) cents per lineal foot frontage; and
- B. Residentially zoned property, without improvements thereon, at five (5¢) cents per lineal foot frontage; and
- C. Other than residentially zoned property, with improvements thereon, at thirty (30¢) cents per lineal foot; and
- D. Other than residentially zoned property, without improvements thereon, at ten (10¢) cents per lineal foot.

ORDAINED and ENACTED this 29<sup>th</sup> day of DECEMBER A. D.,

19 75

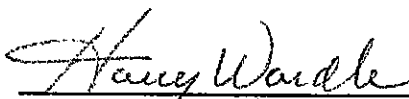
COMMISSIONERS OF UPPER DUBLIN  
TOWNSHIP

BY:



Thomas M. Tressler, Jr.  
President

Attest:



Harry Wardle, Secretary

ORDINANCE NO. 519

AN ORDINANCE ESTABLISHING THE DATES OF REGULAR MEETINGS OF THE COMMISSIONERS OF THE TOWNSHIP OF UPPER DUBLIN, MONTGOMERY COUNTY, PENNSYLVANIA, DURING THE YEAR 1976.

BE IT ORDAINED and ENACTED by the Commissioners of Upper Dublin Township, Montgomery County, Pennsylvania, and it is hereby enacted by the authority of the same.

SECTION I The regular meetings of the Commissioners for the year 1976 are fixed as follows:

The second Tuesday of each month, beginning January 13, 1976, at 8:00 P.M. prevailing time.

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

ORDAINED and ENACTED this 5th day of January 1976

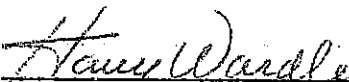
COMMISSIONERS OF UPPER DUBLIN  
TOWNSHIP

BY: \_\_\_\_\_



Thomas M. Tressler, Jr.  
President

Attest:



Harry Wardle  
Secretary

ORDINANCE NO. 510

AN ORDINANCE AMENDING SECTION TWO OF ORDINANCE NO. 453, PROVIDING FOR THE IMPOSITION OF CONNECTION CHARGES.

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

SECTION I. Section 2 of Ordinance 453 shall be amended to read as follows:

SECTION 2, Imposition of Connection Charge:

There is hereby imposed upon each owner of property within the Upper Dublin Township Sewer District, as herein above described, which shall connect to the Sewer System after the effective date of this ordinance, a connection charge for each property based upon the following schedule:

- a. Single Family Dwelling - \$200.00 per dwelling.
- b. Dwelling unit within a multiple dwelling structure.
  - (1) Duplex - \$200.00 per dwelling
  - (2) Semi-detached - \$200.00 per dwelling
  - (3) Three bedroom townhouse, apartment units, or condominium - \$100.00 per dwelling unit.
  - (4) Two bedroom townhouse, apartment unit, or condominium - \$65.00 per dwelling unit.
  - (5) One bedroom townhouse, apartment unit, or condominium - \$25.00 per dwelling unit. ( with a minimum of \$200.00 per any such structure. )
- c. Dwelling unit within a motel, hotel, or similar structure \$25.00 per unit (with a minimum of \$200.00 for any such structure. )

- d. A charge of \$200.00 shall be imposed for any public restroom, laundry or similar facility within a multiple dwelling, motel, hotel or similar structure. (A connection charge shall be imposed on any restaurant - kitchen within such structure under the formula given in e. below.)
- e. Each non-residential building, commercial, industrial building or institutional building or a residential building used for commercial purpose, a charge shall be imposed in accordance with the following formula.

Total Square Feet ÷ 5000 x \$200 + a base fee of \$200 = charge.

DULY ENACTED by the Board of Township Commissioners of Upper Dublin Township this *13* day of *January*, 1976.

COMMISSIONERS OF UPPER DUBLIN  
TOWNSHIP

BY: \_\_\_\_\_

*Tom Prindle*  
President

Attest:

*Harry Wardle*  
Secretary

ORDINANCE NO. 521

AN ORDINANCE TO AMEND ORDINANCE NO. 140, ADOPTED AUGUST 20, 1956, DESIGNATED THE UPPER DUBLIN TOWNSHIP ZONING ORDINANCE OF 1956, AS AMENDED, BY AMENDING THE MAP THEREOF SO AS TO CHANGE AN AREA IN WARD ONE ABUTTING CEDAR ROAD FROM A RESIDENTIAL TO B RESIDENTIAL DISTRICT.

WHEREAS, the Commissioners of Upper Dublin Township find that the within amendment to Upper Dublin Township Zoning Ordinance is in accordance with the spirit and intent of the Comprehensive Plan and Land Use Plan for the Township of Upper Dublin.

BE IT ORDAINED AND ENACTED by the Commissioners of Upper Dublin Township, Montgomery County, Pennsylvania, and it is hereby enacted by authority of the same, that the zoning map adopted and approved as a part of the Upper Dublin Township Zoning Ordinance of 1956, adopted August 20th, and known as Ordinance No. 140, as amended, be and is hereby further amended as follows:

SECTION ONE. The Zoning Map of the Zoning Ordinance be amended changing the territory hereinafter described, being known as the "Mauchley Tract", consisting of approximately ~~thirteen (13)~~ acres, plus or minus, as more fully described in the description attached hereto and marked Exhibit "A" from A Residential to B Residential District.

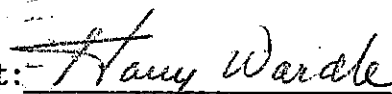
ORDAINED AND ENACTED this 29th day of December, A.D. 1975.

COMMISSIONERS OF UPPER DUBLIN TOWNSHIP

By

  
\_\_\_\_\_  
President

Attest:

  
\_\_\_\_\_  
Secretary

ALL THAT CERTAIN parcel or tract of land situate in Upper Dublin Township, Montgomery County, Pennsylvania as shown on a plan prepared for Willow Grove Construction Company, showing requested zoning change of 'A' Residential to 'C' Residential, prepared by C. Raymond Weir Associates, Inc., Civil Engineers and Surveyors, Ambler, Pennsylvania, dated December 5, 1974, bounded and described as follows to wit:

BEGINNING at an interior point in line of land of Willow Grove Construction Company ('C' Zoning) a corner of the land herein to be described and other land presently ('A' Zoning) which said point of beginning is located South 59 degrees 31 minutes East 150 feet from the Southeasterly side of Meadowbrook Avenue 50 feet wide; thence from the point of beginning along land of the Willow Grove Construction Company ('C' Zoning) North 59 degrees 31 minutes West 740 feet to a point in line of land now or late of Alvin B. Faust, ('C' Zoning); thence partly along the same and partly along Butler Manor ('AH' Zoning) North 31 degrees 46 minutes East 762.66 feet to a point a corner of other land of which this is a part ('A' Zoning); thence through the same the 13 following courses and distances to wit: 1) North 78 degrees 32 minutes 19 seconds East 204.33 feet to an angle point; 2) South 80 degrees 32 minutes East 676.13 feet to a point a corner; 3) South 9 degrees 28 minutes West 200 feet to a point of curvature; 4) by a curved line bearing to the right in a Southeasterly direction with a radius of 150 feet the arc distance of 74.77 feet to a point of tangency; 5) South 51 degrees 58 minutes 30 seconds East 12.89 feet to a point a corner; 6) South 38 degrees 01 minutes 30 seconds West 142.99 feet to a point a corner; 7) North 80 degrees 32 minutes West 616.97 feet to a point a corner; 8) South 31 degrees 46 minutes West 258.87 feet to a point a corner; 9) South 59 degrees 31 minutes East passing a stone driveway 79.97 feet to an angle point; 10) South

29 degrees 54 minutes East 200.82 feet to an angle point; 11) South 11 degrees 33 minutes East 119 feet to an angle point; 12) South 1 degree 14 minutes West crossing over a drainage ditch 98.25 feet to an angle point; 13) South 30 degrees 29 minutes West 66.69 feet to the point and place of beginning.

EXHIBIT "A"

ORDINANCE NO. 527

AN ORDINANCE TO AMEND ORDINANCE NO. 140, ADOPTED AUGUST 20, 1956, DESIGNATED THE UPPER DUBLIN TOWNSHIP ZONING ORDINANCE OF 1956, AS AMENDED, BY AMENDING THE MAP THEREOF SO AS TO CHANGE AN AREA ABUTTING HIGHLAND AVENUE AND THE 309 EXPRESSWAY FROM A, B AND C RESIDENTIAL DISTRICT TO MD-MULTI-DWELLING DISTRICT

WHEREAS, an application has been made for the adoption of a Curative Amendment to the Zoning Ordinance to provide for a separate classification of "Townhouses" and to amend the Zoning Map by changing a thirty (30) acre tract abutting Highland Avenue and the 309 Expressway from the present A, B and C Districts to the proposed new Townhouse District, and

WHEREAS, Section 1004(4) of the Municipalities Planning Code provides for the amendment to proposed Curative Amendments by the Board of Commissioners, and

WHEREAS, Article IX of the existing Zoning Ordinance contains provisions for Townhouses substantially in accordance with the provisions of the Curative Amendment which, if adopted, would cause ambiguity and confusion, and

WHEREAS, the Commonwealth Court has ruled that plans and specifications submitted with a Curative Amendment should be the basis for development, and

WHEREAS, the Board of Commissioners, after review of said plans, together with changes set forth in applicants' letter of December 26, 1975 find said plans acceptable and that it is in the best interest of the Township to reclassify the area to Townhouse Development,

NOW, THEREFORE, be it Ordained and Enacted by the Commissioners of Upper Dublin Township, Montgomery County, Pennsylvania, and it is hereby enacted by authority of the same, that:


1. The Curative Amendment as proposed is amended by substituting therefor Article IX of the Ordinance 140, the Upper Dublin Township Zoning Ordinance, with the provision that the plans and specifications submitted with the amendment be incorporated herein together with the refinements set forth in applicants' letter of December 26, 1975.

2. That the Zoning Map of the Zoning Ordinance be amended changing the territory hereinafter described being known as the "Charters" Tract, consisting of approximately thirty (30+) acres plus or minus, as more fully described in the description attached hereto and marked Exhibit "A", from A, B and C Residential to MD-Multi-Dwelling District.

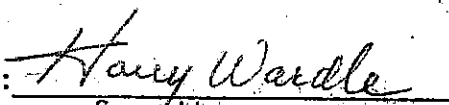
ORDAINED AND ENACTED this 29th day of December, A.D. 1975.

COMMISSIONERS OF UPPER DUBLIN TOWNSHIP

By:

  
\_\_\_\_\_  
President

Attest:

  
\_\_\_\_\_  
Secretary

522  
ALL THAT CERTAIN lot or tract of ground with improvements thereon erected, SITUATE in the Township of Upper Dublin, County of Montgomery and State of Pennsylvania, bounded and described according to a survey made thereof by G. Raymond Weir, Registered Professional Engineer, Ambler, Pennsylvania, dated October 16, 1957, described as follows:

BEGINNING at a point on the Northwest side of Fort Washington Avenue as now established 80 feet wide, said point being North 51 degrees 20 minutes 40 seconds West 52.75 feet from a point in the middle of Fort Washington Avenue as originally laid out 50 feet wide a corner of this and land of "Elliger Park", said last point being South 38 degrees 28 minutes 45 seconds West 1054.40 feet from an angle point in the middle of Fort Washington Avenue, said angle point being South 37 degrees 35 minutes 45 seconds West 207 feet from a point at the intersection of the middle of Fort Washington Avenue with the middle of Highland Avenue 50 feet wide; thence from the point of beginning along land of "Elliger Park" North 51 degrees 20 minutes 40 seconds West 1268.40 feet to a point in line of land of the "Ambler Highland Development"; thence along the same North 38 degrees 17 minutes 45 seconds East 1216.39 feet more or less to a point on the Southwest side of Highland Avenue as now laid out 80 feet wide; thence along the same South 52 degrees 12 minutes 30 seconds East 107.65 feet more or less to a point a corner of land of the Commonwealth of Pennsylvania being State Highway Legislative Route No 782; thence along the same the six (6) following courses and distances to wit: (1) South 37 degrees 47 minutes 30 seconds West 20 feet to a point, (2) South 52 degrees 12 minutes 30 seconds East 114.63 feet to a point of curvature, (3) by a curved line bearing to the right in a Southeast to Southwest direction with a radius of 200 feet the arc distance of 238.11 feet to the point of tangency, (4) South 16 degrees no minutes 15 seconds West 101.23 feet to a point of curvature, (5) by a curved line bearing to the left in a Southerly direction with a radius of 1196.28 feet the arc distance of 520.16 feet to a point of tangency (6) South 8 degrees 54 minutes 32 seconds East 401.79 feet to a point of curvature; thence still along land of said Commonwealth of Pennsylvania State Legislative Route No. 782 and along the limit of the slope line the three (3) following courses and distances to wit: (1) by a curved line bearing to the left in a Southeasterly direction with a radius of 1986.08 feet the arc distance of 78.01 feet to a point, (2) South 78 degrees 50 minutes 20 seconds West 10 feet to a point, (3) by a curved line bearing to the left in a Southeasterly direction with a radius of 1995.08 feet the arc distance of 226.26 feet to a point on the aforesaid Northwest side of Fort Washington Avenue 80 feet wide; thence along the same South 38 degrees 23 minutes 20 seconds West 94.96 feet to the point and place of beginning.

CONTAINING 20.9 acres of land be the same more or less.

EXCEPTING AND RESERVING THEREOUT AND THEREFROM, the following track Viz -

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected. Situate in the Township of Upper Dublin described in accordance with a plan of property surveyed for Robert J. Charters et al by G. Raymond Weir, Registered Professional Engineer, Ambler, Pa. 8/26/1970 as follows:

BEGINNING at a point in the center line of Fort Washington Avenue at the rear line of lots fronting on Hartranft Avenue thence extending in a Westerly direction 300 feet more or less to a point; thence extending in a Northerly direction 199.34 feet to a point; thence extending Southeasterly 57.41 feet to a point; thence continuing Southeasterly 207.76 feet to a point; thence continuing Southeasterly 28.34 feet to a point; thence continuing Southeasterly 9.78 feet to a point in the side of Fort Washington Avenue; thence extending in a Southerly direction along the side of Fort Washington Avenue 29 feet more or less to a point approximately 50 feet West of the point and place of beginning.

CONTAINING .7 acres, more or less.

TOTAL NET ACRES - 20.2 more or less.

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected, Situate in the Township of Upper Dublin, Montgomery County, Pennsylvania and described according to a Plan of Property surveyed for Richard H. Snyder et ux by C. Raymond Weir, Registered Professional Engineer, Ambler, Pa. 6/19/1950 as follows:

BEGINNING at a point in the middle line of Highland Avenue at its intersection with the Easterly side of Quarry Avenue; thence along the said middle line of Highland Avenue South 63 degrees 13 minutes East 253.8 feet to a spike, a corner of this and lot No. 192 on said plan; thence along said lot and still along the middle line of Highland Avenue South 45 degrees 5 minutes East 319.8 feet to a point in the line of land of the Goodrich Estate; thence along the same South 45 degrees 30 minutes West 351.5 feet to the Easterly side of Quarry Avenue aforesaid; thence along the same North 9 degrees 10 minutes East 951.05 feet to the middle of Highland Avenue the first mentioned point and place of beginning.

CONTAINING 5.75 Acres.

EXCEPTING AND RESERVING THEREOUT AND THEREFROM, the two following tracts Viz:

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected, Situate in the Township of Upper Dublin &c. described in accordance with a plan of property surveyed for Richard H. Snyder et ux by C. Raymond Weir, Registered Professional Engineer, Ambler, Pa. 6/19/1950 as follows:

BEGINNING at a point in the middle line of Highland Avenue (as laid out 50 feet wide) said beginning point being located as follows: Beginning at a point in the middle line of Highland Avenue aforesaid at its intersection with the Easterly side of Quarry Avenue (as laid out 50 feet wide but unopened); thence along the said middle line of Highland Avenue South 63 degrees 13 minutes 30 seconds East 253.5 feet to a spike thence still along the middle line of Highland Avenue South 45 degrees East 118.21 feet to the aforementioned point and place of beginning; said point being a corner of this and other lands of the Grantors herein of which this was formerly a part; thence along the center line of Highland Avenue South 45 degrees East 100 feet to a point a corner of this and other land of the Grantors herein; thence along the same and crossing over a stake set in the Southwest side of Highland Avenue aforesaid the five following courses and distances South 45 degrees 16 minutes 30 seconds West 201.13 feet to a stake; thence South 9 degrees 10 minutes West 155.51 feet to a stake; thence North 80 degrees 50 minutes West 100 feet to a stake; thence North 9 degrees 10 minutes East 199.11 feet to a stake; thence crossing a stake set in the Southwest side of Highland Avenue North 45 degrees 15 minutes 30 seconds East 233.25 feet to a point in the middle of Highland Avenue the point and place of beginning.

CONTAINING 0.918 Acres of land.

ALSO EXCEPTING AND RESERVING THEREOUT AND THEREFROM

ALL THAT CERTAIN piece of parcel of ground, Situate in Upper Dublin Township, Montgomery County, Pennsylvania and described according to a Plan of Property for Richard H. Snyder et ux by C. Raymond Weir, Registered Professional Engineer dated 6/19/1950 as follows to wit:

BEGINNING at a point in the center line of Highland Avenue (50 feet wide) said point being the two following courses and distances measured along the center line of Highland Avenue from its point of intersection with the extended South east side of Quarry Avenue (50 feet wide) (Not Opened) (1) South 63 degrees 13 minutes 30 seconds East 253.50 feet to a point an angle in said Road and (2) South 45 degrees East 218.21 feet to the point of beginning; thence extending from said point of beginning South 45 degrees East along the center line of Highland Avenue 100 feet to a point a corner of land now or late of G.C. Kucmarle; thence extending South 45 degrees 16 minutes 30 seconds West crossing the Southwest side of Highland Avenue along the aforesaid land of Kucmarle 338.70 feet to a point; thence extending North 9 degrees 10 minutes East 159.69 feet to a stake; thence extending North 45 degrees 16 minutes 30 seconds East recrossing the Southwest side of Highland Avenue 201.13 feet to the first mentioned point and place of beginning.

CONTAINING in area 0.619 Acres.

TOTAL NET ACRES - 4.213.

DESCRIPTION OF PARCEL NO. 3

Property of Albert A. Dumseldinger and Elizabeth C. Dumseldinger, his wife, included in this transaction.

ALL THAT CERTAIN lot or piece of land with the dwelling thereon erected, Situate in the Township of Upper Dublin, County of Montgomery, State of Pennsylvania consisting of Lots Nos. 155 to 163 both inclusive and Nos. 176 to 189 both inclusive on a Plan of Lots of "Aabler Highlands" prepared by Thomas S. Gillin, Civil Engineer and recorded in the Office for the Recording of Deeds in and for the County of Montgomery in Deed Book No. 524 page 500, said lot or piece of land bounded and described as follows, to wit:

BEGINNING at a point at the southeasterly corner of Inverness Avenue and Glencoe Avenue as shown on said Plan; thence by the easterly side of Glencoe Avenue Southerly seven hundred feet to a corner in the Northerly side of Randolph Avenue as shown on said Plan; thence by the northerly side of Randolph Avenue easterly four hundred feet to a point in the westerly side of Quarry Avenue; thence by said westerly side of Quarry Avenue northerly seven hundred feet to the southerly side of Inverness Avenue, aforesaid; thence by said southerly side of Inverness Avenue westerly four hundred feet to the place of Beginning.

CONTAINING 6.422 Acres more or less.

EXCEPTING therefrom and thereof ALL THAT CERTAIN lot or piece of land with the dwelling and improvements thereon erected, SITUATE in the Township of Upper Dublin, County of Montgomery and Commonwealth of Pennsylvania described according to a survey thereof made by Warren H. Keator, Registered Surveyor, dated October 16, 1974, as follows:

BEGINNING at the Northeast corner of Randolph Avenue (50 feet wide) and Glencoe Avenue (50 feet wide but presently unopened), thence along the East side of Glencoe Avenue North 2 degrees, 11 minutes, 15 seconds East 262.50 feet to a point, thence South 87 degrees, 48 minutes, 45 seconds East 133.33 feet to a point, thence South 2 degrees, 11 minutes, 15 seconds West 262.50 feet to a point on the North side of Randolph Avenue, thence along Randolph Avenue North 87 degrees, 48 minutes, 45 seconds West 133.33 feet to the place of beginning.

CONTAINING 0.803 acres.

LAW OFFICES

BEAN, DEANGELIS, KAUFMAN & KANE, P. C.

ARTHUR W. BEAN  
SIDNEY M. DEANGELIS  
JOHN G. KAUFMAN  
EDWARD F. KANE  
WILLIAM H. PUGH, IV  
J. PEIRCE ANDERSON  
ALBERT R. SUBERS  
RICHARD A. STERN  
FREDERICK W. McBRIEN III  
RONALD J. PSARIS  
STEPHEN H. FRISHBERG

522 SWEDE STREET  
NORRISTOWN, PA. 19401  
(215) 279-6800

December 26, 1975

Raymond Jenkins, Esquire  
Butler Pike  
Ambler, Pennsylvania

Re: Triangle Acres--Edward Hones  
30 + Acres

Dear Ray:

In accordance with our several phone conversations, I am writing this letter to confirm certain aspects of the proposed development which my client is willing to commit himself to, should the tract be redesignated to a "Town House" development.

1. 100 foot set-backs would be maintained from all residential districts.
2. There would be a maximum height of two stories, but no limit on bedroom ratios. It is the intention of the developer to have all three bedroom houses.
3. Access roads would be maintained to both Highland and Fort Washington Avenue, as dictated by the Commissioners.
4. At the owner's expense, the Township may secure such engineering advice as they deem appropriate to confirm the Zero Run-Off factor.
5. A Home Owner's Agreement providing for care, maintenance, etc. of the common use areas will be drafted in a form satisfactory to the Township and in accordance with the "Unit Property" Act and the appropriate sections of Act 247.
6. In addition to the set-backs in #1 above, all efforts will be made to concentrate building development in the center of the tract or adjacent to the highway frontage.
7. The developer will abide by a traffic engineer's recommendation with particular reference to the intersection of Fort Washington Avenue and Highland Avenue. More particularly, owner will ~~contribute to~~ contribute to the cost of signalization for that intersection, should it be deemed appropriate by the Commissioners-

PAY"

In Re: Triangle Acres--Edward Hones -2-

December 26, 1975

8. Owner will construct the units in phases with a maximum of 50 units in the first year following approval of a Development Plan. It is proposed that all "improvements" will be installed at the same time. (roads, curbs, sewer and water facilities, storm drainage)

9. Owner, as part of the Improvement Agreement, will bond the cost of fencing the existing pond as well as the proposed pond, to insure the installation of said fence, should the Township deem it necessary.

Finally, the owner and myself deem it most proper to adhere to the five unit per acre density as proposed in our draft of the Curative Amendment. Our position, of course, presupposes that such density will be possible in conjunction with the development requirements noted above. Several reasons exist for maintaining this density, not the least of which is the economic factor for the developer which includes profit as well as the ability to maintain a decent sale price. Secondly, I believe that as a legal matter the proposed density of five units an acre is very much in keeping with the existing zoning on the tract and the mandate of the Court in the many cases which have most recently been decided. Finally, I might point out the anomalous situation that would exist on this tract at less than five units an acre, while at the same time other parcels are under review for the same or higher density.

In conclusion, I might add my own personal observation that from the resident's point of view, I am certain that there will be no difference between 145 or 155 units.

If, for any reason, you need other information between now and your next meeting, please do not hesitate to call. I also enclose for your benefit the Market Analysis and Site Evaluation, which I would like to have returned when you are finished with it.

Very truly yours,

  
John G. Kaufman

JGK:nc

Enclosure

  
Owner

ORDINANCE NO. 523

AN ORDINANCE TO AMEND ORDINANCE NO. 140, ADOPTED AUGUST 26, 1956, DESIGNATED THE UPPER DUBLIN TOWNSHIP ZONING ORDINANCE OF 1956, AS AMENDED, BY AMENDING THE MAP THEREOF SO AS TO CHANGE AN AREA LOCATED NEAR THE INTERSECTIONS OF RANDOLPH AVENUE, BETHLEHEM PIKE AND INVERNESS AVENUE FROM A AND B RESIDENTIAL TO MD-MULTI-DWELLING DISTRICT.

WHEREAS, the Commissioners of Upper Dublin Township find that the within amendment to Upper Dublin Township Zoning Ordinance is in accordance with the spirit and intent of the Comprehensive Plan and Land Use Plan for the Township of Upper Dublin.


BE IT ORDAINED AND ENACTED by the Commissioners of Upper Dublin Township, Montgomery County, Pennsylvania, and it is hereby enacted by authority of the same, that the zoning map adopted and approved as a part of the Upper Dublin Township Zoning Ordinance of 1956, adopted August 20th, and known as Ordinance No. 140, as amended, be and is hereby further amended as follows:

SECTION ONE. The territory hereinafter described, being known as the "FORT WASHINGTON CONVALESCENT HOME", consisting of approximately 6.5 acres, plus or minus, as more fully described in the description attached hereto and marked Exhibit "A", be changed from A and B Residential District to MD-Multi-Dwelling District.

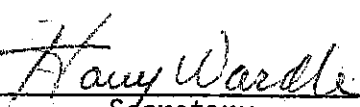
ORDAINED AND ENACTED this 29th day of December, A.D. 1975.

COMMISSIONERS OF UPPER DUBLIN TOWNSHIP

By

  
\_\_\_\_\_  
President

Attest

  
\_\_\_\_\_  
Secretary

ALL THAT CERTAIN tract or piece of land with the buildings and improvements thereon erected, Situate in the Township of Upper Dublin, in the County of Montgomery and State of Pennsylvania, bounded and described according to a survey thereof made by James R. Gillin, C.E., on June 7, 1912, as follows:

BEGINNING at a point in the easterly side of the Bethlehem Pike (formerly Chestnut Hill and Springhouse Turnpike) (sixty feet wide), at the distance of One hundred twenty-six and ninety-hundredths feet southeasterly from the southeast corner of the said Bethlehem Pike, and a fifty feet wide street called Inverness Avenue; as shown on said plan; thence south eighty degrees fifty minutes east two hundred nine and eleven hundredths feet to a point; thence north nine degrees ten minutes east, twenty-five feet to a point; thence south eighty degrees fifty minutes east sixteen feet to a point on the easterly side of an alley sixteen feet in width; thence extending along said side of said alley, north nine degrees ten minutes east, One hundred feet to a point on the southerly side of Inverness Avenue (fifty feet in width) aforesaid, thence extending along said side of said Avenue, south eighty degrees fifty minutes east, two hundred feet to a stone, marking the point of intersection of the southerly side of said Inverness Avenue and the westerly side of Bellaire Avenue; thence along the westerly side of said Bellaire Avenue (50 feet in width) south nine degrees ten minutes west, seven hundred feet to a stone; it being the point of intersection of the said westerly side of Bellaire Avenue with the northerly side of Randolph Avenue (fifty feet in width); thence extending along the northerly side of said Randolph Avenue, north eighty degrees fifty minutes west four hundred sixteen feet to a stone, marking the point of intersection of said northerly side of Randolph Avenue with the easterly side of the Bethlehem Pike (sixty feet in width) as shown on said plan; thence extending along the easterly side of the Bethlehem Pike (sixty feet in width) north nine degrees, ten minutes west five hundred twenty-three and forty-two hundredths feet to a stone, marking an angle in said Turnpike Road; thence still along said side of said Turnpike Road, north fifty-two minutes west, fifty-one feet and eighty-five hundredths of a foot to the place of beginning.

403 Rydal West  
Jenkintown, Pennsylvania 19046  
December 29, 1975

Board of Commissioners of  
Upper Dublin Township  
801 Loch Alsh Avenue  
Fort Washington, Pennsylvania 19034

Re: Proposed Rezoning of Lands of Fort Washington Nursing  
and Convalescent Home, Inc., Bethlehem Pike at  
Randolph Avenue, to AH Apartment House District

Gentlemen:

The Fort Washington Nursing and Convalescent Home, Inc., owner of ground proposed to be rezoned as above, accepts as conditions of the rezoning to AH Apartment House District the following:

1. All that portion of the tract between the Creek and Randolph Avenue shall be made subject to a covenant running with the land, requiring the owner for all times to keep the land in its natural state. This covenant shall be recorded in the Recorder of Deeds Office on the final plan approval.
2. Our Preliminary Plan will be revised to reflect, in accordance with the requirements of the Zoning Ordinance, a seventy-five (75') foot setback along Inverness Avenue.
3. It is agreed that the Township may employ, at our expense, its own engineers to check our plans in regard to drainage and traffic.

Very truly yours,

FORT WASHINGTON NURSING &  
CONVALESCENT HOME, INC.

BY

  
Donald A. Bryan

DAB:paj

ORDINANCE NO. 524

AN ORDINANCE LAYING OUT KARL AVENUE BETWEEN WOODLAND AVENUE AND PAUL AVENUE, UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA.

WHEREAS, the hereinafter described portion of ground was laid out but never physically opened; and

WHEREAS, the Township of Upper Dublin has never exercised any control or jurisdiction over said strip of ground; and

WHEREAS, the opinion of the Commissioners of said Township said strip of ground would not be necessary or useful for the convenience of the public; and

WHEREAS, proper notice has been given to the property owners affected and are held in conformity with Section 2007 Article XX of Act of June 24, 1931, P. L. 1206, as amended.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Commissioners of Upper Dublin Township and it is hereby enacted by authority of the same as follows:

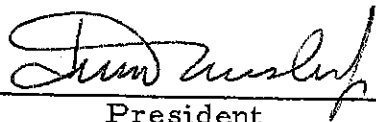
SECTION 1. The described tract of land as set forth in Exhibit "A" attached hereto and made part of this ordinance be and the same is hereby entered and received in the general plan of streets and accepted by the Township of Upper Dublin as, and for, a public highway, all in accordance with the Act of Assembly in such case made and provided.

SECTION 2. The proper officers of the Township are authorized and directed to make a written report, together with a draft or survey of the aforesaid road and the names of the owners of property abutting thereon, and file the same on behalf of the Township in the Office of the Clerk of Court of Quarter Sessions of Montgomery County.

SECTION 3. That within ten (10) days after the passage of this ordinance, the proper officers of the Township are authorized and directed to give notice of the passage and approval of this ordinance by handbills posted in conspicuous places along the line of proposed laying out.

APPROVED by the Board and ENACTED into an Ordinance this 10<sup>th</sup> day of February, A. D., 1976.

COMMISSIONERS OF UPPER DUBLIN  
TOWNSHIP

BY:   
President

Attest:

  
Secretary

RIGHT OF WAY DESCRIPTION OF A SECTION OF KARL AVENUE, UPPER DUBLIN  
TOWNSHIP, MONTGOMERY COUNTY, PA.

---

Beginning at a point on the northern right-of-way line of Paul Avenue (32 feet wide) at the southern corner of Lot #136 in the Tyson Terrace Plan as recorded in Deed Book Volume 1027, page 600.

Thence (1) along Lots numbering 136 to 148 inclusive North  $42^{\circ}21'40''$  East 648.78 feet to a point, being on the eastern corner of Lot #148 and also the southwestern right-of-way line of Woodland Road (40 feet wide).

Thence (2) across, the within described Karl Avenue South  $47^{\circ}38'20''$  East 40 feet, to an iron pin, said pin being the northern corner of Lot #123.

Thence (3) along Lots numbering 123 to 135 inclusive South  $42^{\circ}21'40''$  West 647.27 feet to a point on the northern right-of-way line of Paul Avenue (32 feet wide), said point being also the western corner of Lot #135.

Thence (4) along the said right-of-way <sup>line</sup> of Paul Avenue North  $49^{\circ}47'40''$  West 40 feet to the point and place of beginning.

Containing approximately 13,921 square feet.

EXHIBIT "A"

ORDINANCE NO. 525

AN ORDINANCE VACATING KARL AVENUE, BETWEEN WOODLAND AVENUE AND PAUL AVENUE, A PUBLIC ROAD WITHIN THE TOWNSHIP OF UPPER DUBLIN, MONTGOMERY COUNTY, PENNSYLVANIA.

WHEREAS, the opinion of the Commissioners of said Township, the aforesaid public road would not be necessary to or useful for the convenience of the public; and

WHEREAS, the Township has been requested to vacate the hereinafter described road; a public hearing has been held on the question of the vacation of the hereinafter described road in conformity with Section 2005, Article XX of Act of June 24, 1931, P. L. 1206, as amended; and

WHEREAS, in the judgment of the Board of Commissioners, the said road serves no useful public purpose or convenience.

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

SECTION 1. The described tract of land as set forth in Exhibit "A" attached hereto and made part of this ordinance be vacated as a public highway and that all the right, title and interest of the Township of Upper Dublin therein are hereby divested.


SECTION 2. That the proper officers of the Township are authorized and directed to make a written report together with a draft or survey of the aforesaid public highways and the names of the owners of property abutting thereon and file the same on behalf of the Township in the Office of the Clerk of the Court of Quarter Sessions of the Peace in and for the County of Montgomery.

SECTION 3. That within ten (10) days after the passage of this ordinance the proper officers of the Township are authorized and directed

give notice of the passage and approval of this ordinance by having hand-bills posted in conspicuous places along the line of the proposed vacation.

APPROVED by the Board and entered into an Ordinance this  
10<sup>th</sup> day of February A. D., 1976.

COMMISSIONERS OF UPPER DUBLIN  
TOWNSHIP

BY:   
President

Attest:

  
Secretary

RIGHT OF WAY DESCRIPTION OF A SECTION OF KARL AVENUE, UPPER DUBLIN  
TOWNSHIP, MONTGOMERY COUNTY, PA.

---

Beginning at a point on the northern right-of-way line of Paul Avenue (32 feet wide) at the southern corner of Lot #136 in the Tyson Terrace Plan as recorded in Deed Book Volume 1027, page 600.

Thence (1) along Lots numbering 136 to 148 inclusive North  $42^{\circ}21'40''$  East 648.78 feet to a point, being on the eastern corner of Lot #148 and also the southwestern right-of-way line of Woodland Road (40 feet wide).

Thence (2) across, the within described Karl Avenue South  $47^{\circ}38'20''$  East 40 feet, to an iron pin, said pin being the northern corner of Lot #123.

Thence (3) along Lots numbering 123 to 135 inclusive South  $42^{\circ}21'40''$  West 647.27 feet to a point on the northern right-of-way line of Paul Avenue (32 feet wide), said point being also the western corner of Lot #135.

Thence (4) along the said right-of-way <sup>line</sup> of Paul Avenue North  $49^{\circ}47'40''$  West 40 feet to the point and place of beginning.

Containing approximately 13,921 square feet.

EXHIBIT "A"

ORDINANCE NO. 526

AN ORDINANCE LAYING OUT LUKENS AVENUE BETWEEN NORTH HILLS AVENUE AND AVENUE "H", UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA.

WHEREAS, the hereinafter described portion of ground was laid out but never physically opened; and

WHEREAS, the Township of Upper Dublin has never exercised any control or jurisdiction over said strip of ground; and

WHEREAS, the opinion of the Commissioners of said Township said strip of ground would not be necessary or useful for the convenience of the public; and

WHEREAS, proper notice has been given to the property owners affected and are held in conformity with Section 2007 Article XX of Act of June 24, 1931, P. L. 1206, as amended.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Commissioners of Upper Dublin Township and it is hereby enacted by authority of the same as follows:

SECTION 1. The described tract of land as set forth in Exhibit "A" attached hereto and made part of this ordinance be and the same is hereby entered and received in the general plan of streets and accepted by the Township of Upper Dublin as, and for, a public highway, all in accordance with the Act of Assembly in such case made and provided.

SECTION 2. The proper officers of the Township are authorized and directed to make a written report, together with a draft or survey of the aforesaid road and the names of the owners of property abutting thereon, and file the same on behalf of the Township in the Office of the Clerk of Court of Quarter Sessions of Montgomery County.

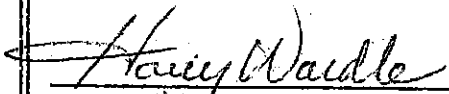
SECTION 3. That within ten (10) days after the passage of this ordinance, the proper officers of the Township are authorized and directed to give notice of the passage and approval of this ordinance by handbills posted in conspicuous places along the line of proposed laying out.

APPROVED by the Board and ENACTED into an Ordinance this 10<sup>th</sup> day of February, A. D., 1976.

COMMISSIONERS OF UPPER DUBLIN  
TOWNSHIP

BY:   
President

Attest:

  
Secretary

RIGHT -OF-WAY DESCRIPTION OF A SECTION OF LUKENS AVENUE, UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PA.

Beginning at a point on the northeasterly right-of-way line of North Hills Avenue (45 feet wide) at the southwestern corner of Lot #1 (as indicated in the Upper Dublin Township Real Estate Registry Plate Book-Block 74-Unit 36) in the North Glenside Manor Plan as recorded in Deed Book Volume 956, Page 600.

Thence (1) along said Lot #1 South  $73^{\circ}48'30''$  East 115.00 feet to a point, being on the southeastern corner of Lot #1 and also the northern right-of-way line of Avenue "H" (40 feet wide).

Thence (2) across, the within described Lukens Avenue, South  $22^{\circ}42'34''$  West 40.26 feet to a point, said point being a northeastern corner of Lot #25 (as indicated in the Upper Dublin Township Real Estate Registry Plate Book - Block 73-Unit 23) in aforementioned Plan.

Thence (3) along said Lot #25 North  $73^{\circ}48'30''$  West 110.43 feet to a point on the northeasterly right-of-way line of North Hills Avenue (45 feet wide), said point being also the northwestern corner of aforementioned Lot #25.

Thence (4) along the said right-of-way line of North Hills Avenue North  $16^{\circ}11'30''$  East 40 feet to the point and place of beginning.

Containing approximately 4,508.6 square feet.

EXHIBIT "A"

ORDINANCE NO. 527

AN ORDINANCE VACATING LUKENS AVENUE BETWEEN NORTH HILLS AVENUE AND AVENUE "H", A PUBLIC ROAD WITHIN THE TOWNSHIP OF UPPER DUBLIN, MONTGOMERY COUNTY, PENNSYLVANIA.

WHEREAS, the opinion of the Commissioners of said Township, the aforesaid public road would not be necessary to or useful for the convenience of the public; and

WHEREAS, the Township has been requested to vacate the hereinafter described road; a public hearing has been held on the question of the vacation of the hereinafter described road in conformity with Section 2005, Article XX of Act of June 24, 1931, P. L. 1206, as amended; and

WHEREAS, in the judgment of the Board of Commissioners, the said road serves no useful public purpose or convenience.

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

SECTION 1. The described tract of land as set forth in Exhibit "A" attached hereto and made part of this ordinance be vacated as a public highway and that all the right, title and interest of the Township of Upper Dublin therein are hereby divested.

SECTION 2. That the proper officers of the Township are authorized and directed to make a written report together with a draft or survey of the aforesaid public highways and the names of the owners of property abutting thereon and file the same on behalf of the Township in the Office of the Clerk of the Court of Quarter Sessions of the Peace in and for the County of Montgomery.

SECTION 3. That within ten (10) days after the passage of this ordinance the proper officers of the Township are authorized and directed

give notice of the passage and approval of this ordinance by having hand-bills posted in conspicuous places along the line of the proposed vacation.

APPROVED by the Board and entered into an Ordinance this  
10<sup>th</sup> day of February A.D., 1976.

COMMISSIONERS OF UPPER DUBLIN  
TOWNSHIP

BY: *J. J. [Signature]*  
President

Attest:

*Harry Wardle*  
Secretary

RIGHT-OF-WAY DESCRIPTION OF A SECTION OF LUKENS AVENUE, UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PA.

Beginning at a point on the northeasterly right-of-way line of North Hills Avenue (45 feet wide) at the southwestern corner of Lot #1 (as indicated in the Upper Dublin Township Real Estate Registry Plate Book-Block 74-Unit 36) in the North Glenside Manor Plan as recorded in Deed Book Volume 956, Page 600.

Thence (1) along said Lot #1 South  $73^{\circ}48'30''$  East 115.00 feet to a point, being on the southeastern corner of Lot #1 and also the northern right-of-way line of Avenue "H" (40 feet wide).

Thence (2) across, the within described Lukens Avenue, South  $22^{\circ}42'34''$  West 40.26 feet to a point, said point being a northeastern corner of Lot #25 (as indicated in the Upper Dublin Township Real Estate Registry Plate Book - Block 73-Unit 23) in aforementioned Plan.

Thence (3) along said Lot #25 North  $73^{\circ}48'30''$  West 110.43 feet to a point on the northeasterly right-of-way line of North Hills Avenue (45 feet wide), said point being also the northwestern corner of aforementioned Lot #25.

Thence (4) along the said right-of-way line of North Hills Avenue North  $16^{\circ}11'30''$  East 40 feet to the point and place of beginning.

Containing approximately 4,508.6 square feet.

EXHIBIT "A"

AN ORDINANCE

NO. 528

AN ORDINANCE VACATING "OLD DRESHERTOWN ROAD" AS DESCRIBED IN MONTGOMERY COUNTY TAX PLAT BLOCK NUMBER 52.

WHEREAS, the opinion of the Commissioners of said Township, the aforesaid public road would not be necessary to or useful for the convenience of the public; and

WHEREAS, the Township has been requested to vacate the hereinafter described road; a public hearing has been held on the question of the vacation of the hereinafter described road in conformity with Section 2005, Article XX of Act of June 24, 1931, P. L. 1206, as amended; and

WHEREAS, the judgment of the Board of Commissioners, the said road serves no useful public purpose or convenience.

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

SECTION 1. The described tract of land as set forth in Montgomery County Tax Plat Block Number 52 be vacated as a public highway and that all the right, title and interest of the Township of Upper Dublin therein are hereby divested.

SECTION 2. That the proper officers of the Township are authorized and directed to make a written report together with a draft or survey of the aforesaid public highways and the names of the owners of property abutting thereon and file the same on behalf of the Township in the Office of the Clerk of the Courts of the County of Montgomery.

SECTION 3. That within ten (10) days after the passage of this Ordinance the proper officers of the Township are authorized and directed to give notice of the passage and approval of this Ordinance by having hand-bills posted in conspicuous places along the line of the proposed vacation.

APPROVED by the Board of Commissioners and entered into an Ordinance this 9<sup>th</sup> day of March, A. D., 1976.

COMMISSIONERS OF UPPER DUBLIN  
TOWNSHIP

BY: \_\_\_\_\_

*J. D. Dunsley*  
President

Attest:

*Harry Wardle*  
Secretary

AN ORDINANCE

NO. 529

AN ORDINANCE LAYING OUT "OLD DRESHERTOWN ROAD" AS DESCRIBED IN MONTGOMERY COUNTY TAX PLAT BLOCK NUMBER 52.

WHEREAS, the hereinafter described portion of ground was laid out but never physically opened; and

WHEREAS, the Township of Upper Dublin has never exercised any control or jurisdiction over said strip of ground; and

WHEREAS, the opinion of the Commissioners of said Township said strip of ground would not be necessary or useful for the convenience of the public; and

WHEREAS, proper notice has been given to the proper owners affected and are held in conformity with Section 2007 Article XX of Act of June 24, 1931, P.L. 1206, as amended.

NOW, THEREFORE, BE IT ORDAINED and ENACTED by the Commissioners of Upper Dublin Township and it is hereby enacted by authority of the same as follows:

SECTION 1. The described tract of land as set forth in Montgomery County Tax Plat Block Number 52 be and the same is hereby entered and received in the general plan of streets and accepted by the Township of Upper Dublin as, and for, a public highway, all in accordance with the Act of Assembly in such case made and provided.

SECTION 2. The proper officers of the Township are authorized and directed to make a written report, together with a draft or survey of the aforesaid road and the names of the owners of property abutting thereon,

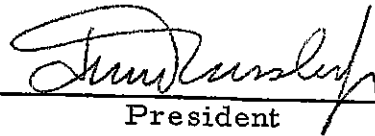
and file the same on behalf of the Township in the Office of the Clerk of Courts of Montgomery County.

SECTION 3. That within ten (10) days after the passage of this Ordinance, the proper officers of the Township are authorized and directed to give notice of the passage and approval of this Ordinance by handbills posted in conspicuous places along the line of proposed laying out.

APPROVED by the Board and ENACTED into an Ordinance this 9<sup>th</sup> day of March, A. D., 1976.

COMMISSIONERS OF UPPER DUBLIN  
TOWNSHIP

BY:

  
\_\_\_\_\_  
President

ATTEST:

  
\_\_\_\_\_  
Secretary

AN ORDINANCE

NO. 530

AN ORDINANCE TO AMEND ORDINANCE NO. 140, THE ZONING ORDINANCE OF UPPER DUBLIN TOWNSHIP, BY CONTROLLING THE ERECTION OF TEMPORARY SIGNS.

BE IT ORDAINED and ENACTED by the Commissioners of Upper Dublin Township, Montgomery County, Pennsylvania, that Ordinance No. 140, the Zoning Ordinance, be amended as follows:

SECTION 1 - Delete Paragraph J of Article XVI.

SECTION 2 - Amend Paragraph 7 of Section 1603, Article XVI, which reads:

"7. The following types of signs or advertising practices shall be prohibited: curb or sidewalk signs; signs painted, attached or suspended from any outdoor bench, chair or other article; real estate directional signs; advertising by tacking, pasting or otherwise affixing posters or other advertising upon poles, trees, buildings, fences or other structures, or by stringing outdoor lights."

To read:

"7. Temporary signs, banners, or displays advertising elections, fairs, social events, garage sales, and the like shall not be erected within the Township unless a permit is first obtained and there is deposited with the Zoning Officer the sum of one hundred (\$100.00) dollars, or in lieu thereof, a bond, with surety as may be required by the Zoning Officer to guarantee the removal of such temporary signs within seven (7) days following the date of the events as advertised by said signs. No temporary sign as defined above may be erected more than fourteen (14) days prior to the event advertised. Upon removal of the signs within the specified time, the deposit

shall be refunded. Advertising by tacking, pasting 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.

The following parties shall not be required to pay a permit fee or post security:

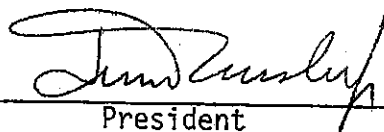
- a. Charitable Organizations.
- b. Individuals occupying property in residential districts desiring to hold a garage sale, provided the sign is erected on the premises and not more than seven (7) days prior to the sale.

The following types of signs or advertising practices shall be prohibited: real estate directional signs; curb or sidewalk signs; signs painted, attached or suspended from any outdoor bench, chair or other article; or signs formed by stringing outdoor lights.

ORDAINED and ENACTED this 10th day of August, A.D. 1976.


BOARD OF COMMISSIONERS  
UPPER DUBLIN TOWNSHIP

By



President

Attest:

  
Secretary

AN ORDINANCE

NO. 531

AN ORDINANCE TO AMEND ORDINANCE NO. 505, WHICH AMENDED ORDINANCE NO. 41 LAND SUBDIVISION ORDINANCE OF UPPER DUBLIN TOWNSHIP BY PROVIDING FOR LANDSCAPE REGULATIONS, TO CHANGE THE WIDTHS OF BUFFER STRIPS.

BE IT ORDAINED and ENACTED by the Commissioners of Upper Dublin Township, Montgomery County, Pennsylvania, that Ordinance No. 505 be amended as follows:

SECTION 1 - That Section 3 C-1, which reads

"1. Landscape a perimeter strip at least 10 feet wide between the street line on which the property fronts and the parking or vehicular use area." Be amended to read:

"1. Landscape a perimeter strip at least 25 feet wide between the street line on which the property fronts and the parking or vehicular use area."

SECTION 2 - Amend Section 3 D, which reads:

" As part of the landscaping required under Paragraphs A and B, a developer shall landscape a buffer strip at least 10 feet wide for the entire length of all common boundaries abutting non-complimentary districts as set forth below:" Be amended to read:

" As part of the landscaping required under Paragraphs A and B, a developer shall landscape a buffer strip at least 25 feet wide for the entire length of all common boundaries abutting non-complimentary districts as set forth below:"

ORDAINED and ENACTED, this 13th day of April, A. D., 1976.

COMMISSIONERS OF UPPER DUBLIN  
TOWNSHIP

BY: Tom Zwick

President

Attest:

Harry Wardle  
Secretary

AN ORDINANCE

NO. 532

AN ORDINANCE TO AMEND ORDINANCE NO. 140 ADOPTED AUGUST 26, 1956, DESIGNATED THE UPPER DUBLIN TOWNSHIP ZONING ORDINANCE OF 1956, AS AMENDED, BY AMENDING THE MAP THEREOF SO AS TO CHANGE AN AREA LOCATED ON PENNSYLVANIA AVENUE IN THE VICINITY OF COMMERCE DRIVE FROM M-MOTEL - MOTOR INN - MOTOR LODGE DISTRICT TO CR-COMMERCIAL RETAIL DISTRICT.

WHEREAS, the Commissioners of Upper Dublin Township find that the within amendment to Upper Dublin Township Zoning Ordinance is in accordance with the spirit and intent of the Comprehensive Plan and Land Use Plan for the Township of Upper Dublin.

BE IT ORDAINED and ENACTED by the Commissioners of Upper Dublin Township, Montgomery County, Pennsylvania, and it is hereby enacted by authority of the same, that the zoning map adopted and approved as a part of the Upper Dublin Township Zoning Ordinance of 1956, adopted August 20th, and known as Ordinance No. 140, as amended, be and is hereby further amended as follows:

SECTION ONE: The territory hereinafter described on Pennsylvania Avenue in the vicinity of Commerce Drive, consisting of approximately 1.954 acres plus or minus, as more fully described in the description attached hereto and marked Exhibit "A", be changed from M-Motel - Motor Inn - Motor Lodge District to CR-Commercial Retail District.

ORDAINED and ENACTED this 5<sup>th</sup> day of <sup>April</sup>~~March~~, A. D., 1976.

COMMISSIONERS OF UPPER DUBLIN  
TOWNSHIP

BY: \_\_\_\_\_

President

ATTEST:

Haney Waddle  
Secretary

ALL THAT CERTAIN tract of land situate in Upper Dublin Township, Montgomery County, Pennsylvania, bounded and described in accordance with a plan dated December 10, 1975, as prepared by Betz Environmental Engineers, Inc., Plymouth Meeting, Pennsylvania, as follows:

BEGINNING at a point in the centerline of Pennsylvania Avenue (60 ft. wide and dividing Upper Dublin Township on the Northeast from Whitemarsh Township on the Southwest) said point being at the distance of 895.21 ft. measured South  $45^{\circ} 15'$  East along the centerline of Pennsylvania Avenue from its point of intersection with the centerline of Summit Avenue (45 ft. wide); thence extending along lands of John D. Betz of which this was a part North  $44^{\circ} 45'$  East and crossing a 20 feet wide easement for storm and sanitary sewers reserved by Charles F. Henkels a distance of 529.11 feet to a point in the bed of Walnut Lane (not physically open), thence extending in and through the bed of said Walnut Lane and along lands of Delaware Valley Industrial Properties (Fort Washington Industrial Park) South  $45^{\circ} 08' 30''$  East 310.96 feet to a point, a corner, thence continuing along lands of Delaware Valley Industrial Properties on a line measured 30 ft. Northwesterly from and at right angles to Commerce Drive (70 ft. wide) South  $45^{\circ} 06' 45''$  West 245.00 ft. to a point, thence extending along lands of Frank A. Peirce, Inc. North  $45^{\circ} 14' 30''$  West 277.43 ft. to a point, thence continuing along lands of Frank A. Peirce, Inc. South  $44^{\circ} 45'$  West 283.28 ft. to a point in the centerline of Pennsylvania Avenue aforesaid, thence extending along said centerline North  $45^{\circ} 15'$  West 32.00 ft. to the first mentioned point and place of beginning.

AND ALL THAT CERTAIN tract of land as follows:

BEGINNING at a point in the centerline of Pennsylvania Avenue (60 feet wide and dividing Upper Dublin Township on the Northeast from Whitemarsh Township on the Southwest) said point being at the distance of 895.21 feet measured South  $45^{\circ} 15'$  East along the centerline of Pennsylvania Avenue from its point of intersection with the centerline of Summit Avenue (45 feet wide); thence extending along lands of John D. Betz of which this was a part North  $44^{\circ} 45'$  East and crossing a 20 feet wide easement for storm and sanitary sewers reserved by Charles F. Henkels a distance of 529.11 feet to a point in the bed of Walnut Lane (not physically open), thence extending in and through the bed of said Walnut Lane and along lands of Delaware Valley Industrial Properties (Fort Washington Industrial Park) South  $45^{\circ} 08' 30''$  East 310.96 feet to a point, a corner, thence continuing along lands of Delaware Valley Industrial Properties on a line measured 30 feet Northwesterly from and at right angles to Commerce Drive (70 feet wide) South  $45^{\circ} 06' 45''$  West 245.00 feet to a point, thence extending along lands of Frank A. Peirce, Inc. North  $45^{\circ} 14' 30''$  West 277.43 feet to a point, thence continuing along lands of Frank A. Peirce, Inc. South  $44^{\circ} 45'$  West 283.28 feet to a point in the centerline of Pennsylvania Avenue aforesaid, thence extending along said centerline North  $45^{\circ} 15'$  West 32.00 feet to the first mentioned point and place of beginning.

001304

C O V E N A N T

THIS COVENANT made this 13th day of May, 1976 between JOHN D. BETZ of Gwynedd, Pennsylvania (hereinafter called party of the first part) and the TOWNSHIP OF UPPER DUBLIN, Montgomery County, Pennsylvania (hereinafter called party of the second part),

50  
10.00

WITNESSETH that the said party of the first part does hereby covenant and agree with the party of the second part as follows:

1. Party of the first part is record owner of a tract of land in Upper Dublin Township designated Parcel "A" containing 1.954 acres of land more particularly described as follows:

ALL THAT CERTAIN tract of land situate in Upper Dublin Township, Montgomery County, Pennsylvania, bounded and described in accordance with a plan dated December 10, 1975 as prepared by Betz Environmental Engineers, Inc., Plymouth Meeting, Pennsylvania, as follows:

BEGINNING at a point in the centerline of Pennsylvania Avenue (60 ft. wide and dividing Upper Dublin Township on the Northeast from Whitemarsh Township on the Southwest) said point being at the distance of 895.21 ft. measured South 45° 15' East along the centerline of Pennsylvania Avenue from its point of intersection with the centerline of Summit Avenue (45 ft. wide); thence extending along lands of John D. Betz of which this was a part North 44° 45' East and crossing a 20 feet wide easement for storm and sanitary sewers reserved by Charles F. Henkels a distance of 529.11 feet to a point in the bed of Walnut Lane (not physically open), thence extending in and through the bed of said Walnut Lane and along lands of Delaware Valley Industrial Properties (Fort Washington Industrial Park) South 45° 08' 30" East 310.96 feet to a point, a corner, thence continuing along lands of Delaware Valley Industrial Properties on a line measured 30 ft. Northwesterly from and at right angles to Commerce Drive (70 ft. wide) South 45° 06' 45" West 245.00 ft. to a point, thence extending along lands of Frank A. Peirce, Inc. North 45° 14' 30" West 277.43 ft. to a point, thence continuing along lands of Frank A. Peirce, Inc. South 44° 45' West 283.28 ft. to a point in the centerline of Pennsylvania Avenue aforesaid, thence extending along said centerline North 45° 15' West 32.00 ft. to the first mentioned point and place of beginning.

2. Party of the first part is record owner of a tract of land in Upper Dublin Township designated Parcel "B" containing 4.109 acres,

|                        |       |
|------------------------|-------|
| REALTY TRANS. TAX PAID |       |
| STATE                  | _____ |
| LOCAL                  | _____ |
| PER                    | _____ |

4117 PG 232

more particularly described as follows:

ALL THAT CERTAIN tract of land situate in Upper Dublin Township, Montgomery County, Pennsylvania bounded and described in accordance with a plan dated December 10, 1975 as prepared by Betz Environmental Engineers, Inc., Plymouth Meeting, Pennsylvania as follows:

BEGINNING at a point in the centerline of Pennsylvania Avenue (60 ft. wide and dividing Upper Dublin Township on the Northeast from Whitemarsh Township on the Southwest) said point being at the distance of 557.21 ft. measured South 45° 15' East along the centerline of Pennsylvania Avenue from its point of intersection with the centerline of Summit Avenue (45 ft. wide), thence extending along lines now or late of Joseph Petrilla, lands now or late of Daniel R. Hettler, Jr., and along lands now or late of Charles F. Henkels North 44° 45' East crossing a 20 ft. wide easement for storm and sanitary sewers reserved by Charles F. Henkels a distance of 529.96 ft. to a point in the bed of Walnut Lane (not physically opened), thence extending in and through the bed of Walnut Lane and along lands of Delaware Valley Industrial Properties (Fort Washington Industrial Park) South 45° 08' 30" East 338 ft. to a point, thence extending along other lands of John D. Betz of which this was a part South 44° 45' West recrossing the aforementioned 20 ft. wide easement for storm and sanitary sewers a distance of 529.11 ft. to a point in the centerline of Pennsylvania Avenue, thence extending along the centerline of Pennsylvania Avenue North 45° 15' West 338 ft. to the first mentioned point and place of beginning.

3. Said premises are currently zoned "LCR" Commercial District pursuant to the enactment on April 5th, 1976 by the Commissioners of Upper Dublin Township of Ordinance No. 532, P-2, 5A effective May 23, 1976.
4. Article XII, Section 1201 (3) of the Upper Dublin Township Zoning Ordinance of 1956 as amended to date provides what are the permitted uses in "LCR" Commercial District.
5. A. Party of the first part and/or others under his authority, will, within two hundred forty (240) days from the effective date of Ordinance No. 532, make application to the Township of Upper Dublin for Building Permit for the construction upon Parcel "A", hereinabove described, of a building containing

ten (10) courts for the playing of racquet ball, as described at hearing before the Commissioners of the Township of Upper Dublin on January 26, 1976. If said application for Building Permit is not so filed, party of the first part agrees that the zoning of Parcel "A" and Parcel "B" will revert to "M" Motel - Motor Inn Motor Lodge District.

B. From and after the date hereof, neither the party of the first part, nor any other party claiming under him as owner or occupant of the hereinabove described Parcel "B" will make any use of Parcel "B" other than (1) business or professional office, studio, bank and financial institution, telephone exchange; (2) expansion on to Parcel "B" of an existing Racquet Club operation on Parcel "A"; (3) educational, religious or philanthropic use; (4) undertaking establishment.

6. This Covenant shall be binding upon the party of the first part, his heirs, executors, administrators and assigns and shall inure to the benefit of the party of the second part.

IN WITNESS WHEREOF the party of the first part has hereunto affixed his hand and seal this 13th day of May, 1976.

Signed and Sealed in the Presence of:

  
\_\_\_\_\_

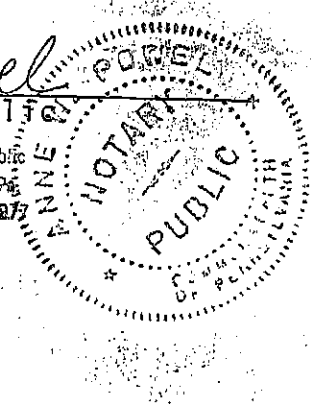
 (SEAL)  
John D. Betz

COMMONWEALTH OF PENNSYLVANIA :  
: SS  
COUNTY OF MONTGOMERY :

On the *13<sup>th</sup>* day of *May*, 1976, before me,  
the subscriber, a Notary Public, personally appeared the above-named  
JOHN D. BETZ, and in due form of law acknowledged the foregoing  
Covenant to be his act and deed, and desired that the same might  
be recorded as such.

WITNESS my hand and notarial seal the day and year aforesaid.

*Anne W. Powel*  
\_\_\_\_\_  
Notary Public  
ANNE W. POWEL, Notary Public  
Norristown Boro, Montgomery Co., Pa.  
My Commission Expires March 24, 1977



AN ORDINANCE

NO. √33

AN ORDINANCE TO AMEND ORDINANCE NO. 140, THE ZONING ORDINANCE OF UPPER DUBLIN TOWNSHIP BY ELIMINATING THE RIGHT OF OWNERS OF PROPERTY IN RESIDENTIAL "B & C" DISTRICTS TO APPLY TO THE ZONING HEARING BOARD FOR PERMISSION TO ERECT A DWELLING HOUSE ON TRACTS SMALLER THAN 45,000 OR 35,000 SQUARE FEET ~~AND~~ DISTRICTS NOT SERVED BY SANITARY SEWERS OR PUBLIC WATER.

BE IT ORDAINED and ENACTED by the Commissioners of  
NR  
Upper Dublin Township, Montgomery County, Pennsylvania, that Ordinance No. 140, the Zoning Ordinance, be amended as follows:

SECTION 1 - Amend Article 4 of Section 407 F which reads:

"F In all other districts, the requirements of subparagraphs A and B, aforesaid, shall apply provided that a smaller lot size and width than specified hereinabove, but not less than that permitted in the regulations of the district, may be permitted when authorized as a special exception, but only then upon submission of satisfactory evidence to the fact that the smaller lot area or width will provide safe and effective sanitary sewage disposal in the particular location in question. Such evidence shall include (but shall not be limited to) a specific recommendation from the official representative of the Health Board having jurisdiction or compliance with the Township Sanitation requirements."

To read:

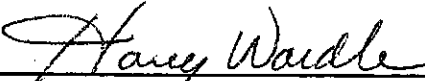
In all other districts, the requirements of subparagraphs A and B of, aforesaid, shall apply.

ORDAINED and ENACTED, this 8<sup>TH</sup> day of JUNE ~~1976~~<sup>1977</sup>, A. D., 1976.

BOARD OF COMMISSIONERS  
UPPER DUBLIN TOWNSHIP

BY:   
President

Attest:

  
Secretary

AN ORDINANCE

NO. 534

AN ORDINANCE ESTABLISHING RANDOLPH AVENUE IN UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA AS A ONE-WAY STREET IN A EASTERLY DIRECTION BETWEEN AMBLER ROAD AND MAIN STREET, IN AMBLER BOROUGH, AND ESTABLISHING A PENALTY FOR VIOLATIONS.

The Board of Township Commissioners enact and ordain as follows:

SECTION I. That the portion of Randolph Avenue between Ambler Road and Main Street, Ambler Borough which lies in Upper Dublin Township, Montgomery County, Pennsylvania be established as a one-way street in an easterly direction, entering from Main Street and exiting into Ambler Road.

SECTION II. Any person who shall operate a motor vehicle upon any highways or portion thereof hereby establish as a one-way highway other than in the direction hereby established for traffic thereon shall upon conviction thereof be sentenced to pay a fine of twenty-five (\$25.00) dollars and the costs of prosecution.

ENACTED AND ORDAINED this *12* day of *OCTOBER*  
A.D., 1976.

BOARD OF COMMISSIONERS  
UPPER DUBLIN TOWNSHIP

BY: *James Dunlop*  
President

Attest:

*Harry Wardle*  
Secretary

AN ORDINANCE

NO. 535

AN ORDINANCE AUTHORIZING AN ELECTION TO BE HELD IN THE TOWNSHIP OF UPPER DUBLIN, MONTGOMERY COUNTY, PENNSYLVANIA ON THE QUESTION OF WHETHER THE VOTERS DESIRE THE PASSAGE OF ENABLING LEGISLATION GIVING MUNICIPALITIES AUTHORITY TO REGULATE THE SALE AND USE OF HAND GUNS.

WHEREAS, the incidence of crime is increasing, nationwide, within the Commonwealth, and within Upper Dublin Township; and

WHEREAS, the incidence of violent crimes and crimes in which weapons, particularly hand guns, are used in the commission of the crime are increasing; and

WHEREAS, at the present time, local municipalities have no authority to regulate the sale or use of hand guns.

NOW THEREFORE, the Board of Commissioners of the Township of Upper Dublin do hereby enact and ordain:

SECTION I. That an election be authorized to be held in the Township of Upper Dublin, Montgomery County, Pennsylvania, on the question of whether the voters desire the passage by the Legislature of the Commonwealth of Pennsylvania of a statute enabling the local municipalities to regulate the sale and use of hand guns. Said election to be held at the general election on November 2, 1976.

SECTION II. That the Township Secretary shall within five (5) days of the enactment of this Ordinance, file a certified copy hereof with the Montgomery County Board of Election, together with a copy of the question to be submitted to the electors, which shall read as follows:

"Do you favor the passage of a statute by the Senate and House of Representatives of Pennsylvania giving authority to the municipalities of Pennsylvania to regulate the sale, possession, and use of hand guns, hand gun ammunition, and other concealable weapons within their boundaries?"

ENACTED and ORDAINED this 10th day of August  
A. D., 1976.

BOARD OF COMMISSIONERS  
UPPER DUBLIN TOWNSHIP

BY: *James R. ...*  
President

ATTEST:

*Harry Wardle*  
Secretary

AN ORDINANCE

NO. 536

AN ORDINANCE TO AMEND ORDINANCE NO. 140 ADOPTED AUGUST 26, 1956, DESIGNATED THE UPPER DUBLIN TOWNSHIP ZONING ORDINANCE OF 1956, AS AMENDED, BY AMENDING THE MAP THEREOF SO AS TO CHANGE AN AREA LOCATED OF PENNSYLVANIA AVENUE AND SUMMIT AVENUE FROM AH-APARTMENT DISTRICT TO CR-COMMERCIAL CLASS L, AND ALSO FROM AH-APARTMENT DISTRICT TO A-RESIDENTIAL DISTRICT.

WHEREAS, the Commissioners of Upper Dublin Township find that the within amendments to the Zoning Ordinance are in accordance with the spirit and intent of the Comprehensive Plan and Land Use Plan for the Township of Upper Dublin.

BE IT ORDAINED and ENACTED by the Commissioners of Upper Dublin Township, Montgomery County, Pennsylvania, and it is hereby enacted by authority of the same, that the zoning map adopted and approved as a part of the Upper Dublin Township Zoning Ordinance of 1956, Ordinance No. 140, as amended, be and is hereby further amended as follows:

SECTION I. The territory, hereinafter described, consisting of 56,400 square feet, more or less, be changed from AH-Apartment District to CR-Commercial District, Class L. This territory is more fully described as follows:

ALL THAT CERTAIN Lot or piece of ground, situate in Upper Dublin Township, Montgomery County, Pennsylvania, bounded and described according to a Plan of Lots made for Julius P. and Virginia Heist Schnell, by George B. Mebus, Inc., Engineers, Glenside, Pennsylvania, dated July 7, 1967, and revised August 5, 1967; said plan being recorded in the office of the Recording of Deeds, etc., for Montgomery County, at Norristown, Pennsylvania, in Plan Book A-17 page 38, as follows, to wit:-

BEGINNING at a point of tangent on the Northeasterly side of Township Line Road (62.5 feet wide) said point being at the arc distance of 46,84 feet measured on the arc of a circle curving to the right having a radius of 30 feet, from a point of curve on the Northwesterly side of Summit Avenue (50 feet wide); thence extending from said point of beginning along the Northeasterly side of Township Line Road, the two following courses and distances: (1) North 45 degrees 42 minutes 30 seconds West 148.40 feet to a point and (2) North 45 degrees 22 minutes 30 seconds West, 82.25 feet to a point a corner; thence extending North 44 degrees 51 minutes East, 232.50 feet to a point a corner; thence extending South 45 degrees 33 minutes East 260.52 feet to a point on the Northwesterly side of Summit Avenue; thence extending along same South 44 degrees 50 minutes West, 202.69 feet

feet to a point of curve; thence extending on the arc of a circle curving to the right having a radius of 30.00 feet, the arc distance of 45.84 feet, to the first mentioned point of tangent and place of beginning.

BEING part of the same premises which Allan L. Dungan and Pauline E. W. Dungan, his wife, et al, by deed dated June 22, 1955, and recorded in Montgomery County in Deed Book 2587 page 37 conveyed unto Julius P. Schnell and Virginia Heist Schnell, his wife, in fee.

SECTION II. The territory, hereinafter described, consisting of 32,800 square feet, more or less, be changed from AH-Apartment District to A-Residential District. This territory is more fully described as follows:

ALL THOSE TWO CERTAIN lots or pieces of ground, situate in Upper Dublin Township, Montgomery County, Pennsylvania, bounded and described according to a certain plan of lots made for Julius P. and Virginia Heist Schnell, by George B. Mebus, Inc., Engineers, Glenside, Pennsylvania, dated July 7, 1967, and revised August 5, 1967, said Plan being recorded in the Office of the Recorder of Deeds in and for the County of Montgomery, at Norristown, Pennsylvania, Plan Book A-17, Page 38, on October 8, 1970, as follows, to wit:-

BEGINNING at a point 202.69 feet North 44 degrees 50 minutes East from a certain point of curve of a tangent on the northeasterly side of Township Line Road (62.5 feet wide), said point being at the arc distance of 46.84 feet, measured on the arc of a circle, curving to the right having a radius of 30 feet, from a point of curve on the northwesterly side of Summit Avenue (50 feet wide); and thence from said point North 45 degrees 33 minutes West 395.52 feet to a point in the easterly side of Fort Washington Avenue; thence North 44 degrees 51 minutes East 82.26 feet to a point; thence South 45 degrees 51 minutes East 89.65 feet; thence South 45 degrees 37 minutes East 306 feet to a point in the Northwesterly side of Summit Avenue; thence South 44 degrees 50 minutes West 83.15 feet to the first mentioned point and place of beginning.

BEING part of the same premises which Theron W. Jenkins, Jr., and Augusta E. Jenkins, his wife, by deed dated September 27, 1962, and recorded in Montgomery County in Deed Book 3262, page 965, conveyed unto Julius P. Schnell and Virginia Heist Schnell, his wife, in fee.

ENACTED and ORDAINED this 12<sup>th</sup> day of October A. D., 1976.

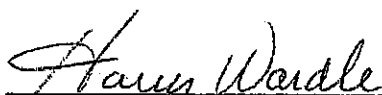
BOARD OF COMMISSIONERS  
UPPER DUBLIN TOWNSHIP

BY



President

Attest:

  
Secretary

ORDINANCE NO. 537

AN ORDINANCE AUTHORIZING A CAPITAL LOAN IN THE SUM OF ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) FOR THE PROCUREMENT OF TWO (2) FIRE TRUCKS IN THE TOWNSHIP OF UPPER DUBLIN, MONTGOMERY COUNTY, PA.

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

SECTION ONE: That a capital loan in the sum of One Hundred Thousand Dollars (\$100,000.00) be and the same is hereby authorized for the purpose of procuring two (2) Fire Trucks which have an estimated useful life in excess of twenty-five (25) years. The debt to be incurred shall be a non-electoral debt. The Secretary of the Township is hereby authorized and directed to prepare, certify and file the debt statement required by Section 410 of the Local Government Unit Debt Act, as amended, to execute and deliver the note, and to take any other necessary action as may be required in order to effectuate the said obligation.

SECTION TWO: The note when issued will be a general obligation note. The Township of Upper Dublin shall covenant and guarantee the holder of said note that the Township shall include the amount of the debt service in respect thereto for each fiscal year in which said sums are payable in its budget for that year, shall appropriate such amounts to the payment of such debt service, and shall duly and punctually pay or cause to be paid the principal of the said note and the interest thereon at the dates and places, and in the manner stated in the note according to the true intent and meaning thereof, and for such budgeting, appropriating and payment, the Township of Upper Dublin shall pledge its full faith, credit and taxing power. This covenant shall be specifically enforceable.

SECTION THREE: The note to be issued by the Township of Upper Dublin shall have a form substantially as follows:

TOWNSHIP OF UPPER DUBLIN  
MONTGOMERY COUNTY, PENNSYLVANIA

General Obligation Note

---

The Township of Upper Dublin, being in need of monies for the procurement of two (2) Fire Trucks, and pursuant to an ordinance passed by the Board of Commissioners of the Township of Upper Dublin on the 9th day of November, 1976, hereby issues this its general obligation note, and certifies that it has borrowed monies from the Provident National Bank, Philadelphia, Pennsylvania, in the sum of One Hundred Thousand Dollars (\$100,000.00) on the credit of the Township of Upper Dublin.

The Township of Upper Dublin hereby acknowledges its indebtedness to the Provident National Bank in the said amount, and agrees that payment thereof will be made as follows:

Twenty-five percent (25%) of the principal, or twenty-five thousand dollars (\$25,000.00) shall be paid before the end of each year for the next four (4) years.

In addition to the principal payments as set forth hereinabove, the Township of Upper Dublin shall make payment on each of the four anniversary dates of interest in the amount of five and fifty-one hundredths percent (5.50%) per annum on the balance then outstanding. Such notes shall mature in four (4) years from the date of issue and shall be redeemable at any time, by the Township of Upper Dublin by payment of the entire outstanding balance then due, together with interest thereon at the stated rate to the date of redemption.

The Township of Upper Dublin hereby covenants with Provident National Bank that it shall include the amount of the debt service with respect to this note for each fiscal year in which such sums are payable in its budget for that year, shall appropriate such amounts to the payment of such debt service, and shall duly and punctually pay or cause to be paid the principal of that portion of this note due in any one year, together with interest thereon, at the date specified hereinabove, said payments to be made at the offices of the Township, 801 Loch Alsh Avenue, Fort Washington, Montgomery County, Pennsylvania, according to the true intent and meaning hereof, and for such budgeting, appropriation and payment, the Township of Upper Dublin does hereby pledge its full faith, credit and taxing power.

SECTION FOUR: The general obligation note shall bear interest at the rate of five and fifty one hundredths percent (5.50%) per annum, and shall be paid within four (4) years from the date of said loan as follows:

Twenty-five percent (25%) of the principal, or twenty-five thousand dollars (\$25,000.00) shall be paid before the end of each year for the next four (4) years. This note shall be redeemable at any time by payment of the total principal obligation due together with interest at the stated rate thereon to date of redemption. The note shall be payable at the offices of the Township, 801 Loch Alsh Avenue, Fort Washington, Montgomery County, Pennsylvania, from the Fire Protection Capital Equipment Depository, which shall also serve as paying agent for the note.

SECTION FIVE: The said note shall be sold within five (5) banking days from the date of the Ordinance to the Provident National Bank, Philadelphia, Pennsylvania, by private sale, at the terms, price and conditions set forth hereinabove.


SECTION SIX: The Township of Upper Dublin does hereby covenant to create a sinking fund with Provident National Bank, Philadelphia, Pennsylvania pursuant to Article X of the Local Government Unit Debt Act, and to maintain in connection with the said Sinking Fund

such accounts as may be necessary to fulfill the Township's obligation for the repayment of this indebtedness. The proper officials of the Township of Upper Dublin are hereby authorized to contract with Provident National Bank for its services as Sinking Fund Depository and paying agent.

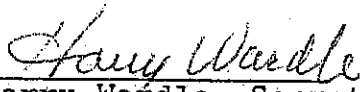
ENACTED into an Ordinance this 9th day of November, 1976.

BOARD OF COMMISSIONERS  
UPPER DUBLIN TOWNSHIP

By:

  
Thomas M. Tressler, Jr.  
President

ATTEST:

  
Harry Wardle, Secretary

TAX LEVY ORDINANCE

ORDINANCE NO. 538

AN ORDINANCE of Upper Dublin Township, Montgomery County and the Commonwealth of Pennsylvania, fixing the tax rate for the year 1977.

BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Commissioners of Upper Dublin Township, County of Montgomery, Pennsylvania:

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 1977, as follows:

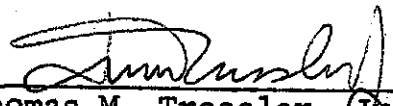
Tax rate for general purposes, the sum of.....24.50 mills on each dollar of assessed valuation, or the sum of.245.0 cents on each one hundred dollars of assessed valuation.

For fire protection purposes, the sum of..... 3 mills on each dollar of assessed valuation, or the sum of. 30 cents on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

|                               | Mills on Each<br>Dollar of<br>Assessed<br>Valuation | Cents on Each<br>One Hundred<br>Dollars of<br>Assessed<br>Valuation |
|-------------------------------|---|---|
| Tax Rate for General Purposes | 24.50 mills   | 245.0 cents   |
| Tax Rate for Fire Protection  | <u>3.00</u> mills                                   | <u>30.0</u> cents   |
| TOTAL                         | 27.50 mills   | 275.0 cents   |

Adopted this 28th day of December 1976.

  
Thomas M. Tressler, Jr.  
President  
Upper Dublin Township  
Board of Commissioners

ATTEST:

  
Township Secretary

ANNUAL BUDGET OF THE TOWNSHIP OF UPPER DUBLIN FOR THE YEAR 1977

ORDINANCE NO. 539

AN ORDINANCE of Upper Dublin Township, Montgomery County, and the Commonwealth of Pennsylvania, appropriating specific sums estimated to be required for the specific purposes of the municipal government, hereinafter set forth, during the current year.

BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Commissioners of Upper Dublin Township, County of Montgomery, Pennsylvania:

SECTION 1. That for the expenses for the fiscal year 1977 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.

GENERAL OPERATING FUNDS  
SUMMARY OF ESTIMATED RECEIPTS

|                                       |                |
|---------------------------------------|----------------|
| Cash and securities for Appropriation | \$ 277,674     |
| Receipts from Current Tax Levy        | 1,347,666      |
| Receipts from Taxes of Prior Years    | 51,000         |
| Other Revenue Receipts                | 634,250        |
| Miscellaneous non-revenue Receipts    | <u>227,650</u> |
| TOTAL ESTIMATED RECEIPTS AND CASH     | \$2,538,240    |

SUMMARY OF APPROPRIATIONS

|                                     | <u>Operation and<br/>Maintenance</u> |
|-------------------------------------|--------------------------------------|
| General Government:                 |                                      |
| Administration                      | \$165,620                            |
| Treasurer & Tax Collector           | 6,550                                |
| Municipal Buildings                 | <u>38,100</u>                        |
| TOTAL                               | \$210,270                            |
| Protection to Persons and Property: |                                      |
| Police                              | \$775,900                            |
| Fire                                | 35,275                               |
| Civil Service                       | <u>750</u>                           |
| TOTAL                               | \$811,925                            |

Regulations, Planning & Zoning - TOTAL \$ 64,300

Health and Sanitation:

Health \$ 37,600

Trash Collection & Disposal 263,500

TOTAL \$301,100

Highways:

Highway Maintenance \$305,250

Street Lighting 66,000

TOTAL \$371,250

Library: TOTAL \$ 79,500

Parks & Recreation: TOTAL \$152,595

Miscellaneous:

Employee Taxes & Benefits \$277,000

Insurance 127,300

Refunds 300

TOTAL \$404,600

TOTAL FOR OPERATION, MAINTENANCE AND CAPITAL OUTLAY \$2,395,540

Debt Service:

Interest \$ 57,700

Principal 85,000

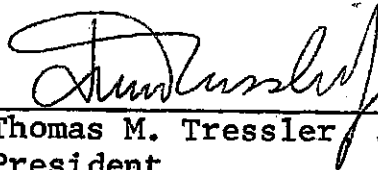
TOTAL DEBT SERVICE 142,700

TOTAL APPROPRIATIONS FROM GENERAL OPERATING FUNDS \$2,538,240

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, Pennsylvania.

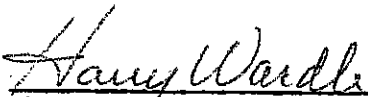
SECTION 3. That any ordinance, or part of ordinance, conflicting with this ordinance be and the same is hereby repealed insofar as the same affects this ordinance.

Adopted this 28th day of December 1976.



Thomas M. Tressler Jr.  
President  
Upper Dublin Township  
Board of Commissioners

ATTEST:

  
Harry Wardle  
Harry Wardle, Secretary

YEAR-END BUDGET ADJUSTMENT ORDINANCE

ORDINANCE NO. 540

AN ORDINANCE appropriating and making changes in certain appropriations heretofore made by the Board of Commissioners of the Township of Upper Dublin under Ordinance No. 515, dated December 29, 1975.

WHEREAS, pursuant to Acts of Assembly in such cases made and provided, the Board of Commissioners of Upper Dublin Township, Montgomery County, Pennsylvania, by ordinance adopted and enacted the 29th day of December, 1975 appropriated out of the estimated revenue and income available for year 1976 certain sums estimated by them to be required for the several specific purposes of Township Government, and

WHEREAS, because of the difficulty in accurately determining the exact amount required for certain of the specific purposes of Township Government, which are or may be largely affected by unforeseen contingencies, the same appropriated to the following specific purposes to wit: General government, Health and Sanitation and

WHEREAS, the sums accumulated from receipts are in excess of the total funds appropriated for 1976.

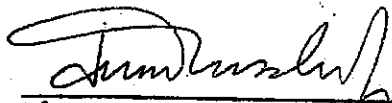
NOW, therefore, the Board of Commissioners of Upper Dublin Township do hereby enact and ordain:

That the sum of \$10,141.00 from excess receipts to be transferred as follows:

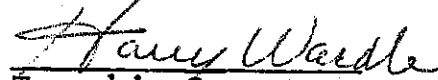
\$8101.00 to General Government

\$2040.00 to Health and Sanitation

Adopted and enacted this 28th day of December 1976.

  
Thomas M. Tressler, Jr.  
President  
Upper Dublin Township  
Board of Commissioners

ATTEST:

  
Township Secretary

ORDINANCE NO. 541

AN ORDINANCE OF THE TOWNSHIP OF UPPER DUBLIN, COUNTY OF MONTGOMERY AND COMMONWEALTH OF PENNSYLVANIA, FIXING THE ASSESSMENT FOR STREET LIGHTING EFFECTIVE AS OF JANUARY 1, 1977, AND THEREAFTER, AND REPEALING ORDINANCE NO. 518, ADOPTED DECEMBER 29, 1975.

SECTION I. That the cost and maintenance of street lighting along any street or highway, or portion thereof, within the Township of Upper Dublin, is hereby distributed according to an assessment on all property benefited by such lighting. This assessment is hereby levied in proportion to the number of feet, or portion thereof, of each such property, which fronts on the lighted street or highway, as follows:

- A. Residentially zoned property, with improvements thereon, at seventeen (17¢) cents per lineal foot frontage; and
- B. Residentially zoned property, without improvements thereon, at six (6¢) cents per lineal foot frontage; and
- C. Other than residentially zoned property, with improvements thereon, at thirty-six (36¢) cents per lineal foot; and
- D. Other than residentially zoned property, without improvements thereon, at twelve (12¢) cents per lineal foot.

ORDAINED and ENACTED this 28th day of December A.D., 1976.

COMMISSIONERS OF UPPER DUBLIN  
TOWNSHIP

Attest:

Harry Wardle  
Harry Wardle, Secretary

BY:

Thomas M. Tressler, Jr.  
Thomas M. Tressler, Jr.  
President

AN ORDINANCE

ORDINANCE NO. 542

AN ORDINANCE REPEALING ORDINANCE NO. 461 AND AMENDING ORDINANCE NO. 453 BY CHANGING SEWER RENTAL CHARGES FOR ALL TYPES OF RESIDENTIAL UNITS AND SMALL COMMERCIAL USES WHICH ARE NOT ASSESSED BY SEWER OR WATER METER READINGS.

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

SECTION 1. Amend Section 4.a.(1) which reads:

Single family dwelling units, \$65.00 (other than units in apartment buildings or condominiums):

to read:

Single family dwelling units (other than units in apartment buildings or condominiums which are separately provided for below) which have less than three (3) full baths and less than thirteen (13) fixtures - \$95.00.

Single family dwelling units which have three (3) or more full baths or thirteen (13) or more fixtures shall be billed the minimum annual residential charge of \$95.00. In addition, such fixtures as are determined by the Upper Dublin Township Plumbing Inspector, in his sole discretion, to be in excess twelve (12) fixtures shall result in the dwelling unit being billed additional annual rental charges as follows:

|  |        |
|--|--------|
| Bathroom basin.....  | \$3:00 |
| Toilet.....  | 5:50   |
| Bath tub.....  | 5:00   |
| Stall shower.....  | 5:00   |
| Kitchen sink.....  | 5:00   |
| Laundry tub.....   | 2:00   |
| Dishwasher.....  | 4:00   |
| Automatic Clothes  |        |
| Washing Machine.....   | 5:00   |
| Floor Drain.....   | 5.50   |
| Ice Maker (other than as<br>part of a residential<br>refrigerator..... | 4.00   |

SECTION 2. Amend Section 4.a(2) which reads:

Apartment or condominiums  
3-bedroom units - \$55.00  
2-bedroom units - \$50.00  
1-bedroom unit - \$45.00

to read:

Apartments or condominiums or fee simple townhouses  
3-bedroom units - \$80.00  
2-bedroom units - \$74.00  
1-bedroom unit - \$68.00

SECTION 3. Amend Section 4.a(3) which reads:

Banks, dry cleaners, grocery stores, pizza stores, drug stores, hardware stores, state stores, TV service stores, barber shops, beauty parlors, fire companies, small manufacturing shops and like uses. - \$65.00

to read:

Banks, dry cleaners, grocery stores, pizza stores, drug stores, hardware stores, state stores, TV service stores, barber shops, beauty parlors, fire companies, small manufacturing shops and like uses. - \$95.00

SECTION 4. Amend Section 4.a.(4) which reads:

Gasoline service stations and car dealerships - \$85.00

to read:

Gasoline service stations and car dealerships - \$125.00

SECTION 5. Amend Section 4.a.(5) which reads:

Swim Clubs - \$45.00

to read:

Swim Clubs - \$65.00

SECTION 6. Amend Section 4.a(6) which reads:

Supermarkets - \$180.00

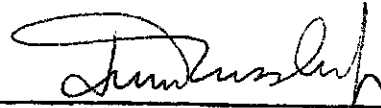
to read:

Supermarkets - \$265.00

DULY ENACTED by the Board of Commissioners of Upper Dublin Township this 28th day of December, 1976.

COMMISSIONERS OF UPPER DUBLIN  
TOWNSHIP

BY

  
\_\_\_\_\_  
President

ATTEST:

BY

  
\_\_\_\_\_  
Secretary

AN ORDINANCE

NO. 543

AN ORDINANCE ESTABLISHING AND CREATING A FIRE AND WATER DISTRICT  
IN THE TOWNSHIP OF UPPER DUBLIN, MONTGOMERY COUNTY,  
PENNSYLVANIA.


The BOARD OF COMMISSIONERS of Upper Dublin Township  
hereby enacts and ordains:

SECTION I. That for the safety and convenience of the  
inhabitants of Upper Dublin Township, there is herewith created  
a fire and water district in said Upper Dublin Township. The  
boundaries of said fire and water districts shall be conterminous  
with the boundaries of Upper Dublin Township.

ORDAINED and ENACTED this 28th day of DECEMBER  
A.D., 1976.

COMMISSIONERS OF UPPER DUBLIN  
TOWNSHIP

BY:

  
Thomas M. Tressler, Jr.  
President

ATTEST:

  
Harry Wardle, Secretary

AN ORDINANCE

NO. 544

AN ORDINANCE ESTABLISHING THE ANNUAL TAX FOR FIRE HYDRANTS  
IN THE FIRE AND WATER DISTRICT OF UPPER DUBLIN TOWNSHIP,  
EFFECTIVE AS OF JANUARY 1, 1977 AND THEREAFTER.

The BOARD OF COMMISSIONERS of Upper Dublin Township  
hereby enacts and ordains:

SECTION I. That the cost and maintenance of fire  
hydrants for fire protection within the Township of Upper Dublin  
is hereby distributed according to an annual tax on all property  
within the Fire and Water District of Upper Dublin Township,  
established by Ordinance No. 543 of 1/2 mill on the dollar or  
the sum of five cents on each hundred dollars of assessed  
valuation.

ORDAINED and ENACTED this 28th day of December  
A.D., 1976.

BOARD OF COMMISSIONERS  
UPPER DUBLIN TOWNSHIP

BY: Thomas M. Tressler, Jr.  
Thomas M. Tressler, Jr.  
President

ATTEST:

Harry Wardle  
Harry Wardle, Secretary

AN ORDINANCE

NO. 545

AN ORDINANCE ESTABLISHING THE DATES OF REGULAR MEETINGS OF THE COMMISSIONERS OF THE TOWNSHIP OF UPPER DUBLIN, MONTGOMERY COUNTY, PENNSYLVANIA, DURING THE YEAR 1977.

BE IT ORDAINED AND ENACTED by the Commissioners of Upper Dublin Township, Montgomery County, Pennsylvania, and it is hereby enacted by the authority of the same.

SECTION I. The regular meetings of the Commissioners for the year 1977 are fixed as follows:

(a) The second Tuesday of each month beginning January 11, 1977, at 7:30 P.M., prevailing time.

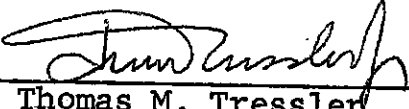
(b) The third Tuesday of each month beginning January 18, 1977, at 7:30 P.M., prevailing time.

(c) The fourth Tuesday of each month beginning January 25, 1977, at 7:30 P.M., prevailing time.

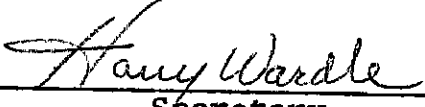
SECTION II. All meetings shall be held in the Township Building, 801 Loch Alsh Avenue, Fort Washington, Pennsylvania, unless otherwise specifically directed.

ORDAINED and ENACTED this 28th day of December, 1976.

COMMISSIONERS OF UPPER DUBLIN  
TOWNSHIP

By:   
Thomas M. Tressler, Jr.  
President

ATTEST:

  
Secretary

AN ORDINANCE

NO. 546

AN ORDINANCE PROVIDING FOR THE AUDIT OF THE TOWNSHIP ACCOUNTS BY AN INDEPENDANT AUDITOR.

BE IT ORDAINED and ENACTED by the Commissioners of UPPER DUBLIN TOWNSHIP, Montgomery County, Pennsylvania, and it is hereby enacted by the authority of the same.

SECTION I. From and after the effective date of this Ordinance, the accounts of Upper Dublin Township shall be audited by a firm of competent Certified Public Accountants.

SECTION II. The office of elected auditor is hereby abolished.

ORDAINED and ENACTED this 24 day of February, 1977.

COMMISSIONERS OF UPPER DUBLIN  
TOWNSHIP

BY: *Raymond J. ...*  
VICE - President

ATTEST:

*Harry Wardle*  
Secretary

ORDINANCE #547

An Ordinance of the Township of Upper Dublin, Montgomery County, Pennsylvania for the purpose of establishing uniform procedures for participating municipalities in Montgomery County in requesting aid and assistance during emergency situations involving civil disobedience and/or natural disasters.

WHEREAS, it is the intention of Upper Dublin to enter into an intergovernmental agreement in accordance with the Joint Municipal Activity Act of 1972, July 12, No. 18087 to receive and supply police protection in conformity with the guidelines set forth herein.

ORGANIZATION

The Chief of Police, or the commanding officer in his absence, shall have authority to request assistance from other municipalities in the event of emergency.

Only the Chief of Police, or in his absence, the officer in command of the municipality, in which the emergency occurs may request assistance under this plan.

The employing Chief shall initiate the request for assistance through the Montgomery County Communication Center in accord with the procedure agreed upon by participating municipalities.

The Chief of Police of the requesting municipality shall be the Commander in Chief of all personnel sent into an emergency.

Responding departments shall provide up to ten percent (10%) of their departmental strength when possible.

The responding police shall have the same authority as that of the requesting department when acting in response to a request for assistance pursuant to this agreement.

The District Attorney shall assign an Assistant District Attorney to the requesting Chief, to act as legal supervisor.

The Sheriff shall immediately dispatch vans for transport of prisoners if requested by the supervising chief and shall determine the availability of adult and juvenile detention facilities.

In every instant where aid is requested, personnel supplied will be relieved of duty by the supervising chief not more than eight (8) hours after reporting.

The participating police chiefs together with Montgomery County authorities may establish procedures under which to implement this agreement.

#### FINANCES

Montgomery County shall provide insurance to cover liability of the mutual aid squad and its individual members. Each municipality shall pay the cost of its own personnel when on duty in an emergency covered by this agreement.

Montgomery County shall supply equipment required by the Mutual Aid Squad other than the regular issued equipment of each member.

TERM OF AGREEMENT

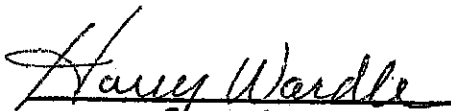
This agreement shall continue in effect until terminated by subsequent ordinance of the municipality. This agreement is binding on all municipalities adopting it.

ENACTED into an Ordinance this 16<sup>TH</sup> day of AUGUST, 1977.

BOARD OF COMMISSIONERS  
UPPER DUBLIN TOWNSHIP

By:   
Thomas M. Tressler, President

Attest:

  
Secretary

AN ORDINANCE  
NO. 548

AN ORDINANCE CORRECTING ORDINANCE NO. 506 WHICH AMENDED THE UPPER DUBLIN TOWNSHIP ZONING ORDINANCE NO. 140 BY PROVIDING FOR MULTI-FAMILY USE DISTRICTS.

The Board of Commissioners of the Township of Upper Dublin does hereby ENACT and ORDAIN.

SECTION I. That Section V of Ordinance No. 506 be deleted and the following be substituted therefore:

SECTION V. That Section I of Article IX-A be deleted and the following be substituted therefore:

SECTION I: GENERAL REQUIREMENTS. The Board of Township Commissioners may authorize as an amendment to the Zoning Map the designation of an area as "Multi-Dwelling District" for the location of an integrated multi-dwelling development or developments, subject to the regulations of this and any pertinent article.

A. USE REGULATIONS A building may be erected or used, and a lot may be used or occupied for the following purposes, provided the requirements of the following are met:

A-1. With an Multi-Dwelling District. A building may be erected, altered or used and a lot or premises may be used for any uses permitted in a Residential District of the Zoning Ordinance.

A-2. Within a Lot Authorized for Multiple Dwelling Use or Occupancy. On each lot intended for multiple or apartment house erection and use, a building may be erected or used, and a lot may be used or occupied for the following purposes, provided the requirements of the following are met.

1. A multi-dwelling or group of multi-dwelling houses which constitutes a single operating or proprietary unit.

2. Twin Dwelling.

3. Townhouse Structures.

4. Duplex Dwelling.

5. Twin Duplex Dwelling.

6. Apartments.

7. Condominium.

B. AREA REGULATIONS.

1. Lot Area.

a. No apartment houses or group of apartment houses or group of multi-dwelling houses shall be constructed on a lot less than three (3) acres in size.

b. No lot on which a multi-dwelling house or group of multi-dwelling houses is to be constructed shall contain a use that would be nonconforming.

2. Building Area. Not more than fifteen percent (15%) of the lot area of each lot may be occupied by buildings.

3. Setback from Streets. There shall be a set-back from the ultimate right-of-way of each street or road on which the lot abuts of not less than seventy-five (75') feet.

4. Setback from Property Lines.

a. Front Yard. There shall be a front yard on each street on which a lot abuts.

b. Side Yard. There shall be two (2) side yards, neither of which shall be less than fifty (50') feet in width.

c. Rear Yard. There shall be a rear yard on each lot which shall not be less than fifty (50') feet in depth.

5. A minimum distance required between multiple dwelling building faces, (end-to-end, back-to-back, end-to-back, or any combination thereof) shall not be less than forty (40') feet.

6. Dwelling Units Per Acre.

a. There shall be no more than eight dwelling units per acre in apartment developments. Not more than one-half (1/2) of total dwelling units shall have two (2) bedrooms or more; furthermore, not more than one-tenth (1/10) of the total dwelling units shall have three (3) bedrooms.

b. In all other developments there shall be no more than six units per acre.

7. Each apartment dwelling unit shall contain at least the following square feet of floor space:

- a. one-bedroom unit - 750 square feet;
- b. two-bedroom unit - 900 square feet;
- c. three-bedroom unit - 1,050 square feet.

8. Each other multi-dwelling unit shall contain at least nine hundred (900) square feet.

C. HEIGHT REGULATIONS. No building shall exceed thirty-five (35') feet in height, or three (3) stories, exclusive of basements. No basement may be occupied as a dwelling unit, other than by a caretaker of the multi-dwelling.

ENACTED into an Ordinance this 16 day of August, 1977, A. D.

BOARD OF COMMISSIONERS  
UPPER DUBLIN TOWNSHIP

BY: \_\_\_\_\_

President

Attest:

Harry Wardle  
Secretary

3 -

- 3 -

AN ORDINANCE

NO. 549

AN ORDINANCE AMENDING ORDINANCE NO. 450 THE BOCA BASIC HOUSING CODE OF 1970, TO REQUIRE SMOKE DETECTORS IN DWELLING UNITS.

BE IT ORDAINED and ENACTED by the Commissioners of Upper Dublin Township and it is hereby enacted by the authority of same:

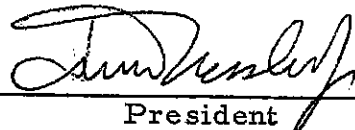
That a new section, entitled - SMOKE DETECTOR be added to the Boca Basic Housing Code, as follows:

"SECTION H-404.4 SMOKE DETECTOR"

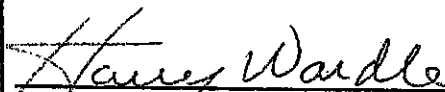
Each dwelling unit shall be provided with a minimum of one (1) approved, listed, and labeled Smoke Detector sensing visible or invisible particles of combustion installed in a manner and location consistent with its listing. When actuated, the detector shall provide an alarm suitable to warn the occupants within the dwelling.

ENACTED into an Ordinance this 16th day of August  
A.D., 1977.

BOARD OF COMMISSIONERS  
UPPER DUBLIN TOWNSHIP

BY:   
President

ATTEST:

  
Secretary

AN ORDINANCE  
NO. 550

AN ORDINANCE CONTROLLING THE USE OF WATER DURING EMERGENCY IN THE TOWNSHIP OF UPPER DUBLIN, COUNTY OF MONTGOMERY, COMMONWEALTH OF PENNSYLVANIA.

WHEREAS, The Commissioners of Upper Dublin Township find that at sundry times in the past drought and other adverse weather conditions have caused severe shortages in water supplies and of water companies serving portions of the Township; and

WHEREAS, the danger of serious fire is greatly increased in times of drought; and

WHEREAS, water shortage results in decreased water main pressure to such extent that it may be inadequate for the needs and effective use of fire fighting equipment, with consequent danger to the public safety; and

WHEREAS, shortages and lack of pressure have been so severe as to have threatened to deprive some households of all water service for indefinite periods, with consequent danger to the public health and welfare; and

WHEREAS, the prompt adoption of reasonable water conservation measures by all householders can alleviate the problems and reduce the dangers of water shortages; and

WHEREAS, the extent and duration of drought conditions and water emergencies cannot be predicted in advance and frequently will require speedy adoption of conservation measures for the protection of the public health, safety, and welfare.

NOW, THEREFORE, The Board of Commissioners of Upper Dublin Township does hereby enact and ordain:

SECTION I. Declaration of Water Emergency:

It shall be the duty of the Board of Commissioners upon certification of the officers of any Water Company or Authority and with concurrence with the Township Engineer, to determine whether a water emergency exists to the extent that there is threat to the public health, safety, and welfare. Upon such determination, the Board of Commissioners shall so declare and shall impose a prohibition against the water usage as specified in Section III.

SECTION II. Public Hearing:

Within two weeks after the declaration of the emergency, a public hearing shall be scheduled ~~and~~ duly advertised, to determine whether conditions are such as to continue the prohibition.

SECTION III. Water Usage Prohibition:

When the Board of Commissioners have declared that a condition of water shortage exists, the following uses of water shall be prohibited:

Watering of yards, washing of motor vehicles, filling of swimming pods.

SECTION IV. Penalties:

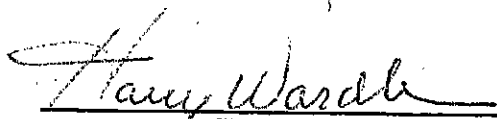
Provisions are declared for the health, safety, and welfare of the citizens of the Township of Upper Dublin, and persons violating any provision of the said Sections, upon conviction before any District Justice of the Township of Upper Dublin, shall be fined not less than Fifty (\$50.00) dollars nor more than One Hundred (\$100.00) dollars for each violation.

ENACTED into an Ordinance this *22* day of *November* A. D., 1977.

BOARD OF COMMISSIONERS  
UPPER DUBLIN TOWNSHIP

BY:   
President

ATTEST:

  
Secretary

AN ORDINANCE  
NO. 551

AN ORDINANCE TO AMEND ORDINANCE NO. 140 ADOPTED AUGUST 26, 1956, DESIGNATED THE UPPER DUBLIN TOWNSHIP ZONING ORDINANCE OF 1956, AS AMENDED, BY AMENDING THE MAP THEREOF SO AS TO CHANGE AN AREA LOCATED ON DRESHERTOWN ROAD IN THE VICINITY OF WELSH ROAD FROM A-RESIDENTIAL TO OC-OFFICE CENTER DISTRICT.

WHEREAS, the Commissioners of Upper Dublin Township find that the within amendment to Upper Dublin Township Zoning Ordinance is in accordance with the spirit and intent of the Comprehensive Plan and Land Use Plan for the Township of Upper Dublin.

BE IT ORDAINED and ENACTED by the Commissioners of Upper Dublin Township, Montgomery County, Pennsylvania, and it is hereby enacted by authority of the same, that the zoning map adopted and approved as a part of the Upper Dublin Township Zoning Ordinance of 1956, adopted August 20th, as known as Ordinance 140, as amended, be and is hereby further amended as follows:

SECTION ONE: The territory hereinafter described on Dreshertown Road in the vicinity of Welsh Road consisting of approximately 27.828 acres plus or minus, as more fully described in description attached hereto and marked Exhibit "A", be changed from A-Residential to OC-Office Center District.

ENACTED and ORDAINED this 15 day of November A. D., 1977.

BOARD OF COMMISSIONERS  
UPPER DUBLIN TOWNSHIP

BY: Raymond J. Milligan  
Vice President

ATTEST:

Harry Ward  
Secretary

ALL THAT CERTAIN lot or piece of ground SITUATE in Upper Dublin Township, Montgomery County, Pennsylvania.

BEGINNING at a point on the northeasterly line of land of Community Life Insurance Company, said point being at the distance of 1,346.99 feet measured south 49 degrees 00 minutes. East from a point on the original centerline of Dreshertown Road (41.50 feet wide as widened 8.50 feet on the southeasterly side from the former width of 33 feet) said point being at the distance of 1,329.60 feet measured south 41 degrees 00 minutes. West from the point of intersection which the said original centerline of Dreshertown Road makes with the original centerline of Welsh Road (33 feet wide), thence from the place of beginning and along the northeasterly line of land of Community Life Insurance Company south 49 degrees 27 minutes. East 822.67 feet to a point, thence along the southeasterly line of land of Community Life Insurance Company south 41 degrees 24 minutes. West 1,496.04 feet to a point, thence along the southwesterly line of land of Community Life Insurance Company North 48 degrees 40 minutes. West 804.01 feet to a point, thence through land of Community Life Insurance Company of which this is a part north 40 degrees 41 minutes. East 1,484.89 feet to the place of beginning.

EXHIBIT "A"

TAX LEVY ORDINANCE

ORDINANCE NO. 552

AN ORDINANCE of Upper Dublin Township, Montgomery County and the Commonwealth of Pennsylvania, fixing the tax rate for the year 1978.

BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Commissioners of Upper Dublin Township, County of Montgomery, Pennsylvania:

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 1978, as follows:

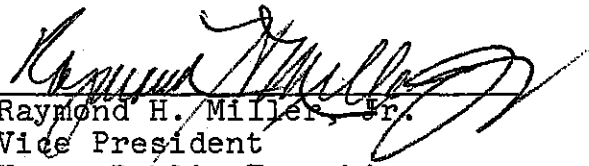
Tax rate for general purposes, the sum of .....20.75 mill on each dollar of assessed valuation, or the sum of.....207.5 cent on each one hundred dollars of assessed valuation.

For fire protection purposes, the sum of..... 3 mill on each dollar of assessed valuation, or the sum of..... 30 cent on each one hundred dollars of assessed valuation.


The same being summarized in tabular form as follows:

|                               | Mills on Each<br>Dollar of<br>Assessed<br>Valuation | Cents on Each<br>One Hundred<br>Dollars of<br>Assessed<br>Valuation |
|-------------------------------|---|---|
|                               | -----   | -----   |
| Tax Rate for General Purposes | 20.75 mills   | 207.5 cents   |
| Tax Rate for Fire Protection  | <u>3.00</u> mills                                   | <u>30.0</u> cents   |
| TOTAL                         | 23.75 mills   | 237.5 cents   |

Adopted this 29th day of December 1977.

  
 Raymond H. Miller, Sr.  
 Vice President  
 Upper Dublin Township  
 Board of Commissioners

ATTEST:

  
 Harry Wardle  
 Township Secretary

ANNUAL BUDGET OF THE TOWNSHIP OF UPPER DUBLIN FOR THE YEAR 1978

ORDINANCE NO. 553

AN ORDINANCE of Upper Dublin Township, Montgomery County, and the Commonwealth of Pennsylvania, appropriating specific sums estimated to be required for the specific purposes of the municipal government, hereinafter set forth, during the current year:

BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Commissioners of Upper Dublin Township, County of Montgomery, Pennsylvania:

SECTION 1. That for the expenses for the fiscal year 1978 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.

GENERAL OPERATING FUNDS  
SUMMARY OF ESTIMATED RECEIPTS

|                                       |                |
|---------------------------------------|----------------|
| Cash and securities for Appropriation | \$ 207,538     |
| Receipts from Current Tax Levy        | 1,472,847      |
| Receipts from Taxes of Prior Years    | 59,000         |
| Other Revenue Receipts                | 760,250        |
| Miscellaneous non-revenue Receipts    | <u>227,600</u> |

TOTAL ESTIMATED RECEIPTS AND CASH \$2,727,235

SUMMARY OF APPROPRIATIONS

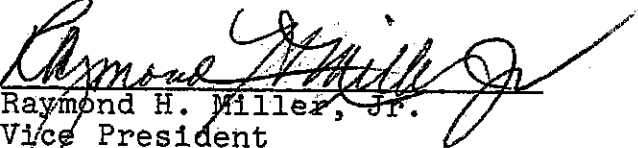
|                                       | <u>Operation and<br/>Maintenance</u> |
|---------------------------------------|--------------------------------------|
| General Government:                   |                                      |
| Administration                        | \$181,600                            |
| Treasurer & Tax Collector             | 7,200                                |
| Municipal Buildings                   | <u>41,000</u>                        |
| TOTAL                                 | \$229,800                            |
| Protection to Persons and Property:   |                                      |
| Police                                | \$846,150                            |
| Fire                                  | 37,750                               |
| Civil Service                         | <u>500</u>                           |
| TOTAL                                 | \$884,400                            |
| Regulations, Planning & Zoning -TOTAL | \$ 66,915                            |
| Health and Sanitation:                |                                      |
| Health                                | \$ 40,215                            |
| Trash Collection & Disposal           | <u>288,400</u>                       |
| TOTAL                                 | \$328,615                            |

|   |                    |               |
|---|--------------------|---------------|
| Highways:   |                    |               |
| Highway Maintenance                                   |                    | \$331,250     |
| Street Lighting                                       |                    | <u>80,000</u> |
|   | TOTAL              | \$411,250     |
| Library:  | TOTAL              | \$ 89,000     |
| Parks and Recreation:                                 | TOTAL              | \$162,480     |
| Miscellaneous:  |                    |               |
| Employee Taxes & Benefits                             |                    | \$268,500     |
| Insurance   |                    | 148,000       |
| Refunds   |                    | <u>200</u>    |
|   | TOTAL              | \$416,700     |
| TOTAL FOR OPERATION, MAINTENANCE AND CAPITAL OUTLAY - |                    | \$2,589,160   |
| Debt Service:   |                    |               |
| Interest  |                    | \$ 53,075     |
| Principal   |                    | <u>85,000</u> |
|   | TOTAL DEBT SERVICE | \$138,075     |
| TOTAL APPROPRIATIONS FROM GENERAL OPERATING FUNDS     |                    | \$2,727,235   |

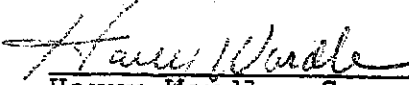
SECTION 2. An estimate of the specific items making up the amounts appropriated to the respective departments is on file in the office of the Township of Upper Dublin, Pennsylvania.

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

Adopted this 29th day of December 1977.

  
Raymond H. Miller, Jr.  
Vice President  
Upper Dublin Township  
Board of Commissioners

ATTEST:

  
Harry Wardle, Secretary

ORDINANCE NO. 554

AN ORDINANCE appropriating and making changes in certain appropriations heretofore made by the Board of Commissioners of the Township of Upper Dublin under Ordinance No. 539, dated December 28, 1976.

WHEREAS, pursuant to Acts of Assembly in such cases made and provided, the Board of Commissioners of Upper Dublin Township, Montgomery County, Pennsylvania, by ordinance adopted and enacted the 28th day of December, 1976 appropriated out of the estimated revenue and income available for year 1977 certain sums estimated by them to be required for the several specific purposes of Township Government and

WHEREAS, because of the difficulty in accurately determining the exact amount required for certain of the specific purposes of Township Government, which are or may be largely affected by unforeseen contingencies, the same appropriated to the following specific purposes to wit: General government, Health and Sanitation and

WHEREAS, the expenses incurred in some accounts are less than the funds appropriated for 1977;

NOW, therefore, the Board of Commissioners of Upper Dublin Township do hereby enact and ordain:

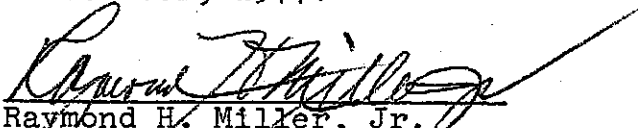
That the sum of \$18,716 be transferred from the following accounts:

|                                  |          |
|----------------------------------|----------|
| General Government               | \$ 6,000 |
| Protection to Persons & Property | 11,716   |
| Insurance & Miscellaneous        | 1,000    |

to the following accounts:

|                       |          |
|-----------------------|----------|
| Health and Sanitation | \$ 8,554 |
| Highways              | 10,162   |

Adopted and enacted this 29th day of December, 1977.

  
Raymond H. Miller, Jr.  
Vice President  
Upper Dublin Township  
Board of Commissioners

ATTEST:

  
Harry Wardle, Township Secretary

ORDINANCE NO. 555

AN ORDINANCE ESTABLISHING THE DATES OF REGULAR MEETINGS OF THE COMMISSIONERS OF THE TOWNSHIP OF UPPER DUBLIN, MONTGOMERY COUNTY, PENNSYLVANIA, DURING THE YEAR 1978.

BE IT ORDAINED AND ENACTED by the Commissioners of Upper Dublin Township, Montgomery County, Pennsylvania, and it is hereby enacted by the authority of the same.

SECTION I. The regular meetings of the Commissioners for the year 1978 are fixed as follows:

(a) The second Tuesday of each month beginning January 10, 1978 at 7:30 P.M., prevailing time.

(b) The third Tuesday of each month beginning January 17, 1978 at 7:30 P.M., prevailing time.

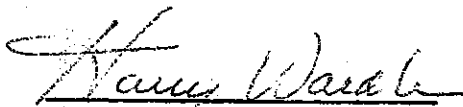
SECTION II. All meetings shall be held in the Township Building, 801 Loch Alsh Avenue, Fort Washington, Pennsylvania, unless otherwise specifically directed.

ORDAINED AND ENACTED this 3rd day of January, 1978.

COMMISSIONERS OF UPPER DUBLIN  
TOWNSHIP

By:   
Raymond H. Miller, Jr.  
President

ATTEST:

  
Secretary

ORDINANCE NO. 556

AN ORDINANCE AMENDING ORDINANCE NO. 104 AND ORDINANCE NO. 457 BY CHANGING THE SIZE AND TERM OF APPOINTMENT OF THE PARK AND RECREATION ADVISORY BOARD OF UPPER DUBLIN TOWNSHIP.

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

SECTION 1. Amend Section 2 of Ordinance No. 104 and subsequent amendment to that Section by Ordinance 457 to read as follows:

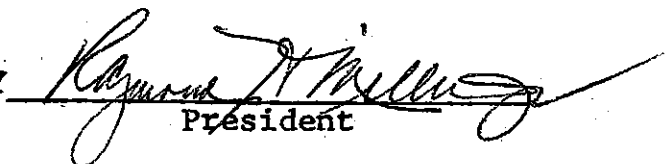
The Board shall be composed of nine members, two of whom should be appointed by the School Board of Upper Dublin Township and seven shall be appointed by the Commissioners.

These members shall serve for terms of three 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.

ADOPTED this 18th day of January , 1978.

COMMISSIONERS OF UPPER DUBLIN  
TOWNSHIP

BY

  
President

ATTEST:

  
Secretary

AN ORDINANCE  
NO. 557

AN ORDINANCE OF THE TOWNSHIP OF UPPER DUBLIN REGULATING THE USE OF AUTOMATIC PROTECTIVE DEVICES AND PROVIDING PENALTIES FOR FAILURE TO OBEY THE REGULATIONS.

WHEREAS, the use of automatic protective devices in the nature of Burglar Alarms and Fire Arms of a silent telephone alarm and audible alarm nature have become popular in the Township of Upper Dublin, and

WHEREAS, the use of such alarms have caused a great burden on the Police Department and the Fire Department because of false alarms generated by such equipment,

WHEREAS, the Commissioners of Upper Dublin Township deem it necessary to regulate the use of such alarms to promote the peace and safety of the community.

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

SECTION I. Short Title. This Ordinance shall be known and may be cited as "The Upper Dublin Township Emergency Police and Fire Alarm Ordinance".

SECTION II. Definitions. The following definitions shall apply in the interpretation and enforcement of this Ordinance.

a. Alarm equipment supplier. Any person, firm or corporation who sells or leases or installs automatic protection devices.

b. Answering Service. A service whereby trained employees in attendance at all times receive pre-recorded voice messages from automatic protection devices reporting an emergency at a stated

location and who have the duty to relay immediately by live voice any such emergency message over a designated or direct trunkline to the communications center of the Police or Fire Department.

c. Audible Alarm. Any device, bell, horn or siren, which is attached to the interior or exterior of a building and emits a warning signal audible outside the building and designed to attract attention when activated by criminal act or other emergency requiring police to respond.

d. Automatic Protection Device. An electrically operated instrument composed of sensory apparatus and related hardware which automatically transmits a pre-recorded voice alarm over regular telephone line, by direct or indirect connection to the Police Department or Fire Department, upon receipt of a stimulus from a sensory apparatus that has detected a physical force or condition inherently characteristic of a fire or intrusion.

e. Central Station Protective System. A protective system, or group of such systems, operated privately for customers by a person, firm or corporation which maintains supervisors and accepts recorded messages from automatic protection devices at a central station having trained operators and guards in attendance at all times that have the duty to take appropriate action upon receipt of a signal or message, including the relaying of messages by designated or direct trunkline to the communications center of the Police or Fire Departments.

f. Chief of Fire Department. The Chief of The Fire Department of Upper Dublin Township.

g. Chief of Police. Chief of Police shall mean the Chief of the Upper Dublin Township Police Department.

h. Designated Trunkline. The telephone line leading into the communications center of the Police or Fire Department that is for the primary purpose of handling emergency messages which originate from automatic protection devices and are transmitted directly, or indirectly through an intermediary.

i. Direct Trunkline. A non-listed, directly connected telephone line leading from an intermediary to the communication center of the Police or Fire Department that is for the primary purpose of handling emergency messages on a person to person basis.

j. False Alarm. Any signal activated by an automatic protection device, any audible alarm or any other kind of direct or indirect signal given the police or fire communications center to which police or firemen respond, which is not the result of a burglary, fire, robbery or similar emergency.

k. Fire Communications Center. The fire communications room and other rooms which house auxiliary communication equipment.

l. Fire Department. Fire Department located in the Township of Upper Dublin.

m. Fire Marshall shall mean - Fire Marshall appointed by the Board of Commissioners of Upper Dublin Township.

n. Intermediary. A central station protective system or an answering service as herein defined.

o. Key. To use a telephone line and equipment for transmitting a message either directly or indirectly by an automatic protection device.

p. Permit. Written permission, duly granted to an applicant by the Township upon payment of the required fee.

q. Police Communications Center. The Police communications room and other rooms which house auxiliary communication equipment.

r. Police Department. The Township of Upper Dublin Police Department.

s. Primary Trunkline. A telephone line leading into the communications center of the Police or Fire Departments that is for the purpose of handling emergency calls on a person-to-person basis and which line is identified by a specific listing among the white pages in the telephone directory issued by the Bell Telephone Company.

t. Secondary Trunkline. A telephone line leading into the communications center of the Police or Fire Departments that is for the purpose of handling administrative and other calls on a person-to-person basis and which line is identified by a specific listing among the white pages in the telephone directory issued by the Bell Telephone Company.

u. Secretary. Secretary shall mean the Secretary of the Township of Upper Dublin.

SECTION III. Alarm Prohibited. Except as provided in subparagraph a. and b. to this Section, after the enactment of this Ordinance users must equip audible alarms with a timing mechanism that will disengage the audible alarm after a maximum period of fifteen minutes.

Audible alarms without such a timing mechanism shall be unlawful in the Township and must be disconnected by the user within 120 days from the effective date of this Ordinance. 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 IV. Automatic Protection Devices - Direct Keying

a. No automatic protection device installed after the effective date of this Ordinance shall be keyed to a primary or secondary trunkline.

b. After the effective date of this Ordinance, all automatic protection devices that transmit recorded messages directly to the Police Department or Fire Department shall be keyed to the designated trunkline.

c. Within 60 days from the effective date of this Ordinance, existing automatic protection devices in the Township shall be disconnected from primary and secondary trunklines.

d. Automatic protection devices disconnected, as provided in Section IV, c. above, may be keyed to a designated trunkline with the approval of the Township Police Department.

SECTION V. Automatic Protection Devices - Current list of installations.

a. Within 120 days from the effective date of this Ordinance every person, corporation, institution or company who has keyed an automatic protection device in the Township to the designated trunkline shall furnish to the Chief of Police a registration of such installation

which shall include the following information:

1. The name, residence, and telephone number of the user.
2. The address where the device is installed and the telephone number of that address.
3. The name, address, and telephone number of a central station protective system or any other person or firm who is authorized to respond to an emergency and gain access to the address where the device is installed.
4. The name and telephone number of alarm equipment supplier and of any person other than the alarm equipment supplier who is responsible for the maintenance and repair of the automatic protection device.

b. All information furnished pursuant to these sections shall be kept confidential and shall be for the use of the Police Department and Fire Department only.

SECTION VI. Automatic Protection Devices - Operational Requirement.

a. Automatic Protection devices installed in the Township that are keyed to designated trunklines shall meet the following requirements:

1. The type, content and length of recorded messages must be intelligible and in a format approved prior to installation by the Chief of Police.
2. No more than one call shall be made over a designated trunkline to the Police Department or Fire Department as a result of a single activation of the automatic protection device.

3. The time for transmitting each recorded message shall not exceed 15 seconds.

4. Recorded messages may be repeated during one call but the interval between each recorded message shall be no less than eight nor more than 12 seconds.

5. The sensory mechanism used in connection with an automatic protective device must be adjusted to suppress false indications of fire or intrusion, so that the device will not be actuated by impulses due to fleeting pressure changes in water pipes, short flashes of light, the rattling or vibrating of doors and windows, vibrations to the premises caused by the passing of vehicles or any other force not related to genuine alarms.

6. All components comprising such a device must be maintained by the user in good repair to assure maximum reliability of operation.

SECTION VII. Automatic Protection Devices. Technical information. Each alarm equipment supplier who sells or leases an automatic protection device in the Township after the effective date of this Ordinance, which is keyed to a designated trunkline shall furnish operating instructions, a circuit diagram and maintenance manual to the user.

SECTION VIII. Automatic Protection Device - Repair Service.

a. Each alarm equipment user in the Township which is keyed to a designated trunkline, shall arrange for repair service to be available directly or through an agent on a twenty-four hour per day basis, seven days a week, to repair such device or to correct any malfunction that may occur.

b. The alarm user shall be responsible for having the device disconnected or repaired as quickly as possible after notice that the automatic protection device is not functioning properly.

SECTION IX. Automatic Protection Devices - Disconnecting.

When messages evidencing failure to comply with the operational requirements set forth in Section VII are received by the Fire Department or the Police Department and the Chief of the Department concerned or the Fire Marshall concluded that the automatic protection device sending such messages should be disconnected in order to relieve the particular Department of the burden of responding to false alarms, he is authorized to demand that the user of the device, or his representative, disconnect the device until it is made to comply with the operational requirements. If disconnection of the defective device is not accomplished promptly and the Chief of the Department concerned or the Fire Marshall determines that the malfunctioning device is repeatedly sending false alarms without any intermittent valid alarms, he may then take any steps necessary to disconnect the defective automatic protection device; any expenses so incurred by the Township shall be promptly reimbursed by the owner or lessee of the defective device.

SECTION X. Automatic Protection Devices - Testing. No person shall conduct any test or demonstration of an automatic protection device without first obtaining permission from the Police Department where the equipment is keyed through an intermediary. No such permission is necessary unless the alarm or signal is to be relayed to the Police Department or the Fire Department of the Township of Upper Dublin.

SECTION XI. Fees. Users shall pay such connection and annual fees as the Township shall set by resolution from time to time. The Township may set permit fees and adopt regulations to implement this Ordinance from time to time.

SECTION XII. Automatic Protection Devices - Authority to inspect. For the purpose of enforcing this Ordinance, it shall be a condition to installing and maintaining an automatic protection device, that the Building Inspector, Fire Marshall or the Chiefs of the Police and Fire Departments may enter upon a user's premises within the Township, at such reasonable times, and upon reasonable notice, to inspect the installation or operation of an automatic protection device; each user shall cooperate with such officials in every reasonable manner to permit such inspections.

SECTION XIII. Penalties for Violation.

a. Failure of any person to comply with the requirements of written notice of a violation of any provision hereof within three days of receipt of such notice, exclusive of Saturdays, Sundays, and Holidays, shall constitute an offense punishable by a fine of not less than \$10.00 nor more than \$300.00. Costs of prosecution to be collectible before any District Justice as like fines and penalties are now by law collectible. Such notice shall continue in force and effect until full compliance shall constitute a separate offense.

b. Any person found guilty of misuse, continual accidental activation, or false activation of an automatic protection device shall be liable for a fine of not less than \$10.00 nor more than \$300.00 plus cost of prosecution for each and every activation, to be collectible before any District Justice as like fines or penalties are now by law collectible.

SECTION XIV. Severability. Should any Section or provision of the Ordinance be declared by a Court of competent jurisdiction to be invalid, such Section or provision shall be deemed deleted and shall not affect the validity of the Ordinance as a whole, or of any other part thereof.

SECTION XV. Repealer. Ordinances 482 and 493 and all other ordinances or parts of ordinances inconsistent herewith are hereby repealed.

ENACTED AND ORDAINED into an Ordinance this 14<sup>th</sup> day of FEBRUARY A. D., 1978.

BOARD OF COMMISSIONERS  
UPPER DUBLIN TOWNSHIP

BY: Raymond A. Miller Jr.  
President

ATTEST:

Harry Waidle.  
Secretary

CODIFICATION ORDINANCE

*No. 558*

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE OF ORDINANCES OF THE TOWNSHIP OF UPPER DUBLIN, PENNSYLVANIA; ESTABLISHING THE SAME; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; EXCEPT AS HEREIN EXPRESSLY PROVIDED; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE OF ORDINANCES; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED by the Board of Commissioners of the Township of Upper Dublin, Pennsylvania, and IT IS HEREBY ORDAINED by Authority of the Same:

Section 1. That the Code of Ordinances, consisting of Titles 1 to 10, inclusive, is hereby adopted and enacted as the "Code of Ordinances of the Township of Upper Dublin, Pennsylvania," and shall be treated and considered as a new and original comprehensive ordinance which shall supersede all other general and permanent ordinances of the Township passed on or before June 22, 1978, to the extent provided for in Section 2 hereof.

Section 2. That all provisions of such Code shall be in full force and effect from and after July 18, 1978, and all ordinances of a general and permanent nature of the Township of Upper Dublin, Pennsylvania, enacted on final passage on or before June 22, 1978, and not included in such Code or recognized and continued in force by reference therein are hereby repealed from and after July 18, 1978, except as hereinafter provided. No resolution of the Township, not specifically mentioned, is hereby repealed.

Section 3. That the repeal provided for in Section 2 hereof shall not affect the following:

(a) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance;

(b) Any ordinance promising or guaranteeing the payment of money for the Township, or authorizing the issuance of any bonds of the

Township or any evidence of the Township's indebtedness, or any contract or obligation assumed by the Township;

(c) Any ordinance fixing salaries of officers or employees of the Township;

(d) An ordinance dedicating, naming, establishing, locating, relocating, opening, closing, paving, widening, vacating, etc., any street or public way in the Township;

(e) Any ordinance establishing and prescribing the street grades of any street in the Township;

(f) Any ordinance providing for local improvements or assessing taxes therefor;

(g) Any ordinance dedicating or accepting any plat or subdivision in the Township, or providing regulations for the same;

(h) Any ordinance annexing property to the Township;

(i) Any zoning ordinance of the Township;

(j) Any ordinance prescribing traffic regulations for specific locations, prescribing through streets, parking limitations, parking prohibitions, one-way traffic, limitations on loads of vehicles or loading zones, not inconsistent with such Code;

(k) Any ordinance fixing utility rates and charges;

(l) Any ordinance enacted after June 22, 1978;

(m) Nor shall such repeal be construed to revive any ordinance or part of an ordinance that has been repealed by a subsequent ordinance which is repealed by this ordinance.

Section 4. That any and all additions and amendments to such Code when passed in such form as to indicate the intention of the board of commissioners to make the same a part thereof shall be deemed to be incorporated in such Code so that reference to the "Code of Ordinances of the Township of Upper Dublin, Pennsylvania," shall be understood and intended to include such additions and amendments.

Section 5. That a copy of such Code shall be kept on file in the office of the Township Secretary, preserved in loose-leaf form or in such other form as the Township Secretary may consider most expedient. It shall be the express duty of the Township Secretary, or someone authorized by him, to insert in their designated places all amendments, ordinances or other legislation which indicate the intention of the board of commissioners to make the same a part of such Code when the same have been printed or reprinted in page form, and to extract from such Code all provisions which from time to time may be repealed by the board of commissioners. This copy of such Code shall be available for all persons desiring to examine the same.

Section 6. That it shall be unlawful for any person to change or alter by additions or deletions, any part or portion of such Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Township of Upper Dublin to be misrepresented thereby. Any person violating this section shall be punished as provided in Title 1 of the "Code of Ordinances of the Township of Upper Dublin, Pennsylvania."

Section 7. That all ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.

Section 8. That this ordinance shall become effective on the 18th day of July, 1978.

Ordained this 18th day of July, 1978.

BOARD OF COMMISSIONERS  
TOWNSHIP OF UPPER DUBLIN

By Raymond H. Miller  
President

Attest Harry Wardle  
Secretary

UPPER DUBLIN TOWNSHIP  
Montgomery County, Pennsylvania

ORDINANCE NO. 559

AN ORDINANCE OF UPPER DUBLIN TOWNSHIP APPROVING CERTAIN PROJECTS TO BE UNDERTAKEN BY THE UPPER DUBLIN TOWNSHIP AUTHORITY, INCLUDING THE FUNDING OF THE TOWNSHIP'S PROPORTIONATE SHARE OF THE CONSTRUCTION, EXPANSION AND UPGRADING OF THE AMBLER WASTEWATER TREATMENT PLANT, THE CONSTRUCTION OF A NEW WASTEWATER COLLECTION SYSTEM IN THE MAPLE GLEN SECTION OF THE TOWNSHIP AND A PROGRAM UNDER WHICH THE AUTHORITY WILL REFUND ITS OUTSTANDING SEWER REVENUE BONDS; DETERMINING THAT A PORTION OF THE PROJECTS SHALL BE FINANCED BY INCURRING GROSS LEASE RENTAL DEBT OF THE TOWNSHIP; APPROVING THE ISSUANCE BY THE AUTHORITY OF ITS GUARANTEED SEWER REVENUE BONDS AND SPECIAL OBLIGATION BONDS; APPROVING A PROPOSAL FOR THE PURCHASE OF THE BONDS; AUTHORIZING THE EXECUTION OF A LEASE BETWEEN THE AUTHORITY AS LESSOR, AND THE TOWNSHIP, AS LESSEE WHICH PROVIDES AMONG OTHER THINGS, FOR THE PAYMENT OF RENTALS BY THE TOWNSHIP TO AMORTIZE THE BONDS AND FOR A GUARANTY OF THE BONDS BY THE TOWNSHIP; AUTHORIZING THE PREPARATION OF A DEBT STATEMENT AND THE FILING OF SAID DEBT STATEMENT AND A TRANSCRIPT OF PROCEEDINGS WITH THE DEPARTMENT OF COMMUNITY AFFAIRS; AND AUTHORIZING OTHER NECESSARY ACTION.

UPPER DUBLIN TOWNSHIP  
Montgomery County, Pennsylvania

WHEREAS, Upper Dublin Township Authority (the "Authority") was incorporated on October 7, 1952 for the purpose, among others, of acquiring, holding, constructing, improving, maintaining, operating, owning and leasing sewer systems and sewage treatment works; and

WHEREAS, at the request of the Township, the Authority now proposes to undertake the following projects; (1) the funding of the Township's proportionate share of the construction, expansion and upgrading of the Ambler Wastewater Treatment Plant (the "Ambler Treatment Plant Project"); (2) the construction of a new wastewater collection system in the Maple Glen section of the Township (the "Maple Glen Project"); and (3) a program whereby all outstanding bonds of the Authority shall be refunded (the "Refunding Program") (collectively, "the Projects"); and

WHEREAS, based upon cost estimates and the anticipated receipt of federal grants (the "Federal Grants") from the United States Environmental Protection Agency, the Authority has determined that to finance the Projects will require the issuance of its Guaranteed Sewer Revenue Bonds, Series of 1978 (the "Guaranteed Revenue Bonds") and Special Obligation Bonds, Series of 1978 (the "Special Bonds") (collectively, the "1978 Bonds") in the respective principal amounts set forth herein; and

WHEREAS, the 1978 Bonds will be issued under a Trust Indenture dated as of August 16, 1978 (the "Indenture") between the Authority and The Philadelphia National Bank (the "Trustee"); and

WHEREAS, in connection with the financing, the Indenture requires the execution of a Lease to be dated August 16, 1978 (the "Lease") and to provide, among other things, for the payment of rentals by the Township, as lessee, to the Authority, as lessor, in the amounts there provided; and

WHEREAS, the Authority has received a proposal dated July 20, 1978 for the purchase of its Guaranteed Revenue Bonds and Special Bonds (the "Bond Purchase Proposal") from the investment banking firms of Butcher & Singer Inc. and Dolphin & Bradbury, both of Philadelphia, Pennsylvania and the Township Board of Commissioners desires to recommend to the Authority the acceptance thereof; and

WHEREAS, the Authority will offer an addition \$15,000 principal amount of its Guaranteed Revenue Bonds for sale to the public in the denomination of \$100 each.

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED BY THE BOARD OF COMMISSIONERS OF UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, as follows:

1. The Township hereby approves the Projects, consisting of the Ambler Treatment Plant Project, the Maple Glen Project and the Refunding Program, all to be undertaken by the Authority. It is hereby determined and declared that the estimated useful lives of the Ambler Treatment Plant Project and the Maple Glen Project (collectively, the "Capital Projects") are not less than fifty (50) years.

2. The Projects shall be financed by the payments made on account of the anticipated Federal Grants and the proceeds of sale of the Authority's 1978 Bonds.

3. The Guaranteed Revenue Bonds shall be guaranteed by the Township, shall be secured by lease rental payments and other amounts payable by this Township as provided in the Lease and shall be issued in an aggregate principal amount not to exceed \$2,670,000, which amount will constitute gross lease rental debt of this Township under the Local Government Unit Debt Act, as amended and reenacted (the "Act"). The issuance and guaranty by the Township of the Authority's Guaranteed Revenue Bonds and the incurrence of such lease rental debt are hereby authorized and approved. It is understood that the Authority has applied for municipal bond insurance from the Municipal Bond Insurance Association which, if a commitment is received, shall unconditionally guarantee the full and timely payment of debt service on the Guaranteed Revenue Bonds.

4. The Special Bonds shall be issued in the aggregate principal amount of \$730,000 and shall be secured by and payable solely from certain interest income to be realized by the Authority from United States Treasury Securities acquired with a portion of the proceeds of the 1978 Bonds and, thus, do not constitute lease rental debt or any other debt of this Township under the Act. The issuance of the Special Bonds by the Authority is hereby approved and authorized.

It is hereby determined and stated that upon delivery of the 1978 Bonds, the Authority's Sewer Revenue Bonds, Series of 1961, Sewer Revenue Bonds, Series of 1967 and Sewer Revenue Bonds, Series of 1970 (collectively, the "Original Bonds") in the total aggregate principal amount of \$1,141,000 shall no longer be deemed outstanding under Section 1110 of the Act for purposes of determining net debt of the Township.

5. The Refunding Program is being undertaken to allow the Authority to eliminate unduly burdensome covenants applicable to the Original Bonds and to apply available fund balances, the use of which is currently restricted under the terms of prior indentures, toward the construction costs of the Capital Projects, toward the Township's Sewer Fund and toward a reserve account of the Authority to provide for construction contingencies for the Capital Projects and future sewer system developments.

6. The Township hereby approves and authorizes the acceptance by the Authority of the Bond Purchase Proposal and approves the terms of the 1978 Bonds and the sale thereof, all as set forth in Exhibit "A" attached hereto and made a part hereof. Pursuant to the Bond Purchase Proposal:

(a) Guaranteed Revenue Bonds in an aggregate principal amount of \$2,655,000 shall be sold for the price of \$2,613,848, shall bear interest at rates ranging from 4.60% for the 1979 maturity to 6.60% for the 2008 maturity, and shall be redeemable and contain such other provisions as stated in the Bond Purchase Proposal.

(b) The Special Bonds in an aggregate principal amount of \$730,000 shall be sold for the price of \$721,240, shall bear interest at rates ranging from 4.10% for the November 1, 1978 maturity to 6.00% for the May 1, 1996 maturity, shall be payable from the interest income realized from investments in United States Government Securities and shall be redeemable and contain such other provisions as stated in the Bond Purchase Proposal.

7. (a) This Township, as Lessee, shall enter into the Lease with the Authority, as Lessor, providing, among other things, for the payment by the Township of rentals in the amounts set forth therein (ranging from \$193,475 to be payable in 2003 to \$387,375 to be payable in 2008), and for a guaranty of the Guaranteed Revenue Bonds by the Township and a pledge of the Township's full faith, credit and taxing power in connection with such guaranty. The form of Lease presented to this meeting is hereby approved and a copy of such Lease shall be attached hereto and is made a part hereof by reference.

(b) The President or Vice President of the Board of Commissioners and the Secretary or Township Manager of the Township are hereby authorized and directed to execute and deliver the Lease to the Authority, substantially in the form presented to this meeting with such modifications as such officers by their execution thereof may approve. This Township hereby consents to the assignment of said Lease and all rentals and other amounts payable thereunder to the Trustee.

8. The President or Vice President of the Board of Commissioners and the Secretary or Township Manager of the Township are hereby authorized to prepare and verify the Debt Statement required by Section 410 of the Act and to prepare and verify and/or assemble and file either before or after the issuance of the 1978 Bonds, such further and additional Debt Statements and documents as may be required to exclude self-liquidating debt from nonelectoral debt or lease rental debt of this Township. Said officers or any of them, are further authorized to apply to the Department of Community Affairs for further approval of the lease rental debt herein authorized and for the exclusion of all debt now or heretofore incurred in connection with the sewer system from the gross debt of the Township in accordance with Section 206 of said Act as self-liquidating debt and to file with such application a transcript of the proceedings including a certified copy of this Ordinance, the Debt Statement and a Borrowing Base Certificate, 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.

9. (a) The Township hereby covenants and agrees to pay out of the revenue and receipts of the sewer system, or out of any other revenues of the Township which may lawfully be applied for the purpose, all rentals and other amounts payable under the Lease at the times set forth therein.

(b) The Township further covenants and agrees to charge, impose and collect sewer rents and other charges which shall be sufficient, together with other revenues, to pay the rentals and other amounts payable under the Lease, as well as the expenses of operating, maintaining and repairing the Sewer System.

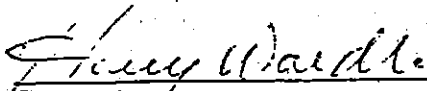
10. All other ordinances and parts of ordinance inconsistent herewith are hereby expressly repealed.

ENACTED AND ORDAINED this 20th day of July, 1978.

  
\_\_\_\_\_  
President, Board of Commissioners

(SEAL)

ATTEST:

  
\_\_\_\_\_  
Secretary

TOWNSHIP OF UPPER DUBLIN  
Montgomery County, Pennsylvania

ORDINANCE NO. 560

AUTHORIZING THE REFUNDING OF ELECTORAL DEBT AND THE INCURRENCE OF NONELECTORAL DEBT OF THE TOWNSHIP BY THE ISSUANCE OF \$2,030,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES OF 1978 FOR THE PURPOSE OF PROVIDING FUNDS FOR THE REFUNDING OF THE TOWNSHIP'S OUTSTANDING GENERAL OBLIGATION BONDS, SERIES OF 1969, THE CONSTRUCTION OF ALTERATIONS AND ADDITIONS TO THE TOWNSHIP BUILDING, THE CONSTRUCTION OF HIGHWAY IMPROVEMENTS, THE PURCHASE OF CAPITAL MACHINERY AND EQUIPMENT, AND THE CONSTRUCTION OF IMPROVEMENTS TO TOWNSHIP RECREATIONAL FACILITIES; 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; SETTING FORTH THE SUBSTANTIAL FORM OF BONDS AND COUPONS; SETTING FORTH THE STATED PRINCIPAL MATURITY DATES AND AMOUNTS, INTEREST RATES AND INTEREST PAYMENT DATES, PLACES OF PAYMENT, SINKING FUND PROVISIONS, PROVISIONS FOR REDEMPTION AND OTHER DETAILS OF THE BONDS; ACCEPTING A PROPOSAL FOR THE PURCHASE AT PRIVATE SALE OF SAID BONDS; APPOINTING A PAYING AGENT, SINKING FUND DEPOSITARY AND BOND REGISTRAR; AND AUTHORIZING OTHER NECESSARY ACTION.

WHEREAS, the Township of Upper Dublin has undertaken various capital improvement projects identified in Section 1 of this Ordinance (the "Projects") 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 purpose of financing the Projects; and

WHEREAS, the Township has also determined that it is advisable to refund its outstanding General Obligation Bonds, Series of 1969 (the "1969 Bonds") to reduce total debt service over the life thereof and is authorized by the Act to issue bonds for refunding purposes; and

WHEREAS, the Township proposes to issue its General Obligation Bonds, Series of 1978 (the "Bonds") for the purpose of financing the Projects and the refunding of the 1969 Bonds and has received a proposal for the purchase of the Bonds; and

WHEREAS, the 1969 Bonds were originally issued with the approval of the electors and, as provided by Section 1105 of the Act, the portion of the Bonds which are issued for refunding purposes will continue to be electoral debt and the remainder of the Bonds will constitute nonelectoral debt.

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 Projects. This Township shall undertake the acquisition or construction of the following Projects having the following estimated costs, including in each case a pro rata share of the costs of the financing:

|    | <u>Project Description</u>   | <u>Estimated Cost</u> |
|----|--|-----------------------|
| A. | The construction of additions, renovations and improvements to the Township Building, including the purchase of fixtures, furniture and equipment therefor (the "Township Building Project") | \$418,156             |
| B. | The construction of road and highway improvements and the purchase and installation of traffic signals ("Road Projects") as follows:   |                       |
|    | (i) Camp Hill Road (Susquehanna to Virginia Drive) - Widening, shoulder improvements and resurfacing;  |                       |
|    | (ii) Twining Road (Ayr Lane to Dale Road) - Widening, shoulder improvements, straightening and resurfacing;  |                       |

| <u>Project Description</u>   | <u>Estimated Cost</u> |
|--|-----------------------|
| (iii) Delaware Avenue - Rebuilding and resurfacing cul-de-sac section;   |                       |
| (iv) Commerce Drive - Concrete paving at various locations;  |                       |
| (v) Jarrettown Road - Widening, shoulder improvements, rerouting, straightening and resurfacing at various locations from Limekiln Pike to Welsh Road; and |                       |
| (vi) Traffic signals at Fort Washington & Highland Avenues, Tennis Avenue and Susquehanna Road, and Tennis Avenue and Welsh Road.                          |                       |

Total Estimated  
Cost of Road Projects      \$522,694

- C. The construction of improvements for recreation purposes on land owned by the Township in the vicinity of Twining and Susquehanna Roads, containing 80 acres more or less and known as Burn Brae Golf Course, including the expansion and improvement of the irrigation system, construction of maintenance and service facilities and other site improvements ("Burn Brae Project").      \$130,673
- D. The construction of improvements for recreation purposes on land owned by the Township along Susquehanna Road between Broad Street and Dillon Road, containing 55 acres more or less and known as the Bell Tract, including the construction of parking areas, maintenance and service facilities, grading, seeding and other site improvements, and the purchase of equipment ("Bell Tract Project").      \$313,612

E. The purchase of capital equipment and machinery ("Equipment Project") including trucks, plows, spreaders, sweeper, tractors, sewer cleaner and other motor vehicles, and communications equipment. \$ 303,165

Total Estimated Costs  
of All Projects \$1,688,300

The projects are hereby combined for financing purposes. The Board of Commissioners reserves the right to undertake the projects in such order and at such time or times as it shall determine and to allocate the proceeds of the Bonds and other available moneys to the final costs of the Projects in such amounts and order of priority as it shall determine; but the proceeds of the Bonds shall be used solely to pay the "costs", as defined in the Act, of the projects identified above or, upon appropriate amendments to this Ordinance, to pay the costs of other capital projects for which the Township is authorized to incur indebtedness.

It is hereby determined and stated that the estimated costs of each Project as set forth above are based upon actual bids or professional estimates received by the Township.

The Township shall also undertake the refunding of the 1969 Bonds and shall provide funds for such purpose from the proceeds of the Bonds herein authorized in the amount of \$341,700 which includes a pro-rata share of the costs of the financing.

Section 2. Useful Life of Projects. It is hereby determined and stated that the realistic estimated useful life of each Project is as follows:

|    |                                     |          |
|----|-------------------------------------|----------|
| A. | Township Building Project           | 40 years |
| B. | Road Projects                       |          |
|    | Traffic Signals (\$36,588)          | 10 years |
|    | All other Road Projects (\$486,100) | 20 years |
| C. | Burn Brae Project                   | 20 years |
| D. | Bell Tract Project                  | 20 years |
| E. | Capital Equipment Project           | 6 years  |

It is further determined and stated that the 1969 Bonds were originally issued for the purpose of acquiring land for open space having a useful life in excess of forty (40) years.

Section 3. Authorization of Indebtedness and Issuance of Bonds. This Township shall incur indebtedness, pursuant to the Act in the amount of \$2,030,000 for the purpose of providing funds for and toward the costs of the Projects and the refunding of the 1969 Bonds. This Township shall issue, pursuant to this Ordinance \$2,030,000 aggregate principal amount of its General Obligation Bonds, Series of 1978, to finance the indebtedness authorized hereunder.

Section 4. Type of Indebtedness. The indebtedness authorized by this Ordinance is nonelectoral debt, except that the sum of \$341,700, being the amount of the indebtedness incurred for the purpose of refunding electoral debt of the Township evidenced by the 1969 Bonds, shall continue to be electoral debt as provided in Section 1105 of the Act.

Section 5. Execution of Debt Statement, Bonds and Other Documents. The President or Vice President of the Board of Commissioners and the Township Secretary or Township Manager and their successors are hereby authorized and directed to 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. 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 6. Type of Bonds. The Bonds when issued will be General Obligation Bonds.

Section 7. Covenant to Pay Debt Service - Pledge of Taxing Power. The Township hereby covenants with the holders from time to time of the Bonds that the Township (i) shall include in its budget for each year commencing with the fiscal year ending December 31, 1979 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, (ii) shall appropriate from its general revenues such amounts to the payment of such debt service and (iii) shall duly and punctually pay or cause to be paid from its sinking fund or any other of its revenues or funds the principal of and interest on the Bonds at the dates and places and in the manner stated in the Bonds and coupons appertaining thereto 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. The amounts to be budgeted, appropriated and paid pursuant to the foregoing covenant are those set forth in Exhibit A 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 8. Form of Bonds. The Bonds shall be substantially in the following form with appropriate omissions, insertions and variations:

(Form of Bond)

UNITED STATES OF AMERICA

COMMONWEALTH OF PENNSYLVANIA

TOWNSHIP OF UPPER DUBLIN  
(Montgomery County)

GENERAL OBLIGATION BOND, SERIES OF 1978

KNOW ALL MEN BY THESE PRESENTS, that Township of Upper Dublin, Montgomery County, Pennsylvania (the Township), a municipal corporation of the Commonwealth of Pennsylvania, for value received, hereby acknowledges itself to be indebted and promises to pay, upon surrender hereof, to the bearer or, if this bond is registered as hereinafter provided, to the registered owner hereof, on the first day of December, 19 , unless sooner called for redemption and payment of the redemption price made or provided for, the principal sum of FIVE THOUSAND DOLLARS (\$5,000) and to pay interest thereon from August 16, 1978 at the annual rate of                    percent (    %), payable initially on June 1, 1979 and semi-annually thereafter on June 1 and December 1 of each year, but only

upon presentation and surrender of the interest coupons hereto attached as they severally become due, until the Township's obligation with respect to the payment of the principal sum shall be discharged as provided in the Ordinance hereinafter mentioned. The principal of and interest on this bond shall be payable in lawful money of the United States of America, at the principal corporate trust office of The Philadelphia National Bank in Philadelphia, Pennsylvania (the Paying Agent).

This Bond is one of a duly authorized issue of General Obligation Bonds, Series of 1978, (the Bonds), of the Township in the aggregate principal amount of \$2,030,000 in the denomination of \$5,000 each, numbered V1 to V406, inclusive, 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 185 of 1972 approved July 12, 1972, as amended and reenacted by Act 52 of 1978 approved April 28, 1978 (the Act), pursuant to an ordinance of the Township, duly enacted by the Board of Commissioners of the Township on July 20, 1978 (the Ordinance).

The Act provides that this Bond, its transfer and the income therefrom, including any gains made on the sale thereof, shall at all times be free from taxation within and by the Commonwealth of Pennsylvania, but this exemption shall not extend to underwriting profits or to inheritance taxes or to any other taxes not levied or assessed directly on the Bonds, the receipt of the income therefrom, or the realization of gains on the sale thereof.

The Bonds are subject to redemption prior to maturity at the option of the Township as a whole on June 1, 1988 or any date thereafter, or in part from time to time on June 1, 1983 or any interest payment date thereafter in inverse order of maturity and within a maturity by lot, at a redemption price of 100% of principal amount, together with interest accrued to the date fixed for redemption.

The Bonds stated to mature on December 1, 1998 (the Term Bonds) are also subject to redemption prior to maturity by the Township by lot from moneys to be deposited in the Sinking Fund established under the Ordinance at a redemption price of 100% of principal amount together with accrued interest to the date fixed for redemption. The Township hereby covenants that it will cause the Paying Agent to select by lot and to redeem Term Bonds at said

price from moneys deposited in the Sinking Fund sufficient to effect such redemption (to the extent that Term Bonds shall not have been previously purchased from said moneys as permitted by law) on December 1 of the years and in the annual principal amounts as set forth in the following Mandatory Redemption Schedule, or such lesser principal amount as shall at the time represent all Term Bonds then outstanding:

Mandatory Redemption Schedule

| Principal Amount of<br>Term Bonds to be<br>Redeemed | Redemption Date<br>(December 1) |
|---|---------------------------------|
| \$130,000   | 1994                            |
| 145,000   | 1995                            |
| 150,000   | 1996                            |
| 160,000   | 1997                            |

Each such redemption shall be made upon not less than thirty (30) days prior notice given by publication once a week for two (2) successive weeks in a newspaper of general circulation in Montgomery County, Pennsylvania, as provided in the Ordinance. Such notice having been published and amounts sufficient for redemption having been deposited with the Paying Agent, the Bonds so called for redemption shall become due and payable on the date fixed for redemption and interest thereafter shall cease to accrue thereon, whether such Bonds shall be presented for payment or not, and coupons representing interest thereafter to accrue shall be void and of no effect.

This Bond shall pass by delivery or it may be registered as to principal only at the principal corporate trust office of the Paying Agent by endorsement upon the back hereof by the Paying Agent, after which no transfer shall be made except by the registered holder or holders in person or his or their attorney duly authorized in writing, provided, however, that this Bond may be transferred to bearer at the option of the holder or holders for the time being, but no such registration as to principal shall affect the negotiability of the coupons hereto attached, which shall continue to be transferable by delivery merely.

The Township and the Paying Agent may treat the bearer of this Bond if it shall not at the time be registered

as to principal, the registered owner of this Bond if it shall at the time be so registered, and the bearer of any coupon appertaining hereto, whether or not this Bond shall be so registered, as the absolute owner of this Bond or of such coupons, as the case may be, for all purposes, and neither the Township nor the Paying Agent shall be affected by any notice to the contrary.

The Township, pursuant to recommendations made by the Committee on Uniform Security Identification Procedures, has caused CUSIP numbers to be printed on the Bonds and has directed the Paying Agent to use such numbers in notices of redemption and other notices, if any, as a convenience to bondholders. No representation is made as to the accuracy of such numbers either as printed on the Bonds or as contained in any notice and reliance may be placed only on the identification numbers prefixed "V", printed hereon.

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 and the coupons appertaining hereto.

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 with the Paying Agent a sinking fund for the Bonds and shall deposit therein amount 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.

Neither this Bond nor any coupon for interest hereon shall be entitled to any benefit under the Ordinance nor be valid nor 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 by the facsimile signature of the President of its Board of Commissioners and a facsimile of its common or corporate seal to be hereto affixed and duly attested by the facsimile signature of the Township Secretary and the coupons for interest hereto attached to be authenticated by the facsimile signature of the Township Treasurer, all as of the 16th day of August, 1978.

TOWNSHIP OF UPPER DUBLIN

(FACSIMILE SEAL)

Attest:

By (Facsimile Signature)  
President of Board of Commissioners

(Facsimile Signature)  
Township Secretary

(Form of Coupon)

On the 1st day of \_\_\_\_\_, 19\_\_\_\_, unless the Bond hereinafter mentioned shall have been duly called for previous redemption and payment of the redemption price made or provided for, Township of Upper Dublin will pay to the bearer upon surrender hereof at the principal corporate trust office of The Philadelphia National Bank, Philadelphia, Pennsylvania, the amount shown hereon in lawful money of the United States of America, being interest then due upon its General Obligation Bond, Series of 1978, dated as of August 16, 1978 and numbered V \_\_\_\_\_.

TOWNSHIP OF UPPER DUBLIN

By (Facsimile Signature)  
Treasurer

(Form of Authentication Certificate)

Authentication Certificate

This Bond is one of the Township of Upper Dublin General Obligation Bonds, Series of 1978 described in the within mentioned Ordinance.

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

THE PHILADELPHIA NATIONAL BANK,  
PAYING AGENT

By \_\_\_\_\_  
Authorized Officer

Section 9. Terms of Bonds. The Bonds shall be issued in coupon form, in the denomination of \$5,000 each, registrable as to principal only, shall be numbered V1 to V406, inclusive, shall be dated as of August 16, 1978, shall bear interest from such date payable initially on June 1, 1979 and semi-annually thereafter on June 1 and December 1 of each year, until maturity or the date fixed for redemption, at the rates per annum and shall be stated to mature on December 1 in the years and in the amounts all as set forth in Exhibit A attached hereto and made a part hereof.

The principal of and interest on and redemption premium, if any, on the Bonds shall be payable in lawful money of the United States of America at the principal corporate trust office of The Philadelphia National Bank, Philadelphia, Pennsylvania, which is hereby appointed paying agent for the Bonds and sinking fund depository and is hereinafter called the "Paying Agent".

The Bonds shall be subject to redemption at the option of the Township as a whole on June 1, 1988 or any date thereafter, or in part from time to time on June 1, 1983, or any interest payment date thereafter in inverse order of maturity and within a maturity by lot, at a redemption price of 100% of principal amount, together with interest accrued to the date fixed for redemption.

In addition, the Bonds maturing December 1, 1998 (the Term Bonds) shall be subject to redemption prior to maturity by lot from moneys to be deposited in the Sinking Fund at a redemption price of 100% of principal amount. The Township covenants that it will or will cause the Paying Agent to select by lot, give notice of redemption and redeem Term Bonds at said redemption price on December 1 of the years and in the annual principal amounts (to the extent not purchased as hereinafter permitted) set forth in the Mandatory Redemption Schedule in the form of Bond contained in Section 8 hereof. The Township reserves the right to purchase at any time in the eleven month period ending November 1 of each year in which Term Bonds are required to be redeemed pursuant to the foregoing covenant, such Term Bonds as may be then tendered for purchase and the principal amount of Term Bonds required to be redeemed on December 1 of such year shall be reduced by the principal amount of Term Bonds so purchased.

Each such redemption shall be upon not less than thirty (30) days prior notice given by publication, once a week for two (2) successive weeks, in a newspaper of general circulation in Montgomery County, Pennsylvania. Prior to any such redemption, the Township shall use its best efforts to give notice, by mail, to the holders of any Bonds registered as to principal at their respective addresses as they appear on the bond registry books of the Paying Agent, and to the holders of any coupon Bonds who have filed their names and addresses with the Paying Agent for the purpose of receiving such notices, and shall also give notice to two of the principal investment services then maintaining lists of called bonds. Notice by publication having been duly given, any failure to give the other notices hereinabove provided for, or any defect in the giving thereof, shall not affect the validity of the proceedings for redemption. Notice by publication having been given and funds sufficient for redemption having been deposited with the Paying Agent, the Bonds so called for redemption shall become due and payable on the date fixed for redemption and interest thereafter shall cease to accrue thereon, whether such Bonds shall be presented for payment or not, and coupons representing interest thereafter to accrue shall be void and of no effect.

Section 10. Private Sale of Bonds. The Bonds shall be sold at private sale by negotiation as hereinafter set forth in Section 15.

Section 11. Creation of and Deposits In Sinking Fund.

The Township covenants that there shall be and there is hereby established and that it shall hereafter maintain a 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 the semi-annual dates listed on Exhibit A the amounts shown for each such date on Exhibit A 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 such payment date.

Pending application to the purpose for which the Sinking Fund is established, the President of the Board of Commissioners or the Township Treasurer or the Township Manager is hereby authorized and directed to cause the moneys in such accounts 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 Bonds or coupons which have not been claimed by the holders or 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 holders of unrepresented Bonds or coupons.

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. Bond Insurance. The President of the Board of Commissioners and Secretary, Treasurer or Manager of the Township are hereby authorized to purchase a policy of insurance from Municipal Bond Insurance Association guaranteeing the payment of the principal of and interest on the Bonds and to pay the premium for such policy from the proceeds of the Bonds.

Section 14. Contract with Paying Agent. The Township Manager or Township Secretary is hereby authorized to contract with the Paying Agent in connection with the performance of duties as paying agent and sinking fund depository on unusual 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. Award and Sale of Bonds. The Bonds are hereby awarded and sold at private sale by negotiation to Butcher & Singer Inc. and Dolphin & Bradbury at a price of \$2,001,160 plus accrued interest from August 16, 1978 to the date of delivery and in accordance with the other terms and conditions set forth on the Bond Purchase Proposal of said firms which Proposal is hereby approved and accepted. Copies of said proposal shall be attached to this Ordinance and lodged with the official minutes of this meeting.

Section 16. Execution and Authentication of Bonds. As provided in Section 4, the Bonds shall be executed by the President or Vice President of the Board of Commissioners and Township Secretary or Township Manager and each such execution shall be by facsimile signature. The coupons appertaining to the Bonds shall be authenticated by the facsimile signature of the Township Treasurer. The Bonds shall be authenticated by the manual signature of the paying agent, which shall also certify that the approving opinion of Bond Counsel which shall be printed on the reverse of each Bond, is an accurate reproduction of the approving opinion delivered at the Closing.

Section 17. Application of Bond Proceeds. The proceeds of the Bonds shall be deposited in a Township bank account with the Paying Agent or other depository. Immediately upon receipt of such proceeds, the Township (or depository on behalf of the Township) shall transfer to Girard Bank, as paying agent for the 1969 Bonds, the amount necessary to discharge all obligations of the Township on the 1969 Bonds. The balance of the proceeds shall be held in such account and applied to the costs of the projects as provided in this

Ordinance. The proper officers of the Township are hereby authorized to enter into a Pledge Agreement with Girard Bank, as paying agent for the 1969 Bonds, to be dated as of August 16, 1978 providing for the deposit and pledge of funds to pay the 1969 Bonds and for the investment of such funds and the application of interest thereon.

Section 18. 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 relate to the Bonds, in the name and on behalf of the Township.

Section 19. Act Applicable to Bonds. This Ordinance is enacted pursuant to, and the Bonds issued hereunder shall be issued subject to, the provisions of the Act and all of the mandatory provisions thereof shall apply and be deemed incorporated herein by reference whether or not explicitly stated herein.

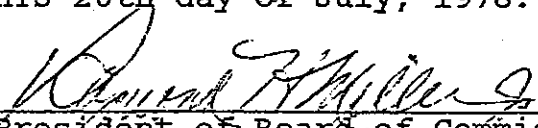
Section 20. No Arbitrage Covenant. The Township covenants with the holders or registered owners of the Bonds that no part of the proceeds of the Bonds shall at any time be used directly or indirectly to acquire securities or obligations the acquisition of which would cause the bonds to be "arbitrage bonds" as defined in Section 103(c) of the Internal Revenue Code of 1954 of the United States of America, as amended, and the regulations promulgated thereunder.

Section 21. Contract with Bondholders. This Ordinance constitutes a contract with the holders or registered owners of the Bonds from time to time outstanding hereunder and shall be enforceable in accordance with the laws of the Commonwealth of Pennsylvania.

Section 22. Severability. In case any one or more of the provisions contained in this Ordinance or in any Bond or coupon issued pursuant hereto shall for any reason be held to be invalid, illegal or unenforceable in any respect, such validity, illegality or unenforceability shall not affect any other provision of this Ordinance or of said Bonds or coupons, and this Ordinance or said Bonds or coupons shall be construed and enforced as if such invalid, illegal or unenforceable provision 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 provisions hereof.

Section 23. Repealer. All Ordinances and parts of Ordinances heretofore adopted, to the extent that the same are inconsistent in any manner herewith, are hereby repealed.

ORDAINED AND ENACTED THIS 20th day of July, 1978.

  
\_\_\_\_\_  
President of Board of Commissioners:

Attest:

  
\_\_\_\_\_  
Secretary

CERTIFICATE OF TOWNSHIP SECRETARY

The undersigned, Secretary of the Board of Commissioners of the Township of UPPER DUBLIN DOES HEREBY CERTIFY that:

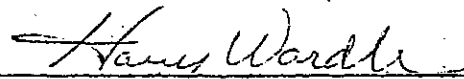
1. The foregoing Ordinance authorizing \$2,030,000 aggregate principal amount General Obligation Bonds, Series of 1978 of the Township was duly moved and seconded and adopted by a majority vote of the entire Board of Commissioners of said Township at a duly called and convened public meeting of said Board held on July 20, 1978; 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> |
|-----------------------|-------------|-------------------------|-------------|
| Raymond H. Miller Jr. | Yes         | Griffith S. Miller, Jr. | Yes         |
| Norton A. Freedman    | No          | Harold C. Leneweaver    | Yes         |
| Z. Edward Heller      | Yes         | Charles M. Swalm        | Yes         |
| Richard Magaziner     | Yes         |                         |             |

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 20th day of July, 1978.

  
Secretary

(SEAL)

CLOSING CERTIFICATE

I further certify that the foregoing Ordinance has not been altered, amended, modified, suspended or repealed and is still in full force and effect on August 23, 1978.

\_\_\_\_\_  
Secretary

UPPER DUBLIN TOWNSHIP  
GENERAL OBLIGATION BONDS, SERIES OF 1978

BOND AMORTIZATION SCHEDULE

| <u>Period Ending</u> | <u>Principal Maturity</u> | <u>Rate of Interest</u> | <u>Interest Payable</u> | <u>Total Debt Service and Sinking Fund Deposits</u> |
|----------------------|---------------------------|-------------------------|-------------------------|---|
| June 1, 1979         |                           |                         | \$92,763.28             | \$ 92,763.28  |
| Dec. 1, 1979         | \$50,000                  | 4.500%                  | 58,587.50               | 108,587.50  |
| June 1, 1980         |                           |                         | 57,462.50               | 57,462.50   |
| Dec. 1, 1980         | 55,000                    | 4.500                   | 57,462.50               | 112,462.50  |
| June 1, 1981         |                           |                         | 56,225.00               | 56,225.00   |
| Dec. 1, 1981         | 55,000                    | 4.500                   | 56,225.00               | 111,225.00  |
| June 1, 1982         |                           |                         | 54,987.50               | 54,987.50   |
| Dec. 1, 1982         | 65,000                    | 4.500                   | 54,987.50               | 119,987.50  |
| June 1, 1983         |                           |                         | 53,525.00               | 53,525.00   |
| Dec. 1, 1983         | 65,000                    | 4.500                   | 53,525.00               | 118,525.00  |
| June 1, 1984         |                           |                         | 52,062.50               | 52,062.50   |
| Dec. 1, 1984         | 75,000                    | 5.250                   | 52,062.50               | 127,062.50  |
| June 1, 1985         |                           |                         | 50,093.75               | 50,093.75   |
| Dec. 1, 1985         | 80,000                    | 5.350                   | 50,093.75               | 130,093.75  |
| June 1, 1986         |                           |                         | 47,953.75               | 47,953.75   |
| Dec. 1, 1986         | 85,000                    | 5.400                   | 47,953.75               | 132,953.75  |
| June 1, 1987         |                           |                         | 45,658.75               | 45,658.75   |
| Dec. 1, 1987         | 90,000                    | 5.500                   | 45,658.75               | 135,658.75  |
| June 1, 1988         |                           |                         | 43,183.75               | 43,183.75   |
| Dec. 1, 1988         | 95,000                    | 5.600                   | 43,183.75               | 138,183.75  |
| June 1, 1989         |                           |                         | 40,523.75               | 40,523.75   |
| Dec. 1, 1989         | 100,000                   | 5.700                   | 40,523.75               | 140,523.75  |
| June 1, 1990         |                           |                         | 37,673.75               | 37,673.75   |
| Dec. 1, 1990         | 105,000                   | 5.800                   | 37,673.75               | 142,673.75  |
| June 1, 1991         |                           |                         | 34,628.75               | 34,628.75   |
| Dec. 1, 1991         | 110,000                   | 5.900                   | 34,628.75               | 144,628.75  |
| June 1, 1992         |                           |                         | 31,383.75               | 31,383.75   |
| Dec. 1, 1992         | 120,000                   | 6.000                   | 31,383.75               | 151,383.75  |
| June 1, 1993         |                           |                         | 27,783.75               | 27,783.75   |
| Dec. 1, 1993         | 125,000                   | 6.100                   | 27,783.75               | 152,783.75  |
| June 1, 1994         |                           |                         | 23,971.25               | 23,971.25   |
| Dec. 1, 1994         | 130,000*                  | 6.350                   | 23,971.25               | 153,971.25  |
| June 1, 1995         |                           |                         | 19,843.75               | 19,843.75   |
| Dec. 1, 1995         | 145,000*                  | 6.350                   | 19,843.75               | 164,843.75  |
| June 1, 1996         |                           |                         | 15,240.00               | 15,240.00   |
| Dec. 1, 1996         | 150,000*                  | 6.350                   | 15,240.00               | 165,240.00  |
| June 1, 1997         |                           |                         | 10,477.50               | 10,477.50   |
| Dec. 1, 1997         | 160,000*                  | 6.350                   | 10,477.50               | 170,477.50  |
| June 1, 1998         |                           |                         | 5,397.50                | 5,397.50  |
| Dec. 1, 1998         | 170,000*                  | 6.350                   | 5,397.50                | 175,397.50  |
| Totals               | 2,030,000                 |                         | 1,567,503.28            | 3,597,503.28  |

EXHIBIT "A"

\*\$755,000 principal amount matures December 1, 1998 but is subject to mandatory redemption from the Sinking Fund on December 1 of the years 1994-97, inclusive in the annual amounts shown.

ORDINANCE NO. 561

AN ORDINANCE AMENDING ORDINANCE NO. 558 BY ADDING ARTICLE FIFTEEN - "FLOODPLAIN CONSERVATION DISTRICT" TO CHAPTER ONE - "ZONING" OF TITLE TEN - "ZONING" OF THE CODE OF ORDINANCES OF THE TOWNSHIP OF UPPER DUBLIN.

BE IT ORDAINED by the Board of Commissioners of the Township of Upper Dublin, Pennsylvania, and IT IS HEREBY ORDAINED by Authority of the Same:

SECTION 1. That the Code of Ordinances Adopted shall be amended by the addition to Title Ten - "Zoning", Chapter 1 - "Zoning" of Article 15 - "Floodplain Conservation District", in conformance with Section 1910.3d of the Federal Flood Insurance Program, and said Article 15 shall read as follows:

FLOODPLAIN CONSERVATION DISTRICT

Sec. 15.00 Declaration of Legislative Intent

In addition to the purpose and Statement of Community Development Objectives found in Article 1, of the Zoning Ordinance of Upper Dublin Township, the specific intent of this District shall be to protect areas of floodplain subject to and necessary for the containment of flood waters, and to permit and encourage the retention of open space land uses which will be so located and utilized as to constitute a harmonious and appropriate aspect of the continuing physical development of Upper Dublin Township. Furthermore, in light of the Township's certification as eligible for Federal Flood Insurance, it is the intent of this District to provide adequate protection for flood prone properties within Upper Dublin. In advancing these principles and the general purpose of the Zoning Ordinance and Comprehensive Plan, the following shall be the specific objectives of the Floodplain Conservation District:

1. To combine with present zoning requirements, certain restrictions made necessary for flood prone areas to promote the general health, welfare, and safety of the Township.
2. To prevent the erection of structures in areas unfit for human usage by reason of danger from flooding, unsanitary conditions or other hazard.
3. To minimize danger to public health by protecting the quality and quantity of surface and subsurface water supplies adjacent to and underlying flood hazard areas and promoting safe and sanitary drainage.
4. To permit only those uses which can be appropriately located in the floodplain as herein defined and which will not impede the flow or storage of flood waters, or otherwise cause danger to life and property at, above, or below their locations along the floodplain.
5. To protect those individuals who might choose, despite the flood dangers, to develop or occupy land on a floodplain.
6. To protect adjacent landowners and those both upstream and downstream from damages resulting from development within a floodplain and the consequent obstruction or increase in flow of flood waters.

7. To protect the entire Township from individual uses of land which may have an effect upon subsequent expenditures for public works and disaster relief and adversely affect the economic well-being of the Township.

8. To maintain, undisturbed, the ecological balance between those natural systems elements, including wildlife, vegetation, and marine life, dependent upon watercourses and water areas.

9. To protect other municipalities within the same watershed from the impact of improper development and the consequent increased potential for flooding.

10. To provide areas for the deposition of flood-borne sediment.

11. To require that uses vulnerable to floods be developed so as to be protected from flood damage in accordance with the requirements of the Federal Flood Insurance Program, P.L. 93-234.

Sec. 15.01 Definition and Establishment of Floodplain Conservation District

1. The Floodplain District is defined and established as those areas of the Township subject to flooding as defined in a, b, and c of this Section. The most extensive of those areas described in the following sources shall determine the outermost boundary of the Floodplain Conservation District.

a. Those areas subject to inundation by the waters of the 100 Year Flood as delineated in the Flood Insurance Study for the Township of Upper Dublin, Montgomery County, Pennsylvania, as prepared by the U.S. Department of Housing and Urban Development, Federal Insurance Administration.

Said floodplains shall be comprised of three (3) subdistricts as follows:

(1) Floodway (F1) - That portion of the Floodplain Conservation District required to carry and discharge the waters of the One Hundred (100) Year Flood without increasing the water surface elevation at any point more than one (1) foot above existing conditions, as demonstrated in the Flood Insurance Study referenced above.

(2) Floodway Fringe (F2) - Those portions of land within the Floodplain Conservation District subject to inundation by the One Hundred (100) Year Flood, lying beyond the floodway in areas where detailed study data and profiles are available.

(3) Approximated Floodplain (F3) - Those portions of land within the Floodplain Conservation District subject to inundation by the One Hundred (100) Year Flood, where a detailed study has not been performed, but where a One Hundred (100) Year Floodplain Boundary has been approximated.

b. Those areas subject to a 50-year recurrent interval flood as delineated in the study entitled "Flood Plain Information Report on Wissahickon Creek, Montgomery County, Pennsylvania, dated March 1965, prepared for the Montgomery County Planning Commission by the Department of the Army, Philadelphia District, Corps of Engineers, Philadelphia.

c. The low area adjoining and including any water or drainage course or body of water subject to periodic flooding or overflow and delineated as alluvial soils or local alluvium by the Soil Conservation Service, United States Department of Agriculture, in the Soil Survey of Montgomery County, 1967.

2. Studies used to establish the boundaries shall be available in the Township Municipal Building for reference.

3. The data used in the studies referred to in subsection 1 above shall be plotted if, as and when feasible on the Zoning Map to indicate the Floodplain Conservation District, which map shall be designated as the Upper Dublin Township Floodplain Conservation District Map and shall be available to the public in the Township Municipal Building. Whenever there is a difference between the Map and the data contained in the studies, the data contained in the studies shall determine the boundary of the District.

4. All subsequent boundary changes shall be indicated on the Flood Plain Conservation District Map (the Zoning Map) if, as and when feasible.

#### Sec. 15.02. Overlay Concept

The Floodplain Conservation District shall be deemed an overlay on any zoning district now or hereafter applicable to any lot.

1. Should the Floodplain Conservation District be declared inapplicable to any tract by reason of action of (1) the Township Commissioners in amending this Ordinance; or (2) the Zoning Officer, the Zoning Hearing Board, or any court of competent jurisdiction in interpreting the same; or (3) The Zoning Hearing Board or any court of competent jurisdiction in determining a legal effect of the same; the zoning applicable to such lot shall be deemed to be the District in which it is located without consideration of this District.

2. Should the zoning of any parcel or any part thereof which the Floodplain Conservaiton District is located be changed through any legislative or administrative actions or judicial discretion, such change shall have no effect on the Floodplain Conservation District unless such change was included as part of the original application.

#### Sec. 15.03 Permitted Uses

1. The following uses and no other will be permitted in a Floodplain Conservation District:

a. Cultivation and harvesting of crops in accordance with the recognized soil conservation practices;

b. Pasture and grazing land in accordance with recognized soil conservation practices;

c. Outdoor plant nursery or orchard in accordance with recognized soil conservation practices;

d. Wildlife sanctuary, woodland preserve, arboretum; and passive recreation or parks, including hiking, bicycle or bridle trails, but including no facilities subject to damage by flooding.

e. Forestry, lumbering, and reforestation in accordance with recognizing natural resource conservation practices, but permitting no structures;

f. Utility transmission lines;

g. Sealed public water supply wells with the approval of the Township Engineer;

- h. Sanitary sewers, with the approval of the Township Engineer;
  - i. Front, side, or rear yards, and required lot area, for any District provided such yards are not to be used for onsite sewage disposal systems or for nonwire fences or any other structure.
2. All permitted uses are subject to floodproofing regulations in applicable codes. Any of the uses in Section 15.03 (1) above shall not be permitted within the designated floodway unless the effect of such proposed activity on flood heights is fully offset by accompanying stream improvements.
3. The following uses shall be specifically prohibited in a Floodplain Conservation District.
- a. All freestanding structures, buildings and Mobile Homes, with the exception of flood retention dams, culverts, and bridges as approved by the Pennsylvania Department of Environmental Resources.
  - b. The relocation of any watercourse without approval by the Board of Supervisors of Upper Dublin Township, which shall first have received the recommendation of the Township Planning Commission and the Soil Conservation Service, U.S. Department of Agriculture, thereon; and the approval of the Pennsylvania Department of Environmental Resources. In addition, all adjacent communities and the Bureau of Community Planning of the Pennsylvania Department of Community Affairs shall be notified prior to the alteration or relocation of a watercourse. Copies of such notification shall be sent to the Federal Insurance Administrator. The flood-carrying capacity within the altered or relocated portion shall be maintained.
  - c. Sanitary landfills, dumps, junkyards, outdoor storage of vehicles and materials.
  - d. On-site sewage disposal systems.
  - e. Private water supply wells.
  - f. The storage of buoyant, toxic or dangerous material.

#### Sec. 15.04 Special Exceptions

The following special exceptions shall be allowed or denied by the Zoning Hearing Board after recommendations by the Planning Commission pursuant to the standards set forth in this District:

- 1. Game farm, fish hatchery, or hunting and fishing preserve, for the protection or propagation of wildlife, but permitting no structures;
- 2. Commercial recreation use, whether open to the public or restricted to private membership, such as parks, camps, picnic areas, golf course, fishing, sport or boating clubs; not to include enclosed structures excepting toilet facilities but permitting piers, docks, floats, or shelters usually found in developed outdoor recreation areas. Any toilet facilities provided shall be connected to public water and sewage systems, and subject to the floodproofing regulations in applicable ordinances;
- 3. Storm sewers or impoundment basins with the approval of the Township Engineer and subject to the floodproofing regulations in applicable ordinances;
- 4. Outlet installations for sewage treatment plants and sewage pumping stations, with the approval of the Township Engineer and appropriate sewer authorities;

5. Dams, bridges, and culverts, approved by the Commonwealth of Pennsylvania, Department of Environmental Resources or the Power and Water Resources Board, if the same has jurisdiction over the watershed in question;

6. Paved roads and driveways, parking lots, where required by the regulations for the district applicable to the lot without consideration of this District provided that:

a. In case of roads and driveways no such facilities shall be permitted as a Special Exception if alternative alignments are feasible.

b. In the case of parking facilities, no such facility shall be permitted as a Special Exception unless satisfactory evidence is submitted that such parking will not be utilized during periods of flood flow, thus posing no threat to the safety of the vehicles, their uses and/or to downstream properties. Temporary parking for periods not to exceed one (1) hour, and/or parking for recreation uses would be examples of such exceptions.

c. Any road, driveway or parking lot located within the Floodplain Conservation District shall be constructed of pervious paving materials in accordance with the provisions of the Upper Dublin Subdivision and Land Development Regulations.

7. Grading or regrading of lands, including the deposit of top soils and the grading thereof, and the construction of retaining walls. In addition, an application for a special exception for such use shall also be accompanied by a plan indicating the deposition of any fill or material proposed to be deposited by the grading or regrading of land; such fill or other materials shall be protected against erosion by rip-rap, vegetation cover or bulkheading; and

8. Other uses similar to the above.

#### Sec. 15.05 Application Procedures

1. In a floodplain, as defined in Section 15.01 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. 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 Section 15.03, an application seeking approval of a Special Exception or variance shall be forwarded to the Zoning Hearing Board, along with required studies or information and the findings of the Zoning Officer.

2. The application for Special Exception or use by variance shall be accompanied by the following:

a. Detailed engineering studies indicating the effects on drainage and streams on all adjacent properties as well as the property in question.

b. An application for amending the boundaries of the Floodplain Conservation District if the boundaries will be affected by the proposed special exception or use by variance.

#### Sec. 15.06 Procedures for Consideration of a Special Exception or Variance.

All applications for approval of special exceptions or variances shall be considered using standards listed in Section 15.07.

1. The Zoning Hearing Board shall hold a public hearing within sixty (60) days after an application is filed pursuant to public notice.

2. The Zoning Hearing Board shall request the review and recommendations of the Soil Conservation Service, at least thirty (30) days prior to the public hearing.

3. The Zoning Hearing Board shall request, at least thirty (30) days prior to a public hearing, the review and recommendations of the Upper Dublin Township Planning Commission.

4. The Zoning Hearing Board shall request, at least thirty (30) days prior to a public hearing, the review and recommendation of technical agencies, such as the Montgomery County Planning Commission, or other planning agencies to assist in determining the impact of the proposed use.

5. The Zoning Hearing Board shall render a decision within forty-five (45) days after the public hearing. In rendering a decision, the Zoning Hearing Board may impose special measures or conditions as deemed necessary and appropriate for the use to conform with the intent of the ordinance.

#### Sec. 15.07 Standards for Granting of Special Exceptions or Variances

The Zoning Hearing Board shall exercise discretion in allowing only those uses which are substantially in accord with the stated objectives in Section 15.00 herein. The Zoning Hearing Board, in considering special exceptions or variance applications, shall consider the following:

1. The effect of the use shall not substantially alter the cross-section profile of the stream and floodplains at the location of the proposed use.

2. Lands abutting the waterway, both upstream and downstream, shall not be unreasonably affected by the proposed use.

3. The general welfare or public interest of Upper Dublin Township or other municipalities in the same watershed shall not be adversely affected.

4. Any new structures permitted by the special exception or by variance shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow of water, and shall be designed to have a minimum effect upon the flow and height of flood water. Such structures shall be elevated in accordance with the provisions contained in the Upper Dublin Township Building Code, as amended.

5. Any new structure permitted as a special exception or by variance shall be floodproofed in accordance with the provisions contained in the Upper Dublin Township Building Code, as amended.

a. All such structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.

b. All such structures shall be constructed so as to prevent the entrance of flood waters into the water supply and waste treatment systems as well as other utility and facility systems. In addition, waste treatment systems shall be designed to minimize or eliminate discharges from the systems into the flood waters.

6. Any additions to existing structures permitted as a special exception or by variance shall be elevated to the greatest extent possible according to the provisions contained in the Upper Dublin Township Building Code, as amended. However, any portion of the structure not so elevated shall be flood proofed, also in accordance with the Township Building Code, as amended.

7. An affirmative decision shall not be issued by the Zoning Hearing Board for an application within the designated flood-way unless the effect of such proposed activity on flood heights is fully offset by accompanying stream improvements.

8. The Zoning Hearing Board shall notify the applicant in writing over the signature of community officials that (i) the issuance of a decision to allow construction of a structure below the Base Flood Elevation will result in increased premium rates for flood insurance, (ii) such construction below the Base Flood Elevation increases risk to life and property. Such notification shall be maintained with a record of all decisions as required in Section 15.07 (9); and

9. The Zoning Hearing Board shall (i) maintain a record of all decisions including jurisdiction for their issuance, and (ii) report such decisions issued in its annual report submitted to the Federal Insurance Administration.

#### Sec. 15.08 Additional Standards for Approval of Uses by Variance.

A property owner of a lot of record, as of the date of the enactment of this Article, who is able to prove that the strict enforcement of this Article would create undue hardship by denying a reasonable use of an existing lot which is situated either wholly or partially in the Floodplain Conservation District, may seek relief by applying for a variance from the Zoning Hearing Board.

1. The Zoning Hearing Board, after decision upon the merits of the application, may permit the applicant to make some reasonable use of the property in question, while ensuring that such use will not violate the basic objectives of this District as specified in 15.00 herein.

2. In considering a use as a variance, the Zoning Hearing Board shall consider those standards outlined in Section 15.07 herein.

3. Requests for variances shall be considered by the Zoning Hearing Board in accordance with the following:

a. Affirmative decisions shall only be issued by the Zoning Hearing Board upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the appeal would result in exceptional hardship to the applicant, and (iii) a determination that the granting of an appeal will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

b. Affirmative decisions shall only be issued upon determination that it is the minimum necessary, considering the flood hazard, to provide relief.

#### Sec. 15.09 Boundary Disputes and Appeals Procedure

1. In cases of any dispute concerning the boundaries of a Floodplain Conservation District, initial determination shall be made by the Township Zoning Officer.

2. Any party aggrieved by the decision of the Zoning Officer as to the boundaries of the Floodplain Conservation District as defined above, which may include the grounds that the said map referred to therein is or has become incorrect because of changes due to natural or other causes, or changes indicated by future detailed hydrologic and hydraulic studies, may appeal to the Zoning Hearing Board as provided in Sections 15.06, 15.07 and 15.08 herein. The burden of proof in such an appeal shall be on the appellant.

3. Insofar as various natural conditions, including the Floodplain Conservation District as herein defined, may change, such changes may be validated by detailed onsite survey techniques approved by the U.S. Army Corps of Engineers, Philadelphia District. Whether a proposed use is within the Floodplain Conservation District shown on the Floodplain Conservation District Map shall upon appeal from the decision of the Zoning Officer be determined by the Zoning Hearing Board upon receipt of the findings of the detailed onsite survey by the petitioner. The Zoning Hearing Board, in addition to other evidence and standards may consider the recommendations of the Township Planning Commission and the validation of the U.S. Army Corps of Engineers, Philadelphia District and/or other Municipal agencies.

4. The Zoning Hearing Board shall request a review and recommendation of the Soil Conservation Service, at least thirty (30) days prior to the public hearing.

5. All changes to the boundaries of the Floodplain Conservation District are subject to the review and approval of the Federal Insurance Administrator.

Sec. 15.10 Uses and/or Structures Rendered Non-Conforming by the Adoption of this District

Following the adoption of this Article, any use or structure which is situated within the boundaries of the Floodplain Conservation District and which does not conform to the permitted uses specified in Section 15.03 herein, shall become a nonconforming use or structure, regardless of its conformance to the District in which it is located without consideration of this Article.

1. The expansion or continuance of a nonconforming use or structure which is nonconforming with respect to the District in which it is located without consideration of this Article, shall be governed by the requirements of Art. 13 of this Ordinance. However, the Zoning Hearing Board shall ensure that the standards contained in Section 15.07 herein, are applied to the expansion or continuance of said nonconforming use or structure.

2. The expansion or continuance of a nonconforming use or structure which is rendered nonconforming by the adoption of this District shall be governed by the standards contained in Section 15.07 herein. The Zoning Hearing Board shall ensure that these standards are enforced with respect to said non-conforming use or structure.

Sec. 15.11 Municipal Liability

The grant of a zoning permit or approval of subdivision plan in the Floodplain Conservation District shall not constitute a representation, guarantee or warranty of any kind by the Township, or by any official or employee thereof of the practicability or safety of the proposed use and shall create no liability upon the Township, its officials, or employees.

SECTION II. Articles 15, 16, 17 and 18 of Title 10, Chapter 1 - "ZONING" shall be amended to read Article 16, 17, 18 and 19, respectively.

ENACTED AND ORDAINED this *12<sup>th</sup>* day of *September* 1978.

BOARD OF COMMISSIONERS  
TOWNSHIP OF UPPER DUBLIN

BY

*Raymond W. Miller Jr.*  
President

Attest

*Harry Waedle*  
Secretary

ORDINANCE NO. 562

AN ORDINANCE AMENDING ORDINANCE NO. 558 BY ADDING ARTICLE NINE - "FLOODPLAIN LAND DEVELOPMENT REGULATIONS" TO CHAPTER ONE - "LAND DEVELOPMENT AND SUBDIVISION REGULATIONS" OF TITLE NINE - LAND DEVELOPMENT AND SUBDIVISION OF THE CODE OF ORDINANCES OF THE TOWNSHIP OF UPPER DUBLIN.

BE IT ORDAINED by the Board of Commissioners of the Township of Upper Dublin, Pennsylvania, and IT IS HEREBY ORDAINED by Authority of the Same:

SECTION 1. That the Code of Ordinances Adopted shall be amended by the addition to Title 9 - "Land Development and Subdivision", Chapter 1 - "Land Development and Subdivision Regulations" of Article 9 - "Floodplain Land Development Regulations", in conformance with Section 1910.3d of the Federal Flood Insurance Program, and said Article 9 shall read as follows:

ARTICLE 9  
FLOODPLAIN LAND DEVELOPMENT REGULATIONS

Sec. 9.00 Definitions

1. Base Flood - The flood which has been selected to serve as the basis upon which the floodplain management provisions of this ordinance have been prepared; for purposes of this ordinance, the One Hundred Year Flood, as referenced in the current Flood Insurance Study, Upper Dublin Township prepared by the Federal Insurance Administration, U.S. Department of Housing and Urban Development.
2. Base Flood Elevation - The One Hundred Year Flood elevation, as referenced in Flood Insurance Study, prepared by the Federal Insurance Administration, U.S. Department of Housing and Urban Development. With the approximated floodplain, the base flood elevation shall be established as a point on the boundary of the approximated floodplain closest to the construction site in question.
3. Construction - The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of mobile homes.
4. 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.
5. Flood - A temporary condition of partial or complete inundation of normally dry land areas.
6. Floodplain - That area defined in the Floodplain District of the Township Zoning ordinance; the floodplain definition contained therein is made part of this ordinance by reference.
7. Flood Proofing - Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their

6. Storm drainage facilities shall be designed to convey the flow of surface waters without risk to persons or property. The drainage system shall insure drainage at all points along streets, and insure conveyance of drainage away from buildings.

The Board of Commissioners may require an underground system to accommodate a 100 year flood and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.

7. All new or replacement sanitary sewer systems, whether public or private, located in floodplain areas shall be flood proofed up to a point one and one-half (1-1/2) feet above the Base Flood Elevation.

8. All new or replacement water systems, whether public or private, in floodplain areas, shall be flood proofed to a point of one and one-half (1-1/2) feet above the Base Flood Elevation.

9. All other new or replacement public or private utilities and facilities in floodplain areas shall be elevated or flood proofed to a point one and one-half (1-1/2) feet above the Base Flood Elevation.

10. Waivers. Guidelines for relaxation from the requirements set forth in this section are as follows:

(a) A waiver shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

(b) A waiver shall only be issued if there is:

(1) A showing of good and sufficient cause;

(2) A determination that failure to relax the requirements would result in exceptional hardship to the applicant;

(3) A determination that the relaxing of a requirement will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) A waiver shall only be issued upon a determination that the waiver is the minimum necessary, considering the flood hazard, to afford relief.

(d) The Township shall (i) maintain a record of all waivers including justification for their issuance, and (ii) report such decisions issued in its annual report submitted to the Federal Insurance Administrator.

#### Sec. 9.03 Plan Requirements

**Floodplain Areas:** Where the subdivision or land development lies partially or completely in a floodplain area, or where the subdivision or land development borders on a floodplain area, the plan shall include detailed information identifying the following:

1. Location and elevation of existing and proposed streets, water supply and sanitary facilities, building sites, structures, soil types, and proposed flood proofing measures.

2. Boundaries of the floodplain area and the base flood elevation as defined in the Floodplain District of the Upper Dublin Township Zoning Ordinance.

ENACTED AND ORDAINED THIS 12<sup>th</sup> day of September 1978.

BOARD OF COMMISSIONERS  
TOWNSHIP OF UPPER DUBLIN

By *Raymond J. Miller*  
(President)

Attest

*Henry Wardle*  
Secretary

ORDINANCE NO. 563

AN ORDINANCE AMENDING ORDINANCE NO. 558 BY ADDING ARTICLE SIX - "FLOOD DAMAGE CONTROL REGULATIONS" TO CHAPTER ONE - "BUILDING CODE" OF TITLE THREE - "BUILDING AND CONSTRUCTION" OF THE CODE OF ORDINANCES OF THE TOWNSHIP OF UPPER DUBLIN.

BE IT ORDAINED by the Board of Commissioners of the Township of Upper Dublin, Pennsylvania, and IT IS HEREBY ORDAINED by Authority of the Same:

SECTION 1. That the Code of Ordinances Adopted shall be amended by the addition to Title 3 - "Building and Construction", Chapter 1 - "Building Code" of Article 6 - "Flood Damage Control Regulations", in conformance with Section 1910.3d of the Federal Flood Insurance Program, and said Article 6 shall read as follows:

ARTICLE 6 - FLOOD DAMAGE CONTROL REGULATIONS

Sec. 6.00 Application and Intent

In order to prevent excessive damage to buildings and structures due to flooding conditions, the following provisions shall apply to all proposed construction or development occurring in the FP - Flood-Plain Conservation District designated in the Upper Dublin Township Zoning Ordinance as amended when such construction or development is approved by the Zoning Hearing Board. These regulations shall be in addition to the other requirements of this Building Code and any other applicable chapter of this Title. In the event of any conflict between this Article and any other provision this Article shall control.

Sec. 6.01 Definitions

A. Base Flood - The flood which has been selected to serve as the basis upon which the floodplain management provisions of this and other ordinances have been prepared; for purposes of this ordinance, the one hundred year flood, as referenced in the current Upper Dublin Township Flood Insurance Study prepared by the Federal Insurance Administration, U. S. Department of Housing and Urban Development.

B. 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, U. S. Department of Housing and Urban Development. 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 Upper Dublin Zoning Ordinance, closest to the construction site in question.

C. Construction - The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of mobile homes.

D. 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.

E. Flood - A temporary condition of partial or complete inundation of normally dry land areas.

F. Flood Proofing - Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real

estate or improved real property, water and sanitary facilities, structures and their contents. Such measures are set forth in flood proofing regulations published by the Office of the Chief Engineers, U.S. Army, publication number EP 1165 2 314 (June, 1972 and as subsequently amended). Flood proofing measures for all new construction and substantial improvements of structures shall satisfy the requirements of the Completely Dry Spaces (W1) and Essentially Dry Spaces (W2) classes referenced in these regulations. In said publication where reference is made to "below", (or above) the BFD" (Base Flood Datum) it shall be interpreted as meaning below, (or above) the Base Flood Elevation.

G. Mobile Home - A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation.

H. New Construction - Structures for which the Start of Construction as herein defined commenced on or after the effective date of this ordinance. This term does not apply to any work on a structure existing before the effective date of this ordinance.

I. One Hundred Year Flood - A flood that has one chance in one hundred or one percent change of being equaled or exceeded in any one year. For the purposes of this ordinance, the one hundred year flood (base flood) as defined by the Federal Insurance Administration, U.S. Department of Housing and Urban Development, in the Flood Insurance Study, Upper Dublin Township.

J. Start of Construction - The first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include any preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "start of construction" means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

K. Structure - Anything constructed or erected on the ground or attached to the ground, including but not limited to, buildings, factories, sheds, cabins, mobile homes, modular homes, and other similar items.

L. Substantial Improvement - Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged, and is being restored before the damage occurred.

For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or

2. Any alteration of a structure listed on a National Register of Historic Places or a State Inventory of Historic Places.

#### Sec. 6.02 Residential Structure

A. All new construction and substantial improvements of structures shall have the lowest floor (including basement) elevated to at least one and one-half (1-1/2) feet above the Base Flood Elevation.

B. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty percent (50%) of its market value, shall be elevated and/or floodproofed to the Base Flood Elevation.

C. Existing structures located in a designated floodway shall not be expanded or enlarged unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying stream improvements.

#### Sec. 6.03 Non-Residential Structure

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 6.14 B.1.

B. Any modification, alteration, reconstruction, or improvement of any kind to an existing 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.

C. Existing structures located in a designated floodway shall not be expanded or enlarged unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying stream improvements.

#### Sec. 6.04 Destruction of an Existing Structure

A. Structures located within the Floodplain Conservation District may be rebuilt if destroyed by fire or other catastrophe provided that the reconstruction shall be in compliance with the floodproofing or elevation requirements of this Article, and if located in the floodway, shall not result in an increase in the base flood elevation.

#### Sec. 6.05 Fill

If fill is used to raise the finished surface of the lowest floor one and one-half (1-1/2) feet above the Base Flood Elevation:

1. Fill shall extend beyond a structure for a sufficient distance to provide acceptable access. For residential structures, fill shall extend laterally fifteen (15) feet beyond the building line from all points. For nonresidential structures, fill shall be placed to provide access acceptable for the intended use. At grade access, with fill extending laterally fifteen (15) feet beyond the building line, shall be provided at a minimum of twenty-five percent (25%) of the perimeter of a nonresidential structure.

2. Fill shall consist of soil or rock materials only.
3. Fill material shall be compacted to provide the necessary stability and resistance to erosion, scouring, or settling.
4. Fill slopes shall be no steeper than one (1) vertical on two (2) horizontal, unless substantiating data justifying steeper slopes are submitted to and approved by the Township Engineer.
5. Fill shall be used only to the extent to which it does not adversely affect adjacent properties.

#### Sec. 6.06 Placement of Buildings and Structures

All buildings and structures shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow of water. In so doing, consideration shall be given to their effect upon the flow and height of flood waters.

#### Sec. 6.07 Anchoring

A. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or other movement, thus reducing the threat to life and property and decreasing the possibility of the blockage of bridge openings and other restricted sections of the watercourse.

B. All air ducts, large pipes and storage tanks located at or below the Base Flood Elevation shall be firmly anchored in accordance with accepted engineering practices to prevent flotation.

#### Sec. 6.08 Floor, Walls and Ceilings

Where located at or below the Base Flood Elevation:

A. Wood flooring shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without incurring structural damage to the building.

B. Plywood shall be of an "exterior" or marine" grade and of a water-resistant or waterproof variety.

C. Walls and ceilings in non-residential structures shall have sufficient wet strength and be so installed as to survive inundation.

D. Window frames, door frames, door jambs and other components shall be made of metal or other water-resistant material.

#### Sec. 6.09 Electrical Systems

A. All electric water heaters, electric furnaces, electric air conditioning and ventilating systems, and other electrical equipment or apparatus shall be permitted only at elevations above the Base Flood Elevation.

B. No electrical distributing panels shall be allowed at an elevation less than three (3) feet above the Base Flood Elevation

C. Separate electrical circuits shall serve lower levels and shall be dropped from above.

#### Sec. 6.10 Plumbing

A. Water heaters, furnaces and other mechanical equipment or apparatus shall be permitted only at elevations above the Base Flood Elevation.

B. All gas and oil supply systems shall be designed to preclude the infiltration of flood waters into the system and discharges from the systems into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

C. On-site sewage disposal systems are prohibited in a flood plain.

#### Sec. 6.11 Paints and Adhesives

Where located at or below the Base Flood Elevation:

A. Adhesives shall have a bonding strength that is unaffected by inundation (i.e. "marine" or water-resistant quality).

B. All wooden components (doors, trim, cabinets, etc.) shall be sealed with a "marine" or water-resistant quality or similar product.

C. Paints or other finishes shall be capable of surviving inundation (i.e. "marine" or water-resistant quality).

#### Sec. 6.12 Storage

No materials that are buoyant, flammable, explosive, or in time of flooding, could be injurious to human, animal or plant life, shall be stored below the Base Flood Elevation.

#### Sec. 6.13 Special Flood Damage Control Provisions for Mobile Homes in the Flood Plain Conservation District

A. All mobile homes and any additions 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:

1. Over-the-top ties shall be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and one (1) additional tie per side for units less than fifty (50) feet in length.

2. Frame ties shall be provided at each corner of the mobile home, with five (5) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and four (4) additional ties per side for units less than fifty (50) feet in length.

3. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4800) pounds, and resisting a minimum wind velocity of ninety (90) miles per hour.

B. All mobile homes and any additions thereto shall also be elevated in accordance with the following requirements:

1. The stands or lots shall be elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at least one and one-half (1-1/2) feet above the Base Flood Elevation.

2. Adequate surface drainage is provided, as required in the Upper Dublin Subdivision and Land Development Regulations as amended.

3. Adequate access for a hauler is provided.

4. Where pilings are used for elevation, the lots shall be large enough to permit steps; piling foundations shall be placed in stable soil not more than ten (10) feet apart; reinforcement shall be provided for pilings that will extend for six (6) feet or more above the ground level.

C. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the appropriate Disaster Preparedness Authorities for mobile home subdivisions.

D. Placement of a mobile home on a lot shall require a building permit under this ordinance.

Sec. 6.14 Relief from Strict Compliance with Requirements of this Article

A. If compliance with the elevation or floodproofing requirements stated in this ordinance would result in an exceptional hardship for a prospective builder, developer, or landowner, the Board of Commissioners may, upon request, grant relief from the strict application of the requirement.

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 shall be elevated to the maximum extent possible and floodproofed for the remaining height to the above specified level in accordance with the requirements established for the W1-W4 classes in the Office of the Chief of Engineers, U.S. 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 and/or floodproofed to the Base Flood Elevation shall be elevated to the maximum extent possible and 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 Section 6.14 B.1.

3. Any new nonresidential structure or substantial improvement of a nonresidential structure which cannot be elevated or floodproofed to the required specifications shall be (a) elevated to the maximum extent possible and floodproofed for the remaining height to at least one (1) foot above the Base Flood Elevation, or (b) floodproofed 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 Section 6.14 B.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 (50) percent of its market value, which cannot be elevated or floodproofed to the Base Flood Elevation shall be (a) elevated to the maximum extent possible and floodproofed for the remaining height to the Base Flood Elevation, or (b) floodproofed to the Base Flood Elevation. The floodproofing measures shall satisfy the requirements of the W3-W4 classes in the publication referenced in Section 6.14 B.1.

C. Requests for relief from the strict application of the provisions of this ordinance may be granted by the Township in accordance with the following procedures and criteria:

1. No relief shall be granted for any construction, development, use or activity within any floodway that would cause any increase in the Base Flood Elevation.
2. If granted, relief shall involve only the least modification necessary.
3. In granting relief, the Township may attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this ordinance.
4. Whenever a relief is granted, the Township shall notify the applicant in writing that:
  - a. The granting of relief may result in increased premium rates for flood insurance.
  - b. Such relief may increase the risks to life and property.
5. In reviewing any request for relief, the Township shall consider, but not be limited to, the following:
  - a. That there is good and sufficient cause.
  - b. That failure to grant the relief would result in exceptional hardship to the applicant.
  - c. That the granting of the relief will not result in any unacceptable or prohibited increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on, or victimization of the public, or conflict with any other applicable local or state ordinances and regulations.
6. A complete record of all requests for relief and related actions shall be maintained by the Township. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

#### Sec. 6.15 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 U.S. Department of Housing and Urban Development, Federal Insurance Administration, and other sources as appropriate according to those cited in Section 15.01 of the Floodplain Conservation District, 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 contains this information; for other floodplain areas, the Base Flood Elevation shall be determined as specified in Section 6.01 B of this ordinance.

#### Sec. 6.16 Plan Requirements

In addition to the permit application requirements normally required under the Upper Dublin Township Building Code, as amended the Township Building Inspector shall require the following specific information to be included as part of the application for a building permit:

A. For structures to be elevated:

1. A plan showing the size of the proposed structures and its relation to the lot where it is to be constructed.

2. A determination of elevations of the existing ground, proposed finished ground, and lowest floors certified by a Registered Professional Engineer, Surveyor, Architect.

3. Plans showing the method of elevating the proposed structure, including details of proposed fills, pile structures, retaining walls, foundations, erosion protection measures, etc. When required by the Building Inspector, these plans shall be prepared by a Registered Professional Engineer or Architect.

4. Plans showing the methods used to protect utilities (including sewer, water, telephone, electric, gas, etc.) from flooding to an elevation at least one and one-half (1-1/2) feet above the Base Flood Elevation at the building site.

B. For structures to be floodproofed:

1. Plans showing details of all floodproofing measures, prepared by a Registered Professional Engineer or Architect, and showing the size of the proposed structure and its relation to the lot where it is to be constructed.

2. A determination of elevations of existing ground, proposed finished ground, lowest floors, and floodproofing limits; certified by a Registered Professional Engineer, Surveyor, or Architect.

3. A certificate prepared by the Registered Professional Engineer or Architect who prepared the plans in 1. above, that the structures in question, together with attendant utility and sanitary facilities, is designed so that:

a. Below an elevation one and one-half (1-1/2) feet above the Base Flood Elevation the structure is watertight with walls substantially impermeable to the passage of water.

b. The structure will withstand the hydrostatic, hydrodynamic buoyant, impact, and other forces resulting from the flood depths, velocities, pressures, and other factors associated with the Base Flood.

C. For structures to be floodproofed in accordance with the W3-W4 class requirements in the Office of the Chief of Engineers, U.S. Army, publication number EP 1165 2 314, June, 1972, and as subsequently amended:

1. Plans showing details of all floodproofing measures, prepared by a Registered Professional Engineer or Architect, and showing the size of the proposed structure and its relation to the lot where it is to be constructed.

2. A determination of elevations of existing ground, proposed finished ground, lowest floors, and floodproofing limits; certified by a Registered Professional Engineer, Surveyor, or Architect.

3. A certificate prepared by the Registered Professional Engineer or Architect who prepared the plans in 1. above that the structure in question, together with attendant utility and sanitary facilities, is designed to satisfy the floodproofing requirements of the W3-W4 classes in the above referenced publication.

Sec. 6.17 Review by County Conservation District

A copy of all applications and plans for construction or development in the Floodplain Conservation District to be considered for approval shall be submitted by the Township Building Inspector to the Montgomery County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Conservation District shall be considered by the Township Building Inspector for possible incorporation into the proposed plan.

Sec. 6.18 Other Permit Issuance Requirements

Prior to the issuance of any building permit the Township Building Inspector shall review the application for a permit to determine if all other necessary governmental permits such as those required by State and Federal laws have been obtained including those required by Act 537, the Pennsylvania Sewage Facilities Act, the Pennsylvania Water Obstruction Act of 1913, and the Federal Water Pollution Control Act Amendments of 1972, Section 404, 33, U.S.C. 1334. No permit shall be issued until this determination has been made.

Sec. 6.19 Start of Construction

For purposes of implementation of these provisions start of construction shall be considered as defined in Sec. 6.01 (J) of this article.

Sec. 6.20 Warning and Disclaimer of Liability

The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside the Floodplain Conservation District, or that land uses permitted within such district will be free from flooding or flood damages.

This ordinance shall not create liability on the part of Upper Dublin Township or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Sec. 6.21 Severability

Should any section or provision of this ordinance be declared by a Court of competent jurisdiction to be invalid, such decisions shall not affect the validity of this ordinance as a whole, or of any other part thereof.

ENACTED AND ORDAINED THIS 12<sup>th</sup> day of September 1978.

BOARD OF COMMISSIONERS  
TOWNSHIP OF UPPER DUBLIN

By Raymond Hillen  
President

Attest Harry Wardle  
Secretary

AN ORDINANCE

No. 564

AN ORDINANCE TO AMEND ORDINANCE NO. 140 ADOPTED AUGUST 26, 1956, DESIGNATED THE UPPER DUBLIN TOWNSHIP ZONING ORDINANCE OF 1956, AS AMENDED, BY AMENDING THE MAP THEREOF SO AS TO CHANGE AN AREA LOCATED ON THE NORTHERLY SIDE OF HIGHLAND AVENUE, EAST OF FARM LANE, FROM A-RESIDENTIAL TO B-RESIDENTIAL.

WHEREAS, the Commissioners of Upper Dublin Township find that the within amendment to Upper Dublin Township Zoning Ordinance is in accordance with the spirit and intent of the Comprehensive Plan and Land Use Plan for the Township of Upper Dublin.

BE IT ORDAINED AND ENACTED by the Commissioners of Upper Dublin Township, Montgomery County, Pennsylvania, and it is hereby enacted by authority of the same, that the zoning map adopted and approved as a part of the Upper Dublin Township Zoning Ordinance of 1956, adopted August 26, and known as Ordinance 140, as amended, be and is hereby further amended as follows:

SECTION 1: The territory hereinafter described on the Northerly side of Highland Avenue, East of Farm Lane, as more fully described in the description attached hereto and marked Exhibit "A", be changed from A-Residential to B-Residential.

ORDAINED AND ENACTED this 17 day of October A.D. 1978.

BOARD OF COMMISSIONERS  
UPPER DUBLIN TOWNSHIP

By *Raymond J. Miller* President

Attest *Harry Waidle*  
Secretary

BEGINNING at a point in the center line of Farm Lane (40 feet wide) which point is measured North 34 degrees 29 minutes East 628.13 feet from its point of intersection with the center line of Highland Avenue (50 feet wide); thence extending from said point of beginning along Farm Lane, North 34 degrees 29 minutes East 425.66 feet to a point of curve in the same; thence extending on the arc of a circle curving to the right, having a radius of 311.06 feet the arc distance of 120.08 feet to a point; in the same; thence leaving the centre line of Farm Lane, crossing the Northeast side thereof and along lands now or late of Nora Scafida, South 39 degrees 39 minutes East crossing over a dry swale, 963.03 feet to a point, in line of lands now or late of G. C. Kuemmerle; thence extending along the same and land now or late of Signore South 48 degrees 59 minutes West crossing the Northeast side of Highland Avenue 729.34 feet to a point in the center thereof; thence extending along the same, North 70 degrees 15 minutes West, 152.43 feet to a point in the same; thence leaving Highland Avenue and recrossing the Northeast side thereof North 19 degrees 45 minutes East 369.47 feet to a point; thence extending North 55 degrees 31 minutes West, 356.72 feet to a point; thence extending North 34 degrees 29 minutes East 108 feet to a point; thence extending North 55 degrees 31 minutes West recrossing the said North east side of Farm Lane to the center thereof, 168.47 feet to the first mentioned point and place of beginning.

ORDINANCE NO. 565

AN ORDINANCE PROVIDING FOR AN INFILTRATION/INFLOW AND REHABILITATION STUDY ON THIS TOWNSHIP'S SEWAGE COLLECTION SYSTEM; COVENANTING TO REQUIRE CONNECTIONS TO SUCH SYSTEM; AGREEING THAT SEWAGE TREATMENT SERVICES USE CHARGES SHALL COMPLY WITH REQUIREMENTS OF THE ENVIRONMENTAL PROTECTION AGENCY AND THAT TREATMENT AND TRANSPORTATION CHARGES PAYABLE TO THE BOROUGH OF AMBLER WILL BE PAID FROM SEWERAGE USE CHARGES MADE TO THE PUBLIC; CONSENTING TO THE IMPOSITION OF AN INDUSTRIAL COST RECOVERY CHARGE SYSTEM UPON INDUSTRIAL USERS LOCATED WITHIN THIS TOWNSHIP; AND REPEALING INCONSISTENT ORDINANCES AND RESOLUTIONS.

WHEREAS, by Agreement dated January 16, 1959, as amended by Amendment No. 1 dated January 16, 1961, by Amendment No. 2 dated May 26, 1970 and by Amendment No. 3 dated February 15, 1978 (the said agreement as so amended being referred to herein as the "Sewage System Agreement"), the Borough of Ambler (the "Borough"), the Townships of Lower Gwynedd and Whitpain, the Township of Upper Dublin (the "Township"), certain municipal authorities organized by such Townships and the Township of Whitemarsh (the "Jointure") have provided for the construction and operation of a sewage treatment plant and collection system and joint interceptor sewers connected therewith and the sharing of construction and operating costs; and

WHEREAS, under the terms of the Sewage System Agreement, the said sewage treatment plant is maintained and operated by the Borough, as agent for the Jointure, and each party to the said Agreement pays its share of the said costs of maintenance and operation; and

WHEREAS, in accordance with the terms of the Sewage System Agreement, the Borough, as agent for the Jointure, has undertaken a project involving additions and alterations to the existing plant for the purposes, among others, of upgrading the quality of the treatment facilities to comply with federal and state environmental requirements and of expanding the capacity of the said facilities; and

WHEREAS, the major portion of the costs of such improvement project are to be met from the proceeds of a grant from the United States of America, acting through the Environmental Protection Agency (the "EPA"), under the Federal Water Pollution Control Act (the "Federal Act"); and

WHEREAS, the EPA requires, as conditions of such grant assistance, that appropriate infiltration/inflow studies be conducted and rehabilitation work be performed

in respect of collection systems feeding into the treatment works, that use of associated sewers be mandated by ordinance, that a system of user charges meeting EPA criteria of proportionate use be employed and that an industrial cost recovery system be developed whereunder all industrial users (as defined by EPA regulations) pay certain charges, in addition to all other use charges, designed to recover from such users portions of the grant funds over a period of years; and

WHEREAS, this Township will benefit from the aforesaid project of the Borough and from the EPA grant in aid of the construction thereof;

NOW, THEREFORE, the Commissioners of Upper Dublin Township Montgomery County, Pennsylvania do hereby enact and ordain the following:

SECTION 1: This Township consents to the performance of an infiltration/inflow studies and rehabilitation work in respect of this Township's sewage collection system as shall be necessary or appropriate to comply with EPA regulations.

SECTION 2: To the extent permitted by law, this Township covenants to require by ordinance connections to its sewage collection system by all properties to which such system is accessible.

SECTION 3: This Township covenants and agrees that the system of sewage treatment services use charges to be applied within this Township shall be such as to comply with applicable EPA requirements and that to the fullest extent possible all sewage treatment and transportation charges payable by it under the Sewage System Agreement will be paid from sewerage use charges made to the public.

SECTION 4: This Township consents to the imposition upon industrial users which are located within this Township and whose sewage is treated in the aforesaid treatment plant pursuant to the Sewage Treatment Agreement of such system of industrial cost recovery charges as may be developed by the Borough, and as may be approved by the EPA, and hereby authorizes the Borough, agent for the Jointure, to require all such industrial users to submit to such monitoring, inspection and reporting requirements as may be necessary or appropriate in the administration of such system, this Township further agreeing to bill and collect such charges upon request of the

Borough or to permit the Borough to bill and collect the same directly, the term "industrial users" as used herein to have the meaning ascribed thereto by the EPA pursuant to the requirements of the Federal Act, as recited in Title 35, Code of Federal Regulations, Section 35.905, as the same may be revised from time to time.

SECTION 5: All prior ordinances and resolutions or parts thereof inconsistent herewith are hereby repealed.

ENACTED AND ORDAINED this *12th* day fo *December*, 1978

BOARD OF COMMISSIONERS  
TOWNSHIP OF UPPER DUBLIN

Attest:

*Harry Wardle*  
Secretary

BY

*Robert F. Milligan*  
President

ORDINANCE NO. 566.

AN ORDINANCE AUTHORIZING THE DEVELOPMENT AND ESTABLISHMENT OF AN INDUSTRIAL COST RECOVERY SYSTEM FOR RECOVERY OF A PORTION OF THE FEDERAL GRANT IN RESPECT OF THE TOWNSHIP'S SEWAGE TREATMENT PLANT FROM INDUSTRIAL USERS THEREOF; DEFINING THE TERM "INDUSTRIAL USER"; DESCRIBING THE INDUSTRIAL COST RECOVERY SYSTEM TO BE DEVELOPED AND ESTABLISHED; PROVIDING FOR THE USE OF FUNDS RECOVERED UNDER SUCH SYSTEM; PROVIDING FOR AN APPEAL PROCEDURE; DECLARING THE SAID SYSTEM TO BE SUBJECT TO REVISION; AND REPEALING INCONSISTENT ORDINANCES AND RESOLUTIONS.

WHEREAS, by Agreement dated December 16, 1959, as amended by Amendment No. 1 dated January 16, 1961, Amendment No. 2 dated May 26, 1970 and Amendment No. 3 dated February 15, 1978 (the Agreement as so amended being hereinafter referred to as the "Treatment System Agreement"), the Borough of Ambler (the "Borough"), the Townships of Lower Gwynedd and Whitpain, the Township of Upper Dublin (the "Township"), certain municipality authorities organized by such Townships and the Township of Whitemarsh (the "Jointure") have provided for the construction and operation of, inter alia, a sewage treatment plant (the "Treatment Works"), including certain additions to and alterations of the Treatment Works and related facilities intended to be constructed forthwith (the said additions to and alterations of the Treatment Works and related facilities being hereinafter referred to as the "Treatment Works Additions") and the sharing of the construction and operation costs; and

WHEREAS, the Treatment Works provide and the Treatment Works Additions are intended to provide wastewater treatment services to users located in the Borough and in portions of several neighboring municipalities; and

WHEREAS, as provided by the Treatment System Agreement, the Borough as agent for the Jointure has undertaken a project (the "1978 Project") involving the construction of the Treatment Works Additions; and

WHEREAS, the Borough, agent for the Jointure, has received a grant in aid of the construction included in the 1978 Project (the "Federal Grant") from the United States of America, acting through the United States Environmental Protection Agency (the "EPA"), under the Federal Water Pollution Control Act (the "Federal Act"); and

WHEREAS, in connection with such grants the Federal Act requires, and it is a condition of the Federal Grant, that the Township develop and maintain an industrial cost recovery system, which will require all present and future industrial users to pay industrial cost recovery charges, in conformance with all applicable federal requirements; and

WHEREAS, existing EPA regulations (the "EPA Regulations") with regard to industrial cost recovery systems are compiled in the Code of Federal Regulations, Title 40, Part 35, Subpart E; and

WHEREAS, the Township proposes to develop, in compliance with the Federal Grant, an industrial cost recovery system (the "ICR System") and, in conjunction with its general operation of the Treatment Works and Treatment Works Additions, to administer such System.

NOW, THEREFORE, the Commissioners of Upper Dublin Township, Montgomery County, Pennsylvania do hereby enact and ordain the following:

SECTION 1: The Township shall, in consultation with its consulting engineers and legal counsel, proceed with the development of an ICR System meeting the requirements of the Federal Grant. Such System shall provide for the payment by industrial users (as hereinafter defined) of industrial cost recovery charges calculated to recover from such users the amount of the Federal Grant allocable to the treatment of wastes from such users over a thirty-year period, which shall commence following completion of the construction of the work to which the Federal Grant relates (or, to the extent required by the EPA, upon the completion of an operable element thereof).

SECTION 2: The term "industrial user", for purposes of the ICR System, shall have the meaning given to that term by the EPA Regulations, such definition being set forth at 40 C.F.R. Sec. 35.905.

SECTION 3: The ICR System will be based upon all factors which significantly influence the cost of the Treatment Works and Treatment Works Additions, including, as appropriate, such factors as strength, volume and delivery flow rate characteristics, so as to insure a proportional distribution of the Federal Grant allocable to industrial use to all industrial users of the Treatment Works and Treatment Works

Additions throughout the area served by such System, whether within or outside of the Township (as a minimum, a particular industry's share shall be proportional to its flow, in relation to the flow capacity of the Treatment Works and Treatment Works Additions), and, if, from time to time, there is a substantial change in the strength, volume, or delivery flow rate characteristics introduced into the Treatment Works or Treatment Works Additions by an industrial user, such user's share shall be adjusted accordingly. The administration of the ICR System will, accordingly, require that the wastewater discharges of industrial users be inspected, observed, monitored, sampled and measured for the purposes of calculating an individual user's specific annual industrial cost recovery charge, the performance of such functions being hereinafter referred to as the "monitoring" aspects of the ICR System. The Township agrees to perform all necessary monitoring aspects of the ICR System.

SECTION 4: Industrial cost recovery charges will be billed, collected and accounted for separately from (and in addition to) all other user charges imposed in respect of the collection and treatment of wastewater, such billing, collection and accounting being hereinafter referred to as the "accounting" aspects of the ICR System. The ICR System will provide for the frequency of billing (such billing in any event to occur not less often than once per year) and for the deposit of amounts collected in a segregated account or accounts, which will be invested and disbursed in accordance with EPA Regulations. Such Regulations at present provide in essence that 50% of the amount collected in each annual fiscal period (plus any interest earned upon the interim investment thereof) be returned to the United States Treasury on an annual basis, with the other 50% (the "Retained Amount") to be retained by the Township; a portion of the Retained Amount may be used to pay incremental costs of administration of the industrial cost recovery system, which incremental costs shall be segregated from all other administrative costs of the Township; a minimum of 80% of the net amount of the Retained Amount remaining after the payment of the said incremental costs, together with any interest earned thereon, may be used only for purposes generally authorized by the EPA Regulations and as specifically approved by the appropriate EPA Regional Administrator; the balance of the Retained Amount may be used as the Township sees

fit, free of EPA restriction except that they may not be used for construction of industrial pretreatment facilities or rebates to industrial users for costs incurred in complying with federal user charge or industrial charge requirements.

SECTION 5: The ICR System will provide for an appeal procedure by which an individual industrial user will be given the opportunity to be heard regarding the reasonableness of cost allocation and of the industrial cost recovery charge applied to it and will further provide a method whereby others affected by the ICR System may obtain review of the administration of the System. The Borough shall implement such portions of the ICR System, including the conduct of hearing appeals by Borough Council where appropriate.

SECTION 6: The Township recognizes that the final ICR System must be acceptable to the EPA and is subject to modification by the Township from time to time as may be necessary to comply with EPA Regulations. Accordingly, it is understood that details in respect of the System are subject to change. It is the intent of this ordinance that the Township shall perform all such acts and functions necessary to the implementation of the ICR System as it exists from time to time whether or not specified herein, for the purpose of assuring that the conditions of the Federal Grant in respect of the ICR System shall at all times be complied with.

SECTION 7: Any prior ordinances or resolutions or parts thereof inconsistent herewith are hereby repealed.

ORDAINED AND ENACTED this *12<sup>th</sup>* day of *December*, 1978

BOARD OF COMMISSIONERS  
UPPER DUBLIN TOWNSHIP

Attest:

*Hans Ward*  
Secretary

BY:

*Raymond K. Miller*  
President

ORDINANCE NO. 567

AN ORDINANCE AMENDING UPPER DUBLIN TOWNSHIP CODE OF ORDINANCES, TITLE 10 - ZONING, BY PROVIDING FOR LOT AVERAGING AS WELL AS THE CLUSTERING OF HOUSING.

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

SECTION 1. That Article 4 of Title 10 of the Code of Ordinances of Upper Dublin Township be amended by adding to the existing Section 4.12 the identification of "ALTERNATIVE ONE" and adding the following to the ordinance.

Sec. 4.12 Planned Residential Areas - ALTERNATIVE TWO

Section 4.12.1 Declaration of Legislative Intent. In expansion of Statement of Community Development Objectives contained in Sec. 1.01 of this Ordinance, it is hereby declared to be the intent of this section to encourage a creative approach to the use of the land, the creation of usable open space areas throughout the Township and more efficient development patterns in terms of roads and utilities, where applied for as a conditional use to the Board of Commissioners. Specifically, this section is intended to provide for a variation in the normally required lot size for single family detached dwellings in the Residential A zoning district, so that the present permitted density (dwelling units per acre) contemplated by the minimum lot size prescribed therein is maintained on an overall basis, but, at the same time, that more efficient lotting arrangements will be achieved and open space, tree cover, historic sites, recreation areas, scenic vistas, stream valleys, or other lands for public purposes are preserved within these developments for the benefit of the residents of the development and in furtherance of the general welfare of Upper Dublin Township.

Section 4.12.2 Prerequisites for Cluster Development. The following necessary conditions must be satisfied by an applicant seeking to develop in a clustered fashion, before the Board of Commissioners will grant preliminary plan approval for a subdivision plan prepared in accordance with the requirements of this Article.

A. **Tract Size:** The tract of land to be developed as a cluster subdivision shall not be less than twenty-five (25) acres in area.

B. **Ownership:** The tract of land to be developed shall be in one ownership or shall be the subject of an application filed jointly by the owners of the entire tract, and it shall be agreed that the tract will be developed under single direction in accordance with an approved plan.

C. **Sewer and Water Facilities:** The Cluster Development shall be served by centralized water facilities and public sewer facilities, which are deemed acceptable by the Board of Commissioners, upon recommendation by the Township Engineer.

D. **Development Plan:** The application for development shall be accompanied by a plan, or plans, in accordance with Section 4.12.3 showing the detailed use of the entire tract, which plan or plans shall also comply with all requirements of the Upper Dublin Township Subdivision and Land Development ordinance and other applicable ordinances. The plan shall clearly designate the proposed use of each area of the tract.



B. The proposed residential density including the specific number of proposed units of the development.

C. A chart showing the proportion of the total tract area which will be devoted to residential lots (including the area which will be allocated to oversized lots as a result of the cluster provision), and the percentage of the total tract area which will be devoted to public open space.

D. The feasibility of proposed utility and drainage system.

Section 4.12.5 Requirements for Open Space Created by Cluster Development. The following requirements shall govern the required open space created by Cluster Development in the Residential A District:

A. Open space area(s) shall be created and developed to compliment and enhance the manmade and natural environment. In the selection of the location of such areas, consideration shall be given to the preservation of natural and manmade features which will enhance the attractiveness and value of the remainder of the property to be subdivided or developed. Such features are: floodplains, including streams and ponds; slopes equal to or greater than fifteen percent (15%); mature, permanent vegetation; exceptional view; cultural and historical amenities; and other community assets as determined by the Board of Commissioners.

B. Said area(s) shall be at a location conveniently accessible to the Township residents.

C. The share of said area(s) shall be of such size and shape as to be usable for passive and/or active recreational uses.

D. Safe and easy access to said Open Space area(s) shall be provided either by adjoining public road frontage, public easements or paths and/or sidewalks. Location of public roads where they traverse said Open Space area(s) shall be avoided wherever possible. Sufficient perimeter parking shall be provided.

E. Accessway(s) to the site shall be sufficiently wide so that maintenance equipment shall have reasonably convenient access to said area(s).

F. The location, form, overall design and use of said Open Space area(s) shall be approved by the Board of Commissioners. The Board shall request the review and recommendations of the Planning Advisory Board and other Township Advisory Boards before rendering a final decision of the appropriateness of said Open Space area(s).

G. The Board of Commissioners reserve the right to refuse an offer of dedication.

ORDAINED AND ENACTED this 20<sup>th</sup> day of March, A.D., 1979.

COMMISSIONERS OF UPPER  
DUBLIN TOWNSHIP

Attest:

Haney Wardle  
Secretary

By Raymond M. Miller  
President

ANNUAL BUDGET OF THE TOWNSHIP OF UPPER DUBLIN FOR THE YEAR 1979

ORDINANCE NO. 568

AN ORDINANCE of Upper Dublin Township, Montgomery County, and the Commonwealth of Pennsylvania, appropriating specific sums estimated to be required for the specific purposes of the municipal government, hereinafter set forth, during the current year.

BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Commissioners of Upper Dublin Township, County of Montgomery, Pennsylvania:

SECTION 1. That for the expenses for the fiscal year 1979 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.

GENERAL OPERATING FUNDS  
SUMMARY OF ESTIMATED RECEIPTS

|                                       |                 |
|---------------------------------------|-----------------|
| Cash and securities for Appropriation | \$ 90,516       |
| Receipts from Current Tax Levy        | 1,786,822       |
| Receipts from Taxes of Prior Years    | 75,000          |
| Other Revenue Receipts                | 886,350         |
| Miscellaneous non-revenue Receipts    | <u>367,500</u>  |
| <br>TOTAL ESTIMATED RECEIPTS AND CASH | <br>\$3,206.188 |

SUMMARY OF APPROPRIATIONS

|  | <u>Operation and<br/>Maintenance</u> |
|--|--------------------------------------|
| General Government:                    |                                      |
| Administration                         | \$187,780                            |
| Treasurer & Tax Collector              | 6,850                                |
| Municipal Buildings                    | <u>50,750</u>                        |
| <br>TOTAL                              | <br>\$245,380                        |
| Protection to Persons and Property:    |                                      |
| Police                                 | \$873,700                            |
| Fire                                   | 18,225                               |
| Civil Service                          | <u>3,000</u>                         |
| <br>TOTAL                              | <br>\$894,925                        |
| Regulations, Planning & Zoning - TOTAL | \$ 74,125                            |

|                                 |       |                  |
|---------------------------------|-------|------------------|
| Health and Sanitation:          |       |                  |
| Health                          |       | \$ 40,100        |
| Trash Collection & Disposal     |       | <u>313,600</u>   |
|                                 | TOTAL | \$353,700        |
| Highways:                       | TOTAL | \$289,650        |
| Library:                        | TOTAL | \$ 93,000        |
| Motor Pool & Electric Services: |       |                  |
| Motor Pool                      |       | \$176,500        |
| Electric Services               |       | <u>\$ 15,500</u> |
|                                 | TOTAL | \$192,000        |
| Parks and Recreation:           | TOTAL | \$198,325        |
| Miscellaneous:                  |       |                  |
| Employee Taxes & Benefits       |       | \$381,000        |
| Insurance                       |       | \$201,554        |
| Refunds                         |       | <u>300</u>       |
|                                 | TOTAL | \$582,854        |

TOTAL FOR OPERATION, MAINTENANCE AND CAPITAL OUTLAY - *\*2,923,959.<sup>00</sup>*


|                          |                    |                  |
|--------------------------|--------------------|------------------|
| Debt Service:            |                    |                  |
| Interest on Temp. Loan   |                    | \$ 25,500        |
| Interest on bonded debt  |                    | \$167,563        |
| Principal on bonded debt |                    | <u>\$ 89,166</u> |
|                          | TOTAL DEBT SERVICE | \$282,229        |

TOTAL APPROPRIATIONS FROM GENERAL OPERATING FUNDS - \$3,206,188

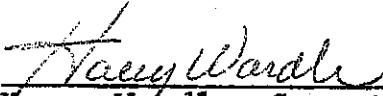
SECTION 2. An estimate of the specific items making up the amounts appropriated to the respective departments is on file in the office of the Township of Upper Dublin, Montgomery County, Pennsylvania.

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

Adopted this 28th day of December 1978.

  
Raymond H. Miller, Jr.  
President  
Upper Dublin Township  
Board of Commissioners

ATTEST:

  
Harry Wardle  
Harry Wardle, Secretary

TAX LEVY ORDINANCE

ORDINANCE NO. 569

AN ORDINANCE of Upper Dublin Township, Montgomery County and the Commonwealth of Pennsylvania, fixing the tax rate for the year 1979.

BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Commissioners of Upper Dublin Township, County of Montgomery, Pennsylvania:

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 1979, as follows:

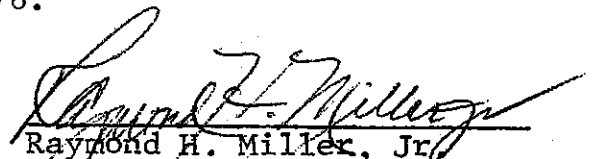
Tax rate for general purposes, the sum of..... 24.42 mills on each dollar of assessed valuation, or the sum of... 244.2 cents on each one hundred dollars of assessed valuation.

For fire protection purposes, the sum of..... 3 mills on each dollar of assessed valuation, or the sum of... 30 cents on each one hundred dollars of assessed valuation.


The same being summarized in tabular form as follows:

|                               | Mills on Each<br>Dollar of<br>Assessed<br>Valuation | Cents on Each<br>One Hundred<br>Dollars of<br>Assessed<br>Valuation |
|-------------------------------|---|---|
|                               | <hr/>   | <hr/>   |
| Tax Rate for General Purposes | 24.42 mills   | 244.2 cents   |
| Tax Rate for Fire Protection  | <u>3.00</u> mills                                   | <u>30.0</u> cents   |
| TOTAL                         | 27.42 mills   | 274.2 cents   |

Adopted this 28th day of December 1978.

  
Raymond H. Miller, Jr.  
President  
Upper Dublin Township  
Board of Commissioners

ATTEST:

  
Harry Wardle  
Township Secretary

ORDINANCE NO. 570

AN ORDINANCE APPROPRIATING FROM EXCESS REVENUES AND MAKING CHANGES IN CERTAIN APPROPRIATIONS HERETOFORE MADE BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF UPPER DUBLIN UNDER ORDINANCE NO. 553, DATED DECEMBER 29, 1977.

WHEREAS, pursuant to Acts of Assembly in such cases made and provided, the Board of Commissioners of Upper Dublin Township, Montgomery County, Pennsylvania, by ordinance adopted and enacted the 29th day of December 1977 appropriated out of the estimated revenue and income available for the year 1978 certain sums estimated by them to be required for the several specific purposes of Township Government and,

WHEREAS, because of the difficulty in accurately determining the exact amount required for certain of the specific purposes of Township Government, which are or may be largely affected by unforeseen contingencies, the same appropriated to the following specific purposes to wit: Regulations, Planning & Zoning; Health & Sanitation; Highways; Insurance & Miscellaneous and,

WHEREAS, the expenses incurred in some accounts are less than the funds appropriated and the revenues in some line items are in excess of anticipation for 1978.

NOW, THEREFORE, the Board of Commissioners of Upper Dublin Township do hereby enact and ordain

THAT the sum of \$69,205 be transferred from the following accounts:

|                                  |   |          |
|----------------------------------|---|----------|
| General Government               | - | \$14,000 |
| Protection to Persons & Property | - | \$17,000 |
| Parks and Recreation             |   | \$13,000 |
| Debt Service                     |   | \$25,205 |

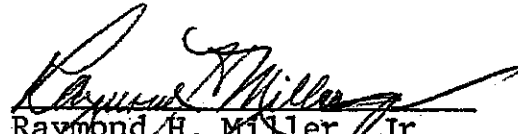
to the following accounts:

|                                |   |          |
|--------------------------------|---|----------|
| Regulations, Planning & Zoning | - | \$ 885   |
| Insurance and Miscellaneous    | - | \$68,320 |


Further, that the sum of \$169,396 be appropriated from excess revenues to the Highway account from the following income line items:

|                   |   |          |
|-------------------|---|----------|
| Real Estate Taxes | - | \$31,000 |
| Interest          | - | \$68,500 |
| R.E. Transfer Tax | - | \$58,500 |
| Building Permits  | - | \$11,396 |

Adopted and enacted this 28th day of December 1978.

  
Raymond H. Miller Jr.  
President  
Upper Dublin Township  
Board of Commissioners

ATTEST:

  
Harry Wardle, Secretary

AN ORDINANCE  
NO. 571

AN ORDINANCE TO AMEND THE UPPER DUBLIN CODE, TITLE 2, CHAPTER 1 - FEES, RATES AND PERMITS.

The Board of Commissioners of the Township of Upper Dublin does hereby enact and ordain the following amendments to the Upper Dublin Township Code:

Section 1. Title 2, Chapter 1 - FEES, RATES AND PERMITS, Article 3 - Building and Construction. The following subsections shall be amended to read as follows:

Sec. 3.01, A. New Buildings

(1) a) Where the total area of each unit is less than fifteen (1500) square feet, One Hundred Twenty-five Dollars (\$125.00).

b) Where the total area of each unit is more than fifteen hundred (1500) square feet, an additional fee for each five hundred (500) square feet or fraction thereof, Fifty Dollars (\$50.00).

(2) a) For each living unit - One Hundred Dollars (\$100.00).

(4) a) For the first one thousand (1,000) square feet or fraction thereof - One Hundred Fifty Dollars (\$150.00).

b) For the area in excess of one thousand (1,000) square feet but not over five thousand (5,000) square feet, an additional fee of Seventy-five Dollars (\$75.00) for each one thousand (1,000) square feet or fraction thereof.

Sec. 3.01, B. Alterations, Repairs and Installation of Permanent Equipment.

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

b) For each additional One Thousand Dollars (\$1,000.00) or fraction thereof of the estimated cost in excess of One Thousand Dollars, an additional fee of Fifteen Dollars (\$15.00).

Section 3.01, G. Display Signs

The permit fee for a display sign shall be Fifteen Dollars (\$15.00) for each One Thousand Dollars (\$1,000.00) of estimated cost, or fraction thereof.

~~Section~~

Section 2. Title 2, Chapter 1 - FEES, RATES AND PERMITS, Article 5 - Health and Sanitation, Section 5.02, shall be amended to read as follows:

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:

(1) License fee of One Dollar (\$1.00) for each retail food establishment.

(2) Inspection Fees in accordance with the following schedule:

| <u>Floor Area</u>  | <u>Inspection Fee</u> |
|--|-----------------------|
| Under 5,000 Square Feet  | \$49.00               |
| \$25.00 for each additional 2,500 Square Feet or fraction thereof. |                       |

B. Vending Machine Permit - A permit fee shall be paid by the applicant at or before the issuance of the permit as follows:

(a) up to and including four (4) machines placed at a single machine location, the fee shall be Twenty Dollars (\$20.00).

(b) for each additional machine placed in the same location, as indicated in paragraph (a), the fee shall be Five Dollars (\$5.00).

(c) it is the intent that a minimum fee of Twenty Dollars (\$20.00) covering one (1), to and including four (4) machines located at a machine location shall be charged.

C. Mobile Food Vendor - The following fees shall be paid by the applicant before the issuance of the permit: License fee, One Dollar (\$1.00); Inspection fee, Forty-nine Dollars (\$49.00).

D. Public Eating and Drinking Establishments - The following fees shall be paid by the applicant before the issuance of the permit:

(1) License Fee - One Dollar (\$1.00).

(2) Inspection Fees shall be paid in accordance with the following schedule:

| <u>Number of Seats</u> | <u>Inspection Fee</u> |
|------------------------|-----------------------|
| 0-25                   | \$49.00               |
| 26-75                  | 74.00                 |
| 76-125                 | 124.00                |
| 126-175                | 174.00                |
| Over 175               | 199.00                |

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%).

Section 3. Title 2, Chapter 1 - FEES, RATES AND PERMITS, Article 6 - Parks and Recreation, shall be amended by the insertion of Section 6.01 which shall read as follows:

Sec. 6.01 Pool Permits

There shall be a permit fee for the use of any Township swimming pool at the following rates:

|                     |   |                  |
|---------------------|---|------------------|
| Resident Groups     | - | \$40.00 per hour |
| Non-Resident Groups | - | \$50.00 per hour |

The minimum time period for which such pool may be used shall be two hours.

Section 4. Title 2, Chapter 1 - FEES, RATES AND PERMITS, Article 7 - PUBLIC SAFETY, shall be amended by the insertion of Section 7.03, as follows:

Sec. 7.03 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 Sixteen Dollars (\$16.00) per hour, per officer, with a minimum time period being two (2) hours per officer.

Section 5. Title 2, Chapter 1 - FEES, RATES AND PERMITS, Article 8 - STREETS AND HIGHWAYS, Section 8.03, Opening or Excavating of Highways Fee, Sub-sections (a), (b), (c) and (e), are hereby amended to read as follows:

(a) 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 (\$7.00) per square yard or fraction thereof for each opening.

(b) For openings or excavations in any highway, road, street, avenue, or public alley having an improved or paved surface, the sum of Forty Dollars (\$40.00) 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 (\$32.00) per square yard or fraction thereof for any and all additional paving opened or broken.

(c) For openings or breaks in improved sidewalks, the sum of Fifteen Dollars (\$15.00) per square yard or fraction thereof, and for breaking the surface of any improved curb, the reconstruction or resetting fee of Eight Dollars (\$8.00) 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 Title 8, Chapter 5, Sec. 1.05.

(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 Fifteen Dollars (\$15.00) per hour.

ENACTED AND ORDAINED this 2nd day of January, 1979.

BOARD OF COMMISSIONERS  
TOWNSHIP OF UPPER DUBLIN

BY *Raymond J. Miller Jr.*  
President

ATTEST:

*Harry Wardle*  
Secretary

ORDINANCE NO. 572

AN ORDINANCE ESTABLISHING THE DATES OF REGULAR MEETINGS OF THE COMMISSIONERS OF THE TOWNSHIP OF UPPER DUBLIN, MONTGOMERY COUNTY, PENNSYLVANIA, DURING THE YEAR 1979.

BE IT ORDAINED AND ENACTED by the Commissioners of Upper Dublin Township, Montgomery County, Pennsylvania, and it is hereby enacted by the authority of the same.

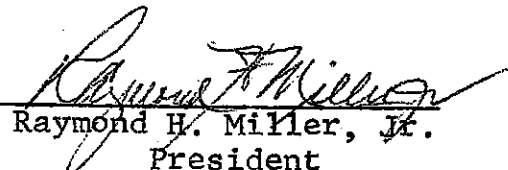
SECTION I. The regular meetings of the Commissioners for the year 1979 are fixed as follows:

- (a) The second Tuesday of each month beginning January 9, 1979 at 7:30 P.M., prevailing time.
- (b) The third Tuesday of each month beginning January 16, 1979 at 7:30 P.M., prevailing time.

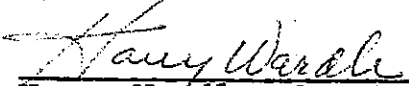
SECTION II. All meeting shall be held in the Township Building, 801 Loch Alsh Avenue, Fort Washington, Pennsylvania, unless otherwise specifically directed.

ORDAINED AND ENACTED this 9th day of January, 1979.

BOARD OF COMMISSIONERS  
UPPER DUBLIN TOWNSHIP

By:   
Raymond H. Miller, Jr.  
President

ATTEST:

  
Harry Wardle, Secretary

AN ORDINANCE  
NO. 573

TO AMEND THE ZONING ORDINANCE OF THE TOWNSHIP OF UPPER DUBLIN, BEING ORDINANCE NO. 140, ENACTED AUGUST 20, 1956 BY CREATING A NEW ZONE CLASSIFICATION, MHD - MOBILE HOME DEVELOPMENT DISTRICT, AND INCLUDING ALL REGULATIONS APPERTAINING THERETO IN THE TOWNSHIP OF UPPER DUBLIN, MONTGOMERY COUNTY, PENNSYLVANIA

The Board of Commissioners of the Township of Upper Dublin do ordain:

**SECTION ONE: Declaration of Legislative Intent** In addition to the "Purpose" set forth in Section 101, of Article I of this ordinance, it is hereby declared to be the specific intent of this Article with respect to the MHD - Mobile Home Development District to establish standards of performance and promote the desirable benefits which planned, mobile home developments may have upon the community, and the residents within them. It is further the intén of this Article to ensure the interdependency and compatibility of proposed mobile home developments with essential utilities and surrounding land uses in the township. It shall further be the intent of this district:

1.1 To reflect the changes in the technology of home building and land development so that resulting economies may enure to the benefits of those who need homes;

1.2 To further the general welfare by extending greater opportunities for better housing to all citizens and residents of Upper Dublin Township;

1.3 To provide for better quality and greater variety in type, design, and layout of mobile home developments than has been evident in many mobile home parks in the past by enforcing uniform standards, desirable design criteria, and encouraging innovative design approaches;

1.4 To provide for a diversity in housing types and prices; and

1.5 To encourage mobile home developments that are not detrimental to property values and the general welfare of the area in which they are promised.

**SECTION TWO: Definitions** The following definitions shall apply:

2.1 Common Area: Any area or space design for joint use of tenants occupying mobile home developments.

2.2 Density: The number of mobile homes or mobile home stands per developable acre.

2.3 Mobile Home: A single family dwelling intending for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. Further, mobile homes shall meet township, state, and federal regulations, such as, the Building Officials and Code Administration Inc. (BOCA) Codes, Pennsylvania

Department of Community Affairs standards, National Fire Protection Association (NFPA) standards as well as those of the federal department of Housing and Urban Development (HUD).

2.4 Developable Acre: All land is defined as developable acreage except land area located within existing rights-of-way of roads and utility lines, water bodies, watercourses, floodplains (as defined in Section 1501 of the Floodplain Ordinance), and land area with slopes of fifteen percent (15%) or greater. Developable acreage is used in density calculations.

2.5 Mobile Home Development: A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two (2) or more mobile home lots.

2.6 Mobile Home Lot: A parcel of land in a mobile home development, constructed with the necessary utility connections, patio, and other appurtenances necessary for the erection thereon of a single mobile home, and the exclusive use of its occupants.

2.7 Mobile Home Stand: That part of an individual lot which has been reserved and prepared for the placement of the mobile home.

2.8 Public Notice: Notice published once each week for two 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 be not more than thirty (30) days or less than fourteen (14) days from the date of the hearing.

2.9 Tract Area: Total acreage of the mobile home development.

### SECTION THREE: Use Regulations

3.1 Permitted Use: Any tract zoned MHD shall be used exclusively for a mobile home development or developments.

#### 3.2 Accessory Uses:

a. Accessory uses and structures customarily incidental to the maintenance, servicing and well-being of mobile home development residents shall be permitted only as part of an approved development plan for the site.

b. Accessory uses on individual mobile home lots, customarily incidental to mobile homes, such as storage sheds, shall be permitted on the individual mobile home lots provided the provisions of Section Five and other applicable sections of this ordinance are complied with.

c. Added rooms and other additions may be joined onto a mobile home provided all requirements of Section Five are met.

3.3 Areas for Non-residential Uses. No part of any mobile home development shall be used for non-residential purposes, except such uses that are required for the direct servicing, recreation, and well-being of the residents and for the management and maintenance of the development. However, nothing in this Article shall be deemed as prohibiting the sale or resale of a mobile home located on a mobile home stand and connected to the pertinent utilities.

#### SECTION FOUR: Development Requirements

4.1 The tract of land to be developed shall be in one ownership, or shall be the subject of an application filed by the owner of the entire tract, and it shall be agreed that the tract shall be developed under single direction and in the manner approved. Title to lots set aside for units in accordance with Section 5.3 shall not be transferred by the developer.

4.2 Any area to be used as a mobile home development must have a minimum gross area of ten (10) contiguous acres of land.

4.3 Every area to be used as a mobile home development must be served exclusively by the municipal sanitary waste disposal system and a public water supply system.

4.4 The applicant shall demonstrate to the Board of Commissioners that he has complied with all requirements of Chapter 179 of Title 25, Part I, Sub-part D, Article II of the Rules and Regulations of the Pennsylvania Department of Environmental Resources, and with all other pertinent regulations of the Commonwealth of Pennsylvania.

4.5 Any site proposed for a Mobile Home Development shall not be subject to flooding or other adverse environmental influence, such as swamps, marshes, garbage or rubbish disposal areas or other potential breeding places for insects or rodents.

4.6 Any site proposed for a Mobile Home Development shall not be subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor, or glare.

4.7 Any tract intended for a Mobile Home Development must have direct access to a feeder-type road (or a road of a higher classification), as defined by the Township Comprehensive Plan, which the Board of Commissioners deems capable of accommodating the transport of mobile home units, after approval of the Township Engineer.

4.8 Plans evidencing provision for safe and efficient ingress and egress to and from the public streets and highways servicing the mobile home development district without causing undue confusion or interference with the normal traffic flow shall be submitted to the Board of Commissioners and must be approved by the Township Engineer who shall make a determination by concerning himself with the adequacy of the thoroughfare to carry the additional traffic generated by the mobile home development, as well as to the street frontage of the proposed district.

#### SECTION FIVE: Site Design

5.1 Density: The total number of lots in a mobile home development shall not exceed a maximum density of four (4) per acre. All areas not contained in developable acreage (as defined in Section Two, 2.4) shall be excluded from density calculations.

5.2 Height: No structure built in a Mobile Home Development district shall exceed a height of one (1) story or a maximum of fifteen (15) feet, except those permitted as accessory uses.

5.3 Lot Size: Mobile home lots in a mobile home development shall have a minimum lot size of five thousand (5,000) square feet.

5.4 Lot Width: No individual mobile home lot shall be less than fifty-five (55) feet in width at the building setback line. No individual mobile home lot shall be less than twenty-five (25) feet in width at the right-of-way line of an interior street or the edge of the pavement of a private street.

5.5 Distance Between Structures: Mobile homes shall be separated from each other, and from other buildings and structures, other than accessory structures, at their closest points by a minimum of forty (40) feet, provided, however, that whenever two mobile homes have their longer sides parallel or essentially parallel to each other for more than twenty-five percent (25%) of the length of either, this minimum distance between the two mobile homes shall be fifty (50) feet. The sides shall be deemed parallel if they form an angle of less than thirty (30) degrees when extended to intersect.

5.6 Design Alternative: In order to allow clustering of lots designed to encourage flexibility in site design, preservation of natural features, and to maximize creation of accessibility of recreation areas, distance between structures and minimum lot width may be reduced up to a maximum of ten percent (10%) and minimum lot size may be reduced up to a maximum of twenty percent (20%) at the discretion of the Board of Commissioners provided at least fifty percent (50%) of all lots so reduced shall directly abut a part of the common open space. All other regulations remain as stated herein.

5.7 Setback from Tract Boundary: No mobile home or other primary building may be located closer than one hundred (100) feet from any boundary of a mobile home development regardless of whether that boundary abuts a lot, water body, road, or other right-of-way. In the event a mobile home development abuts another such development, this provision will not apply, however, all other applicable setbacks prescribed herein shall apply.

5.8 Setbacks from Streets: No mobile home, other primary building, or accessory use shall be located closer than twenty-five (25) feet to the right-of-way line of any interior street, or to the edge of the cartway or private interior roadways in a mobile home development. No more than six homes in a row shall have the same setback; where varied setbacks are utilized, the difference shall be at least four (4) feet.

5.9 Setback from Parking Facilities: No mobile home or accessory used shall be located within twenty-five (25) feet of any parking area.

5.10 Side and Rear Setbacks: No mobile home or accessory building may be located closer than ten (10) feet to any side or rear lot line of an individual mobile home lot, provided, however, that all minimum requirements of Section Five, 5.5 and Section Five, 5.6 must be met.

5.11 Unit Location on Individual Lots: Mobile homes placed on individual lots are encouraged to utilize the minimal setbacks specified in Section Five, 5.10 and to be placed off-center on the lots so as to provide a large usable open yard space and outdoor living area in one area of the lot.

5.12 Lot Coverage: The maximum coverage of any individual mobile home lot by all primary and accessory buildings and structures shall be no greater than twenty percent (20%).

5.13 Common Areas:

a. At least twenty percent (20%) of the site area of the mobile home development must be in common space other than parking and roadways, including recreation space, space for laundry and storage facilities.

b. The common space shall be designed as a contiguous area unless the applicant demonstrates to the satisfaction of the Board of Commissioners that two or more separate areas would be preferable. The open space shall also have paved pedestrian and visual accessibility to all residents of the mobile home development.

c. Recreation areas and facilities shall be provided to meet the anticipated needs of the residents of the development. Not less than ten percent (10%) of the usable site area exclusive of lands within the required setback area, shall be devoted to recreation. Recreation areas should be of a size, shape and relief that is conducive to active and passive recreation.

d. Service Building: The structure or structures containing the management office and other common facilities shall be conveniently located for the use intended. Consolidation of laundry, recreation, management, and other common facilities in a single building and location is encouraged, if the single location will adequately serve all mobile home lots.

e. Maintenance: After the successful completion of the development, provision acceptable to the township Board of Commissioners and Solicitor for the maintenance and/or ownership of the common open space, service and recreational facilities shall be established.

5.14 Access Limitations: No mobile home lot shall have direct access to any public street.

5.15 Pedestrian Circulation: All mobile home developments shall provide safe, convenient, all-season pedestrian access of adequate width for intended use, durable and convenient to maintain, between individual mobile homes, the park streets and all community facilities provided for the resident.

5.16 Parking:

a. Space Required - Two (2) paved off-street parking spaces shall be provided for each mobile home either on the same lot therewith or in common parking facilities, provided that parking areas contained therein are within one hundred fifty (150) feet of the mobile home lots for which they are intended.

b. Required Green Areas - Ten percent (10%) of all common parking areas on each lot shall be devoted to green areas which must be interspersed within the paved parking areas to channel traffic or divide parking areas. The green areas required by this Section shall not constitute a portion of any green area otherwise required by this ordinance or any other ordinance or regulation of the Township. The exact design and location of the green areas required by this Section shall be disclosed on a development or subdivision or other similar plan and be permanently maintained as such.

5.17 Buffers: In supplementing the regulations of the Landscape Ordinance, along all exterior property boundary lines except those which abut another

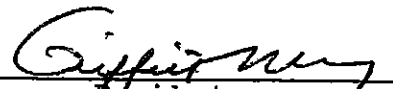
mobile home development, commercial or industrial district, there shall be a permanent buffer at least seventy-five (75) feet in depth designed for screening the mobile home development and its abutting uses. The buffer screening another mobile home development or commercial or industrial districts shall be fifty (50) feet in depth. The primary component of this buffer screen shall be a row of evergreen trees, at a height of not less than six (6) feet when planted, spaced not more than eight (8) feet apart on-center, and these trees shall be of such species to attain a height at maturity of not less than twenty (20) feet. The use of mounding is also encouraged, provided the slopes shall be a maximum of three (3) to one (1); and the use of opaque fencing not greater than six (6) feet in height is also permissible. Combinations of vegetation and mounding, vegetation and fencing, or vegetation, mounding and fencing are allowable; but whenever only vegetation is used there shall be a double row of evergreen trees. Along all property boundaries which abut a public street the use of a single row of deciduous trees with a spacing of not more than forty (40) feet on-center shall suffice. In cases where an edge(s) of a mobile home development borders natural features which function as buffers, including, but not limited to mature woodland, severe grade changes or stream valleys, buffering may not be required along that edge(s) at the discretion of the Board of Commissioners. A landscaping plan shall be submitted, with the final plans, showing all pertinent information including the location, size and species of all trees and shrubs to be preserved or planted.

ENACTED AND ORDAINED THIS *14<sup>th</sup>* day of *April* A.D., 1981.

Attest:

BOARD OF COMMISSIONERS  
UPPER DUBLIN TOWNSHIP

  
\_\_\_\_\_  
Secretary

By:   
\_\_\_\_\_  
President

AN ORDINANCE

No. 574

AN ORDINANCE ESTABLISHING A VACANT PROPERTY REVIEW COMMITTEE PURSUANT TO THE REQUIREMENTS OF THE URBAN REDEVELOPMENT LAW.

WHEREAS, the Board of Commissioners are concerned with the threat to the public health, safety and welfare posed by derelict and blighted properties;

NOW, THEREFORE, BE IT ADOPTED and ORDAINED, as follows:

Section 1. Establishment of Vacant Property Review Committee.

There is established hereby a Vacant Property Review Committee in accordance with the provisions of the "Urban Redevelopment Law," as amended by Act No. 1978-94, approved June 23, 1978, which Committee shall exercise the powers set forth in the said Act.

Section 2. Members of the Vacant Property Review Committee.

(a) The Committee shall consist of seven (7) members, to be appointed, as follows: (1) A member of the Board of Commissioners shall be designated to be a member of the Committee; (2) The Redevelopment Authority of Montgomery County shall designate a representative as a member of the Committee; (3) The Advisory Planning Board of Upper Dublin Township shall designate a representative as a member of the Committee; (4) The Township Manager shall be a member of the Committee; and (5) The Board of Commissioners shall appoint three (3) Township residents to serve upon the Committee.

(b) The member of the Board of Commissioners, the representatives of the Redevelopment Authority and the Advisory Planning Board, and the Township Manager shall serve until a successor shall be designated to replace them. The residents appointed by the Board of Commissioners shall serve for three (3) year terms, with such terms staggered so that the Board of Commissioners shall appoint one person to the Committee in each year.

ORDAINED AND ENACTED this 20 day of March 1979.

BOARD OF COMMISSIONERS  
UPPER DUBLIN TOWNSHIP

By [Signature]  
President

Attest [Signature]  
Secretary

ORDINANCE NO. 575

AN ORDINANCE ESTABLISHING THE DATES OF THE REGULAR STATED MEETINGS OF THE COMMISSIONERS OF THE TOWNSHIP OF UPPER DUBLIN, MONTGOMERY COUNTY, PENNSYLVANIA, DURING THE YEAR 1979. FURTHER, THIS ORDINANCE REPEALS ORDINANCE NO. 572.

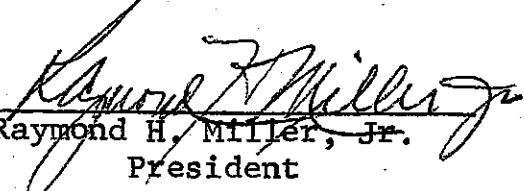
BE IT ORDAINED AND ENACTED by the Commissioners of Upper Dublin Township, Montgomery County, Pennsylvania, and it is hereby enacted by the authority of the same.

SECTION I. The regular stated monthly meeting of the Commissioners for the year 1979 will be held on the second Tuesday of each month beginning April 10, 1979 at 7:30 P.M., prevailing time.


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

ORDAINED AND ENACTED this 20th day of March 1979.

BOARD OF COMMISSIONERS  
UPPER DUBLIN TOWNSHIP

By   
Raymond H. Miller, Jr.  
President

ATTEST:

  
Harry Wardle, Secretary

ORDINANCE NO. 576

AN ORDINANCE AMENDING AND CORRECTING TITLE 10, ZONING,  
OF THE UPPER DUBLIN CODE.

The Board of Township Commissioners enact and ordain as follows:

Section 1. ARTICLE 2 DEFINITIONS shall be amended as follows:

(a) A section title reading as follows shall be inserted following the Sec. 2.00 Interpretation, as follows:

Sec. 2.01 Definitions

(b) Subsection B. Accessory Use shall be amended to read as follows:

"B. Accessory Use. A use subordinate to the main use of the lot or principal building or principal structure on a lot and customarily incidental thereto. Accessory use accessory to any accessory use, building or structure is not comprehended herein. See Section 4.07 for use included in this definition as accessory to Agriculture and Residential uses."

(c) Subsection I(6). Apartment Dwelling shall be amended to read as follows:

"I(6). Apartment Building: A structure containing three (3) or more individual dwelling units, each of which share common structural elements, areas and access, and which is designed to be operated as a single operating unit. The residents of such structure may be the tenants of the owner of the structure or such structure's individual unit may be owned under the condominium form of ownership."

(d) Subsection K. Family shall be amended to read as follows:

"K. Family. Any number of individuals living and cooking together as a single housekeeping unit, provided that not more than two (2) of such number are unrelated to all of the others by blood, marriage, legal adoption or legal foster parenthood, provided further, that such foster children shall be limited in number to four (4) such children. Domestic servants shall be considered as an adjunct to a "family" as defined herein."

(e) Subsection S. Lot shall be amended to read as follows:

"S. Lot. A parcel of land which is occupied, or is to be occupied by one main use, principal building, or other structure together with any accessory uses, buildings, or structures customarily incidental to such main uses, principal building or structure, and any such open space as are required, arranged or designed to be used in connection with such main use, principal building or structure, such open space and the area and dimensions of such lot being not less than the minimum required by the ordinance."

(f) Subsection X. Parking Space shall be amended to read as follows:

"X. Parking Space. A reasonably level space, surfaced to whatever extent necessary to permit use under all weather conditions, available for the parking of one (1) four-wheel motor vehicle, exclusive of passageways or other means of circulation or access."

(g) Subsection AP. Use shall be amended to read as follows:

"AP. Use. The purpose for which either land or building is occupied, arranged, designed or intended or for which either land or building is or may have been acquired or occupied.

1. Main Use. The principal or dominant use to which land or a lot is devoted. Only one principal use shall be permitted on a single lot.

2. Accessory Use. See B. Accessory Use."

(h) Subsection AW shall be added reading as follows:

"AW. Tract. A parcel of land which is occupied, or is to be occupied, by more than one (1) structure and may be further subdivided into lots for cluster residential development or for development for multiple dwellings within the Multi-Dwelling District, together with any accessory uses, building, or structures customarily incidental to such dwellings, and any lot or open space arranged or designed to be used in connection with such dwellings, such lots or open space and the area and dimensions of such tract being not less than the minimum required by this ordinance."

Section 2. Section 4.06(F) of ARTICLE 4 - GENERAL ZONING REGULATIONS which reads as follows:

"F. In all other districts, the requirements of subparagraphs A and B, aforesaid, shall apply provided that a smaller lot size and width than specified hereinabove, but not less than that permitted in the regulations of the district, may be permitted when authorized as a special exception, but only then upon submission of satisfactory evidence to the fact that the smaller lot area or width will provide safe and effective sanitary sewage disposal in the particular location in question. Such evidence shall include (but shall not be limited to) a specific recommendation from the official representative of the Health Board having jurisdiction or compliance with the Township Sanitation requirements."

shall be corrected to read as follows:

"F. In all other districts, the requirements of subparagraph A and B hereof shall apply."

Section 3. Section 4.17 of ARTICLE 4 - GENERAL ZONING REGULATIONS shall be deleted.

Section 4. Section 5.01(4) of ARTICLE 5 - GENERAL PROVISIONS GOVERNING RESIDENTIAL DISTRICTS shall be amended to read as follows:

"4. Any one of the following uses when authorized as a special exception:

(a) Church, chapel or other place of worship, including an adjunct residential dwelling.

(b) A swim and recreational club, provided it is owned and operated by its members as a nonprofit association or corporation, and the membership is limited to the geographical community within which it is located, which limit shall be defined by the Zoning Hearing Board as a condition to the grant of an exception hereunder.

(c) Public utility facilities, provided the exterior architectural design shall be of a residential character, and provided the property shall at no time be used for the storage of equipment or vehicles or that it be used for other commercial purposes.

(d) Day camp.

Section 5 Sections 5.04 General Standards for Grant of Special Exceptions and Section 5.05 Specific Standards for Grant of Special Exceptions shall be added to ARTICLE 5 - GENERAL PROVISIONS GOVERNING RESIDENTIAL DISTRICTS reading as follows:

"Sec. 5.04 - General Standards for Grant of Special Exceptions.  
Any of the uses authorized as special exceptions in Sec. 5.01 above shall be granted by the Zoning Hearing Board pursuant to the procedures set forth in ARTICLE 16 and subject to proof by the applicant for such use that such use shall not be detrimental to the health and welfare of the public.

Sec. 5.05 - Specific Standards for Grant of Special Exceptions.  
No use authorized as a special exception shall be granted unless the applicant shall show that the proposed use complies with the following:

A. Church, Chapel, or Place of Worship

1. Lot Area - Not less than eighty thousand (80,000) square feet, with a width of not less than two hundred (200) feet at the building line.

2. Building Area - Not more than twenty percent (20%) of the area of the lot.

3. Yards

Front Yard - Not less than one hundred (100) feet in depth.

Side Yard - Not less than twenty-five (25) feet in width on each side.

Rear Yard - Not less than fifty (50) feet in depth.

4. Parking - Parking places shall be provided as required by ARTICLE 9 of this Title, and provided further that not more than thirty-three percent (33%) of the required parking area shall be located in the front yard area.

B. Swim and Recreational Club

1. Lot Area - Not less than eighty thousand (80,000) square feet with a width of not less than two hundred (200) feet at the building line.

2. Building Area - Not more than twenty percent (20%) of the area of the lot. For the purposes of this section, a swimming pool, hand-ball, racquet or squash court shall be considered a building.

3. Yards

Front Yard - Not less than one hundred (100) feet in depth.

Side Yard - Not less than twenty-five (25) feet in width on each side.  
Rear Yard - Not less than fifty (50) feet.

4. Parking - As required by ARTICLE 9 Section 9.00 (4)(h) of this Title.

C. Day Camp

1. The lot shall be not less than five (5) acres.

2. No structure shall be erected within fifty (50) feet of the outside lot boundaries or of a public street.

3. No day camp activity shall be engaged in before 10 a.m. and after 5 p.m. of each weekday (prevailing time) and on Saturdays and Sundays.

4. The use of a lot shall be limited to children between the ages of six (6) and sixteen (16).

5. The number of campers shall be limited to ten (10) per acre, with a maximum of one hundred (100) campers for each day camp.

6. Each day camp shall be supervised by a minimum of qualified adult supervisors (in addition to administrative personnel), as follows:

(a) For each eight (8) or less campers, eight (8) or under years of age - one (1) supervisor.

(b) For each ten (10) or less campers, ten (10) or over years of age - one (1) supervisor.

7. Trash and refuse must be stored in approved containers and removed daily from the lot.

8. An adequate centralized sanitary waste facility shall be provided, based upon plans and construction approved by the Board of Health of the Township.

9. Adequate facilities shall be provided to control noise, eliminate physical hazards and provision made for activities during inclement weather periods.

10. A permit can be issued and continued only to an adult natural person or persons, which permit cannot be transferred without the consent of the Board of Adjustment. No permit shall attach to the title of the lot.

11. Each day camp shall be inspected, at least, annually by the Board of Health of the Township.

12. Each day camp shall pay the Township, payable on or before May 15 of each year, an inspection fee of One Hundred Dollars (\$100.00).

13. Adequate provision shall be made for vehicular traffic by means of an all-weather paved driveway and on-lot parking areas; that no parking shall be permitted within twenty-five (25) feet of a boundary line, with the provision of at least one (1) parking area for each ten (10) campers."

Section 6. Section 6.02 of ARTICLE 6 - A -RESIDENTIAL DISTRICT reading as follows:

"Side Yard - each 15 feet"

shall be corrected to read as follows:

"Side Yard - each 25 feet"

Section 7. ARTICLE 8-A - MD - MULTI-DWELLING DISTRICT shall be amended as follows:

(a) Section 2(B) shall be amended to read as follows:

"B. Area Regulations

1. Tract Areas

No group of multiple dwellings shall be constructed on a tract less than three (3) acres in size.

2. Dwelling Units Per Acre

(a) There shall be no more than eight (8) dwelling units per acre in apartment developments. Not less than one-half ( $\frac{1}{2}$ ) of which total dwelling units shall have two (2) bedrooms or more;

(b) In all other developments, there shall be no more than six (6) units per acre.

3. Building Area

Not more than fifteen percent (15%) of the tract area of each lot may be occupied by buildings.

4. Setbacks and Yards

(a) Tract Area

(i) Set back from Street: There shall be a set back on each street on which a tract abuts of not less than seventy-five (75) feet from the ultimate right-of-way of such street.

(ii) Set back from Tract Property Line: There shall be a set back from each property line of not less than fifty (50) feet in depth.

(iii) Minimum distance required between buildings: A minimum distance of not less than forty (40) feet shall be required between building faces (end-to-end, back-to-back, end-to-back, corner-to-corner, or any combination thereof).

(b) Lot Area:

(i) Front Yard: There shall be a front yard on each street or common parking area on which a lot abuts of not less than thirty (30) feet.

(ii) Side Yard: There shall be one side yard on each side of any such building containing twin, duplex or twin duplex dwellings which shall not be less than twenty (20) feet in width.

(iii) Rear Yard: There shall be a rear yard on each lot which shall not be less than twenty (20) feet in depth.

5. Each apartment, townhouse or condominium dwelling unit shall contain at least the following square feet of floor space:

- (a) one-bedroom unit - 750 square feet;
- (b) two-bedroom unit - 900 square feet;
- (c) three-bedroom unit - 1,050 square feet.

6. Each other multi-dwelling unit shall contain at least nine hundred (900) square feet.

C. Height Regulations. No building shall exceed thirty-five (35) feet in height, or three (3) stories, exclusive of basements. No basement may be occupied as a dwelling unit, other than by a caretaker of the multi-dwelling.

D. Parking, Traveling Lanes, Pedestrian Lanes Requirements and Regulations

1. Each tract or lot shall be provided with parking off of public streets. Such parking areas shall be in addition to the areas required for recreation, service areas and traveling lanes to or on the tract or lot, and shall not be leased but shall be for the sole use of the occupants of such building or buildings and visitors thereto.

2. Not less than two (2) off-street parking spaces shall be required for each dwelling unit.

3. No parking shall be permitted in a front yard, except in the case of a twin, duplex or twin duplex dwelling.

4. No parking shall be permitted within thirty (30) feet of a property line or ultimate right-of-way line.

(b) Section 3 shall be amended to read as follows:

"Section 3 Development Requirements

The general plan for a multiple dwelling development shall include evidence and facts showing that it has considered and made provisions for, and the development shall be executed in accordance with the following essential conditions;

A. The proposed development shall be substantially in accordance with the (Comprehensive or General) Plan of the community, shall consider the surrounding land features of the area including but not limited to residences, schools, parks, other reservation of open spaces, locations, width and grade of streets and location and arrangement of parking spaces, local and regional business areas and shopping centers, densities proposed for surrounding areas, and such other features as shall contribute to the harmonious development of the area, with due regard to the character of the neighborhood and its peculiar suitability for this type of use.

B. The proposed development shall be constructed in accordance with an over-all plan and shall be designed as a unified architectural scheme with appropriate landscaping.

1. If the development of the multiple dwellings is to be carried out in stages, each stage shall be so planned that the foregoing requirements and the intent of this ordinance shall be fully complied with at the completion of any stage. The initial stage of development shall comprise a total floor area of not less than twelve thousand (12,000) square feet.

2. The developer shall assure the provision of required improvements by means of a proper completion and guarantee in the form of a bond or the deposit of funds or securities in escrow to cover the cost of the improvements. The work shall be performed in accordance with all requirements and the approved plans.

C. The area shall be adaptable to community development, being located in relation to major thoroughfares, streets, railroads, public transportation, shopping or other facilities, and as far as possible shall have within or through it no major thoroughfare or other physical feature which will tend to destroy the neighborhood or community cohesiveness.

D. All utility lines servicing the multiple dwellings shall be placed underground.

E. Concrete, curbs and sidewalks shall be constructed on each street or road abutting the tract or lot.

F. All buildings shall be served by a public sanitary sewage disposal system and public water supply.

G. No building shall be located on land subject to flooding.

H. The developer shall be required where possible to preserve or incorporate natural features such as woods, streams, and open space areas, which add to the over-all cohesive development of the Multi-Dwelling District and over-all Township development.

I. The developer shall be encouraged to give consideration to the provision of community areas, laundry facilities, playground, open space, and tot-lots, and other services necessary for the comfort and convenience of multiple dwelling residents.

J. Areas for loading and unloading of delivery trucks and other vehicles and for the servicing of refuse collection, fuel and other service shall be provided and shall be adequate in size, and shall be so arranged that they may be used without blockage or interference with the use of access ways or automobile parking facilities.

K. Provision shall be made for safe and efficient ingress and egress to and from public streets and highways serving the apartment without undue congestion to or interference with normal traffic flow. The Board of Commissioners may require a traffic study to satisfy itself as to the adequacy of the thoroughfare to carry out the additional traffic engendered by the multi-dwelling use as well as to the street frontage of the proposed district.

L. Lighting facilities provided shall be arranged in a manner which will protect the community and neighboring properties from unreasonable direct glare or hazardous interference of any kind. Lighting facilities shall be required where deemed necessary for the safety and convenience of Multi-Dwelling District residents.

M. Areas for the deposit, retention and disposal of waste materials shall be screened from view.

N. Each tract shall contain a minimum recreation area at least equal to the number of dwelling units multiplied by one hundred (100) square feet.

O. All roof, parking, delivery-collection areas, and traveling lanes shall be provided with drainage facilities to collect, transport and deliver, via underground conduits, storm or surface waters to the nearest storm sewers or stream as approved by the Township Engineer.

(c) Section 4 shall be amended to read as follows:

"Section 4 Application and Review

A. Plans for any multiple dwelling use shall be submitted to the Board of Commissioners, pursuant to Title 9, Subdivision and Land Development, prior to the issuance of any permit and such plans shall include, among other things, the following:

1. A plot plan of the tract showing the location of all proposed buildings, constructional features on the tract and all parking, delivery-collection areas, recreation

areas, traveling lanes, entrances and exits to tract, extent and species of landscaping abutting streets, either public or private, easements, streams and other topographical features of the tract.

2. Architectural plans for any proposed building.

3. Engineering and architectural plans for the handling and disposal of sewage and other wastes.

4. A plot plan showing location of lots.

5. Any other data or evidence that the Board may require.

(d) Section 5 shall be amended to read as follows:

"Section 5 Signs

Signs shall be permitted only pursuant to the provisions of Article 14 of this Ordinance, as amended, for residential districts."

(e) Section 6 shall be amended to read as follows:

"Section 6 Fire Resistive Construction

Each apartment, townhouse or condominium shall be constructed in accordance with the requirements of the BOCA Basic Building Code of 1978 for use Group R, Residential buildings."

(f) Section 7 shall be amended to read as follows:

"Section 7 Validity

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof."

**Section 8.** Section 4(M) of ARTICLE 8-B OC - OFFICE CENTER DISTRICT shall be amended to read as follows:

"M. Adequate off-street parking shall be provided in accordance with the requirements of Article 9, Section 9.00 (4)(e) of this Title."

**Section 9.** Section 6(M) of ARTICLE 8-C - M - MOTEL-MOTOR LODGE DISTRICT shall be amended to read as follows:

"M. Adequate off-street parking shall be provided in accordance with the requirements of Article 9, Section 9.00 (4)(d) and (e) of this Title."

Section 10. ARTICLE 9, OFF-STREET PARKING AND LOADING shall be amended as follows:

(a) Section 9.00 (4)(d) shall be amended to read as follows:

"(d) Hotel, Motel, Motor Lodge and Tourist Home: One (1) parking space for each rental unit.

(b) Section 9.00 (4)(e) shall be amended to read as follows:

"(e) Office Building or Wholesale Establishment: One (1) parking space for every two hundred (200) square feet of gross floor area. Up to twenty percent (20%) of this required parking area may be placed in reserve and left unpaved upon a showing by the owner that such parking area is not required for the use of the building contemplated. Such reserve parking area may not be provided in an area that would not otherwise be usable for parking because of the requirements of this or any other ordinance. The owner will be required to pave such reserve parking area or any part of it upon an inspection by the Zoning Office, showing that the parking area is overburdened and that additional parking area is required.

(c) Section 9.00 (4) shall have the following subsection added to it reading as follows:

"(j) Combination of Uses: In the event that any building or establishment shall combine any of the uses set forth hereinabove, as for example, but not limited to, buildings combining hotel use and restaurant or office use and industrial establishment, the required parking area shall be determined by applying the appropriate factor for determining parking area to each portion devoted to such use within the building containing such combination of uses."

(d) Section 9.04 Driveways shall be amended to read as follows:

"All weather driveways for dwellings shall have a minimum width of ten (10) feet, and shall be constructed from near curb line to a vehicular parking or storage area on the same lot. All driveways shall be constructed so as to permit the turning of vehicles on the lot so as to avoid the necessity of backing out into the street."

(e) Section 9.05 Parking Space and Travel Lane shall be added to ARTICLE 9 reading as follows:

"Section 9.05 Parking Space and Travel Lanes.

1. A parking space available for the parking of one (1) motor vehicle shall be not less than ten (10) feet in width having an area not less than two hundred (200) square feet. The length of a parking space may be reduced two (2) feet provided a motor vehicle may overhang that distance into the landscape area.
2. Travel lanes to a parking area shall be at least twenty-five (25) feet in width. Travel lands within the parking area adjacent to parking spaces may be not less than twenty-two (22) feet in width."

(f) Section 9.06 shall be added to ARTICLE 9 reading as follows:

"Section 9.06 Parking Area Landscape Requirements.

1. A planting area which may incorporate natural features shall be provided in parking areas with over fifteen (15) spaces. Consolidation of planting areas into larger areas is encouraged.
2. A planting area shall have a minimum area of two hundred (200) square feet and be provided at a rate of one (1) planting area for each fifteen (15) spaces.
3. The planting areas shall be provided, in addition to planted vehicular protection areas which are required at the end of each parking aisle equal to the area of a parking space."

Section 11. Section 10.05 (2) of ARTICLE 10, COMMERCIAL RETAIL shall be amended to read as follows:

"(2) Adequate off-street parking shall be provided in accordance with the requirements of Article 9, Section 9.00(4)."

ENACTED AND ORDAINED THIS 12<sup>th</sup> DAY OF August, 1980.

Board of Commissioners  
of Upper Dublin Township

Attest:

Harry Wardle  
Secretary

By:

[Signature]  
President

AN ORDINANCE

No. 577

AN ORDINANCE TO AMEND TITLE 8, CHAPTER 7, STREET NUMBERS, OF THE UPPER DUBLIN TOWNSHIP CODE.

The Board of Commissioners of the Township of Upper Dublin does hereby ENACT AND ORDAIN the following amendment to Title 8, Streets and Highways, Chapter 7, Street Numbers.

SECTION 1. Section 1.03 shall be amended to read as follows:

"Sec. 1.03 Street Numbers to be Displayed

Within sixty (60) days from the effective date hereof, every owner and occupant of every building in the Township shall display the street number of the building, either on the building, upon a lamp post, or a sign post provided for the purpose of displaying the street number in such a manner that the street number can be read during daylight hours from the road or street by persons of normal vision and shall be located and maintained that the view thereof is not obstructed. Street numbers shall not be displayed on curbside mail boxes unless also displayed on the building or upon a post as hereinbefore provided. Identification shall be in arabic numbers and not less than three (3) inches in height."

SECTION 2. Section 1.05 shall be amended to read as follows:

"Sec. 1.05 Penalty

Any owner or occupant who shall fail to display a street number, as in this ordinance is provided, shall be in violation of the provisions of this ordinance, and shall upon summary conviction before a District Justice be sentenced to pay a fine of not less than Fifty Dollars (\$50.00) for each offense and the costs of prosecution. A new and separate offense shall be deemed to have been committed for each day that a violation exists. Such fines shall be collected and distributed as like fines are now collected by law."

ENACTED AND ORDAINED this *10th* day of *September* 1979.

BOARD OF COMMISSIONERS  
UPPER DUBLIN TOWNSHIP

By *Raymond J. Miller*  
President

Attest *Harry Ward*  
Secretary

AN ORDINANCE

No. 578

AN ORDINANCE TO AMEND TITLE 9, LAND DEVELOPMENT AND SUBDIVISION, OF THE UPPER DUBLIN CODE BY AMENDING THE DEFINITION OF LAND DEVELOPMENT IN SECTION 2.01.56.

The Board of Commissioners of the Township of Upper Dublin does hereby ENACT AND ORDAIN.

SECTION 1. The definition of "land development" set forth in Section 2.01.56 which reads as follows:

Land Development: The improvement of one or more contiguous lots, tracts or parcels of land for any purpose involving (a) a group of two or more buildings, or (b) the division or allocation of land between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, buildings, groups or other features; a division of land into lots for the purpose of conveying such lots, singly or in groups to any person, partnership, or corporation for the purpose of erection of buildings by such person, partnership or corporation.

shall be amended to read as follows:

56. Land Development: The improvement of one or more contiguous lots, parcels or tracts of land for any purpose involving (a) one or more buildings; or (b) the division or allocation of such lot, parcel or tract between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, buildings, or other improvements or features; provided, that this section shall not apply to the improvement of a single lot for the purpose of construction of a building for the sole use as a single family dwelling or as twin or duplex dwelling.

ENACTED and ORDAINED this 13 day of November 1979.

BOARD OF COMMISSIONERS  
UPPER DUBLIN TOWNSHIP

By Raymond H. Miller, Jr. President

Attest Harry Wardle  
Secretary

ORDINANCE No. 579

AN ORDINANCE TO AMEND THE UPPER DUBLIN TOWNSHIP CODE, TITLE 5, HEALTH AND SANITATION, CHAPTER 3, GARBAGE AND REFUSE.

The Board of Commissioners of the Township of Upper Dublin does hereby ENACT AND ORDAIN.

SECTION 1. Article 1, DUMPING, Section 1.03, Penalty, shall be amended to read as follows:

Any owner, occupant, tenant, person, firm, association or corporation who shall violate any of the provisions of this ordinance, or who shall fail to comply with the conditions or requirements of any permit granted in accordance with the provisions of this section of the ordinance, shall, upon conviction thereof, be liable to pay a fine or penalty of Three Hundred Dollars (\$300.00) for each and every offense and shall remove the rubbish from the Township.

A new and separate offense shall be deemed to have been committed for each day that said violation exists. All fines and penalties imposed by the ordinance are recoverable by summary proceedings before any District Justice in the Township of Upper Dublin, and all suits or actions of law instituted for the recovery thereof are to be in the name and for the use of the Township of Upper Dublin, against which offense is committed, and, upon recovery thereof, all such fines and penalties are to be paid into the treasury of the township.

In default of the payment of any fine or penalty imposed by any District Justice under the provisions of this ordinance, the person or persons so offending may be committed to the jail, workhouse or other penal institution of Montgomery County for a period not exceeding thirty (30) days.

SECTION 2. Article 2, GARBAGE, REFUSE COLLECTION, shall be amended to read as follows:

A. It shall be unlawful for any person who does not possess a valid permit from the Township to engage in the business of refuse collection or refuse disposal for compensation in the Township. The Township shall issue permits for such applicants; provided that such permits shall be limited to persons having proper equipment and personnel to collect and dispose of refuse in accordance with the provisions of this ordinance, and provided further, that the method of disposal used is in accordance with the requirements of this ordinance and regulations promulgated thereunder.

B. Section 2.05, Prohibitions and Private Responsibility, Subparagraph B, shall be amended to read as follows:

B. Any owner, occupant, tenant, person, firm, association or corporation responsible for (1) refuse on premises not served by the refuse collection system of the Township, or for (2) refuse not acceptable for collection by the Township, shall make arrangements for the collection and disposal of such refuse with a refuse collector who holds a valid registration certificate issued by the Township and shall see that the trash container lids are kept closed at all times and shall not permit the overloading of said containers at any time.

follows: C. Add a new Section 2.11, Commercial Trash Containers, to read as

Commercial trash containers shall be properly maintained, regularly serviced, not overloaded and the lids kept closed at all times. It shall be the responsibility of the licensed refuse collector to remove all rubbish from in and around the container when it is serviced.

as follows: D. Renumber Section 2.11, Penalty, to Section 2.12, and amend to read

Sec. 2.12 Penalty

Any person who shall violate any provision of this section, or any regulation adopted thereunder, upon conviction, shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) or more than Three Hundred Dollars (\$300.00) and each day's failure to comply with any such provision shall constitute a separate violation.

ENACTED AND ORDAINED THIS 13<sup>th</sup> day of November 1979.

BOARD OF COMMISSIONERS  
UPPER DUBLIN TOWNSHIP

By *Roger A. Mulligan*  
President

Attest *Harry Wardle*  
Secretary

ANNUAL BUDGET OF THE TOWNSHIP OF UPPER DUBLIN FOR THE YEAR 1980

ORDINANCE NO. 580

AN ORDINANCE of Upper Dublin Township, Montgomery County, and the Commonwealth of Pennsylvania, appropriating specific sums estimated to be required for the specific purposes of the municipal government, hereinafter set forth, during the current year.

BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Commissioners of Upper Dublin Township, County of Montgomery, Pennsylvania:

SECTION 1. That for the expenses for the fiscal year 1980 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.

GENERAL OPERATING FUNDS  
SUMMARY OF ESTIMATED RECEIPTS

|                                       |                 |
|---------------------------------------|-----------------|
| Cash and securities for Appropriation | \$ 195,737      |
| Receipts from Current Tax Levy        | 1,938,639       |
| Receipts from Taxes of Prior Years    | 76,000          |
| Other Revenue Receipts                | 834,350         |
| Miscellaneous Non-Revenue Receipts    | <u>601,000</u>  |
| <br>TOTAL ESTIMATED RECEIPTS AND CASH | <br>\$3,645,726 |

SUMMARY OF APPROPRIATIONS

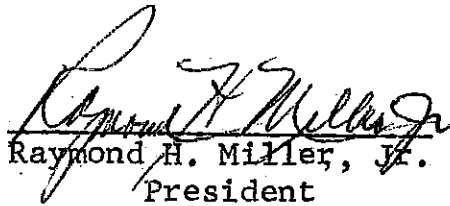
|                                     | <u>Operation and<br/>Maintenance</u> |
|-------------------------------------|--------------------------------------|
| General Government:                 |                                      |
| Administration                      | \$228,162                            |
| Treasurer & Tax Collector           | 6,650                                |
| Municipal Buildings                 | <u>66,150</u>                        |
| <br>TOTAL                           | <br>\$300,962                        |
| Protection to Persons and Property: |                                      |
| Police                              | \$967,200                            |
| Fire                                | 19,350                               |
| Civil Service                       | <u>8,000</u>                         |
| <br>TOTAL                           | <br>\$994,550                        |

|   |                    |                |
|---|--------------------|----------------|
| Regulations, Planning & Zoning -                      | TOTAL              | \$ 83,400      |
| Health & Sanitation:                                  |                    |                |
| Health  |                    | 56,650         |
| Trash Collection & Disposal                           |                    | <u>362,555</u> |
|   | TOTAL              | \$419,205      |
| Highways:   | TOTAL              | \$413,750      |
| Library:  | TOTAL              | \$102,847      |
| Motor Pool & Electric Services:                       |                    |                |
| Motor Pool  |                    | 204,350        |
| Electric Services                                     |                    | <u>10,000</u>  |
|   | TOTAL              | \$214,350      |
| Parks & Recreation:                                   | TOTAL              | \$207,810      |
| Miscellaneous:  |                    |                |
| Employee Taxes & Benefits                             |                    | \$428,670      |
| Insurance   |                    | 170,940        |
| Refunds   |                    | <u>300</u>     |
|   | TOTAL              | \$599,910      |
| TOTAL FOR OPERATION, MAINTENANCE AND CAPITAL OUTLAY - |                    | \$3,336,534    |
| Debt Service:   |                    |                |
| Interest on Temporary Loan                            |                    | \$ 63,000      |
| Interest on Bonded debt                               |                    | 139,276        |
| Principal on Bonded debt                              |                    | <u>106,666</u> |
|   | TOTAL DEBT SERVICE | \$308,942      |
| TOTAL APPROPRIATIONS FROM GENERAL OPERATING FUNDS -   |                    | \$3,645,476    |

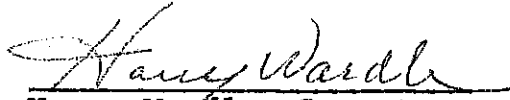
SECTION 2. An estimate of the specific items making up the amounts appropriated to the respective departments is on file in the office of the Township of Upper Dublin, Montgomery County, Pennsylvania.

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

ADOPTED this 27th day of December 1979.

  
Raymond H. Miller, Jr.  
President  
Board of Commissioners  
Upper Dublin Township

ATTEST:

  
Harry Wardle, Secretary

TAX LEVY ORDINANCE

ORDINANCE NO. 581

AN ORDINANCE of Upper Dublin Township, Montgomery County, and the Commonwealth of Pennsylvania, fixing the tax rate for the year 1980.

BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Commissioners of Upper Dublin Township, County of Montgomery, Pennsylvania:

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 1980, as follows:

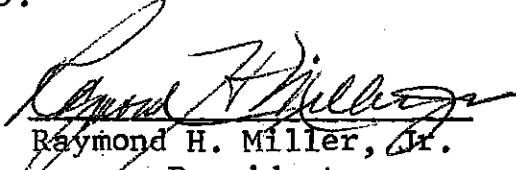
Tax rate for general purposes, the sum of.....26.25 mills on each dollar of assessed valuation, or the sum of.....262.5 cents on each one hundred dollars of assessed valuation.

For fire protection purposes, 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.

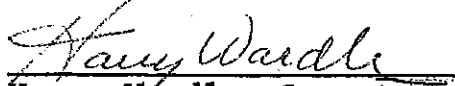
The same being summarized in tabular form as follows:

|                               | <u>Mills on Each<br/>Dollar of<br/>Assessed<br/>Valuation</u> | <u>Cents on Each<br/>One Hundred<br/>Dollars of<br/>Assessed<br/>Valuation</u> |
|-------------------------------|---|--|
| Tax Rate for General Purposes | 26.25 mills   | 262.5 cents  |
| Tax Rate for Fire Protection  | <u>2.00</u> mills   | <u>20.0</u> cents  |
| TOTAL                         | 28.25 mills   | 282.5 cents  |

Adopted this 27th day of December 1979.

  
Raymond H. Miller, Jr.  
President  
Upper Dublin Township  
Board of Commissioners

ATTEST:

  
Harry Wardle, Secretary

ORDINANCE NO. 582

AN ORDINANCE APPROPRIATING FROM EXCESS REVENUES AND MAKING CHANGES IN CERTAIN APPROPRIATIONS HERETOFORE MADE BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF UPPER DUBLIN UNDER ORDINANCE NO. 568 DATED DECEMBER 28, 1978.

WHEREAS, pursuant to Acts of Assembly in such cases made and provided, the Board of Commissioners of Upper Dublin Township, Montgomery County, Pennsylvania, by ordinance adopted and enacted the 28th day of December 1978 appropriated out of the estimated revenue and income available for the year 1979 certain sums estimated by them to be required for the several specific purposes of Township Government, and

WHEREAS, because of the difficulty in accurately determining the exact amount required for certain of the specific purposes of Township Government, which are or may be largely affected by unforeseen contingencies, the same appropriated to the following specific purposes to wit: General Government, Health and Sanitation, Highways, Debt Service, Motor Pool, and

WHEREAS, the expenses incurred in some accounts are less than the funds appropriated and the revenues in some line items are in excess of anticipation for 1979.

NOW, THEREFORE, the Board of Commissioners of Upper Dublin Township do hereby enact and ordain

THAT the sum of \$66,658 be transferred from the following accounts:

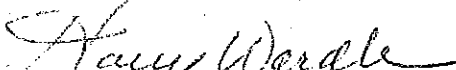
|                                |            |
|--------------------------------|------------|
| Regulations, Planning & Zoning | - \$ 1,658 |
| Insurance & Miscellaneous      | - 65,000   |

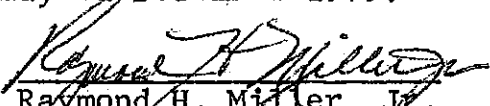
to the following accounts:

|                                 |            |
|---------------------------------|------------|
| General Government              | - \$ 8,640 |
| Health & Sanitation             | - 16,034   |
| Highways                        | - 24,141   |
| Motor Pool & Electrical Service | - 275      |
| Debt Service                    | - 17,568   |

ADOPTED and enacted this 27th day of December 1979.

ATTEST:

  
Harry Wardle, Secretary

  
Raymond H. Miller, Jr.  
President  
Board of Commissioners

ORDINANCE NO. 583

AN ORDINANCE OF THE TOWNSHIP OF UPPER DUBLIN, COUNTY OF MONTGOMERY AND COMMONWEALTH OF PENNSYLVANIA, FIXING THE ASSESSMENT FOR STREET LIGHTING EFFECTIVE AS OF JANUARY 1, 1980, AND THEREAFTER, AND REPEALING ORDINANCE NO. 518, ADOPTED DECEMBER 28, 1976.

SECTION I. That the cost and maintenance of street lighting along any street or highway, or portion thereof, within the Township of Upper Dublin, is hereby distributed according to an assessment on all property benefited by such lighting. This assessment is hereby levied in proportion to the number of feet, or portion thereof, of each such property, which fronts on the lighted street or highway, as follows:

- A. Residentially zoned property, with improvements thereon, at seventeen (17¢) per lineal foot frontage; and
- B. Residentially zoned property, without improvements thereon, at six (6¢) per lineal foot frontage; and
- C. Other than residentially zoned property, with improvements thereon, at forty-eight (48¢) cents per lineal foot; and
- D. Other than residentially zoned property, without improvements thereon, at seventeen (17¢) per lineal foot.

ORDAINED AND ENACTED this 27th day of December, A.D., 1979.

COMMISSIONERS OF UPPER DUBLIN  
TOWNSHIP

ATTEST:

Harry Wardle  
Harry Wardle, Secretary

By:

Raymond H. Miller, Jr.  
Raymond H. Miller, Jr.  
President

AN ORDINANCE

No. 584

AN ORDINANCE AMENDING THE UPPER DUBLIN TOWNSHIP CODE, TITLE 2, CHAPTER 1, FEES, RATES AND PERMITS, SECTION 2.01 RELATING TO SEWER CONNECTION FEES AND SECTION 2.02 RELATING TO SEWER RATES AND AMENDING TITLE 2, CHAPTER 10, SEWER DISTRICT.

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

SECTION 1. Section 2.01 of Chapter 1, FEES, RATES AND PERMITS, shall read as follows:

Sec. 2.01 Sewer Connection Fees

There is hereby imposed upon each owner of property within the Upper Dublin Township Sewer District, as herein above described, which shall connect to the Sewer System after the effective date of this ordinance, a connection charge for each property based upon the following schedule:

- (a) Single Family Dwelling: Two Hundred Dollars (\$200.00) per dwelling.
- (b) Dwelling unit within a multiple dwelling structure.
  - (1) Duplex: Two Hundred Dollars (\$200.00) per dwelling.
  - (2) Semi-detached: Two Hundred Dollars (\$200.00) per dwelling.
  - (3) Three bedroom townhouse, apartment units, or condominium: Two Hundred Dollars (\$200.00) per dwelling unit.
  - (4) Two bedroom townhouse, apartment unit, or condominium: Two Hundred Dollars (\$200.00) per dwelling unit.
  - (5) One bedroom townhouse, apartment unit, or condominium: One Hundred Dollars (\$100.00) per dwelling unit.
- (c) Dwelling unit within a motel, hotel, or similar structure, Twenty-five Dollars (\$25.00) per unit (with a minimum of Two Hundred Dollars (\$200.00) for any such structure).
- (d) A charge of Two Hundred Dollars (\$200.00) shall be imposed for any public restroom, laundry or similar facility within a multiple dwelling, motel, hotel or similar structure. (A connection charge shall be imposed on any restaurant-kitchen within such structure under the formula given in (e) below.)

(e) Each nonresidential building, commercial, industrial building or institutional building or a residential building used for commercial purpose, a charge shall be imposed in accordance with the following formula.

$$\frac{\text{Estimated Annual Flow}}{109,500 \text{ gals.}} = \text{EDU} \times \$200 = \text{Connection Fee}$$

Any fractional EDU shall be rounded off to the next higher whole EDU.

(f) For any non-residential building or separate commercial use for which the estimated annual flow shall not be more than 50,000 gallons per year: One Hundred Dollars (\$100.00).

SECTION 2. Section 2.02 of Chapter 1, FEES, RATES AND PERMITS, shall read as follows:

Sec. 2.02 Sewer Rental Rates

The annual sewer rental for properties served by the Sewer System shall be billed annually and shall be charged a rental commensurate with the use of each connected property in accordance with the following schedule:

(a) Single family dwelling, as defined as a unit generating three hundred (300) gallons of wastewater per day or 27,375 gallons of wastewater per quarter or 109,500 gallons of wastewater per year, for which a rate of Ninety-five Dollars (\$95.00) shall be assessed.

(b) For non-single family dwelling units, annual water consumption records shall be used to calculate sewer rentals by the following procedure:

$$\frac{\text{Annual Water Usage}}{109,500 \text{ gals.}} = \text{No. of EDUs}$$

$$\text{No. of EDUs} \times \$95.00 = \text{Annual Sewer Rental}$$

(c) This section shall incorporate by reference the requirements of the United States Environmental Protection Agency requirement set forth in 40 CFR Parts 35.925-11, 35.928, 35.929, 35.935-13 and 35.935-15, as described in the Federal Register, Vol. 43, No. 188, Wednesday, September 27, 1978.

SECTION 3. Section 1.04 of Chapter 10, SEWER DISTRICT, shall be amended to read as follows:

Sec. 1.04 Time and Method of Payment and Penalties

(a) Sewer rental bills will be rendered annually in advance covering the next calendar year.

(b) Sewer rental bills in excess of Five Thousand Dollars (\$5,000.00) may be paid in quarterly installments.

(c) Sewer rental bills are payable with a discount of two percentum (2%) if paid within sixty (60) days of the invoice date. Such discount shall not be applicable to installment payments in accordance with subsection (b) hereof. Sewer rental bills not paid within one hundred twenty (120) days shall be subject to a five percentum (5%) penalty which shall be increased to ten percent (10%) penalty upon sewer rental bills not paid within one hundred eighty (180) days.

(d) Payments mailed as evidenced by the United States Post Office made on or previous to the end of the period during which the bills are payable at par will be deemed to be a payment within such period.

(e) All persons connected to the sewer system must give the Township their correct address. Failure to receive bills will not be considered an excuse for non-payment nor permit an extension of the period during which bills are payable at face.

SECTION 4. Section 1.05 of Chapter 10 shall be amended to read as follows:

Sec. 1.05 Liens, Delinquent Sewer Rentals and Penalties

All sewer rentals, together with all penalties thereon, not paid on or before the end of one (1) year from each January 1 shall be deemed to be delinquent. All delinquent sewer rentals and all penalties thereon shall be a lien on the property served and shall be entered as a lien against such property in the office of the Prothonotary of Montgomery County and shall be collected in the manner provided by law for filing and collection of such liens.

SECTION 5. Section 1.06 of Chapter 10, SEWER DISTRICT, shall be amended to read as follows:

Sec. 1.06 Rules and Regulations

(a) 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 system, and all such rules and regulations shall be and become a part of this ordinance.

(b) Generally, no industrial waste will be permitted to be discharged into the sanitary sewer system. In the event that the Township agrees to accept industrial wastes, pre-treatment by the discharger shall be required to upgrade such waste to domestic level prior to discharge into the sanitary sewer system.

(c) All user charges shall be reviewed at least biennially by the Township to insure that recovery of operation and maintenance costs and debt service cost are equitably recovered from the users of the system.

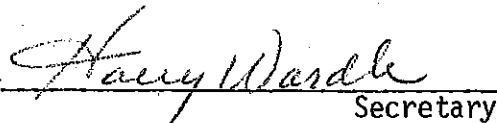
ENACTED AND ORDAINED this 27th day of December 1979.

BOARD OF COMMISSIONERS  
UPPER DUBLIN TOWNSHIP

By

  
President

Attest

  
Secretary

ORDINANCE NO. 585

AN ORDINANCE ESTABLISHING THE DATES OF THE REGULAR STATED MEETINGS OF THE COMMISSIONERS OF THE TOWNSHIP OF UPPER DUBLIN, MONTGOMERY COUNTY, PENNSYLVANIA, DURING THE YEAR 1980. FURTHER, THIS ORDINANCE REPEALS ORDINANCE NO. 575.

BE IT ORDAINED AND ENACTED by the Commissioners of Upper Dublin Township, Montgomery County, Pennsylvania, and it is hereby enacted by the authority of the same.

SECTION I. The regular stated monthly meeting of the the Commissioners for the year 1980 will be held on the second Tuesday of each month beginning January 8, 1980 at 7:30 P.M., prevailing time.

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

ORDAINED AND ENACTED this 7th day of January 1980.

BOARD OF COMMISSIONERS  
UPPER DUBLIN TOWNSHIP

By: Griffith S. Miller, Jr.  
Griffith S. Miller, Jr.  
President

ATTEST:

Harry Wardle  
Harry Wardle, Secretary

ORDINANCE NO. 586

AN ORDINANCE OF THE TOWNSHIP OF UPPER DUBLIN,  
MONTGOMERY COUNTY, PENNSYLVANIA, FOR THE PURPOSE  
OF AUTHORIZING THE TOWNSHIP'S PARTICIPATION IN  
AN INTER-MUNICIPALITY SELF-INSURANCE CONSORTIUM.

WHEREAS, it is the intention of the Township of Upper Dublin to enter into an inter-governmental agreement in accordance with the Inter-governmental Cooperation Act of July 12, 1972, No. 180, to join with the Townships of Abington, Whitemarsh, Upper Merion, Springfield, Plymouth and Upper Moreland to establish a self-insurance consortium to provide physical damage insurance for the Township's motor vehicles; and

WHEREAS, the Board of Commissioners have reviewed the Consortium Agreement, a copy of which is attached hereto and made part hereof, which sets forth the terms of cooperation between the Municipalities; the term of the Agreement; the organizational structure of the Consortium; and the manner in which assets of the Consortium shall be acquired, managed and disposed of.

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

SECTION I. That the Motor Vehicle Physical Damage Self-Insurance Consortium Agreement in the form as attached hereto, is hereby adopted by the Township of Upper Dublin, County of Montgomery, Pennsylvania, coverage to be effective on the 1st day of February 1980, or upon the

execution of the agreement by all participant municipalities, whichever shall first occur, and that the Officers of the Township's are hereby authorized and directed to execute the agreement on behalf of the Township of Upper Dublin.

ENACTED into an Ordinance this *22<sup>nd</sup>* day of *January*, A.D. 1980.

Attest:

BOARD OF COMMISSIONERS  
TOWNSHIP OF UPPER DUBLIN

*Harry Wardh*  
Secretary

BY *Giuffrida*  
President

## AGREEMENT

THIS AGREEMENT made this            day of            ,  
among Township of Abington, Township of Whitemarsh, Township of Upper Merion,  
Township of Springfield, Township of Plymouth, Township of Upper Dublin, and  
Township of Upper Moreland, (hereinafter referred to as the Consortium  
Members ).

WHEREAS, the Consortium Members have evaluated their individual  
cost for vehicle physical damage insurance coverage and have determined that  
the establishment of a self-insurance consortium fund, as provided by the  
Inter-governmental Cooperation Act of July 12, 1972, No. 180, 53 P.S. Section  
481 et seq., will be economically advantageous to the Members; and

WHEREAS, the Consortium Members have agreed to make contributions  
to a common fund for the purpose of providing Physical Damage Insurance for  
the motor vehicles owned by the Consortium Members.

NOW, THEREFORE, this agreement witnesseth that the parties  
hereto in consideration of the mutual covenants and agreements herein contained  
do hereby agree as follows:

### I. Coverage

A. Insurance coverage under this Consortium Agreement  
shall commence at 12:01 A.M. on            1980, and shall terminate at  
11:59 P.M. on December 31, 1982.

B. Equipment, as hereinafter defined, shall be insured  
under this agreement for Collision and Comprehensive Material Damage.

penses, each member shall contributed toward such additional funding in accordance with the formula hereinbefore set forth in Paragraph 2(a)1.

III. Membership in the Consortium shall be limited to the seven (7) Municipalities hereinbefore referred to as the Consortium Members.

IV. Administration

A. The Township Managers of the Consortium Members shall comprise the Board of Trustees of the Consortium Fund and shall be responsible for the adjudication of disagreement between the members, determine investment policies and formulating policy decisions and directives for the Administration of the Fund.

An Annual Meeting of the Board of Trustees shall be held on the 2nd Monday of November during the term of this Agreement, at the office of the person hereinafter referred to as the Fund Manager.

Any member of the Board of Trustees may call a Special Meeting of the Board of Trustees by giving each member ten (10) days advance notice, in writing, specifying the time, date, location and the purpose of the meeting.

B. On a rotational basis, one Township Manager shall be designated as the Fund Manager who shall serve a term of One (1) year. The Fund Manager shall be responsible for the administration of the Fund as directed by the Board of Trustees, the processing of all claims and shall submit monthly reports to each Consortium Member setting forth Equipment Listings of each Member, claims received, claims paid from the Fund, statement of operating expenses and such additional information as may be requested by the Board of Trustees.

C. Each loss, as submitted by a Member, shall be subject to a Five Hundred (\$500.00) Dollar deductible for automobiles and pick-up trucks (three-quarter ton or under in size) and a One Thousand (\$1,000.00) Dollar deductible for all other vehicles. Provided, that the maximum claim to be paid by the Consortium Fund for any loss shall not exceed Fifty Thousand (\$50,000.00) Dollars.

D. The Solicitor, of a Member which incurs a loss shall be retained by the Consortium to protect its right of subrogation and the rights of such Member for the recovery of such loss, and to enforce the remedies of the Consortium and Member against any party who may be liable for such loss. The proceeds from any such recovery shall be distributed in accordance with the following schedule:

First : payment of legal fees and cost incurred in connection with a recovery.

Second : reimbursement to the member for its deductible.

Third : the balance, if any, to the Consortium Fund.

#### VI. Equipment Listing

A. Each member, prior to January 1, 1980, shall submit to the Fund Manager, a list of equipment to be insured by the Consortium and shall provide the Fund Manager with an update of its Equipment List on a monthly basis. For purposes hereof, the maximum value to be listed for any item of equipment shall be Fifty Thousand (\$50,000.00) Dollars.

Any change in a members' equipment list, by reason of the purchase or sale of equipment, shall be reported to the Fund Manager by telephone, within ten (10) days from the date of purchase or sale.

B. Each Member shall require all equipment operators to complete a recognized defensive driving course within two (2) years from the date of their employment with Member.

C. All Members agree to comply with safety policies and procedures as directed by the Board of Trustees.

D. ( this paragraph has been left blank for the purpose of establishing investment guidelines, i.e. types of investment; term of investment, etc.)

E. Within thirty (30) days from the date of termination of coverage the Board of Trustees shall cause an accounting to be made of the assets and liabilities, including unpaid claims and cost of liquidation. The then appointed Fund Manager shall liquidate the Consortium Fund as follows:

1. The payment of outstanding claims and liabilities of the Consortium.
2. Distribute the balance, if any, to the Consortium Members, which shall be apportioned in the same ratio as each Members' contributions to the Consortium Fund bears to the total contributions made to the Consortium Fund.

F. The parties hereto acknowledge and warrant that they have adopted an ordinance authorizing the execution of this Agreement in accordance with Section 7 of the Inter-governmental Cooperation Act of July 12, 1972, No. 180, 53 P.S. & 487.

G. This Agreement may be executed in any number of counterparts and each of such counterparts shall, for all purposes, be deemed to be an original.

Attest:

UPPER DUBLIN TOWNSHIP

BY \_\_\_\_\_

Attest:

UPPER MORELAND TOWNSHIP

BY \_\_\_\_\_

AN ORDINANCE

No. 587

AN ORDINANCE AMENDING THE UPPER DUBLIN TOWNSHIP CODE, TITLE 2, CHAPTER 1, FEES, RATES AND PERMITS, SECTION 10.01 ZONING CHARGES.

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

SECTION 1. Subsection (a) of Section 10.01 of Title 2, Chapter 1, FEES, RATES AND PERMITS, shall be amended to read as follows:

"(a) An applicant for a variance or special exception shall make payment to the Township as follows:

(1) Fees. The applicant shall pay the following fees:

- |   |   |          |
|---|---|----------|
| A. Residential  | - | \$200.00 |
| B. Commercial or Industrial   | - | 500.00   |
| C. For hearing continued or rescheduled on the request of the applicant | - | 50.00    |

(2) Cost Escrow. The applicant shall deposit the following sums for costs, any balance remaining after the deduction for actual costs incurred shall be refunded to the applicant. The applicant shall be responsible for any costs incurred which are in excess of the sums deposited.

- |                             |   |          |
|-----------------------------|---|----------|
| A. Residential              | - | \$300.00 |
| B. Commercial or Industrial | - | 500.00"  |

ENACTED AND ORDAINED this 8th day of July A.D. 1980.

BOARD OF COMMISSIONERS  
UPPER DUBLIN TOWNSHIP

By *C. Gifford* President

Attest *Harry Wardle*  
Secretary

AN ORDINANCE

No. 588

AN ORDINANCE REGULATING THE PARKING OF VEHICLES IN PARKING SPACES DESIGNATED AS EXCLUSIVELY FOR THE PARKING OF VEHICLES USED BY HANDICAPPED PERSONS AND PROVIDING FOR PENALTIES FOR THE VIOLATION OF THE SAME.

WHEREAS, this Township is authorized to regulate parking and to require the designation of parking spaces to be used exclusively by handicapped persons.

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

SECTION 1. DEFINITIONS.

a) The term "handicapped person" shall, when used in this ordinance, mean any person who:

- (1) does not have full use of a leg or both legs or an arm or both arms;
- (2) is blind; or
- (3) is in loco parentis of a person who has the disabilities set forth in (1) or (2) above.

b) The term "handicapped plate" shall, when used in this ordinance, mean the special vehicle registration plate issued by the Pennsylvania Department of Transportation pursuant to Section 1338 of the Pennsylvania Vehicle Code, 75 Pa. C.S.A., Section 1338.

c) The term "handicapped temporary tag", when used in this ordinance, shall mean a permit to be issued by the Upper Dublin Police Department to any person who shall apply for such permit, who is temporarily a handicapped person as defined herein, by reason of a non-permanent disability, injury or sickness. Such person when applying shall supply a letter from a physician setting forth the nature of the temporary handicap. Such permit shall be valid for a period of thirty (30) days only, but may be renewed for subsequent periods.

SECTION 2. It shall be unlawful for any person to park any vehicle in a parking space, designated by an appropriate sign for the exclusive use of handicapped persons, unless such person shall be a handicapped person as that term is defined herein or unless such person's vehicle is equipped with a handicapped plate or handicapped temporary tag.

SECTION 3. Officers of the Upper Dublin Township Police Department are hereby authorized to enforce the provisions of this ordinance.

SECTION 4. PENALTY.

Any person who shall violate the provisions of this ordinance shall be guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than Fifteen Dollars (\$15.00).

ENACTED AND ORDAINED this *13<sup>th</sup>* day of *May*. 1980.

BOARD OF COMMISSIONERS  
UPPER DUBLIN TOWNSHIP

By *Cuffin* President

Attest *Harry Wardle*  
Secretary

ORDINANCE NO. 589

AN ORDINANCE OF THE TOWNSHIP OF UPPER DUBLIN ESTABLISHING AND PROVIDING FOR AN EDUCATIONAL SERVICE AGENCY.

The Township of Upper Dublin ordains as follows:

Section 1. By authority vested in townships by the Act of 1979 P.L. \_\_\_\_\_ No. 108, the Township of Upper Dublin establishes an educational service agency.

Section 2. The educational service agency shall be composed of three (3) individuals, each of whom shall be a resident of the Township, at least 18 years of age, who shall be appointed by the Board of Commissioners for three (3) year overlapping terms, coinciding with the calendar year. Provided: in the case of the three individuals appointed at the time of establishment of the educational service agency, the term of one (1) shall expire on the first day of January of the first year after the establishment, the term of one (1) shall expire on the first day of January of the second year after the establishment, and the term of the third member shall expire on the first day of January of the third year following establishment.

Section 3. No elected township or school district official shall be eligible to appointment to or membership on the educational service agency. A vacancy shall occur in the educational service agency in the case of any member who ceases to be resident of the Township, or who otherwise becomes disqualified for appointment or membership.

Section 4. Vacancies in the educational service agency occurring for any reason shall be filled by appointment by the Board of Commissioners of a successor to serve for the remainder of the term of the individual being replaced.

Section 5. Members of the educational service agency shall receive such compensation as shall be fixed from time to time by the Board of Commissioners.

Section 6. Each member of the educational service agency may, at the discretion of the Board of Commissioners be required to furnish a bond, in the amount and with the surety specified by the Township for the faithful performance of his duties as a member of the educational service agency.

Section 7. The function of the educational service agency shall be to employ and supervise school crossing guards, also referred to as special school police, to direct traffic at or near schools. In order to enable the educational service agency to perform that function, the Township delegates to the educational service agency the authority to appoint and supervise crossing guards or special school police as set out in the First Class Township Code.

Section 8. The educational service agency shall have the following authority, and it shall be its duty to:

(a) Prepare annually, and, on or before the first day of November of each year, submit to the Board of Commissioners for approval a budget showing its contemplated income and its proposed expenditures for the succeeding year.

(b) Annually adopt the budget as submitted under (a) of this section, as modified by the Township.

(c) From time to time employ, and/or discharge, and fix the compensation of crossing guards or special school police to serve in the Township.

(d) Exercise supervision and control over the crossing guards or special school police by: (1) establishing, administering and enforcing rules and regulations for the work and conduct of the crossing guards or special school police; (2) establishing work schedules and designating the locations where and the time when the various individuals are to be on duty; (3) establishing position classifications if deemed necessary, and designating the individuals to serve in each classification; (4) providing for supervision as necessary; (5) exercising any and all other perogatives normally associated with personnel management.

(e) From moneys budgeted and available, make all payments for the services of crossing guards or special school police and make all other expenditures as prescribed by law or superior body or agency, or as otherwise deemed necessary or appropriate.

(f) Receive, in addition to payments by the Township, any payments by the school district or any other gift, grant, devise, or bequest.

(g) Establish a system of accounts for all moneys under its control, and establish one or more separate bank accounts into which all income shall be deposited and from which all expenditures shall be made.

Section 9. The Township shall transfer and pay over to the educational service agency the moneys that the Township is required to pay as compensation to special school police under the First Class Township Code, or other agreement executed with the school district, as provided in the First Class Township Code, as well as other moneys as necessary to cover expenditures budgeted, for the educational service agency as provided in Section 8 in this ordinance.

Section 10. The educational service agency hereby recognized and formally established shall continue until changed or abolished by action of the Township or until the suspension of Act 108 of 1979 as adopted by the legislature of the Commonwealth of Pennsylvania in accord with the terms thereof.

ENACTED AND ORDAINED this 13<sup>th</sup> day of May, 1980.

BOARD OF COMMISSIONERS  
UPPER DUBLIN TOWNSHIP

Attest

Harry Wardle  
Secretary

By

Cassidy  
President

THIS AGREEMENT made this 8<sup>th</sup> day of July, A.D., 1980, by and between TOWNSHIP OF UPPER DUBLIN, 801 Loch Alsh Avenue, Fort Washington, Pennsylvania 19034 (hereinafter referred to as "Grantor") and ULTRACOM OF MONTGOMERY COUNTY, INC., a business corporation, P.O. Box 552, Lansdale, Pennsylvania 19446 (hereinafter referred to as "Grantee").

#### PREAMBLE

Grantor is a Township of the First Class and subject to the provisions of the First Class Township Code Act of June 24, 1931, P.L. 1206 as amended, 53 Purdon's Statutes 55101 et seq. Grantee is a licensee of the Federal Communications Commission engaged in the business of owning and operating cable television systems. Grantee seeks a franchise to install and operate a cable television system community unit within the borders of Upper Dublin Township.

No legislation or judicial declaration exists as of the date hereof which specifically empowers the Grantor to grant the franchise sought by Grantee. Grantor's power is derived from the First Class Township Code which permits the Grantor (inter alia) "to regulate the streets, . . . public squares, common grounds, sidewalks, curbs, . . . and construction thereof, . . . ." The courts have construed similar language in the Borough Code to permit such municipalities to grant similar franchises and to regulate similar activities. The Grantee, by the execution of this Agreement, expressly acknowledges the power of the Grantor to grant the franchise to Grantee and to regulate the Grantee's activities under such franchise and the Grantee expressly agrees to be bound by the terms of this agreement and any regulating ordinance or regulation of Grantee now in effect or hereafter enacted or adopted.

The grant of Franchise set forth herein is made upon the careful consideration of the qualifications of UltraCom of Montgomery County, Inc., the said Grantee, and in consideration of the faithful performance and compliance with the terms and conditions hereinafter set forth by the Grantor, after a full, open and public hearing, upon prior notice and opportunity of all interested parties to be heard regarding the qualifications of the Grantee and other potential candidates for the subject Franchise.

#### ARTICLE 1 - DEFINITIONS

When not inconsistent with the context, words used herein in the present tense include the future; words in plural include the singular, and vice versa. The word "shall" is always mandatory. The captions supplied herein for each section are for convenience only. Said captions are not to be used in construing the language of the section. The following terms and phrases, as used herein, shall be given the meaning set forth below:

- A. "Township" is Upper Dublin Township.
- B. "Board" is the Board of Commissioners of Upper Dublin Township or its designated representative.
- C. "Federal Communications Commission" or "FCC" is the present Federal agency of that name as constituted by the Communications Act of 1934, or any successor agency created by the United States Congress.

D. "Person" is any individual, firm, partnership, association, corporation, company or organization of any kind.

E. "Gross subscriber revenues" is any and all compensation or receipts derived from installation, disconnection and reinstallation charges and periodic service charges in connection with the carriage of broadcast signals and FCC mandated non-broadcast services, but shall not include any refunds or credits made to subscribers, and shall include, and not by way of limitation, all revenue from "ancillary" or "auxiliary" services, which include, but are not limited to, advertising, leased channels (i.e. security systems, banking services, shopping services, etc.), and programming supplied on a per program or per channel charge basis, if any.

F. "Regular subscriber services" shall include the carriage of broadcast signals and FCC mandated non-broadcast services, but shall not include "ancillary" or "auxiliary" services, which include, but are not limited to, advertising, leased channels, and programming supplied on a per program or per channel charge basis, if any.

G. "Cable Television System" - A non-broadcast facility consisting of a set of transmission paths and associated signal generation, reception, and control equipment, under common ownership and control, that distributes or is designed to distribute to subscribers the signals of one or more television broadcast stations.

H. "System Community Unit" (Community Unit) is that portion of a cable television system that operates or will operate within the Township. Said System Community Unit shall be hereinafter referred to as "CATV System", "CATV" "Cable Television System", or "System".

I. "Subscriber" - A member of the general public who receives broadcast programming, auxiliary and ancillary services for consumption and not for the purpose of further distributing the same.

## ARTICLE 2 - GRANT OF AUTHORITY - - NON EXCLUSIVE

There is hereby granted by the Township to Grantee the right and privilege subject to the terms and conditions hereof, to construct, erect, operate and maintain in, upon, along, across, above, over or under the streets, alleys, easements, public ways and public places now opened, laid out, or dedicated and all extensions thereof and additions thereto in the Township, all poles, wires, cables, underground conduits, manholes and other conductors and fixtures necessary for the maintenance and operation in the Township of a cable television system for the transmission of television signals and other signals to the inhabitants of the Township either separately or upon or in conjunction with any public utility maintaining the same in the Township with all of the necessary and desirable appliances and appurtenances pertaining thereto, upon the terms and conditions set forth herein. Without limiting the generality of the foregoing, this franchise and grant shall and does hereby include the use of, as by leasing or licensing, all lines and equipment necessary to a cable television system and the right to make connections to subscribers and the right to repair, replace, enlarge and extend said lines, equipment and connections. The rights herein granted for the purpose herein set forth shall not be

exclusive, and the Township expressly reserves the right to grant a similar use of said streets, alleys, easements, public ways and places to any person at any time during the period of this franchise; provided, that nothing contained herein shall be deemed to require the granting of additional CATV Franchises if, in the opinion of the Board, it is in the public interest to restrict such franchises to one or more.

### ARTICLE 3 - TERRITORY INVOLVED

This franchise extends throughout the present territorial limits of the Township and to any area henceforth annexed to or otherwise added to said Township during the term of this franchise, and service rendered by the Grantee shall be made available to all inhabitants of the Township that may desire to subscribe to such service.

### ARTICLE 4 - POLICE POWER

Grantee shall at all times during the term of this franchise be subject to all lawful exercise of the police power of the Township and to the right of the Township to adopt ordinances as it shall find necessary in the exercise of its police power, which may affect the rights of Grantee, provided that such ordinances shall not conflict with the laws of the State of Pennsylvania, the laws of the United States of America, or the rules of the FCC or other agency of the State or Federal government which may have jurisdiction.

### ARTICLE 5 - LIABILITY AND INDEMNIFICATION

A. Grantee shall indemnify, defend, and hold the Township harmless at all times during the term of this franchise and specifically agrees that it will pay all claims, damages penalties and legal expenses including fees and costs which the Township may be legally required to pay as a result of granting this franchise. Such claims, damages and penalties shall include, but shall not be limited to, damages and penalties arising out of copyright infringements and all other damages and penalties arising out of the construction, installation, operation, or maintenance of the CATV System, authorized herein, whether or not any act or omission complained of is authorized, allowed, or prohibited by this franchise.

B. The Grantee shall, at all times during the terms of the franchise, carry and require their contractors to carry, at the sole cost of Grantee and its contractors:

(1) Insurance in such forms and such companies as shall be approved by the Township Solicitor to protect the Township and the Grantee from and against any and all liability, claims, injuries, and damages to persons or real and personal property, caused by the construction, erection, operation and maintenance of the cable television system, system community unit and any unit or system, structure, equipment or appliance being a part thereof, but in no case shall the amount of the insurance be less than One Million (\$1,000,000.00) Dollars for bodily injury or death to any one person, and Five Million (\$5,000,000.00) Dollars for bodily injury or death arising out of any one accident or occurrence; and, not less than Five Hundred Thousand (\$500,000.00) Dollars for each occurrence of property damage and Five Million (\$5,000,000.00) Dollars in the aggregate; and One Million (\$1,000,000.00) Dollars for copyright infringement, libel, slander, invasion of privacy and unauthorized use of trademarks or service or other registered marks.

(2) Workmen's Compensation Insurance as provided by the laws of the Commonwealth of Pennsylvania now or hereafter enacted.

(3) Automobile Insurance with limits of not less than Five Hundred Thousand (\$500,000.00) Dollars/One Million (\$1,000,000.00) Dollars of public liability coverage and automobile property damage insurance with a limit of Two Hundred Fifty Thousand (\$250,000.00) Dollars covering all automotive equipment.

C. Each insurance policy shall name the Township, the Board and its officers, agents and employees as additional insured parties and shall provide a thirty (30) day notice to the Township in the event of material alteration or cancellation of any coverage afforded in said policies prior to the date said material alteration or cancellation shall become effective.

D. Copies of all policies required hereunder shall be furnished to and filed with the Township Manager and Township Solicitor thirty (30) days prior to the commencement of operations or thirty (30) days prior to the expiration of prior policies as the case may be.

E. The Grantee shall pay and by its acceptance of this franchise specifically agrees that it shall pay all expenses incurred by the Township in defending itself with regard to all damages, penalties, or other claims resulting from the acts or omissions of Grantee, its assigns, employees, agents, invitees, or other persons. Said expenses shall include all out-of-pocket expenses such as attorney's fees, and shall include the reasonable value of any services rendered by the Township Solicitor or any other members of the Township legal staff or any other employees of the Township.

F. The Township and Grantee shall promptly each notify the other, in writing, in the event any claims, demands, suit or other legal action is made against the Township or Grantee on account of any act or omission as aforesaid on the part of the Grantee.

#### ARTICLE 6 - CONSTRUCTION

A. All structures, lines and equipment erected by Grantee within the Township shall be so located as to cause minimum interference with the proper use of streets, alleys, easements and other public ways and places and to cause minimum interference with the rights of and reasonable convenience of property owners, and Grantee shall comply with all lawful ordinances and regulations of the Township now or hereafter in force. Existing poles, posts, conduits, and other such structures of any electric power system in the Township or of any telephone company or other public utility shall be used in order to minimize interference with travel and avoid unnecessary duplication of facilities. Grantee shall obtain reasonable joint pole or conduit use agreements, leases or licenses, excepting for pole permits, and shall complete strand mapping surveys within three (3) months next following the effective date of this agreement. A HUB which shall include a local antenna shall be located within the Township at a site approved by the Board. Such local antenna shall be sufficient in operating capability in the event of interruption of normal service to provide interim reception of broadcast television signals from local VHF Television Channels 12, 10, 6, and 3 and local UHF Television Channels 17, 29 and 48 or their replacement licensees.

B. No antennae, poles or other structures shall be erected by the Grantee without the prior approval of the Board with regard to location, height, type, and any other pertinent aspects. Grantee shall not have a vested interest in the location of any pole or wire structure of the Grantee. Grantee shall remove or modify said poles or structures at its own expense whenever the Board determines that such removal or modification is in the interest of public safety or welfare.

C. In the event all the utilities in any portion of the Township are underground, the system installed by Grantee shall also be underground at no additional installation or service charge or rate. If at any time in the future all existing utilities are placed underground, the Grantee's system shall also be installed underground.

D. In the case of any disturbance or damage by Grantee of any private or public property, real or personal, by whomsoever owned, Grantee, within a reasonable period of time, shall, at Grantee's own cost and expense and in a manner approved by the Township, replace and restore all such property so disturbed or damaged in as good condition as before such damage was caused and to the satisfaction of the Township.

E. In the event that at any time during the period of this franchise the Township shall lawfully elect to alter or change any street, alley, easement, or other public way, or repair, modify or relocate any sanitary or storm sewer or other public facility, any or all of which, may require the relocation of Grantee's facilities, then in such event, Grantee, upon reasonable notice by the Township, shall remove, relay and relocate the same at its own expense; provided, however, that the Grantee shall have the privilege of abandoning any underground property in place.

F. Grantee shall have authority to trim trees upon and overhanging all public streets, alleys, easements, sidewalks and public places of the Township so as to prevent the branches of such trees from coming into contact with Grantee's facilities, all at Grantee's cost and expense.

G. All poles, lines, structures and other facilities of Grantee in, on, over and under the streets, sidewalks, alleys, easements and public grounds or places of the Township shall be kept by Grantee, at all times in a safe condition and in good order and repair.

H. Should any construction be necessary for Grantee to provide the cable television service contemplated under this franchise, such construction shall be commenced within ninety (90) days after the receipt of all necessary permits and consents and shall be substantially completed and the cable television system shall be in operation within eighteen (18) months of the effective date of this agreement.

I. Any openings or obstructions in streets, public ways, or other municipal or public or private property made by Grantee shall be guarded and protected at all times by the placement of adequate barriers, fences, boarding or other protective devices at the sole expense of Grantee. During the periods of dusk and darkness, said protective devices shall be clearly designated by warning lights.

J. Grantee shall restore all damage to private property resulting from the installation and operation of all equipment including, but not limited to, house drop wires, within ten (10) working days, weather conditions permitting. The Board may assume the obligation to see that Grantee carries out this provision and to arbitrate any and all disputes which might arise thereunder. Nothing herein contained is intended to limit the legal, equitable or administrative remedy of any person affected by such damage.

K. Township shall be given the use without charge of any poles erected by Grantee.

L. A construction and service extension schedule shall be supplied to the Board at the conclusion of the system design for the system community unit. The various phases of construction listed in such schedule shall be completed and services extended to customers by the dates set forth, unless such dates are extended by the Board, in its sole discretion.

M. The cable television system constructed under this ordinance and all of its equipment shall be durable, of a permanent nature, and be installed in accordance with good engineering practice and shall comply with all applicable Township regulations, ordinances, and State laws. The Grantee shall maintain all wires, conduits, cable and other real and personal property and facilities in a safe condition, and in good order and repair.

N. Grantee shall, with the consent of applicable third parties, interconnect the System Community Unit, with adjoining contiguous System Community Units in adjoining municipalities to permit access to such systems for public, educational and governmental use. Such interconnection shall be made not later than twenty-four (24) months following the effective date of this agreement and upon the request of the Board.

O. Grantee shall provide a bi-directional trunk between all school buildings in Upper Dublin Township and all Township buildings that will permit live transmissions between such buildings and to the community at large.

P. Grantee shall provide and install and maintain equipment at Grantee's sole cost in accordance with Exhibit "A" annexed hereto sufficient to provide a complete television studio at a location fixed by the Township for the use of the Township and School District of Upper Dublin; provided, however, that such studio shall be owned by and under the exclusive management of the Township.

Q. Grantee shall at no cost to Township and at the request of the Township, provide the services of Grantee's System Community Unit manager and studio personnel to gather news for a Community Bulletin Board Service and to provide technical and administrative assistance and training in the proper utilization of the studio equipment and facilities.

R. The representations, terms, conditions and warranties contained in the Grantee's bound written "application proposal" dated January 14, 1980, the bound written addendum to such proposal dated April 9, 1980 and all correspondence and memoranda

distributed by Grantee to Grantor for the purpose of clarifying or amending such proposal and addendum are incorporated in this agreement by reference excepting for those portions of such proposal, addendum, correspondence and memoranda that are inconsistent with or at variance with the terms and conditions of this agreement.

#### ARTICLE 7 - RATES

The rates for installation of equipment and regular subscriber services shall be nondiscriminatory and shall be as set forth below for service on a capability of thirty-six (36) TV channels hereunder as follows:

A. (1) Residential Subscribers

Installation charge for the first TV set - \$25.00  
Installation charge for each additional TV set - \$15.00  
Monthly rental for first TV set - \$7.50  
Monthly rental for each additional TV set - \$3.00  
Move or change charge each - \$15.00  
Installation charge for lockout device - \$20.00

(2) In apartments or multiple dwellings, the installation charge shall be for each installation therein. No additional charge shall be made to any subscriber for connection from Grantee's trunk line in a street or easement closest to subscriber's structure when the distance shall be less than one hundred fifty (150) feet. The Grantee shall charge a variable rate to recover its actual costs for the excess distance when the distance from such public street or easement exceeds one hundred fifty (150) feet.

(3) The Grantee shall waive the installation charge for the first TV set for each subscriber who shall subscribe for Grantee's service within thirty (30) days next following receipt by the subscriber of written notification from Grantee that the system is engaged and available for installation to the subscriber's TV.

(4) The Grantee shall, without charge for installation, maintenance, or service, make single installations of its standard community antenna services in each Township building, and in each public and parochial elementary or secondary school in the Township. Such installations shall be made at such reasonable locations as shall be requested by the respective governmental units or educational institutions.

B. Commercial and Industrial Subscribers

All commercial and industrial subscribers shall pay rates which are contracted for on an individual basis. A copy of each such contract shall be filed with the Township Manager upon request of the Board.

C. No request for an increase in rate charges for installation of equipment and regular subscriber service as above specified shall be made until the third year following the effective date of this agreement and provided only that the System Community Unit shall be in operation and provided also that such rate charge increases shall be effective

only for the last half of such third year period, and further provided that such increases are approved by the Board. Thereafter no increase in rates charges for installation of equipment and regular subscriber services as specified above shall be made effective except as approved by the Board within ninety (90) days after notice in writing of the proposed increase is given by Grantee to the Board and after a full, open and public hearing upon prior notice and opportunity of all interested parties to be heard; provided that in the event that the Board fails to formally act upon the proposed rate increase within the ninety (90) day notice period, the proposed increase shall be deemed approved and shall be effective at the end of the ninety (90) day notice period unless such ninety (90) day notice period shall be waived by Grantee. Approval or disapproval by the Board of any rate increase proposed by Grantee may be expressed by simple resolution, and this Agreement need not be amended for that purpose. A request for a rate increase shall not be unreasonably denied, and any denial of a rate increase, in whole or in part, shall be accompanied by a written statement by the Board which shall set forth the reasons for denial. In the event that the Township denies a proposed rate increase, in whole or in part, Grantee shall have the right to request arbitration at the cost of the Grantee, in accordance with rules of the American Arbitration Association, to determine the reasonableness of the action of the Board. Grantee shall not request more than one increase in rates in any 12-month period.

D. Recognizing the pendency of court litigation and Congressional legislation at the time of the execution of this Agreement which may impose copyright liability upon all or a part of the cable television service rendered by Grantee in the Township and further recognizing the uncertainty and jeopardy into which such potential liability places Grantee, should such copyright liability be imposed upon Grantee by any Court or by the Congress, Grantee shall have the right immediately to request an increase one time in its rates for regular subscriber services in order to offset such copyright liability. Any increase in Grantee's rate schedule pursuant to this paragraph shall be limited to the amount the copyright liability will increase Grantee's future rates but shall not include the amount of damages Grantee has incurred for liability prior to the effective date of this Agreement. Such request for increase shall be subject to the notice and hearing requirements for an increase in rates set forth in paragraph 7(c) above.

E. Rates for services other than installation of equipment and regular subscriber services shall be established and published by Grantee pursuant to the rules of the FCC.

F. The Grantee shall not, as to rates, charges, service, facilities, rules, regulations, or any other respect make or grant preference or advantages to any person, nor subject any person to any prejudice or disadvantage provided, however, that nothing in this chapter shall be deemed to prohibit the establishment of service without charge to public or private educational institutions, hospitals, eleemosynary institutions, and such public buildings or facilities as shall from time to time be reasonably designated by the Township and provided further, that nothing herein contained shall prevent Grantee from waiving its installation charge to new subscribers as a marketing promotion.

G. In addition to public access and origination services mandated by FCC Rules and Regulations, the Grantee agrees, at minimum to provide and maintain at least four (4) public access channels for public, library, educational and municipal government use.

H. A subscriber's service shall not be terminated because of non-payment of a bill until ninety-six (96) hours after the subscriber has received written notice of intent to terminate. Notice of intention to terminate service shall not be given until the subscriber is thirty (30) days delinquent in the payment of the last unpaid bill.

I. Grantee shall not charge for discontinuing and removing the regular subscriber service or any ancillary or auxiliary services.

J. Grantee recognizes that certain programming available to the subscribers may be inappropriate for younger members of the subscriber's household. Therefore, Grantee shall provide an appropriate device at each residential and educational subscriber's receiver at the request of each subscriber which shall be operable by the subscriber and which shall enable the subscriber to "lock out" temporarily, reception on any channel provided as an ancillary or auxiliary service such as Home Box Office, Show Time and/or Prism.

K. Grantee shall make every reasonable effort to maintain the system community unit consistent with the state of the art.

#### ARTICLE 8 - COMPLAINT PROCEDURE

Grantee shall maintain a business office or a telephone listing in the Township for the purpose of receiving inquiries and complaints from its customers and the general public. Grantee shall investigate all complaints within forty-eight (48) hours of their receipt and shall in good faith attempt to resolve them swiftly and equitably, but in no event later than seventy-two (72) hours of their receipt. Written notice of this complaint procedure, including the identity of the Township official responsible for receiving unresolved complaints, shall be given by Grantee to each subscriber at the time of initial subscription to the cable system and thereafter at least one time annually.

Grantee shall maintain a log book in which complaints and repairs are identified. The Board shall have the right to check the cable operator's complaint and repair log at any time during normal business hours. In the event a disagreement arises between a subscriber and the cable operator which cannot be settled without intervention, the Board may assume the role of arbitrator between the parties. If all parties consent to such arbitration, the notice of consent shall provide that the parties shall be bound by the Board's final decision arrived at after proper and full hearing of both parties. Nothing contained herein is intended to limit the usual remedies available to the Subscriber.

#### ARTICLE 9 - LAWS APPLICABLE

This franchise is governed by and subject to all applicable laws of the United States of America, the rules and regulations of the Federal Communications Commission, the laws of the Commonwealth of Pennsylvania and ordinances of the Township now in effect or hereafter enacted. Should any amendments to such laws, rules and regulations or ordinances require amendments of any term or condition of this franchise agreement, the parties hereto agree that such amendment to this agreement shall be accomplished

not later than one (1) year after the effective date of such amendatory enactment or upon renewal of this franchise, unless an earlier date shall be required by law; provided however, that the Township shall have the option to exercise any rights available to it under any "grandfather" exemptions contained in such amendatory enactments.

#### ARTICLE 10 - FRANCHISE TERM

This franchise shall take effect and be in full force from and after the date of execution and delivery by the parties of this Agreement and the same shall continue thereafter in full force and effect for a term of fifteen (15) years.

#### ARTICLE 11 - RENEWAL PROCEDURE

Grantee shall have the option to request renewal of this franchise for one (1) or more additional periods, each period not to exceed five (5) years. Should Grantee desire to exercise this option, it shall so notify the Township, in writing, not less than six (6) months prior to expiration of the then current term of the franchise. Upon exercise of this option by Grantee the Township shall conduct a full, open and public renewal proceeding upon prior notice and opportunity of all interested parties to be heard. The renewal proceeding shall be held for the sole purpose of considering the performance of Grantee under this franchise and any other factors deemed relevant in determining whether to renew this franchise. Renewal shall not be unreasonably denied. If this franchise is renewed by the Township, all of the terms and provisions contained herein shall be controlling during the renewal period, except to the extent that said terms and provisions are modified by the Township or unless this franchise is superseded by a new franchise. Nothing in this agreement shall be construed to require such renewal.

#### ARTICLE 12 - TERMINATION

A. The parties shall each notify the other in writing of a party's intention not to renew the franchise at least six (6) months before the last day of the then current term. At the conclusion of the term of this franchise or any renewal term without renewal of the franchise for an additional term or in the event of a forfeiture:

(1) Grantee shall have the right to sell or lease the system community unit to the Township or to a responsible third party cable television operating company, provided however, that the agreement of purchase or lease shall require and be conditioned that purchaser or lessee from Grantee shall first be approved by the Board and shall first enter into an agreement with the Board upon substantially the same terms and conditions as contained in this Agreement and any amendments thereto.

(2) Such sale or lease transaction shall be pursued by Grantee promptly upon giving or receiving notice of intention not to renew or upon receipt of final notice of forfeiture and such transaction shall be closed not later than one (1) year thereafter. During the period between the conclusion of the franchise term and closing on the sale or lease of the system community unit and until the purchaser or lessee commences operations, the Grantee shall continue to operate such system in accordance with the terms and conditions of this Agreement. In the event of forfeiture during the period between final notice of forfeiture and closing date on sale or lease, aforesaid, the

Grantee shall subcontract the operation management of the system community unit to an unrelated responsible third party who shall be approved by the Board.

(3) In the event that Grantee shall fail to sell or lease the system as aforesaid, then Grantee shall, within a reasonable period of time, remove its equipment and cable from the Township, provided however, that Grantee may abandon cable installed underground.

B. In addition to all other rights and powers pertaining to the Township by virtue of this franchise or otherwise, the Township shall have the right to terminate or cancel this franchise and the Grantee agrees that it shall forfeit all rights and privileges of the Grantee hereunder excepting as provided in subsection A of this Article 12, in the event that the Grantee violates any of the terms, conditions or provisions of this franchise or fails to comply with any provisions of any ordinance of the Township regulating the use by Grantee of the streets, alleys, easements, or public ways of the Township, and should Grantee further continue to violate or fail to comply with the same within a reasonable time after Grantee shall have been notified in writing by the Township to cease and desist from any such violation or failure to comply so specified or becomes insolvent, unable or unwilling to pay its debts, files a petition in bankruptcy or is declared a bankrupt.

(1) The Grantee shall be given thirty (30) days preliminary notice in writing of the intention of the Board to invoke a forfeiture hereunder. Such notice shall contain a written specification of the basis for such forfeiture and shall inform the Grantee of its right to a full public hearing. The Board shall schedule a public hearing before the Board not later than forty-five (45) days next following the date of such notice.

(2) At least ten (10) days prior to the hearing, the Grantee and Township shall exchange copies of all documentary evidence, photographs, plans, graphs, charts and drawings intended to be used by either party at the hearing.

(3) The Grantee shall be permitted a full hearing and a reasonable opportunity to present its case against forfeiture. A stenographic record shall be made of the hearing. The cost of the original and one copy of the record shall be paid by the Grantee.

(4) The Board shall make written findings of fact and shall base its decision thereon. Such decision shall be promulgated not later than sixty (60) days next following the last hearing date. In its deliberations the Board shall give due consideration to the nature and gravity of any violation of this franchise agreement charged against the Grantee and the evidence in support thereof and shall not invoke forfeiture for minor infractions unless there is a persistent course of such conduct by the Grantee clearly evident. If the forfeiture is invoked by the Board, the written decision of the Board shall act as the final notice of forfeiture.

(5) Upon the invocation of forfeiture as aforesaid, the Township shall have the right to sue for its damages resulting from Grantee's breach or to be paid the sum of Fifty Thousand Dollars (\$50,000.00) as liquidated damages as the Township may elect.

### ARTICLE 13 - TRANSFERS

All of the rights and privileges and all of the obligations, duties and liabilities created by this franchise shall pass to and be binding upon the successors of the Township and the successors and assigns of Grantee; provided, however, that this franchise and agreement shall not be assigned or transferred by Grantee or by operation of law, voluntarily or involuntarily, to any person including a secured party or lien holder of Grantee who shall not be first approved in writing by the Board as a qualified franchisee, provided further, however, that such approval shall not unreasonably be withheld. Any such transferee or assignee of the Grantee shall be ready, willing and able to accept the covenants of this Agreement and shall prove to the satisfaction of the Township that it is financially, technically and administratively capable to assume the rights and obligations, duties and liabilities created by this franchise. Any transferee or assignee shall execute an agreement in form and substance satisfactory to the Township whereby said transferee or assignee shall assume all obligations of the Grantee under this Agreement. This franchise shall not be transferred or assigned by the Grantee unless and, until the construction of the cable television system authorized by this Agreement is completed fully and in operation for a minimum period of six (6) months. Nothing contained herein is intended to prevent Grantee from pledging or hypothecating the system community unit as security for Grantee's financing.

### ARTICLE 14 - FRANCHISE FEE

In consideration of the terms of this franchise, Grantee shall pay to the Township the following franchise fee (or at the sole option of the Board, a tax in lieu of franchise fee) not later than April 30 and October 31 in each year, (such time to be of the essence) lawful money in an amount equal to three percent (3%) of Grantee's gross subscriber revenues per year computed as of the last day of February and the last day of August in each year.

If, during the term of this franchise, or any extension or renewal thereof, the maximum franchise fee permitted by the FCC should be increased, then, the Township may increase the fee (or tax in lieu thereof) to the maximum allowable percentage upon duly authorized Resolution, without further amendment to this Agreement. Such increase shall become effective on the first day of the next succeeding fiscal year of the Grantee.

### ARTICLE 15 - RECEIVER SALES PROHIBITED

As a condition of this franchise, Grantee agrees that it shall not engage in the business of sales or repair of television receivers owned by its subscribers; nor shall it be responsible for the operating condition of said receivers; provided, however, that this paragraph shall not apply to converters, decoders, home interactive terminals and other such devices as may be used in furnishing any programming or service via Grantee's cable television system.

### ARTICLE 16 - RULES, RECORDS, MAPS AND REPORTS

The Board, or its designated representative, shall have access at all reasonable times and places to the Grantee's books, records, maps, reports and engineering plans

relating to the property of the Grantee in operation in the Township and the revenues derived therefrom. The Grantee shall submit to the Township Manager within sixty (60) days after the close of the Grantee's fiscal year a certified statement of gross receipts and revenues accrued from Grantee's operations in the Township prepared by Grantee's Chief Executive Officer or Chief Financial Officer. Any adjustment in the franchise fee payable shall be paid within thirty (30) days thereafter. The Township shall have the right, at Township's expense, to audit the financial records and subscriber records of the Grantee. In the event that the audit shall reveal a discrepancy of three percent (3%) or more between the Grantee's certified statement of gross receipts and the amount determined by the Township auditors, then the Grantee shall pay for the cost of the audit.

The Grantee shall keep on file with the Township Manager copies of maps of all existing or proposed installations to be updated annually not later than sixty (60) days after the close of the Grantee's fiscal year. The Grantee shall give the Township Manager a list of all subscribers in the Township semiannually.

The Grantee shall keep on file and make available to the Township copies of all documents filed with the FCC, the Commonwealth of Pennsylvania or any other agency of the Federal or State Governments pertaining to the cable television system. During the construction of the cable television system, pursuant to this agreement, the Grantee shall render quarterly status reports to the Township. Thereafter, the Grantee shall file a status report with the Township at least annually.

#### ARTICLE 17 - UNLAWFUL ACTS

To the extent that the Township may regulate such actions, it shall declare the following acts to be unlawful:

A. It shall be unlawful for any person to make any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of Grantee's cable television system for the purpose of enabling himself or others to receive any television signals, radio signals, pictures, programs, sounds, or any other information or intelligence transmitted over Grantee's cable system without payment to Grantee.

B. It shall be unlawful for any person, without the consent of the owner, to willfully tamper with, remove, or injure any cable, wires, or other equipment used for the distribution of television signals, radio signals, pictures, programs, sounds, or other information or intelligence transmitted over Grantee's cable system.

#### ARTICLE 18 - PERFORMANCE AND MAINTENANCE BONDS

Grantee shall provide and by its acceptance of this franchise, specifically agrees that it will maintain throughout the construction of the cable television system under this Agreement a performance bond running to the Township in form approved by the Township Solicitor in the sum of Five Hundred Thousand (\$500,000.00) Dollars; after the construction of the cable television system under this Agreement and for the balance of the franchise term and any renewal thereof, the Grantee shall maintain a maintenance

bond in the sum of Fifty Thousand (\$50,000.00) Dollars running to the Township in form approved by the Township Solicitor. The performance and maintenance bonds shall be conditioned to require the Grantee herein to well and truly observe, fulfill and perform all of its requirements and obligations under this Agreement.

Said bonds shall be properly executed by the Grantee and by such surety company or companies as may be approved by the Township and which are authorized to transact business in the Commonwealth of Pennsylvania. The performance bond shall be executed and filed simultaneously with Grantee's acceptance of the terms and conditions of this Agreement. The maintenance bond shall be executed and filed simultaneously with the connection of the first subscriber to the cable television system.

#### ARTICLE 19 - MAINTENANCE

A. The Grantee shall maintain a staff of competent technicians to repair any breakdown in service and keep equipment in good operating condition.

B. The Grantee shall respond to all service calls within forty-eight (48) hours, and correct malfunctions as soon as possible, in all events within seventy-two (72) hours after notice thereof. This rule may be waived by the Board in the event of natural disaster or emergency situations as may occur within the Township.

C. Whenever possible, the Grantee will interrupt service only during the period between 2:00 a.m. and 7:00 a.m. for the purpose of repairing or upgrading the system, and then only after twenty-four (24) hours minimum notification to subscribers.

D. In the event a subscriber is without service for over twenty-four (24) hours because of a breakdown, he shall be rebated a prorated share of his monthly charge for that period of time he/she was without service.

#### ARTICLE 20 - SEVERABILITY

If any portion of this Agreement is for any reason held invalid or unconstitutional by any Federal or State Court or administrative or governmental agency of competent jurisdiction, specifically including the FCC, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof, provided however, that either party hereto shall have the right to appeal to a higher court and pending such appeal such contested portion of this Agreement shall continue to bind the parties who shall continue to perform thereunder until the issue has been finally adjudicated.

IN WITNESS WHEREOF, the parties have each caused this Agreement to be executed by their duly authorized officers and attorneys-in-fact and their corporate or common seals to be affixed hereto each party to this Agreement intending to be legally bound hereby.

Attest:

Harry Wardle  
Secretary

TOWNSHIP OF UPPER DUBLIN

By: Conjunctum (SEAL)  
President

Attest:

Pamela Brown Dejeu  
Secretary

ULTRACOM OF MONTGOMERY COUNTY, INC.

By: Jeanette Hubman (SEAL)  
President

## STUDIO EQUIPMENT

| Equipment list (Describe types of equipment; i.e., brand names, quantities, color/bw) | Provided by applicant (check) |
|---|-------------------------------|
| 2 JVC Color Cameras GC-3350U  | X                             |
| 2 Quick-set Tripod/Dolly Camera Mounts  | X                             |
| 2 Smith Victor Lighting Kits  | X                             |
| 2 Sony 12" Color Monitory/Receivers<br>CVM-1250                                       | X                             |
| 1 Shure Microphone Mixer M-67   | X                             |
| 1 Panasonic Color Video Switcher WJ-4600  | X                             |
| 2 Sony 3/4" U-Matic VCR-Editor VO-2800  | X                             |
| 4 Electret Lavalier Microphones   | X                             |
| 2 Electret Hand Held Microphones  | X                             |
| Miscellaneous Interconnecting Cables<br>and Ancillary Equipment                       | X                             |

Note: 1) With advancements presently occurring in this field, a review of models specified will be taken into consideration to obtain most current equipment available at time of purchase.

EXHIBIT "A"

# THE AMERICAN DRUGGISTS' INSURANCE CO.

AMERICAN BUILDING, CINCINNATI, OHIO 45202 TEL. 721-4270

## FRANCHISE BOND

KNOW ALL MEN BY THESE PRESENTS:

That Ultra-Com of Montgomery County, Inc., As Principal and THE AMERICAN DRUGGISTS' INSURANCE COMPANY, of Cincinnati, Ohio, as Surety, are held and firmly bound unto the Township of Upper Dublin\* as Obligee, in the sum of Five Hundred Thousand and NO/100 (\$500,000.00)--- Dollars, lawful money of the United States, for which payment, well and truly to be made, we bind ourselves, jointly and severally, firmly by these presents.\*\*

This Bond is executed to comply with the terms of the agreement dated July 8, 19 80 of the Township of Upper Dublin of Fort Washington, PA, granting a nonexclusive Franchise to Ultra-Com of Montgomery County, Inc., to construct, erect, operate, and maintain in the public streets and ways within the geographic limits of the Township of Upper Dublin, a CATV system community unit to serve subscribers within the Township of Upper Dublin, as provided in said agreement which agreement is by reference made a part hereof and is here and after referred as the contract.

Ultra-Com of Montgomery County, Inc., hereinafter called "grantee", by this Bond guarantees to faithfully perform, well and truly observe and fulfill each term and condition of the Franchise granted by the above mentioned ordinance, and in case of any breach of condition of the Bond, the amount thereof shall be recoverable from the Principal and Surety by said Township of Upper Dublin for all damages proximately resulting from the failure of Grantee to well and faithfully observe and perform any provision of said Franchise or any provisions of said ordinance.

This Bond may be terminated or cancelled by Surety by thirty days prior notice in writing from Surety to Principal and said Obligee, such notice to be given by certified mail.

Such termination or cancellation shall not affect any liability incurred or accrued under this Bond prior to the effective date of such termination or cancellation.

Signed, sealed and dated this 8th day of July, 19 80

\* 801 Lock Alsh Avenue  
Fort Washington, PA 19034

Ultra-Com of Montgomery County, Inc.

BY: Jerry Rebrun

THE AMERICAN DRUGGISTS'  
INSURANCE COMPANY

BY: Ann Mitchell  
Ann Mitchell, Attorney-in-Fact

\*\* This guaranty is for a term of one year beginning July 8, 1980 and ending July 8, 1981, and is subject to approval for annual renewal for a period of ten years.

THE AMERICAN DRUGGISTS' INSURANCE COMPANY

800 American Building • Cincinnati, Ohio 45202 • 513-721-4270

SP N° 651018

KNOW ALL MEN BY THESE PRESENTS THE AMERICAN DRUGGISTS' INSURANCE COMPANY, a corporation duly organized under the laws of the State of Ohio, and having its general office in the city of Cincinnati, State of Ohio, has made, constituted and appointed, and does by these presents, make, constitute and appoint

Martin H. Brown or Ann Mitchell of Tyler, Texas

its true and lawful Attorney-in-Fact with full power and authority hereby conferred to sign and deliver in its behalf as Surety, any and all kinds of Surety Bonds, except as limited hereon, and to bind THE AMERICAN DRUGGISTS' INSURANCE COMPANY thereby as fully and to the same extent as if such instruments were signed by the duly authorized officers of THE AMERICAN DRUGGISTS' INSURANCE COMPANY and all the acts of said Attorney-in-Fact, pursuant to the authority hereby given, are hereby ratified and confirmed, provided that the liability of the Company as surety on any such bond executed under this authority shall not exceed

Five Hundred Thousand Dollars

THIS POWER VOID IF ALTERED OR ERASED OR IF POWER NUMBER IS NOT IN BLUE INK.

(This power does not authorize the execution of bonds for loan, financial or bank guarantees.)

The acknowledgement and execution of any such document by said Attorney-in-Fact shall be as binding upon the Company as if such bond had been executed and acknowledged by the regularly elected officers of this Company.

The signature of the President or a Vice President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Assistant Secretary and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certified by certificate so executed and sealed shall, with respect to any bond or undertaking to which it is attached, continue to be valid and binding on the Company.

THE AMERICAN DRUGGISTS' INSURANCE COMPANY further certifies that the following is a true and exact copy of a resolution of the Board of Directors of THE AMERICAN DRUGGISTS' INSURANCE COMPANY, duly adopted and now in force, to wit: All Bonds of the corporation shall be executed in the corporate name of the Company by the President, any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, or any Assistant Secretary may appoint Attorneys-in-Fact or agents who shall have authority to issue bonds in the name of the Company.

All authority hereby conferred shall expire and terminate, without notice, unless used before midnight of January 1, 1981, but until such time shall be irrevocable and in full force and effect.

IN WITNESS WHEREOF, the said THE AMERICAN DRUGGISTS' INSURANCE COMPANY has caused these presents to be executed by its officer, with its corporate seal affixed, this date of July 8, 1980.

THE AMERICAN DRUGGISTS' INSURANCE COMPANY



By Gordon M. Barker President

STATE OF OHIO )
COUNTY OF HAMILTON )

On this July 8, 1980, before me, a Notary Public, personally appeared Gordon M. Barker who being by me duly sworn, acknowledged that he signed the above Power-of-Attorney as an officer of the said THE AMERICAN DRUGGISTS' INSURANCE COMPANY and acknowledged said instrument to be the voluntary act and deed of the corporation.

My commission expires: January 15, 1985.



Margaret J. Wethington Notary Public

# CERTIFICATE OF INSURANCE

THIS IS NOT AN INSURANCE POLICY

This is to Certify that

A.E.L. Industries, Inc.  
Richardson Road  
Colmar, Pa. 18915

# LIBERTY MUTUAL



LIBERTY MUTUAL INSURANCE COMPANY • LIBERTY MUTUAL FIRE INSURANCE COMPANY • BOSTON

Name and address of Insured.

is, at the date of this certificate, insured by the Company for the types of insurance and in accordance with the limits of liability, exclusions, conditions, and other terms of the policies hereinafter described. This certificate of insurance neither affirmatively or negatively amends, extends or alters the coverage afforded by the policies listed below.

| TYPE OF POLICY  |  | EXPIRATION DATE | POLICY NUMBER      | LIMITS OF LIABILITY  |   |                             |                             |   |                 |
|---|--|-----------------|--------------------|--|---|-----------------------------|-----------------------------|---|-----------------|
| WORKERS' COMPENSATION   |  | 1-1-81          | WC2-131-022938-050 | COVERAGE AFFORDED UNDER W.C. LAW OF FOLLOWING STATES<br>AL, AR, CO, FL, GA, IN, LA, MI, MD, MN, MS, MO, NJ, NY, NC, OK, PA, SC, TN, TX, UT, VA, WI | LIMIT OF LIABILITY-COV B (Indicate Limit for each state)<br>\$100,000 |                             |                             |   |                 |
|   |  |                 |                    | MARITIME COVERAGE - FOLLOWING STATES   | LIMIT OF LIABILITY MARITIME COVERAGE                                  |                             |                             |   |                 |
| GENERAL * LIABILITY   | <input checked="" type="checkbox"/> COMPREHENSIVE FORM<br><input type="checkbox"/> SCHEDULE FORM               | 1-1-81          | LG1-131-022938-020 | BODILY INJURY  |   |                             |                             |   |                 |
|   | <input checked="" type="checkbox"/> PRODUCTS COMPLETED OPERATIONS<br><input type="checkbox"/>                  |                 |                    | \$   | X   | EACH OCCURRENCE             | \$                          | X | EACH OCCURRENCE |
|   | <input checked="" type="checkbox"/> INDEPENDENT CONTRACTORS/CONTRACTORS PROTECTIVE<br><input type="checkbox"/> |                 |                    | \$   | X   | AGGREGATE                   | \$                          | X | AGGREGATE       |
|   | <input checked="" type="checkbox"/> CONTRACTUAL LIABILITY<br><input type="checkbox"/>                          |                 |                    | Bodily Injury and Property Damage  |   | \$1,000,000 Each Occurrence |                             |   |                 |
| AUTO LIABILITY  |  | 1-1-81          | AS1-131-022938-030 | PROPERTY DAMAGE  |   |                             |                             |   |                 |
| <input checked="" type="checkbox"/> OWNED<br><input checked="" type="checkbox"/> NON-OWNED<br><input checked="" type="checkbox"/> HIRED | \$   |                 |                    |  | EACH PERSON EACH ACCIDENT OR OCCURRENCE                               | \$                          | EACH ACCIDENT OR OCCURRENCE |   |                 |
|   | \$   |                 |                    | 1,100,000  | EACH ACCIDENT - SINGLE LIMIT - B.I. AND P.D. COMBINED                 |                             |                             |   |                 |
| OTHER   |  |                 | RECEIVED           | DESCRIPTION OF OPERATIONS:   |   |                             |                             |   |                 |
| LOCATION(S) OF OPERATIONS & JOB # (If Applicable)   |  |                 | SEP 25 1980        |  |   |                             |                             |   |                 |
| All locations   |  |                 |                    |  |   |                             |                             |   |                 |

It is agreed that the "Name of Insured" shown on this certificate shall read as follows: A.E.L. Industries, Inc.

**NOTICE OF CANCELLATION:** (NOT APPLICABLE UNLESS A NUMBER OF DAYS IS ENTERED BELOW). BEFORE THE STATED EXPIRATION DATE THE COMPANY WILL NOT CANCEL OR REDUCE THE INSURANCE AFFORDED UNDER THE ABOVE POLICIES PRIOR TO 30 DAYS AFTER NOTICE OF SUCH CANCELLATION OR REDUCTION HAS BEEN MAILED TO: Issued for and sent to:

Township of Upper Dublin  
801 Loch Alsh Ave.  
Ft. Washington, PA 19034

\*Additional Insured:  
Township of Upper Dublin

*Marie J. Mullen*  
AUTHORIZED REPRESENTATIVE  
Plymouth Meeting  
9/24/80 DATED OFFICE

Richard Landau in the name of Harry Lenz moved to adopt Ordinance No. 587. Paul McIlhenny in the name of Ed. Heller seconded the motion. On the question Mr. Magaziner asked why was the amendment drawn up. Mr. Feller stated that he recommended this in order to keep up with the rising costs of handling zoning hearings. Mr. Feller also pointed out that it is illegal for the township to charge the legal fees for a zoning hearing. Mr. Freedman stated that he is opposed to the \$300 charge for residencies since he thinks this is just too much money. Mr. Feller pointed out that this schedule of fees is comparable with other townships. Mr. Leneweaver inquired as to whether we could charge a fee based on the value of the property. Mr. Magaziner stated that many applications are not simple and become very complex and would it be possible to grade the fees depending on the complexity of the situation. Mr. Feller said how could you evaluate something like this? Mr. Zollo suggested that we escrow the \$300 for the residents. It was suggested by Mr. Freedman that we refer this ordinance back to the solicitor and the proper committee for further study.

Mr. Lenz agreed to withdraw his motion and Mr. Heller agreed to withdraw his second, therefore the matter is referred back to committee for study.

Griffith Miller spoke to the need for the adoption of Ordinance No. 589 which provides for an Educational Services Agency after which Richard Landau in the name of Harry Lenz moved to adopt Ordinance No. 589. Larry Elliot in the name of Pat Zollo seconded the motion.

ROLL CALL VOTE ON MOTION      ALL YES      MOTION CARRIED

\*

Mr. Jenkins discussed the need for proposed Ordinance No. 591 having to do with the conversion of rental units into condominiums. Mr. Magaziner said that Title 10 speaks to condominiums to which Mr. Jenkins agreed stating that if an owner converts he has to, of course, comply with the regulations in Title 10, however, Ordinance No. 591 does give further protection to those people residing in rental units. It was moved by Donald Leister in the name of Dick Magaziner and seconded by Paul McIlhenny in the name of Ed. Heller to adopt Ordinance No. 591.

ROLL CALL VOTE ON MOTION      ALL YES      MOTION CARRIED

On the question Mr. Freedman inquired about a change in the second paragraph of Section 1 of this ordinance and Mr. Jenkins said "yes, that could be changed." It was then moved by Richard Landau in the

\*

name of Harry Lenz and seconded by Robert Ravitch in the name of N. Freedman to adopt Ordinance No. 591 subject to the amendment to Section 1.

ROLL CALL VOTE ON MOTION      ALL YES      MOTION CARRIED

It was moved by Larry Elliot in the name of Pat Zollo and seconded by Donald Leister in the name of R. Magaziner to adopt Ordinance No. 592 re the Maple Glen Sewer Project.

ROLL CALL VOTE ON MOTION      ALL YES      MOTION CARRIED

Mr. Feller discussed the need for adopting Resolution No. 1115 re the application for a Police Training Grant. He stated that it will cost the township no money under this grant. It was moved by Richard Landau in the name of Harry Lenz and seconded by Robert Ravitch in the name of N. Freedman to adopt Resolution No. 1115.

ROLL CALL VOTE ON MOTION      ALL YES      MOTION CARRIED

Mr. Feller stated that there are some problems with the bids for the pickup trucks and he recommended that action be deferred tonight on these bids, however, that the Public Works and Services Committee have the bids referred to them with the power to act. Robert Ravitch in the name of N. Freedman moved that the bids for the pickup trucks be referred to the Public Works Committee for study with the power to act. Richard Landau in the name of Harry Lenz seconded the motion.

ROLL CALL VOTE ON MOTION      ALL YES      MOTION CARRIED

Mr. Feller recommended that the bids for the purchase of a backhoe be referred to the Public Works Committee and that they have the power to act. It was moved by Donald Leister in the name of Dick Magaziner and seconded by Richard Landau in the name of Harry Lenz to refer the bids for a backhoe to the Public Works and Services Committee with the power to act.

ROLL CALL VOTE ON MOTION      ALL YES      MOTION CARRIED

Mr. Feller discussed the one bid that was received for an asphalt spreader and recommended that this bid be accepted since the cost of the equipment at a net price of \$5,065 does meet the budget. It was moved by Richard Landau in the name of Harry Lenz and seconded by Paul McIlhenny in the name of E. Heller to accept the bid of Road Machinery Company for one Odell Spreader at a cost of \$5372 less a trade-in of \$307 for a net cost of \$5,065.

ROLL CALL VOTE ON MOTION      ALL YES      MOTION CARRIED

ORDINANCE NO. 592

AN ORDINANCE PROHIBITING THE ERECTION, CONSTRUCTION, USE AND MAINTENANCE OF PRIVIES, CESSPOOLS, SINK-HOLES, SEPTIC TANKS OR OTHER RECEPTACLES FOR RECEIVING SEWAGE BY OWNERS OR OCCUPIERS OF PROPERTIES ADJOINING OR ADJACENT TO SEWERS WITHIN THE WELSH-DILLON-LIMEKILN PIKE AREA WASTEWATER COLLECTION SYSTEM; REQUIRING CONNECTIONS TO SEWERS AND PROVIDING FOR PENALTIES.

WHEREAS, there is presently being constructed a sanitary sewer system in an area of Upper Dublin Township known as Maple Glen, as is more fully described on Plan of A. W. Martin Associates, Inc., No. 3471-7, dated February 5, 1979, a copy of which is filed in the office of the Secretary of the Township; and

WHEREAS, it is necessary for the health, safety and welfare of the community that all owners of properties located within said area, with the exception of those set forth in this ordinance, connect to said system;

NOW THEREFORE, be it ORDAINED AND ENACTED by the Commissioners of Upper Dublin Township, Montgomery County, Pennsylvania, as follows:

SECTION 1. A. All persons owning an occupied building now erected upon property accessible to the sanitary sewers shall at their own expense connect such building with the sewer system within ninety (90) days after notice to do so from the Township.

B. All persons owning a property accessible to the sanitary sewer upon which a building is later erected shall upon the time of such erection and at their own expense connect such building with the sewer system.

C. All persons owning any occupied building upon property which hereafter becomes accessible to the sanitary sewer shall at their own expense connect such building to the sewer system within ninety (90) days after receipt of notice to do so.

SECTION 2. After the expiration of the periods specified in Section One of this ordinance, if any owner of an occupied building on property accessible to the Sewer System shall have failed to connect such property with the Sewer System as required by said Section One, the Township may cause to be served on the owner of such property so failing to connect to said Sewer System, and also upon the occupants of the building in question, a copy of this ordinance and a written or printed notice requiring such connection to be made, and such notice shall further state that its requirements shall be complied with within ninety (90) days from the date thereof.

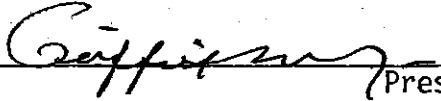
Upon failure of any such owner, who has been duly notified as hereinabove provided, to comply with the requirements of any such notice or with the

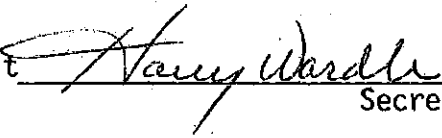
provisions of this ordinance, the Board of Commissioners shall cause the necessary connection to be made and upon completion of the work for the same, shall render a bill covering the cost of said work to the owner of such premises, and file a duplicate thereof with the Township Treasurer, to whom such bill shall be made payable for the use of the Township. All such bills shall contain a notice that, if said bills be not paid within thirty (30) days after the date thereof the same shall be collected in the manner provided by law.

SECTION 3. Owners of abutting properties whose building sets back from the sewer line a distance of three hundred (300) feet or more shall be exempt from the provisions of this ordinance.

ENACTED AND ORDAINED This 13<sup>th</sup> day of MAY 1980.

BOARD OF COMMISSIONERS  
UPPER DUBLIN TOWNSHIP

By  President

Attest  Secretary

AN ORDINANCE

No. 593

AN ORDINANCE TO CREATE THE UPPER DUBLIN TOWNSHIP EMERGENCY SERVICES BOARD: SETTING FORTH ITS MEMBERSHIP AND PURPOSE.

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

SECTION 1. Pursuant to the "Emergency Management Services Code," 35 Pa. C.S.A. §7101 et seq., there is hereby established the Upper Dublin Township Emergency Services Board.

SECTION 2. The Emergency Services Board shall consist of representatives of the following agencies or bodies and shall serve for an indefinite term at the pleasure of the agency, except, in the case of elected or appointed Township officials, who shall serve until such time as their successors shall qualify:

|                                     |  |
|-------------------------------------|--|
| <u>Board of Commissioners</u>       | - Members of the Public Safety Committee                 |
| <u>Upper Dublin School District</u> | - One representative                                     |
| <u>Police Department</u>            | - Chief of Police  |
| <u>Fire Department</u>              | - The Fire Board   |
| <u>Ambulance Services</u>           | - One representative appointed by the Ambulance Services |
| <u>Medical Doctor</u>               | - To be appointed by the Board of Commissioners          |
| <u>Public Health</u>                | - One representative                                     |

Additional members or agencies may be added to the Board from time to time on the resolution of the Board of Commissioners.

SECTION 3. The Emergency Services Board shall be responsible for and authorized to develop a disaster emergency management plan for the Township and to coordinate such plan with those of other political subdivisions. The Board shall serve in an advisory capacity to the Board of Commissioners by recommending rules and regulations to the Board of Commissioners for the purpose of implementing such emergency management plan.

SECTION 4. The Emergency Services Board shall hold meetings on a regular basis at the Township Building from time to time as the Board or its Chairman shall determine.

ENACTED AND ORDAINED this 8th day of July A.D. 1980.

BOARD OF COMMISSIONERS  
UPPER DUBLIN TOWNSHIP

Attest Harry Wardle  
Secretary

By Cappin  
President

AN ORDINANCE

No. 594

AN ORDINANCE AMENDING TITLE 10, ZONING OF THE UPPER DUBLIN CODE, BY AMENDING THE ZONING MAP THEREOF SO AS TO CHANGE AN AREA LOCATED ON TWINING ROAD IN THE VICINITY OF SUSQUEHANNA ROAD FROM A-RESIDENTIAL to CR-COMMERCIAL RETAIL DISTRICT, CLASS L.

WHEREAS, the Commissioners of Upper Dublin Township find that the written amendment to the Upper Dublin Township Zoning Map is in accordance with the spirit and interest of the Comprehensive Plan and Land Use Plan for the Township of Upper Dublin.

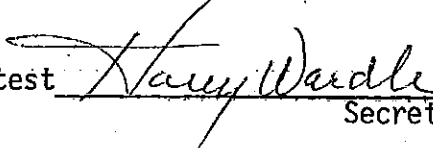
BE IT ORDAINED and ENACTED by the Commissioners of Upper Dublin Township, Montgomery County, Pennsylvania, and it is hereby enacted by authority of the same, that the zoning map adopted and approved as a part of Title 10, of the Upper Dublin Code, be and is hereby further amended as follows:

SECTION ONE: The Territory hereinafter described on Twining Road consisting of approximately 2.863 acres more or less, as more fully described in the description attached hereto and marked Exhibit "A", be changed from A-Residential to CR-Commercial-Retail District, Class L, under and subject to certain covenants running with the land, as set forth in Exhibit "B" hereto.

ENACTED and ORDAINED this 12<sup>th</sup> day of August A.D. 1980.

BOARD OF COMMISSIONERS  
UPPER DUBLIN TOWNSHIP

By  President

Attest  Secretary

DESCRIPTION AND RECITAL

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected.

BEGINNING at a point in the middle line of Twining Road 33 feet wide a corner of Parcel "B" said point being North 56 degrees 16 minutes 50 seconds East 93.05 feet from a point a corner in the middle of Twining Road a corner of Parcel "A" and a corner of land of the Tyson Terrace Development; said last point being North 56 degrees 21 minutes East 21.47 feet from a point at the intersection of the middle of Twining Road with the middle of Paul Avenue (40 feet wide) extending to the Southeast as laid out on the Tyson Terrace Development and not opened; thence from the point of beginning along Parcel "B" about to be conveyed to the Township of Upper Dublin, the nine following courses and distances to wit: (1) North 31 degrees 57 minutes 30 seconds West partly through a party wall between building erected on this and the adjoining property 219.60 feet to a point in another party wall; (2) thence through said other party wall North 58 degrees 2 minutes 30 seconds East 10.03 feet to a point a corner in still another party wall; (3) thence partly through the same and partly along said Northeast terminus of a private right-of-way reserved for the use of this and extending Southwest and Southeast to Twining Road through Parcel "B" North 31 degrees 57 minutes 30 seconds West 47.19 feet to a point a corner (4) North 59 degrees 32 minutes East partly along a strip of ground 100 feet by 30 feet reserved to this out of Parcel "B" for cesspool construction 183.96 feet to a post a corner (5) North 53 degrees 8 minutes East 154.76 feet to a post a corner (6) North 61 degrees 25 minutes East 98.83 feet to a post a corner (7) North 84 degrees 3 minutes East 33.14 feet to a post a corner (8) South 34 degrees 59 minutes East 118.67 feet to a post a corner (9) South 32 degrees 41 minutes East 122.07 feet to a point a corner in the aforesaid middle of Twining Road; thence along the middle of the same South 56 degrees 16 minutes 50 seconds West 484.75 feet to the point and place of beginning, reserving to the Township along the Northwest side of Twining Road an additional 13.50 feet for future widening of said road to be dedicated to the Township without consideration or payment of damages at the widening of Twining Road containing 2.863 Acres of land be the same more or less.

THE above premises are described according to a certain plan of property of Burn Brae Country Club prepared for Upper Dublin Township by C. Raymond Weir Associates, Inc., dated November 20, 1963 and last revised December 11, 1963.

BEING the same premises which Blanche B. Wunderle, Singlewoman Fred V. Wunderle and Hester R. Wunderle, his wife, Horace G. Wunderle, Widower and Anne H. Wunderle, Widow by deed dated the 27th day of December, 1963 and recorded at Norristown Pennsylvania in Deed Book 3315 page 721, granted and conveyed unto Burn Brae Golf, Inc., a Pennsylvania Corp., its successors and assigns, in fee.

Exhibit "A"

C O V E N A N T

THIS COVENANT made this            day of            A.D., 1980,  
by FRANK J. SMITH, JR. of Twining Center, 715 Twining Road, Dresher, Pa.,  
(hereinafter called party of the first part) and the TOWNSHIP OF UPPER DUBLIN,  
Montgomery County, Pennsylvania, (hereinafter called party of the second part).

WITNESSETH: that the said party of the first part does hereby  
covenant and agree with the party of the second part as follows:

1. The party of the first part is record owner of a tract of land  
in Upper Dublin Township containing 2.863 acres of land more or less, more  
particularly described as follows:

BEGINNING at a point in the middle line of Twining Road  
33 feet wide a corner of Parcel "B" said point being North  
56 degrees 16 minutes 50 seconds East 93.05 feet from a  
point a corner in the middle of Twining Road a corner of  
Parcel "A" and a corner of land of the Tyson Terrace  
Development; said last point being North 56 degrees 21  
minutes East 21.47 feet from a point at the intersection  
of the middle of Twining Road with the middle of Paul  
Avenue (40 feet wide) extending to the Southeast as laid  
out on the Tyson Terrace Development and not opened; thence  
from the point of beginning along Parcel "B" about to be  
conveyed to the Township of Upper Dublin, the nine following  
courses and distances to wit: (1) North 31 degrees 57 minutes  
30 seconds West partly through a party wall between  
building erected on this and the adjoining property  
219.60 feet to a point in another party wall; (2) thence  
through said other party wall North 58 degrees 2 minutes  
30 seconds East 10.03 feet to a point a corner in still  
another party wall; (3) thence party through the same  
and partly along said Northeast terminus of a private  
right-of-way reserved for the use of this and extending  
Southwest and Southeast to Twining Road through Parcel "B"  
North 31 degrees 57 minutes 30 seconds West 47.19 feet to  
a point a corner (4) North 59 degrees 32 minutes East  
partly along a strip of ground 100 feet by 30 feet reserved  
to this out of Parcel "B" for cesspool construction 183.96  
feet to a post a corner (5) North 53 degrees 8 minutes  
East 154.76 feet to a post a corner (6) North 61 degrees  
25 minutes East 98.83 feet to a post a corner (7) North

84 degrees 3 minutes East 33.14 feet to a post a corner (8) South 34 degrees 59 minutes East 118.67 feet to a post a corner (9) South 32 degrees 41 minutes East 122.07 feet to a point a corner in the aforesaid middle of Twining Road; thence along the middle of the South 56 degrees 16 minutes 50 seconds West 484.75 feet to the point and place of beginning, reserving to the Township along the Northwest side of Twining Road an additional 13.50 feet for future widening of said road to be dedicated to the Township without consideration or payment of damages at the widening of Twining Road containing 2.863 Acres of land be the same more or less.

The above premises are described according to a certain plan of property of Burn Brae Country Club prepared for Upper Dublin Township by C. Raymond Weir Associates, Inc., dated November 20, 1963 and last revised December 11, 1963.

2. Said premises are zoned CR - Commercial - Retail District by an amendment to the Zoning Map by Ordinance 594, effective 1980.

3. The party of the first part or others under his authority, will, within two hundred and forty (240) days from the effective date of Ordinance No. 594, make application to the Township of Upper Dublin for a Building Permit for the construction upon the above described premises, of a building to contain twelve (12) courts for the playing of an indoor recreational use commonly known as racquet ball, together with uses accessory to that indoor recreational use, as described at a public hearing held on In the event that such application for a Building Permit is not filed within the above time limit, the party of the first part agrees that the zoning of the parcel shall revert to A - Residential District.

4. From and after the date hereof, neither the party of the first part, nor any other party claiming under him as occupant of the herein- above described parcel, shall make any use of the parcel for any purpose

except the indoor recreational use, commonly known as racquetball, as described at a public hearing held on **April 10, 1980** , together with the existing outdoor recreational use of the parcel for a swimming club.

5. The party of the first part shall have the right to establish parking in the front yard area as a matter of right, as shown on the plans presented at the public hearing held on **April 10, 1980**.

6. This covenant shall be binding upon the party of the first part, his heirs, executors, administrators and assigns and shall inure to the benefit of the party of the second part

IN WITNESS WHEREOF the party of the first part hereunto affixed his hand and seal this        day of        , 1980.

Signed and Sealed in the  
Presence of:

\_\_\_\_\_

\_\_\_\_\_ (SEAL)

Frank J. Smith, Jr.

Exhibit "B"

ORDINANCE NO. 595

AN ORDINANCE AMENDING UPPER DUBLIN TOWNSHIP CODE TITLE 10 - ZONING, PERMITTING THE REDUCTION OF PERCENTAGE FOR IMPROVEMENTS IN THE CALCULATION OF TOTAL NUMBER OF LOTS AS WELL AS THE REDUCTION OF FRONT YARD OR REAR YARD SETBACK LINES AS A SPECIAL CONDITIONAL USE.

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

SECTION 1. That Article 4 of Title 10 of the Upper Dublin Township Code be amended by adding to the existing Section 4.12 Planned Residential Areas, new subsections as follows:

"Section 4.12.6 Reduction in Design Requirements. The following reduction in design requirements may be permitted as a special conditional use provided the Board of Commissioners shall approve the final plan design:

1. Total Number of Lots. The total number of lots shall be calculated by taking the gross area of the tract (including floodplains and other non-developable areas) subtracting twenty-three percent (23%) for improvements, and dividing the remaining acreage by the square footage of lots permitted for the district.

2(a). Reduction of Setback Lines. Either one of the rear yard setback or the front yard setback on a lot may be reduced a maximum of ten (10) feet; provided, however, that not more than twenty percent (20%) of the building lots in any development shall be affected by such reduction

(b). Where a front or rear yard setback is reduced, the opposite yard must be increased equal to the amount the other yard is reduced, so that their sum is equal to the sum of the front and rear yard setbacks in Section 4.12.3, C. of Alternative Two."

"Section 4.12.7 Criteria for Special Conditional Use. A special conditional use shall be permitted upon application to the Board of Commissioners only upon the determination by the Board of Commissioners that:

1. The subdivision is consistent with the Township's Comprehensive Plan, especially the land use, transportation, open space, recreation, and sewage facilities elements.

2. The subdivision has unique physical features such as, topography, woodlands, historic buildings or sites, or stream valleys including water courses worthy of preservation and protection.

3. The reduction of design requirements will facilitate a public purpose as determined by the Township Commissioners.

4. The reduction in design requirements will not adversely affect neighboring tracts and the neighborhood in which the subdivision is located.

5. The area of any lot the subject of the special conditional use shall not be reduced below the standards required for lots not the subject of the special conditional use."

ORDAINED AND ENACTED this 14th day of October A.D. 1980.

BOARD OF COMMISSIONERS  
UPPER DUBLIN TOWNSHIP

By *C. J. ...*  
President

Attest *Harry Wardle*  
Secretary

ORDINANCE No. 596

AN ORDINANCE AMENDING TITLE 10 - ZONING, OF THE UPPER DUBLIN TOWNSHIP CODE TO PERMIT THE INSTALLATION AND OPERATION OF PERSONAL USE HELIPOINTS AS A CONDITIONAL USE IN THE OC-OFFICE CENTER DISTRICT AND THE LIM-LIMITED INDUSTRIAL DISTRICT.

The Board of Commissioners of the Township of Upper Dublin do hereby ENACT AND ORDAIN:

SECTION 1. That Article 2 of Title 10 of the Upper Dublin Township Code be amended by adding to Section 2.00 Interpretation a new subsection AW as follows:

"AW. Personal Use Heliport. An area on private land used for landing and takeoff of helicopters which is restricted to the exclusive use of the owner or lessee of such land and not for the purpose of operating helicopters for hire or for a fare."

SECTION 2. That Article 8-B-OC of Title 10 of the Upper Dublin Township Code be amended by adding to Section 3 Use Regulations a new subsection G as follows:

"G. Personal Use Heliport.

1. A personal use heliport may be permitted as a conditional use upon application to the Board of Commissioners and the determination by the Board that:

(a) Such use is consistent with Section I Declaration of Legislative Intent.

(b) Such use will not adversely affect the neighborhood in which such use is contemplated or neighboring tracts.

(c) The design of the heliport meets the criteria provided in Chapters 4 through 8, inclusive, and Appendices I and II of Heliport Design Criteria, Federal Aviation Administration, Department of Transportation Advisory Circular AC No. 150/5390-1B dated August 22, 1977, as revised or amended.

(d) A buffer strip shall be landscaped so as to provide a visual barrier unless waived by the Board of Commissioners.

2. Additional Conditions:

(a) The heliport shall be licensed by the Pennsylvania Department of Transportation.

(b) A heliport shall be located not less than four hundred (400) feet from a residential district as measured from the center of the helipad to the residential district line.

(c) A heliport located at least four hundred (400) feet but less than six hundred (600) feet from a residential district shall be restricted to use by helicopters in the following categories:

1. Single engine, turbine powered, helicopters having maximum gross weights not exceeding 4,500 lbs.

2. Twin engined, turbine powered, helicopters having maximum gross weights not exceeding 10,000 lbs.

(d) A heliport located at least six hundred (600) feet but less than eight hundred (800) feet from a residential district shall be restricted to use by helicopters in the following categories:

1. Single engine, piston powered, helicopters having maximum gross weights not exceeding 4,500 lbs.

2. Single engine, turbine powered, helicopters having maximum gross weights not exceeding 8,000 lbs.

3. All helicopter categories listed in condition (c) above.

(e) A heliport located not closer than eight hundred (800) feet from a residential district shall be restricted to use by helicopters in the following categories:

1. All helicopter categories listed in conditions (c) and (d) above.

2. All helicopters having maximum gross weights not exceeding 15,000 lbs.

(f) No more than two (2) flights shall be permitted between the hours of 8:00 p.m. and 7:00 a.m., Local Time, unless waived by the Board of Commissioners.

(g) No maintenance or supply facility or facility for the storage of fuel shall be permitted on site.

(h) The heliport shall be protected by a safety barrier or fence not less than three (3) feet in height above grade to preclude unauthorized persons from entering the operational area. A sufficient warning and identification signs shall be installed on the exterior side of the fence for the information of the general public. The Commissioners may allow waivers of the fence, barrier, and/or sign requirements in appropriate cases.

3. Exceptions to the above may be granted on a temporary basis only in conjunction with a special event such as an athletic contest, a holiday celebration, parade, or similar activity after reasonable advance notice has been given to the Upper Dublin Township police of the intention to do so, or when necessary for law enforcement purposes and emergencies.

4. Anyone who operates a helicopter in violation of the provisions of this Ordinance shall, upon conviction by a District Judge, pay a fine of not less than one hundred dollars (\$100.00) nor more than three hundred dollars (\$300.00) for each violation."

SECTION 3. That Article 12 of Title 10 of the Upper Dublin Township Code be amended by adding to Section 12.01 Use Regulations a new subsection I as follows:

"I. Personal Use Heliport.

1. A personal use heliport may be permitted as a conditional use upon application to the Board of Commissioners and the determination by the Board that:

(a) Such use is consistent with Section 12.00 Declaration of Legislative Intent.

(b) Such use will not adversely affect the neighborhood in which such use is contemplated or neighboring tracts.

(c) The design of the heliport meets the criteria provided in Chapters 4 through 8, inclusive, and Appendices I and II of Heliport Design Criteria, Federal Aviation Administration, Department of Transportation Advisory Circular AC No. 150/5390-1B dated August 22, 1977, as revised or amended.

(d) A buffer strip shall be landscaped so as to provide a visual barrier unless waived by the Board of Commissioners.

2. Additional Conditions:

(a) The heliport shall be licensed by the Pennsylvania Department of Transportation.

(b) A heliport shall be located not less than four hundred (400) feet from a residential district as measured from the center of the helipad to the residential district line.

(c) A heliport located at least four hundred (400) feet but less than six hundred (600) feet from a residential district shall be restricted to use by helicopters in the following categories:

1. Single engine, turbine powered, helicopters having maximum gross weights not exceeding 4,500 lbs.

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(d) A heliport located at least six hundred (600) feet but less than eight hundred (800) feet from a residential district shall be restricted to use by helicopters in the following categories:

1. Single engine, piston powered, helicopters having maximum gross weights not exceeding 4,500 lbs.

2. Single engine, turbine powered, helicopters having maximum gross weights not exceeding 8,000 lbs.

3. All helicopter categories listed in condition (c) above.

(e) A heliport located not closer than eight hundred (800) feet from a residential district shall be restricted to use by helicopters in the following categories:

1. All helicopter categories listed in conditions (c) and (d) above.

2. All helicopters having maximum gross weights not exceeding 15,000 lbs.

(f) No more than two (2) flights shall be permitted between the hours of 8:00 p.m. and 7:00 a.m., Local Time, unless waived by the Board of Commissioners.

(g) No maintenance or supply facility or facility for the storage of fuel shall be permitted on site.

(h) The heliport shall be protected by a safety barrier or fence not less than three (3) feet in height above grade to preclude unauthorized persons from entering the operational area. A sufficient warning and identification signs shall be installed on the exterior side of the fence for the information of the general public. The Commissioners may allow waivers of the fence, barrier, and/or sign requirements in appropriate cases.

3. Exceptions to the above may be granted on a temporary basis only in conjunction with a special event such as an athletic contest, a holiday celebration, parade, or similar activity after reasonable advance notice has been given to the Upper Dublin Township police of the intention to do so, or when necessary for law enforcement purposes and emergencies.

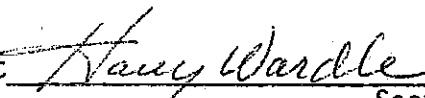
4. Anyone who operates a helicopter in violation of the provisions of this Ordinance shall, upon conviction by a District Judge,

pay a fine of not less than one hundred dollars (\$100.00) nor more than three hundred dollars (\$300.00) for each violation."

ENACTED AND ORDAINED this 9<sup>th</sup> day of December, A.D. 1980.

BOARD OF COMMISSIONERS  
UPPER DUBLIN TOWNSHIP

By  President

Attest  Secretary

ORDINANCE NO. 597

AN ORDINANCE APPROPRIATING FROM EXCESS REVENUES AND MAKING CHANGES IN CERTAIN APPROPRIATIONS HERETOFORE MADE BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF UPPER DUBLIN UNDER ORDINANCE NO. 580 DATED DECEMBER 27, 1979.

WHEREAS, pursuant to Acts of Assembly in such cases made and provided, the Board of Commissioners of Upper Dublin Township, Montgomery County, Pennsylvania, by ordinance adopted and enacted the 27th day of December 1979 appropriated out of the estimated revenue and income available for the year 1980 certain sums estimated by them to be required for the several specific purposes of Township Government, and

WHEREAS, because of the difficulty in accurately determining the exact amount required for certain of the specific purposes of Township Government, which are or may be largely affected by unforeseen contingencies, the same appropriated to the following specific purposes to wit: General Government, Health and Sanitation, Highways, Debt Service, Motor Pool, and

WHEREAS, the expenses incurred in some accounts are less than the funds appropriated and the revenues in some line items are in excess of anticipation for 1980.

NOW, THEREFORE, the Board of Commissioners of Upper Dublin Township do hereby enact and ordain

THAT the sum of \$62,904 be transferred from the following accounts:

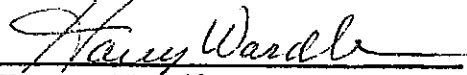
|                           |   |          |
|---------------------------|---|----------|
| Highways                  | - | \$33,704 |
| Insurance & Miscellaneous | - | 29,200   |


to the following accounts:

|                                 |   |          |
|---------------------------------|---|----------|
| Police                          | - | \$26,539 |
| Regulations, Planning & Zoning  | - | 5,583    |
| Motor Pool & Electrical Service | - | 30,557   |
| Parks & Recreation              |   | 225      |

ADOPTED and enacted this 30th day of December 1980.

ATTEST:

  
Harry Wardle, Secretary

  
Griffith S. Miller, Jr.  
President  
Board of Commissioners

ANNUAL BUDGET OF THE TOWNSHIP OF UPPER DUBLIN FOR THE YEAR 1981

ORDINANCE NO. 598

AN ORDINANCE of Upper Dublin Township, Montgomery County, and the Commonwealth of Pennsylvania, appropriating specific sums estimated to be required for the specific purposes of the municipal government, hereinafter set forth, during the current year.

BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Commissioners of Upper Dublin Township, County of Montgomery, Pennsylvania:

SECTION 1. That for the expenses for the fiscal year 1981 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.

GENERAL OPERATING FUNDS  
SUMMARY OF ESTIMATED RECEIPTS

|                                       |                 |
|---------------------------------------|-----------------|
| Cash and securities for Appropriation | \$ 117,549      |
| Receipts from Current Tax Levy        | 2,305,464       |
| Receipts from Taxes of Prior Years    | 51,000          |
| Other Revenue Receipts                | 852,650         |
| Miscellaneous Non-Revenue Receipts    | <u>610,300</u>  |
| <br>TOTAL ESTIMATED RECEIPTS AND CASH | <br>\$3,936,963 |

SUMMARY OF APPROPRIATIONS

|                                     | <u>Operation and<br/>Maintenance</u> |
|-------------------------------------|--------------------------------------|
| General Government:                 |                                      |
| Administration                      | \$235,833                            |
| Treasurer & Tax Collector           | 7,670                                |
| Municipal Buildings                 | <u>60,020</u>                        |
| <br>TOTAL                           | <br>\$303,523                        |
| Protection to Persons and Property: |                                      |
| Police                              | \$1,042,100                          |
| Fire                                | 20,475                               |
| Civil Service                       | <u>10,000</u>                        |
| <br>TOTAL                           | <br>\$1,072,575                      |

|   |       |                |
|---|-------|----------------|
| Regulations, Planning & Zoning                        | TOTAL | \$ 92,702      |
| Health & Sanitation:                                  |       |                |
| Health  |       | 62,850         |
| Trash Collection & Disposal                           |       | <u>389,400</u> |
|   | TOTAL | \$452,250      |
| Highways:   | TOTAL | \$432,500      |
| Library:  | TOTAL | \$118,886      |
| Motor Pool & Electrical Services:                     |       |                |
| Motor Pool  |       | \$261,760      |
| Electrical Services                                   |       | <u>17,900</u>  |
|   | TOTAL | \$279,660      |
| Parks & Recreation:                                   | TOTAL | \$216,064      |
| Miscellaneous:  |       |                |
| Employee Taxes & Benefits                             |       | \$424,000      |
| Insurance   |       | 227,337        |
| Refunds   |       | <u>350</u>     |
|   | TOTAL | \$651,687      |
| TOTAL FOR OPERATION, MAINTENANCE AND CAPITAL OUTLAY - |       | \$3,619,847    |
| Debt Service:   |       |                |
| Interest on Temporary Loan                            |       | \$ 84,803      |
| Interest on Bonded Debt                               |       | 129,813        |
| Principal on Bonded Debt                              |       | <u>102,500</u> |
| TOTAL DEBT SERVICE                                    |       | \$317,116      |
| TOTAL APPROPRIATIONS FROM GENERAL OPERATING FUNDS -   |       | \$3,936,963    |

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 any ordinance, or part of ordinance, conflicting with this ordinance be and the same is hereby repealed insofar as the same affects this ordinance.

ADOPTED this 30th day of December 1980.

Griffith S. Miller, Jr.  
President  
Board of Commissioners  
Upper Dublin Township

ATTEST:

Harry Wardle, Secretary

TAX LEVY ORDINANCE

ORDINANCE NO. 599

AN ORDINANCE of Upper Dublin Township, Montgomery County and the Commonwealth of Pennsylvania, fixing the tax rate for the year 1981.

BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Commissioners of Upper Dublin Township, County of Montgomery, Pennsylvania:

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 1981, as follows:

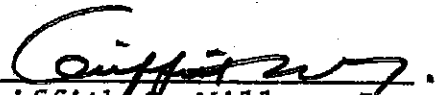
Tax rate for general purposes, the sum of.....29.94 mills on each dollar of assessed valuation, or the sum of.....299.4 cents on each one hundred dollars of assessed valuation.

For fire protection purposes, the sum of..... 2.5 mills on each dollar of assessed valuation, or the sum of..... 25.0 cents on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

|                               | Mills on Each<br>Dollar of<br>Assessed<br>Valuation | Cents on Each<br>One Hundred<br>Dollars of<br>Assessed<br>Valuation |
|-------------------------------|---|---|
|                               | <u>                    </u>                         | <u>                    </u>   |
| Tax Rate for General Purposes | 29.94 mills   | 299.4 cents   |
| Tax Rate for Fire Protection  | <u>2.50</u> mills                                   | <u>25.0</u> cents   |
| TOTAL                         | 32.44 mills   | 324.4 cents   |

Adopted this 30th day of December 1980.

  
Griffith S. Miller, Jr.  
President  
Board of Commissioners  
Upper Dublin Township

ATTEST:

  
Harry Wardle, Secretary