

UPPER DUBLIN TOWNSHIP ORDINANCES

<u>No.</u>	<u>Date</u>	<u>Description</u>
700	12/03/1985	Authorizes bond refinancing
701	12/10/1985	Montgomery County Solid Waste Program
702	12/10/1985	Execution of Joint Inter-Municipal Cooperation Agreement with Ambler Jointure
703	12/17/1985	1986 Budget Ordinance
704	12/17/1985	Fixes tax rate for 1986
705	12/17/1985	Establishes Commissioners' Compensation
706	01/14/1986	Projects to be undertaken by Authority
707	03/11/1986	Establishes Traffic Assessment District
708	05/08/1986	Parking in Office Center District
709	05/08/1986	Revised Township Codification
710	07/08/1986	Rezones Farm Lane property (Cairo) to B-Residential
711	08/12/1986	Authorizes Annasmead Rd, Webster & Mildred Ln Sewer Project
712	08/12/1986	Provides for Re-Inspection Fees
713	10/14/1986	Satellite Dist Ordinance
714	10/14/1986	Amends Title 10, "LIM", deck parking, parking space size
715	10/15/1986	Rezones 1014 Farm Lane B-Residential
716	11/11/1986	Realty Transfer Tax
717	11/11/1986	Approves Earned Income Tax
718	12/09/1986	Amends Sewer Rate Calculation Method
719	12/09/1986	Approves Tennis Avenue / Norristown Road Sewer Project
720	12/16/1986	Approves 1987 budget

UPPER DUBLIN TOWNSHIP ORDINANCES

<u>No.</u>	<u>Date</u>	<u>Description</u>
721	12/16/1986	Fixes 1987 tax rate
722	01/13/1987	Establishes meetings for 1987
723	02/10/1987	Rabies Vaccination
724	02/10/1987	Street light assessments for Homeowners' Associations
725	02/10/1987	Increases inspection fee for grading
726	02/10/1987	Amends Title 2 re: manager's tenure
727	02/10/1987	Establishes account with PLGIT
728	02/10/1987	Establishes committee meeting dates for 1987
729	02/24/1987	Rezones Willow Tract to MD – Multi-Dwelling District
730	05/12/1987	Sewer Rate adjustment for pools
731	05/12/1987	Adopts BOCA Basic Building Code
732	05/12/1987	Adopts BOCA Fire Prevention Code
733	05/12/1987	Amends BOCA National Existing Structures Code
734	06/09/1987	Hutchins Drive Sewer Project
735	08/11/1987	Amends Title 3, Steep Slope Regulations
736	08/11/1987	Amends Title 10, Steep Slope Regulations
737	10/20/1987	Implements "No Turns" onto Candlebrook Drive
738	11/10/1987	Establishes "Snow Emergency Routes"
739	12/08/1987	Transportation Development and Business Improvement District
740	12/15/1987	Appropriates funds for 1988
741	12/15/1987	Sets tax rates for 1988
742	12/15/1987	Condemns Yang Property (Harris Rd) for construction of storm sewer

UPPER DUBLIN TOWNSHIP ORDINANCES

<u>No.</u>	<u>Date</u>	<u>Description</u>
743	01/04/1988	Establishes meetings for 1988
744	01/12/1988	Rezoning of Cairo Tract
745	05/10/1988	Amends Title 8, Requirement of Bond for Street Opening
746	06/14/1988	Amends Title 10, Deletes Planned Residential Areas, Alternative Two
747	06/14/1988	Rezones a portion of St. Mary's to B+ Residential
748	06/28/1988	Amends Title 10, Decks in a MRD District
749	06/28/1988	Approves Jarrettown Road Reconstruction Project
750	06/28/1988	Approves refinancing of 1982 bond issue
751	07/12/1988	Increases fines for various offenses
752	08/09/1988	Authorizes financing for Transportation Development District
753	08/09/1988	Increases fines for certain offenses
754	09/13/1988	St. Mary's small parcel rezoning to B-Residential District
755	09/13/1988	Transportation Development District Assessments
756	10/11/1988	Snow Emergency Routes
757	11/01/1988	Burning of leaves
758	11/01/1988	Ordains Applewood Drive Sewer Project
759	11/10/1988	Permits Personal Use Services in LIM District
760	12/20/1988	Appropriates specific sums for 1989
761	12/20/1988	Fixes tax rate for 1989
762	01/10/1989	Increases Sewer Connection Fee
763	01/10/1989	Establishes meetings for 1989

UPPER DUBLIN TOWNSHIP ORDINANCES

<u>No.</u>	<u>Date</u>	<u>Description</u>
764	04/11/1989	Ordains widening & reconstruction of Susquehanna Road
765	04/18/1989	Ordains Renfrew Avenue alley storm sewer project
766	05/09/1989	Changes fees for Subdivision and Zoning
767	05/09/1989	Mailbox Placement
768	05/09/1989	Municipal Solid Waste Disposal & Joint Cooperation Ordinance
769	07/11/1989	Broad Street Realignment
770	09/12/1989	Approves Dresherbrooke Rezoning (Susquehanna Road at Twining Valley Golf Club) to MD-Multi-Dwelling District
771	11/14/1989	Amends Title 9, Subdivision of Lots on Private Streets
772	11/14/1989	Amends Title 10, Subdivision of Lots on Private Streets
773	12/12/1989	Appropriates funds for 1990
774	12/12/1989	Sets tax rate for 1990
775	12/12/1989	Earned Income Tax Tenant Ordinance
776	12/12/1989	Amends Fines for various offenses
777	01/09/1990	Establishes meeting dates for 1990
778	02/13/1990	Condemnation of right-of-way for PA Avenue & Commerce Dr
779	03/13/1990	Mandatory Recycling
780	05/08/1990	Condemnation of rights-of-way for Willowbrook (Toll & Prasol properties)
781	06/12/1990	Genuardi Rezoning to SC-Shopping Center District
782	06/12/1990	Sprinklering in a MD-Multi-Dwelling District
783	07/10/1990	Increases Sewer Connection Fee to \$3,500
784	08/14/1990	Vacates of Revere Way

UPPER DUBLIN TOWNSHIP ORDINANCES

<u>No.</u>	<u>Date</u>	<u>Description</u>
785	08/15/1990	Ordains Morris Road Sewer Project
786	08/21/1990	1990 bond Issue (Twining Valley Golf Club)
787	09/11/1990	Rezones Bellmeade Farms Tract to MD-Multi-Dwelling
788	11/13/1990	Cathlin Rezoning to MD-District (Norrstown/Welsh/Butler)
789	11/13/1990	Revision to parking regulations for Pennsylvania Avenue / Commerce Drive
790	11/13/1990	Right-of-way acquisition for Pennsylvania Avenue / Commerce Dr
791	11/13/1990	Municipal Drug Task Force
792	11/13/1990	Municipal Police Cooperative Agreement for Task Force
793	12/11/1990	Appropriates specific funds for 1991
794	12/11/1990	Fixes tax rates for 1991
795	12/11/1990	Rezones Marin Property at 435 & 437 Pennsylvania Avenue to Commercial, Class I
796	12/11/1990	Establishes meeting dates for 1991
797	12/11/1990	Changes sewer rates
798	12/11/1990	Rezones Ammendola property (Loch Alsh & Bethlehem Pike)
799	01/08/1991	Amends Title 10 re: Decks in Multi-Dwelling Districts

TOWNSHIP OF UPPER DUBLIN

Montgomery County, Pennsylvania

ORDINANCE NO. 700

AUTHORIZING THE INCURRENCE OF NONELECTORAL DEBT BY THE ISSUANCE OF \$1,950,000 GUARANTEED SEWER REVENUE BONDS, SERIES OF 1985, TO REFUND GUARANTEED SEWER REVENUE BONDS, SERIES OF 1978, OF UPPER DUBLIN TOWNSHIP AUTHORITY AND PROVIDE FUNDS TOWARDS THE CONSTRUCTION OF SEWER PROJECTS; ESTABLISHING THE TERMS AND CONDITIONS OF THE BONDS; PLEDGING SEWER REVENUES OF THE TOWNSHIP AS SECURITY FOR SAID BONDS AND IN ADDITION GUARANTEEING THE PAYMENT OF THE BONDS AND PLEDGING THE TOWNSHIP'S FULL FAITH, CREDIT AND TAXING POWER THEREFOR; FINDING AND DETERMINING THAT IT IS IN THE BEST FINANCIAL INTEREST OF THE TOWNSHIP TO SELL THE SERIES OF 1985 BONDS AT PRIVATE NEGOTIATED SALE; ACCEPTING A PROPOSAL FOR THE PURCHASE OF THE BONDS AT PRIVATE NEGOTIATED SALE AND AUTHORIZING THE DISBURSEMENT OF THE PROCEEDS OF THE SALE THEREOF; PROVIDING FOR THE ISSUANCE OF ADDITIONAL SEWER REVENUE BONDS; ESTABLISHING A SINKING FUND; AUTHORIZING THE FILING OF A TRANSCRIPT OF PROCEEDINGS WITH THE DEPARTMENT OF COMMUNITY AFFAIRS; APPOINTING A PAYING AGENT AND SINKING FUND DEPOSITARY; AND AUTHORIZING OTHER NECESSARY ACTION.

Jenkins, Tarquini & Jenkins
Butler Avenue
Ambler, PA 19002

Saul, Ewing, Remick & Saul
38th Floor Centre Square West
Philadelphia, PA 19102

TOWNSHIP OF UPPER DUBLIN
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RECITALS

WHEREAS, the Township of Upper Dublin (the "Township"), a municipal corporation and political subdivision of the Commonwealth of Pennsylvania (the "Commonwealth"), operates sewer facilities serving the Township, portions of which are owned by the Township and other portions of which are owned by Upper Dublin Township Authority (the "Authority"); and

WHEREAS, the Authority has acquired and constructed improvements to said sewer facilities at various times in the past and has financed or refinanced certain of such improvements from the proceeds of its Guaranteed Sewer Revenue Bonds, Series of 1978, issued in the aggregate principal amount of \$2,665,000 (the "1978 Bonds"); and

WHEREAS, the 1978 Bonds constitute lease rental debt of the Township and the Board of Commissioners of the Township after due deliberation has found and determined that it is in the best interests of the Township to refinance the 1978 Bonds through the sale of Guaranteed Sewer Revenue Bonds, Series of 1985 of the Township (the "1985 Bonds"), pursuant to this Ordinance at private negotiated sale; and

WHEREAS, the Township also desires to provide funds for certain sewer improvement projects and will apply a portion of the proceeds of the 1985 Bonds to such purpose; and

WHEREAS, the Board of Commissioners of the Township has reviewed a proposal for the purchase of the 1985 Bonds from the investment banking firms of Butcher & Singer Inc. and Dolphin & Bradbury, of Philadelphia, Pennsylvania; and

WHEREAS, the Board of Commissioners desires to authorize the issuance of the Bonds, to provide for the repayment and security thereof and the application of the proceeds thereof, and to approve other matters relating thereto.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF UPPER DUBLIN, in order to secure payment of the principal of and interest on the Bonds issued and outstanding hereunder according to their tenor, to secure the performance and observance of all covenants and conditions therein and herein contained and to declare the terms and conditions upon which the Bonds shall be secured, and in consideration of the covenants herein contained and of the purchase and acceptance of the Bonds by the holders thereof, the Township, intending to be legally bound, by these presents DOES HEREBY TRANSFER, ASSIGN AND PLEDGE HEREUNDER all its right, title and interest in and to the Sewer Revenues, as defined herein, upon terms herein set forth, to the Paying Agent in trust for the equal and proportionate use,

benefit and security of all present and future holders of the Bonds, without preference, priority or distinction as to lien or otherwise, except as hereinafter provided, of any one Bond over any other Bond, so that each Bond issued hereunder shall have the same right, lien and privilege hereunder, and the principal of and interest on the Bonds shall be secured equally and proportionately hereby, AND IT HEREBY IS ENACTED AND ORDAINED AS FOLLOWS:

ARTICLE I

DEFINITIONS, INTERPRETATIONS, PRELIMINARY MATTERS, LEGAL
AUTHORITY AND PROCEEDINGS UNDER ACT

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

Authority
Commonwealth
1978 Bonds
1985 Bonds
Township

Section 1.02. Other Definitions. For all purposes of this Ordinance and all Supplemental Ordinances hereafter enacted, except as otherwise expressly provided or unless the context clearly otherwise requires, the terms defined in this Section have the following meanings:

"Accountant" means such independent certified public accountant or accounting firm as shall at the time be employed by the Township for the purpose of performing the functions and duties of the independent certified public accountant under this Ordinance or any Supplemental Ordinance.

"Act" means the Local Government Debt Act of the Commonwealth (Act No. 52 approved April 28, 1978), as now amended and as from time to time hereafter amended or supplemented.

"Additional Bonds" means all bonds secured by a pledge of Sewer Revenues and a guaranty by the Township which are authorized and issued pursuant to Article III hereof.

"Annual Budget" means the written statement of the anticipated annual receipts and expenses of the Sewer System for each Fiscal Year approved by the Board of Commissioners as provided in Section 8.08, or as amended and supplemented with like approval.

"Authorized Officer" means with respect to the Township the President or Vice President of the Board of Commissioners or the Township Manager or such other officers of the Township as may from time to time be designated by resolution of the Township, a certified copy of which is filed with the Paying Agent.

"Board" or "Board of Commissioners" means the governing body of the Township.

"Bond" or "Bonds" means all Bonds outstanding from time to time under this Ordinance, including Additional Bonds as well as the 1985 Bonds described in Section 2.01 and 2.03 hereof and Bond issued pursuant to Section 2.10.

"Capital Additions" means all permanent improvements to the Sewer System and property of any kind acquired or constructed by the Township after the date hereof which is used or useful in connection with the Sewer System and properly chargeable to a plant or property account under sound accounting practice, including, without limiting the generality of the foregoing, land, easements, rights of way, leaseholds, other interests in real or personal property, replacements of property retired, relocation of facilities; additional buildings and renovations of existing buildings; machinery and equipment; and other improvements, extensions and facilities used to provide sewer collection, transmission, treatment or disposal services.

"Certified Resolution" means a copy of one or more resolutions certified by the Secretary or an Assistant Secretary of the Township, under its seal, to have been duly adopted by the Board and to be in effect on the date of such certification.

"Construction Fund" means the sewer projects fund of the Township described in Section 4.01.

"Cost or Costs" in connection with any project, including Capital Additions, means all expenses which are properly chargeable thereto under sound accounting practice or which are incidental to the financing and construction or acquisition of such project, including, without limiting the generality of the foregoing:

A. amounts payable to contractors and costs incident to the award of contracts;

B. cost of labor, facilities and services furnished by the Township and its employees or others, materials and supplies purchased by the Township or others, and permits and licenses obtained by the Township;

C. engineering fees and expenses for survey, design, inspection, supervision and other duties required for proper construction of a project;

D. premiums for contract bonds and insurance during construction and costs on account of personal

injuries and property damage in the course of construction and insurance against the same;

E. interest during construction of a project and for the period after construction permitted by the Act;

F. administrative expenses of the Township (including compensation and expenses of the Paying Agent) during construction and for a reasonable period after construction of a project pending the collection of Sewer Revenues;

G. printing, legal, accounting and other professional and advisory fees and expenses and other expenses of financing;

H. costs, fees and expenses in connection with the acquisition of real property or rights therein;

I. cost of machinery and equipment necessary for the completion and proper operation of the project or property in question; and

J. amounts required to repay temporary or bond anticipation loans made to finance the costs of any project.

In the case of projects for refunding or redeeming any Bonds, "Cost" includes, without limiting the generality of the foregoing, the items listed above as applicable, advertising and other expenses related to the redemption of the Bonds to be redeemed, the redemption price of such Bonds and the accrued interest payable on redemption to the extent not otherwise provided for. Whenever Costs are to be paid hereunder, payment may be made to reimburse the Township or other person or entity which has paid the same.

"Debt Service Requirements" means, with respect to any period, the amounts required in said period to pay, or to be set aside or deposited in the Sinking Fund for the payment of, the principal of or interest on Bonds, excepting amounts set aside out of proceeds of Bonds for payment of interest. For the purpose of ascertaining aggregate Debt Service Requirements, interest shall be computed to mandatory redemption dates to the extent that Bonds are required to be redeemed by mandatory redemption provisions, otherwise computed to stated maturity dates.

"Engineer" means such engineer or consulting engineer firm as shall at the time be employed or engaged to perform engineer-

ing services for the Township related to the Sewer System and may include the person designated generally as "Township Engineer."

"Fiscal Year" means a period of 12 consecutive months ending the last day of December of each year.

"Government Obligations" means treasury bills or interest bearing direct obligations of the United States of America, or obligations the principal of and interest on which are unconditionally guaranteed by the United States of America or an agency or instrumentality thereof.

"Indenture" means the Trust Indenture dated as of August 16, 1978 between the Authority and the Trustee, under which the 1978 Bonds were issued.

"Officer's Certificate" means a certificate or statement signed by an Authorized Officer.

"Operating Expenses" means the Operating Expenses reasonably incurred or to be incurred by the Township in connection with the ownership and operation of the Sewer System including, without limiting the generality of the foregoing, all reasonable costs of operating, maintaining, insuring and repairing the Sewer System and of making such ordinary renewals, replacements, improvements and extensions as may be necessary or proper to maintain adequate service, all taxes imposed upon the Sewer System or Sewer Revenues, auditing fees, legal fees, engineering fees, office expenses, general administrative expenses, and compensation of the Paying Agent and other ordinary and necessary costs of operating the Sewer System.

"Ordinance" means this instrument and, unless the context indicates otherwise, all Supplemental Ordinances.

"Outstanding", when used with reference to Bonds, shall mean, at any date as of which the amount of Outstanding Bonds is to be determined, the aggregate of all Bonds theretofore and thereupon being authenticated and delivered, except:

- (i) Bonds cancelled at or prior to such date;
- (ii) Bonds for the payment of which cash shall have been theretofore deposited with the Paying Agent and which shall have matured by their terms, but shall not have been surrendered for payment;
- (iii) Bonds for the payment or redemption of which funds sufficient to pay all principal, interest and premium, if any, to the date of maturity or date fixed for redemption shall have been theretofore deposited

with the Paying Agent, provided, in the case of redemption, that notice thereof has been published as required by this Ordinance or irrevocable instructions given to the Paying Agent to publish such notice; and

(iv) Bonds which are no longer deemed to be outstanding in accordance with provisions in Section 1110(b) of the Act.

"Paying Agent" means Continental Bank, Norristown, Pennsylvania, in its capacity as paying agent and Sinking Fund Depository under this Ordinance.

"Pledge Agreement" means the Pledge and Escrow Agreement among the Township, the Authority and the Trustee, to be dated as of December 15, 1985, providing for the deposit and investment of funds with the Trustee in an amount sufficient to pay the 1978 Bonds and all interest thereon and to defease the lien of the Indenture.

"Sewer Rate Covenant" means the covenant of the Township set forth in Section 5.01.

"Sewer Revenues" means (a) all rates, rents, services and user charges paid or payable to the Township for the use of the Sewer System or any part thereof, including connection fees, governmental subsidies relating to operation of the Sewer System and other current revenues derived by the Township from its ownership, operation or leasing of the Sewer System, and (b) all interest and profits received from the investment of moneys held in any fund established under the Ordinance, but excludes receipts and revenues derived from front-foot, benefit or other special assessments imposed on property owners with respect to sewer collection lines or other sewer facilities and also excludes tax and other general revenues of the Township.

"Sewer System" means all real and personal property and all other facilities, including Capital Additions, used or useful from time to time by the Township to provide sanitary sewer collection, transmission, treatment or disposal services within the Township including all land, easements, rights of way, pipes, pumps, buildings, fixtures, machinery, equipment and other property appertenant thereto or used in connection therewith, together with all renewals, replacements, extensions and improvements of any of the foregoing from time to time acquired or constructed by the Township.

"Sinking Fund" means the separate fund created by Section 6.01.

"Supplemental Ordinance" means a ordinance supplemental to this Ordinance executed in connection with the issuance of Additional Bonds pursuant to Article III, or executed for the purpose of amendments or modifications pursuant to Section 9.02.

"Trustee" means The Philadelphia National Bank in its capacity as Trustee for the holder of the 1978 Bonds.

"Underwriters" mean Butcher & Singer Inc., and Dolphin & Bradbury, both of Philadelphia, Pennsylvania.

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

Section 1.03. Legal Authority. This Ordinance is enacted pursuant to the Act and the First Class Township Code of the Commonwealth, and the Board, on behalf of the Township, hereby determines and states that each and every matter and thing provided for herein is necessary and desirable to carry out and effectuate the public purposes of the Township in accordance with such laws. All of the mandatory provisions of the Act shall apply hereunder whether or not expressly stated herein.

Section 1.04. Ordinance To Constitute Contract. In consideration of the purchase and acceptance of the Bonds authorized to be issued hereunder by those who shall purchase the same from time to time, this Ordinance shall be deemed to be and shall constitute a contract between the Township and the holders of all such Bonds; and the covenants and agreements herein set forth to be performed on behalf of the Township shall be for the benefit, protection and security of holders of all such Bonds, all of which, regardless of the time or times of their issue or maturity, shall be of equal rank, without preference, priority or distinction of any such Bond over any other thereof except as expressly provided therein, herein or in any Supplemental Ordinance.

SECTION 1.05. Increase in Indebtedness. The gross nonelectoral indebtedness of the Township shall be increased in the aggregate amount of \$1,950,000 for the purpose of providing funds for the refunding of the 1978 Bonds and the Capital Additions hereinafter described. Such nonelectoral indebtedness shall be evidenced by \$1,950,000 principal amount of 1985 Bonds, which shall be issued as guaranteed revenue bonds as hereinafter authorized. The 1978 Bonds, in the initial principal amount of \$2,655,000 of which \$2,395,000 are currently outstanding, to be refunded from the proceeds of the Bonds, shall thereafter be

deemed to be no longer outstanding in accordance with Section 1110(b) of the Act, thereby reducing the Township's gross lease rental debt by \$2,395,000.

SECTION 1.06. Debt Statement and Other Proceedings Authorizing Bonds. The President of the Board and Township Secretary or Treasurer are hereby authorized and directed to execute and file the debt statement and borrowing base certificate required by the Act and to apply to the Department of Community Affairs for approval of the proceedings authorizing the issuance of the Bonds, and to execute and file with said Department any and all documents required to be submitted as part of said application for approval.

Section 1.07. Covenant as to Debt Service. The Township hereby covenants with the holders from time to time of the outstanding Bonds: (a) that the Township will include in its Annual Budget for each Fiscal Year, commencing with the Fiscal Year ending December 31, 1986, the amounts of the debt service on the outstanding Bonds which will be payable in each such fiscal year so long as any of such Bonds shall remain outstanding; (b) that the Township will appropriate to and deposit in the Sinking Fund hereinafter established, from the Sewer Revenues hereinafter pledged and, to the extent of any deficiency, from its general revenues, such amounts for the payment of such debt service; and (c) that the Township will duly and punctually pay out of its Sewer Revenues deposited in the Sinking Fund and, to the extent necessary, out of its general revenues so deposited, the principal of every Bond and the interest thereon on the dates, at the places and in the manner stated in the Bonds, according to the true intent and meaning thereof; and for such budgeting, appropriation and payment, the Township hereby pledges its full faith, credit and taxing power. The covenant contained herein shall be specifically enforceable.

Section 1.08. Pledge of Sewer Revenues. All Sewer Revenues are hereby irrevocably pledged for the payment of the principal of, premium, if any, and interest on the Bonds, and for the further benefit and security of the holders or registered owners of the Bonds a security interest is hereby granted in and to all Sewer Revenues, which security interest shall be perfected as provided in Section 606 of the Act. The proper Township officers shall execute and file financing statements as required by the Uniform Commercial Code to evidence the grant of such security interest.

Section 1.09. Guaranty of Bonds. The Township guarantees that the Sewer Revenues pledged pursuant to Section 1.07 hereof will be sufficient for the payment of the principal of and interest on the Bonds, and, to the extent, if any, that such Sewer Revenues shall be insufficient, it will budget, appropriate and pay the principal of and interest on the Bonds from its general

revenues; and for such guaranty, budgeting, appropriation and payment the Township hereby irrevocably pledges its full faith, credit and taxing power.

Section 1.10. Taxes Not Assumed. The Township does not assume the payment of any taxes with respect to the Bonds.

ARTICLE II

CONCERNING THE BONDS - TERMS OF THE 1985 BONDS

Section 2.01. Authorization of Bonds - Capital Additions - Form of 1985 Bonds. There shall be initially issued hereunder \$1,950,000 Guaranteed Sewer Revenue Bonds, Series of 1985, described in Section 2.03, for the purpose of: (a) providing funds to refund the 1978 Bonds, (b) funding certain Capital Additions to the Sewer System, and (c) paying the costs and expenses of the financing. It is hereby determined and stated that the refunding will reduce total debt service over the life of the issues, as shown in the annual debt service comparison schedule attached hereto and made a part hereof, and will eliminate burdensome and restrictive covenants and provisions in the Indenture and other financing documents relating to the 1978 Bonds, and that the Capital Additions to be financed from the proceeds of the 1985 Bonds are pumping station improvements, including the upgrading of certain pumping stations and the elimination of other pumping stations, and the correction of infiltration and inflow problems in the Sewer System, that such Capital Additions have a realistic estimated useful life of not less than twenty-five (25) years and that the Township has obtained realistic cost estimates for such improvements through actual bids or professional cost estimates.

The amount of the proceeds of the 1985 to be applied to the purposes set forth in this Section 2.01 is estimated to be as set forth in Exhibit A attached hereto and made a part hereof.

The 1985 Bonds shall be fully registered bonds and shall be dated, shall be in the denomination, shall be numbered, shall mature and shall bear interest as more particularly set forth in Section 2.03.

Additional Bonds may also be issued under this Ordinance pursuant to and subject to the terms and conditions of Article III hereof. The Additional Bonds shall be issued in such aggregate principal amounts, for such purposes, shall be in such form and denomination, shall bear such dates, shall be numbered, and shall mature and bear interest as shall be provided in the Supplemental Ordinance executed in connection with the issuance thereof. Bonds may also be issued under this Ordinance pursuant to Section 2.10 hereof in lieu of Bonds theretofore issued which have been mutilated, lost, destroyed or stolen.

The 1985 Bonds and the coupons thereto attached shall be in substantially the following form with appropriate insertions, omissions and variations.

[FORM OF FACE OF 1985 BOND]

No. R-

Principal Sum:
Maturity Date:
Interest Rate:
Registered Owner:
Issue Date: December 15, 1985
CUSIP:

TOWNSHIP OF UPPER DUBLIN
Montgomery County, Pennsylvania

GUARANTEED SEWER REVENUE BOND,
SERIES OF 1985

TOWNSHIP OF UPPER DUBLIN, a municipal corporation and political subdivision existing under and by virtue of the laws of the Commonwealth of Pennsylvania (the "Township"), for value received, hereby promises to pay to the registered owner hereof on the Maturity Date set forth above the Principal Sum set forth above, unless this Bond shall have been called for redemption and payment of the redemption price shall have been duly made or provided for, and to pay interest thereon from December 15, 1985 or the most recent Interest Payment Date to which interest has been paid or duly provided for, initially on May 1, 1986 and semi-annually thereafter on May 1 and November 1 of each year (each, an "Interest Payment Date"), at the annual rate specified above, calculated on the basis of a 360-day year of twelve 30-day months, until the principal sum is paid or has been provided for. The principal of this Bond is payable upon presentation and surrender hereof at the principal corporate trust office of Continental Bank, in Norristown, Pennsylvania (the "Paying Agent"). Interest on this Bond will be paid on each Interest Payment Date by check or draft mailed to the person in whose name this Bond is registered on the registration books of the Township maintained by the Paying Agent, as bond registrar, at the address appearing thereon at the close of business on the fifteenth day of the calendar month next preceding such Interest Payment Date (the "Regular Record Date"). Any such interest not so timely paid or duly provided for shall cease to be payable to the person who is the registered owner hereof as of the Regular Record Date, and shall be payable to the person who is the registered owner hereof at the close of business on a Special Record Date for the payment of such defaulted interest. Such Special Record Date shall be fixed by the Paying Agent whenever moneys become available for payment of the defaulted interest, and notice of the Special Record Date and of the payment date shall be given to registered owners of the Bonds not less than fifteen (15) days prior to the Special Record Date. The principal of and interest on this Bond are payable in lawful money of the United States of America.

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

IN WITNESS WHEREOF, 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 corporate seal to be hereunto affixed and duly attested by the facsimile signature of its Secretary.

TOWNSHIP OF UPPER DUBLIN

(Facsimile Seal)

By: (Facsimile Signature)
President of Board of
Commissioners

Attest: (Facsimile Signature)
Secretary

[FORM OF AUTHENTICATION CERTIFICATE]

This Bond is one of the Guaranteed Sewer Revenue Bonds, Series of 1985, described in the within mentioned Ordinance.

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

Date of Authentication: CONTINENTAL BANK,
Paying Agent

By: _____
Authorized Officer

[FORM OF REVERSE OF 1985 BOND]

This Bond is one of a duly authorized issue of \$1,950,000 Guaranteed Sewer Revenue Bonds, Series of 1985, of the Township (the "Bonds") dated as of December 15, 1985 and is issued pursuant to the Local Government Unit Debt Act of the Commonwealth (Act No. 52 approved April 28, 1978), as amended (the "Act"). The Bonds are issued in registered form in the denominations of \$5,000 and any integral multiple thereof. The Bonds are all of like date and tenor, except as to date of maturity, rate of interest and provision for redemption, are all issued pursuant to the Act and an ordinance enacted by the Board

of Commissioners of the Township on December 3, 1985 (the "Ordinance") and are all equally and ratably secured under the Ordinance by a pledge of the Township's sewer revenues and certain other income and moneys as provided in the Ordinance. The Bonds are issued for the purpose of providing funds for re-funding of the Guaranteed Sewer Revenue Bonds, Series of 1978, issued by Upper Dublin Township Authority and for capital improvements to the sewer facilities in the Township.

The Township has guaranteed the payment of all obligations due on the Bonds and for the payment of such guaranty has unconditionally pledged its full faith, credit and taxing power.

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

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

Bonds maturing on and after November 1, 1991 are subject to redemption prior to maturity at the option of the Township as a whole or in part from time to time in inverse order of maturity and within a maturity by lot, on November 1, 1990 or any date thereafter, at a redemption price equal to 100% of principal amount, together with interest accrued to the date fixed for redemption.

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

equal to and in exchange for the unredeemed portion of the principal of the Bond so surrendered.

The Paying Agent shall give notice of any redemption by first-class mail, postage prepaid, mailed not less than thirty (30) days nor more than sixty (60) days prior to the redemption date to each registered owner of Bonds to be redeemed at his registered address as it appears in the Bond Register. Such notice shall be given in the name of the Township, shall identify the Bonds to be redeemed (and, in the case of a partial redemption of any Bonds, the respective principal amounts thereof to be redeemed), shall specify the redemption date and the redemption price, and shall state that on the redemption date the Bonds called for redemption will be payable at the principal corporate trust office of the Paying Agent and that from the date of redemption interest will cease to accrue. Failure to mail any notice or defect in the mailed notice or in the mailing thereof in respect of any Bond shall not affect the validity of the redemption of any other Bond.

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

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

The Paying Agent shall not be required: (i) to transfer or exchange any Bonds during a period beginning at the close of business on the fifth (5th) day next preceding the day of selection of Bonds to be redeemed and ending at the close of business on the day on which the applicable notice of redemption is given,

or (ii) to transfer or exchange any Bond selected for redemption in whole or in part.

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

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 "R".

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

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

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 for 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, as Sinking Fund Depository, a sinking fund for the Bonds and shall deposit therein from its sewer revenues and, if required, from its general revenues, amounts sufficient to pay the principal of and interest on the Bonds as the same shall become due and payable; and that for the

prompt and full payment of all obligations of this Bond, the full faith, credit and taxing power of the Township are hereby irrevocably pledged.

Neither this Bond nor any obligation to pay interest hereunder shall be entitled to any benefit under the Ordinance or be valid or become obligatory for any purpose until this Bond shall have been authenticated by the certificate endorsed hereon duly signed by the Paying Agent, or its successor in the trust.

[END OF 1985 BOND FORM]

Section 2.02. Finding As To Private Negotiated Sale and Sale of 1985 Bonds to the Underwriters. As required by Section 701 of the Act, the Board of Commissioners hereby finds, determines and declares after due investigation that it is in the best financial interests of the Township to sell the 1985 Bonds at private negotiated sale.

The 1985 Bonds are hereby awarded and sold at private negotiated sale to the Underwriters at a price of \$1,907,100 and in accordance with the other terms and conditions contained in the proposal of the Underwriters presented to this meeting, which is hereby accepted. A copy of said proposal shall be attached to this Ordinance and lodged with the official minutes of this meeting and is hereby incorporated herein by reference. The average annual debt service on the 1985 Bonds under the terms of said proposal is \$201,600.

Section 2.03. Maturities and Other Terms of 1985 Bonds. The 1985 Bonds shall be in denominations of \$5,000 or any integral multiple thereof, shall be dated as of December 15, 1985, and shall be subject to purchase or redemption prior to maturity in the manner and subject to the conditions therein stated. The 1985 Bonds shall bear interest at the annual rates and shall mature as follows:

<u>Principal Amount</u>	<u>Rate of Interest</u>	<u>Maturity Date (November 1)</u>
\$ 50,000	5.75%	1986
35,000	6.25	1987
35,000	6.75	1988
40,000	7.00	1989
40,000	7.20	1990
45,000	7.40	1991
50,000	7.60	1992
55,000	7.80	1993
55,000	8.00	1994
65,000	8.20	1995
65,000	8.40	1996
70,000	8.60	1997
80,000	8.80	1998
85,000	9.00	1999
90,000	9.00	2000
1,090,000	9.375	2008

The Township covenants that the Bonds maturing in the year 2008 will be purchased by the Paying Agent or called for redemption and redeemed by the Paying Agent prior to maturity out of moneys to be set aside in the Sinking Fund upon the dates, at the price, in the principal amounts and in the manner and subject to the provisions set forth in Section 6.02 and Exhibit B hereto.

The 1985 Bonds shall be subject to redemption prior to maturity at the option of the Township in accordance with the terms set forth in the form of 1985 Bond contained in Section 2.01 hereof.

Section 2.04. Authentication and Delivery of 1985 Bonds. The Township shall execute and deliver to the Paying Agent for authentication the 1985 Bonds described in Sections 2.01 and 2.03, and thereupon, the Paying Agent shall authenticate said Bonds and deliver them to or upon the order of the Township, but only upon receipt of the proceeds of sale of the Bonds and of the following:

- (a) A certified copy of this Ordinance;
- (b) A certificate of the Pennsylvania Department of Community Affairs issued pursuant to the Act approving the incurrence of the debt of the Township evidenced by the 1985 Bonds; and

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

Section 2.05. Disbursement of Proceeds of 1985 Bonds. The Township shall also furnish to the Paying Agent at the time the Bonds are authenticated an Officers' Certificate signed by an Authorized Officer setting forth: (i) the amount of proceeds to be received by the Township from the sale of the Bonds; (ii) the amounts presently payable or to be reserved for the costs and expenses of the financing; (iii) the amount required to be paid to the Trustee to discharge the Indenture, net of moneys available under the Indenture for payment of the 1978 Bonds; and (iv) the amounts remaining for deposit to the Construction Fund.

The proceeds of the sale of the 1985 Bonds shall be paid over to the Paying Agent and shall be deposited by it in a settlement account, from which the Paying Agent shall make the payments and deposits and set aside the reserves, if any, set forth in the Officers' Certificate.

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

Section 2.06. Place, Manner and Source of Payment of Bonds. The principal of and interest on the Bonds issued and to be issued hereunder, and the redemption premium, if any, payable thereon in case of redemption, shall be payable as provided on the form of Bond set forth in this Ordinance or the applicable Supplemental Ordinance, in lawful money of the United States of America. The principal of and interest on the Bonds and the redemption premium, if any, payable thereon in case of redemption, shall be payable out of the Sewer Revenues of the Township, and out of other moneys, if any, held by the Paying Agent hereunder, to the extent and as provided in this Ordinance or any Supplemental Ordinance, and, from the general tax revenues of the Township in the event Sewer Revenues are not sufficient for such purpose.

Section 2.07. Execution of Bonds. All Bonds issued hereunder shall be executed in the name of the Township by the manual or facsimile signature of the President or Vice-President of the Board of Commissioners, and a facsimile of the corporate seal shall be thereunto affixed and attested by the manual or facsimile signature of its Secretary or Assistant Secretary. Whether or not any one or more of said officers who shall have

signed or attested said Bonds shall have ceased to be such officer or officers at the time of the delivery of said Bonds, said Bonds shall be valid and binding obligations of the Township.

Section 2.08. Authentication of Bonds. No Bonds shall become valid or obligatory for any purpose until such Bonds shall have been authenticated by the Paying Agent, and such authentication by the Paying Agent upon any Bond shall be conclusive evidence and the only evidence that the Bond so authenticated has been duly authenticated and delivered hereunder and that the holder or registered owner thereof is entitled to the benefit of the Ordinance.

Section 2.09. Registration and Transfer of Bonds.

A. The Township shall keep, at the principal corporate trust office of the Paying Agent, books for the registration and transfer of Bonds and hereby appoints the Paying Agent to act as transfer agent to keep such books and make such registrations and transfers under such reasonable regulations as the Township may prescribe. Registrations and transfers shall be without charge to the bondholder.

B. The Bonds shall be exchangeable for Bonds of other authorized denominations in the same aggregate principal amount. The bondholder desiring to exchange Bonds shall surrender such Bonds at the principal corporate trust office of the Paying Agent, together with a written request for exchange, setting forth the denominations of the Bonds to be issued. Thereupon, the Paying Agent shall authenticate and deliver to the bondholder a new Bond or new Bonds in authorized denominations aggregating the principal amount of the Bond or Bonds surrendered. All 1985 Bonds issued in exchange for, or upon registration or transfer of 1985 Bonds shall be dated the date of authentication thereof and shall bear interest from the most recent Interest Payment Date to which interest has been paid or duly provided for or, if no interest has been paid, from December 15, 1985.

C. All Bonds presented for transfer, registration, exchange, redemption or payment shall be accompanied by a written instrument or instruments or transfer, in form and with guaranty of signature satisfactory to the Township and the Paying Agent, duly executed by the bondholder or by his duly authorized attorney.

D. All Bonds delivered upon any registration of transfer or exchange shall be valid obligations of the Township, evidencing the same debt as the Bonds surrendered, shall be secured by the Ordinance and shall be entitled to all of the security and benefits hereof to the same extent as the Bonds surrendered.

Section 2.10. Mutilated, Destroyed, Stolen or Lost Bonds. In case any Bond shall become mutilated or be destroyed, stolen or lost, the Township may, in its discretion, issue and thereupon the Paying Agent shall authenticate and deliver a new Bond, of like tenor, amount and maturity as the Bond so mutilated, destroyed, stolen or lost, (a) in exchange and in substitution for such mutilated Bond, upon surrender and cancellation of such mutilated Bond, or (b) in place of and in substitution for the Bond destroyed, stolen or lost, (i) upon the holder's filing with the Paying Agent evidence satisfactory to the Township and to the Paying Agent that such Bond has been destroyed, stolen or lost and of his ownership thereof, and (ii) upon the holder's furnishing the Township and the Paying Agent with indemnity satisfactory to them and complying with such other reasonable regulations as the Township and the Paying Agent may require. The Township may, for each new Bond authenticated and delivered under the provisions of this Section 2.10, require the payment of a sum sufficient to pay printing expenses and any additional expenses, including counsel fees, which may be incurred by the Township and the Paying Agent. All Bonds so surrendered to the Paying Agent shall be cancelled and cremated by the Paying Agent and a cancellation and cremation certificate shall be filed with the Township by the Paying Agent.

All duplicate Bonds issued pursuant to this Section 2.10 shall constitute original additional contractual obligations on the part of the Township, whether or not the lost, stolen or destroyed Bonds be at any time found by anyone, and such duplicate Bonds shall be entitled to equal and proportionate benefits with all other Bonds issued under this Ordinance.

Section 2.11. Temporary Bonds. Pending preparation of definitive Bonds of any series, or by agreement with the purchasers of all Bonds of any series, the Township may issue and, upon its request, the Paying Agent shall authenticate in lieu of definitive Bonds one or more temporary printed or typewritten Bonds in denominations of \$1,000 and multiples thereof of substantially the tenor recited above. Upon request of the Township, the Paying Agent shall authenticate definitive Bonds in exchange for and upon surrender of an equal principal amount of temporary Bonds. Until so exchanged, temporary Bonds shall have the same rights, remedies and security hereunder as definitive Bonds.

Section 2.12. Cancellation and Cremation of Surrendered Bonds. Bonds surrendered for payment, redemption or exchange and Bonds purchased from any fund or account established under this Ordinance shall be cancelled by the Paying Agent. Unless the Township shall have previously specified another disposition thereof, the Paying Agent shall cremate cancelled Bonds and deliver a certificate of cremation to the Township.

Article III

ISSUANCE OF ADDITIONAL BONDS

Section 3.01. Purposes of Additional Bonds. The Township may issue from time to time, and the Paying Agent shall authenticate, Additional Bonds for the purpose of providing all or part of the funds necessary to refund bonds, including accrued and unpaid interest and redemption premiums, if any, or for the purpose of providing all or part of the funds required to acquire, construct or complete Capital Additions. In each case, any and all costs and expenses in any way incidental to the financing may be funded by the Additional Bonds.

Section 3.02. Additional Bonds for Refunding. Prior to the issuance of Additional Bonds for refunding purposes, the Township shall deliver to the Paying Agent:

(a) A Supplemental Ordinance providing for the issuance of the Additional Bonds, authorizing the payment or redemption of the Bonds to be refunded, and containing other necessary or proper provision not inconsistent herewith unless all Bonds, the holders of which are entitled to the protection of the provisions hereof with which the Supplemental Ordinance is inconsistent, are to be paid or redeemed;

(b) Evidence satisfactory to the Paying Agent that notice of redemption has been properly given, or that provision satisfactory to the Paying Agent has been made for the proper giving thereof, or that sufficient waivers have been duly filed in accordance with Section 7.02;

(c) An opinion of counsel satisfactory to the Paying Agent approving the form of said Supplemental Ordinance, stating that the same is in compliance with this Section 3.02; and expressing an opinion that the Additional Bonds when issued will be valid obligations of the Township in accordance with their terms, and that it is proper for the Paying Agent to authenticate the Additional Bonds.

Such opinion of counsel may be accepted by the Paying Agent as conclusive evidence that the requirements of this Section 3.02 have been complied with, and the Paying Agent shall

thereupon be authorized to authenticate the Additional Bonds and to deliver the same to or upon the order of the Township.

The proceeds of Additional Bonds issued for refunding purposes shall, after paying all costs and expenses incidental to the redemption and to the financing, be applied by the Paying Agent to the payment or redemption of the Bonds to be refunded.

Section 3.03. Additional Bonds for Capital Additions.
Prior to the issuance of Additional Bonds for the acquisition, construction or completion of Capital Additions, the Township shall deliver to the Paying Agent:

(a) A Supplemental Ordinance providing for the acquisition, construction or completion of the Capital Additions, for the issuance of the Additional Bonds, and containing other necessary or proper terms, requirements and provisions which shall not be inconsistent with this Ordinance or any previous Supplemental Ordinance unless all Bonds, the holders of which are entitled to the protection of the provision or provisions with which the Supplemental Ordinance is inconsistent, have been paid or redeemed or provision therefor duly made;

(b) A certificate of the Engineer approving the Capital Additions and stating that the same will be necessary or useful in connection with the Sewer System;

(c) A certificate of the President of the Board and one other Authorized Officer stating that the current Sewer Revenues are sufficient to comply with the Sewer Rate Covenant after giving effect to the Debt Service Requirements of the Additional Bonds or that increases in sewer rates are required to comply therewith and if such increases are required, a certified copy of an Ordinance of the Township enacting the required increases.

(d) An opinion of counsel satisfactory to the Paying Agent, approving the forms of said Supplemental Ordinance, ordinances and certificates or such of them as are required, and expressing the opinion that the same are in compliance with this Section 3.03.

Such opinion of counsel may be accepted by the Paying Agent as conclusive evidence that the requirements of this Section 3.03 have been complied with, and the Paying Agent will thereupon be authorized to authenticate the Additional Bonds and to deliver the same to or upon the order of the Township.

Section 3.04. Application of Proceeds of Bonds Issued for Capital Additions. The proceeds of the Additional Bonds issued for the purpose of acquiring, constructing or completing Capital Additions shall, after paying the costs and expenses of the financing and making any other payments and setting aside any reserves authorized by the Supplemental Ordinance, be deposited in the Construction Fund.

The Paying Agent shall be authorized to disburse the moneys in Construction Fund from time to time for the purpose of paying or reimbursing the Township for the Costs of construction, acquisition or completion of the Capital Additions, upon submission of requisitions and certificates of the character contemplated by Section 4.03 upon which the Paying Agent may conclusively rely.

Section 3.05. Additional Bonds on Parity. All Additional Bonds issued from time to time under this Article III shall be on a parity with the Bonds and with all other Additional Bonds theretofore issued hereunder.

Section 3.06. Temporary Loans. The Township shall be authorized to borrow money temporarily for the purpose of acquiring, constructing or completing Capital Additions, in which event it may, upon issuing Additional Bonds, repay the money so borrowed, together with interest, out of the proceeds of the Additional Bonds, and such payments shall be treated as a Cost of acquiring, constructing or completing the Capital Additions.

ARTICLE IV

CONSTRUCTION OF THE CAPITAL ADDITIONS

CONSTRUCTION FUND

SECTION 4.01. Construction Of Capital Additions. The Township covenants that it will proceed with all reasonable dispatch to construct and complete all Capital Additions in accordance with the plans and specification prepared by the Engineers or in accordance with such change orders or modifications thereof as shall be approved by the Township. The Township further covenants and agrees that: (a) it will enter into contracts for construction of all Capital Additions with competent contractors and will require such contractors to furnish performance and payment bonds in accordance with the plans and specifications of the Engineer; (b) it will perform, and will require the contractors to perform all of the covenants and agreements contained in the construction contracts and will require the contractors and their sureties to perform their obligations contained in the performance and payment bonds; (c) it will comply and require the contractors to comply with all lawful rules, regulations, permits, orders and other requirements of any governmental authority or agency having jurisdiction over the construction of the Capital Additions.

SECTION 4.02. Construction Fund. There is hereby created a Construction Fund which shall be maintained with the Paying Agent or other depository of the Township and shall be accounted for separately from other funds of the Township. In addition to the moneys to be credited thereto pursuant to Sections 2.05 and 3.04, there shall be credited to the Construction Fund any moneys from governmental or other sources made available to the Township for the Costs of Capital Additions. The moneys credited to the Construction Fund shall be held under the control of Township and shall be applied for and towards the payment of the Costs of Capital Additions and, pending such application, shall be subject to a lien and charge in favor of the registered owners of the Bonds Outstanding under this Ordinance and for the further security of such registered owners until paid out as herein provided.

SECTION 4.03. Disbursements From Construction Fund. The Township covenants that it will keep accurate records of disbursements charged to the Construction Fund and that payments from the Construction Fund shall be made only after there shall have been executed and filed with the Township Secretary requisitions or certificates signed by one or more Authorized Officers of the Township, stating with respect to each payment to be made, (i) the requisition or certificate number, (ii) the name

of the person, firm or corporation, to whom payment is to be made, (iii) the amounts to be paid, and (iv) in reasonable detail the purpose for which the obligation was incurred; and certifying that each obligation for which payment is requested has been properly incurred by the Township and it is a proper charge against the Construction Fund and that each amount requisitioned is unpaid and has not be the basis of any previous withdrawal.

In the case of payments to contractors under contracts supervised by the Engineer, the requisition shall contain a certificate of the Engineer certifying approval of the requisition and further certifying with respect to any obligations incurred for work or materials, that such work was actually performed or such materials were actually installed in or about the Capital Additions or delivered at the site of the work for that purpose, or delivered for fabrication at a place approved by the Engineer, and that all work done and materials furnished for which such obligations were incurred are in the opinion of the Engineer in accordance with the plans and specifications for the Capital Additions or duly approved change orders or modifications thereof.

In the case of payments for the purchase price of lands, rights of way or easements, the Township shall also obtain and file with the Township Secretary an opinion of counsel that the Township has acquired good title to said lands as needed to operate the Capital Addition as a part of the Sewer System.

SECTION 4.04. Investment of Construction Fund. The money from time to time credited to the Construction Fund shall, except to the extent required to discharge current obligations, be invested and reinvested by the Authorized Officers of the Township, on a separate or pooled basis with other funds of the Township, in Government Obligations maturing at convenient dates or may be deposited in one or more savings accounts or time deposit accounts or certificates of deposit secured in the manner required by law. The profits and losses realized upon such investments, and the interest on such accounts, shall be credited or charged to the Construction Fund.

SECTION 4.05. Completion of Capital Additions, Excess Moneys. The Township covenants that it will proceed with dispatch and efficiency to complete all Capital Additions and in all events, within three (3) years of the date of delivery of any series of Bonds issued to fund particular Capital Additions. Upon completion of each project constituting a Capital Addition, the proper Township officials shall execute and file with the Township Secretary, a completion certificate approved in writing by the Engineer and thereupon any moneys credited to the Construction Fund not reserved for final payment of Costs of such Capital

Additions, or allocated to or reserved for future Capital Additions, shall be transferred to the Sinking Fund.

ARTICLE V

SEWER RATES AND CHARGES

Section 5.01. Sewer Rate Covenant. The Township hereby covenants that so long as any Bonds shall remain outstanding, it will fix charge and collect rates and charges for sewer service which will provide total Sewer Revenues sufficient, together with other available moneys, including surplus Sewer Revenues from prior Fiscal Years, in each Fiscal Year, commencing with the Fiscal Year ending December 31, 1986:

(a) To pay the Operating Expenses of the Township in connection with the Sewer System in each such Fiscal Year; and

(b) To provide for the Debt Service Requirements on all Bonds issued and Outstanding or to be issued and Outstanding in each such year as and when the same shall become due and payable.

Section 5.02. Existing Sewer Rates. The Township hereby determines and states that its present sewer rate ordinance establishes rates and charges sufficient to comply with the foregoing Sewer Rate Covenant and that it will furnish to the Underwriters upon delivery of the 1985 Bonds, a certificate of its Authorized Officers stating that in their opinion the sewer rates so adopted comply with the Sewer Rate Covenant and setting forth in reasonable detail the estimates and calculations upon which the certificate is based. The Township Secretary shall keep on file at the office of the Township and at the principal office of the Paying Agent and shall furnish to any bondholder, upon request, a certified copy of the sewer rates currently in effect, together with a certificate of the Township's Authorized Officers evidencing that such rates comply with the Sewer Rate Covenant.

Section 5.03. Reduction of Sewer Rates. The Township further covenants that no reduction in the rates and charges for the use of the Sewer System shall become effective until thirty (30) days after there shall have been filed with the Township Secretary and the Paying Agent:

(a) A copy of the proposed schedule of reduced sewer rates and charges;

(b) The report of the Township's Accountant for the Fiscal Year preceding such proposed reduction showing that the Sewer Revenues received by the Township were sufficient to comply with the Sewer Rate Covenant; and

(c) A certificate of the Engineer approving the proposed reduction in sewer rates and charges, expressing the opinion that the reduced rates and charges will produce sufficient Sewer Revenues to comply with the Sewer Rate Covenant and setting forth in reasonable detail the estimates and calculation upon which the certificate is based.

Section 5.04. Increase of Sewer Rates. If in the Fiscal Year ending December 31, 1986 or any Fiscal Year thereafter the Sewer Revenues have not been sufficient to comply with the Sewer Rate Covenant, the Township covenants and agrees that, to the full extent it may lawfully do so, it will enact further amendments to its sewer rate ordinance increasing its sewer rates and charges to the extent estimated by the Engineer to be required to comply with the Sewer Rate Covenant, but nothing herein shall require an increase in such rates and charges to a level which, in the opinion of the Engineer (evidenced by a written certificate so stating), will result in a decrease in gross Sewer Revenues from what would have been received if rates and charges were imposed at lower levels. Nothing herein contained is intended to limit sewer rates and charges, and the Township may impose sewer rates and charges sufficient to provide for depreciation, future capital improvements and other proper purposes.

Section 5.05. Application of Sewer Revenues. The Township covenants and agrees to collect with all due dispatch all Sewer Revenues and to credit all Sewer Revenues to a separate sewer fund or account of the Township which is accounted for separately from other Township moneys and accounts, but moneys credited to the sewer fund may be pooled with other Township funds for deposit and investment purposes so long as proper accounting records are maintained to evidence the interest of the sewer fund in any such pooled deposits and investments. Moneys credited to the sewer fund shall be applied for the following purposes in the following order of priority:

(a) to pay, or reimburse the Township for, Operating Expenses;

(b) to make required deposits in the Sinking Fund established hereunder; and

(c) to meet other obligations relating to the Sewer System, including contributions of surplus funds towards the Costs of Capital Additions.

ARTICLE VI

SINKING FUND

Section 6.01. Creation of Sinking Fund. The Township covenants that there shall be and there is hereby established and that it shall hereafter maintain a Sewer Revenue Bond 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 in accordance with the provisions of this Ordinance. The Sinking Fund shall be held and maintained for the equal and proportionate benefit and security of the holders of outstanding Bonds.

The moneys and investments from time to time on deposit in the Sinking Fund shall, without further action or filing, be subject to a perfected security interest, lien and charge in favor of the holders and registered owners of the Bonds until disbursed as hereinafter provided.

Section 6.02. Deposits to Sinking Fund - Payment of Bonds. The Township covenants and agrees to deposit in the Sinking Fund not later than each payment date for any series of Bonds Outstanding hereunder, the amount necessary to provide sufficient funds in the Sinking Fund to make all payments of the principal of and interest on all such Bonds as and when the same become due and payable. The Paying Agent, without further action of the Township, is hereby authorized and directed to pay from the Sinking Fund, the principal of and interest on the Bonds, and the Township hereby covenants that such moneys, to the extent required, will be applied to such purpose, as and when the same shall become due and payable.

The Sinking Fund deposits required to meet the principal and interest payments on the 1985 Bonds shall be those set forth in Exhibit B attached hereto and made apart hereof, or such other amount as shall be necessary to pay such principal and interest on the payment dates.

If any series of Bonds shall include provisions for the mandatory redemption of Bonds from the Sinking Fund in any year, in lieu of serial maturities, the Paying Agent shall take all action necessary to effect such redemptions in accordance with the terms of each such series of Bonds. The dates and amounts of such mandatory redemptions applicable to the 1985 Bonds, if any, shall be as set forth in Exhibit B hereto and, with respect to Additional Bonds, shall be as set forth in the applicable Supplemental Ordinance.

During the years in which Bonds are to be mandatorily redeemed and prior to the selection by lot of such Bonds for redemption, the Township or Paying Agent on its behalf, shall be authorized to accept tenders for the purchase of such Bonds of the maturity currently designated for redemption out of moneys on deposit in the Sinking Fund, at prices not exceeding 100% of principal amount and interest accrued to the date of purchase. The principal amount of said Bonds required to be redeemed in any year shall be reduced by the amount of said Bonds so purchased.

If the Township shall determine to include in any notice of mandatory redemption given by the Paying Agent the optional redemption of Bonds out of other available funds, and shall give the Paying Agent written notice of such determination in time for the Paying Agent to include such Bonds in its drawing by lot, then the Bonds to be redeemed shall be included in the drawing by lot and in the redemption notice.

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

Section 6.03. Surplus Moneys. Moneys in the Sinking Fund which are not required for the payment of any past or current Debt Service Requirement of the Bonds may be used as a credit against future Sinking Fund deposits or for any lawful purpose and, to the extent not used as a credit, may be transferred to the general funds of the Township. Nothing herein shall prevent the Township from applying moneys in the Sinking Fund to the redemption or purchase of Bonds, to paying the cost of renewals, replacements, additions or improvements to the Sewer System or other expenses relating to the ownership or operation of the Sewer System.

Section 6.04. Performance of Guaranty. The Township covenants to levy and impose such taxes and to appropriate such amounts as may from time to time become necessary to make up any deficiency in Sinking Fund deposits for the Bonds in order to fully perform and discharge the Township's guaranty of such Bonds.

Section 6.05. Investment of Sinking Fund. Pending application to the purposes for which the Sinking Fund is established, an Authorized Officer is authorized and directed to cause the moneys in such fund to be invested or deposited and insured or secured as may be permitted by the Act and other applicable law. All income received on deposits or investments of moneys in the Sinking Fund shall be deposited therein and shall be credited

against the deposits next required to be made into such Fund under Section 6.02 or otherwise applied as set forth in Section 6.03.

The Township covenants that it will not invest or authorize the Paying Agent to invest any of the proceeds of the Bonds or any other funds in any investments which would have caused such Bonds to be "arbitrage bonds" as such term is defined in Section 103(c) of the Internal Revenue Code and the regulations issued thereunder and the Township further covenants to comply and to cause the Paying Agent to comply with said Section 103(c) and applicable regulations throughout the term of all Bonds.

Section 6.06. Retirement of All Bonds. In the event that the Township shall desire to redeem and pay all outstanding Bonds, and the moneys in the Sinking Fund, together with other available funds, are sufficient to effect such redemption or payment, including in addition to principal and interest, redemption premium, cost of redemption and proper charges and expenses of the Paying Agent, the Sinking Fund may be discontinued and the money therein applied toward such redemption or payment.

ARTICLE VII

REDEMPTION OF BONDS

Section 7.01. Redemption of Bonds. The Bonds issued or to be issued under this Ordinance shall be subject to redemption at such time or times and from time to time, in such order, at such redemption prices, upon such notice, and upon such terms and conditions as may be expressed in the particular Bond, or, as the case may be, in this Ordinance. If less than all the Bonds are to be redeemed, the particular Bonds to be called for redemption shall be selected by lot or other customary method of selection determined by the Paying Agent.

Section 7.02. Notice of Redemption - Partial Redemption. Whenever the Township shall, by Certified Resolution of the Board, determine to redeem Outstanding Bonds in accordance with the right reserved to do so, the Township shall give the Paying Agent at least forty (40) days notice of the date fixed for redemption. When Bonds are called for redemption, the Paying Agent will give owners of Bonds called for redemption the notice provided in the particular Bonds unless all registered owners of the Bonds to be redeemed shall file written waivers of notice with the Paying Agent. Any defect in or failure to give such notice to any particular bondholder shall not affect the validity of the redemption of any other Bond. The Paying Agent shall use "CUSIP" numbers (if then generally in use) in notices of redemption as a convenience to bondholders, but any such notice shall state that no representation is made as to the accuracy of such numbers as printed on the Bonds or as contained in any such notice and that reliance may be placed only on the identification numbers prefixed "R-" printed on the Bonds.

If only a portion of such a Bond is selected for redemption, then at such time as said Bond is presented to the Paying Agent for payment of that portion of the Bond which was selected for redemption, the Paying Agent shall pay such portion. The Paying Agent promptly thereafter shall issue and authenticate a new Bond or Bonds of any authorized denomination as requested by the owner for the remaining aggregate outstanding principal amount of the Bond which was not called for redemption. The newly issued and authenticated Bond or Bonds shall be delivered to the bondholder at the address appearing on the books of the Paying Agent.

Section 7.03. Payment of Redemption Price. If notice of redemption has been duly mailed to the owners of all Bonds called for redemption, then the Bonds called for redemption shall be payable on the redemption date at the applicable redemption price as set forth in the particular Bonds, plus interest accrued

to the redemption date. Payment of the redemption price together with accrued interest shall be made by the Paying Agent to or upon the order of the owner of the Bonds called for redemption upon surrender of such Bonds, provided that if a redemption date is on an Interest Payment Date, interest shall be paid in the usual manner.

Section 7.04. Effect of Redemption. Whenever Bonds are to be redeemed, all redemption costs, including the amount necessary to pay all costs of any required mailing and any other costs incidental to the redemption and to pay the principal and all interest accrued and to accrue to the date fixed for redemption, shall be set aside and held in a separate trust by the Paying Agent exclusively for such purposes. Notice by mailing having been given in the manner hereinbefore provided or written waivers of notice having been filed with the Paying Agent, and the redemption costs having been set aside by the Paying Agent prior to the date set for redemption, the Bonds so called for redemption shall become due and payable on the redemption date so designated, and interest on such Bonds shall cease from such redemption date, whether such Bonds be presented for redemption or not, and the owners of the Bonds called for redemption shall have no security, benefit or lien under the Ordinance or any right except to receive payment of the redemption price.

Article VIII

PARTICULAR COVENANTS OF THE TOWNSHIP

Section 8.01. Payment of Bonds. The Township covenants that it will promptly pay the principal of and interest on every Bond issued and to be issued hereunder and secured hereby at the place and on the dates and in the manner specified herein and in said Bonds according to the true intent and meaning thereof.

Section 8.02. Operation of Sewer System. The Township covenants that it will at all times:

(a) maintain the Sewer System and every part thereof in good repair, working order and condition;

(b) continuously operate or provide for the operation of the same; and

(c) from time to time make all needful and proper repairs, renewals and replacements.

(d) comply with all laws and regulations applicable to the Sewer System (except to the extent that the same are being contested in good faith and by appropriate legal proceedings).

Section 8.03. Insurance. The Township covenants that so long as any of the Bonds are outstanding it will insure (to the extent that builders' risk insurance shall not be carried by the contractors during construction) any physical structures of the Sewer System with a responsible insurance company or companies authorized and qualified to do business under the laws of the Commonwealth, against loss or damage by fire or other casualty in such reasonable amounts and of such types as is usually carried for like properties and as may be approved by the Engineer, or by a competent appraiser or other insurance consultant.

The Township covenants that it will in case of any loss or damage covered by insurance commence as expeditiously as may be possible and diligently to prosecute the repair or replacement of the damaged and destroyed property so as to restore the same to use.

The Township also covenants that it will at all times cause its Treasurer and all other officers and employees of the Township handling Sewer Revenues of the Township to be bonded in adequate amounts by responsible bonding companies.

The Township further covenants that so long as any of the Bonds are outstanding it will maintain public liability and property damage insurance with responsible insurance companies in such amounts as the Board determines to be appropriate.

Section 8.04. No Impairment of Bondholders' Rights. The Township covenants and agrees that so long as any of the Bonds secured hereby are outstanding, none of its Sewer Revenues shall be used for any purpose other than as provided in this Ordinance, and that no contract or contracts shall be entered into or any action taken by which the rights of the Paying Agent or of the bondholders may be impaired or diminished.

Section 8.05. Further Action. The Township covenants that it will, from time to time, execute and deliver such further instruments and take such further action as may reasonable and as may be required to carry out the purpose of this Ordinance.

Section 8.06. Sale and Encumbrance of Sewer System. The Township covenants that as long as the Bonds or any of them shall be outstanding, it will not sell or otherwise dispose any part of the Sewer System or the Sewer Revenues, except as in this Ordinance otherwise permitted, and that it will promptly pay or contest any liens or judgments constituting liens on such property which may be filed against it. The Township may, however, from time to time, sell or permit the sale of any machinery, fixtures, apparatus, tools, instruments, or other movable property or any materials used in connection therewith which are no longer needed or useful in connection with the operation and maintenance of the Sewer System, and the proceeds thereof, if any, shall be applied to the replacement of the property so sold or disposed of or shall be deposited in the Construction Fund or Sinking Fund. The Township may from time to time sell such real estate, forming part of the Sewer System, as the Township by resolution shall declare not to be necessary or useful in connection with the maintenance and operation of the Sewer System, provided the Engineer shall approve such sale in writing. The proceeds of any sale of real estate shall be deposited in the Construction Fund or Sinking Fund.

Section 8.07. No Extension of Time for Payment of Interest. In order to prevent claims for interest after maturity, the Township covenants and agrees that it will not directly or indirectly extend or assent to the extension of the time of payment of any interest on any of the Bonds and will not, directly or indirectly, be a party to or approve any such arrangement by purchasing or funding such claims for interest or in any other manner. In case any such claim for interest shall be extended or funded, such claim for interest shall not be entitled in case of any default hereunder, to the benefit or security of this Ordinance except subject to the prior payment in full of the

principal of all Bonds issued and outstanding hereunder, and of all claims for interest which shall not have been so extended or funded.

Section 8.08. Annual Budget. The Township covenants that it will adopt by resolution of the Board and file with the Paying Agent for the Fiscal Year ending December 31, 1986 and each December 31 thereafter or such other annual accounting period as the Township may select, an Annual Budget setting forth the estimated Sewer Revenues and Operating Expenses of the Sewer System and the annual Debt Service Requirements on all Bonds Outstanding hereunder. The Township shall not make any payment or requisition for Operating Expenses in excess of the amount of the Annual Budget then in effect. Any budget may be amended or supplemented at any time, but such amended or supplemented budget shall not supersede any prior Annual Budget until it shall have been approved by a resolution of the Board, a certified copy of which shall be filed with the Paying Agent.

Section 8.09. Covenant To Budget, Appropriate and Pay. The Township hereby covenants with the registered owners or holders from time to time of the Bonds:

(a) that the Township will include in its budget for each year commencing with the Fiscal Year ending December 31, 1986, the amount, if any, of the debt service on the Bonds which will be payable in each such Fiscal Year and which are not anticipated to be paid from Sewer Revenues so long as the Bonds shall remain outstanding; and

(b) that the Township shall appropriate such amounts to the payment of such debt service, and shall duly and punctually pay or cause to be paid from the Sinking Fund the principal of the Bonds and the interest thereon on the dates and at the place and in the manner stated in the Bonds according to the true intent and meaning thereof, and for such budgeting, appropriation and payment the Township hereby pledges its full faith, credit and taxing power. The covenant contained herein shall be specifically enforceable.

Section 8.10. Accounts and Audits. The Township shall at all times maintain an accurate system of accounts of the Sewer System and keep proper books of record and account relating to the Sewer System. The Township shall cause such accounts and records to be audited annually by a competent Accountant, and not later than ninety (90) days after the close of each fiscal year, shall furnish copies of such reports to the Paying Agent, to the Underwriters so long as any 1985 Bonds remain outstanding and upon written request, to any bondholder. The Accountant shall

report among other things upon the application of the Construction Fund, the maintenance of the Sinking Fund as required by Article VI, the investment and securing of moneys as required by Section 1004 of the Act, and compliance of the Township with the Sewer Rate Covenant.

Section 8.11. Employment of Engineer. The Township covenants and agrees that it will employ or retain an Engineer for the Sewer System so long as any Bonds shall remain outstanding. It shall be the duty of the Engineer, in addition to the other duties imposed elsewhere in this Ordinance, to make general inspections of the Sewer System and of the operating records and policies of the Township and to make recommendations as to operating methods and changes, if any, in operating policies deemed advisable, and as to renewals, replacements, additions, extensions, betterments and improvements to the Sewer System.

The Engineer shall make and file annually with the Township a written report on the Sewer System and the operation thereof during the prior yearly period and setting forth recommendations for the ensuing year. The Township shall furnish copies of such reports to the Paying Agent and shall furnish copies to bondholders upon written request. The proposed Annual Budgets of the Township shall be submitted to the Engineer for review and recommendations prior to final adoption by the Township.

8.12. Taxes on Sewer System and Revenues; Covenant Against Liens. The Township covenants that (a) it will pay all taxes and assessments, if any, or other municipal or governmental charges lawfully levied or assessed upon the Sewer System, or upon any part thereof, or upon its Sewer Revenues, when the same shall become due, and will duly observe and comply with all valid requirements of any municipal or governmental authority relative to any such properties and will not create or suffer to be created any lien or charge upon the Sewer System, or any part thereof or any prior or parity lien or charge upon the Sewer Revenues except the lien and charge of the Bonds secured hereby upon such Revenues, (b) it will pay or cause to be discharged, or will make adequate provision to satisfy or discharge, within sixty (60) days after the same shall accrue, any such lien or charge and also all lawful claims and demands for labor, materials, supplies or other items which, if unpaid, might by law become a lien upon such property or any part thereof or other revenues therefrom; (c) none of the Sewer Revenues will be used for any purpose other than as provided herein; and (d) no contracts shall be entered into or any action taken by which the rights of Bondholders might be impaired or diminished; provided, however, that nothing in this section shall require the Township to pay or cause to be discharged, or make provision for, any such

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lien or charge, so long as the validity thereof shall be contested in good faith and by appropriate legal proceedings.

ARTICLE IX

MISCELLANEOUS

Section 9.01. Default. If the Township shall fail to pay the principal of or interest on any Bond when due or shall otherwise default in the performance of any of its obligations under the Ordinance, under the Bonds or under the Act, the holders or the registered owners of the Bonds, as the case may be, shall be entitled to all of the rights and remedies provided by the Act in the event of such default.

Section 9.02. Amendments. In addition to Supplemental Ordinances authorized in Article III hereunder, the Township may, from time to time and at any time, adopt a Supplemental Ordinance (a) to cure any ambiguity, or formal defect or omission in the Ordinance or in any Supplemental Ordinance, or (b) to grant to and confer upon the bondholders any additional rights, remedies, powers, authority or security that may be lawfully granted to or conferred upon the bondholders. The Ordinance may also be amended or modified from time to time, except with respect to the interest payable upon the Bonds, or with respect to the dates of maturity or redemption provision of the Bonds, or with respect to this Section 9.02 by a Supplemental Ordinance adopted by the Township, a certified copy of which shall be filed with the Paying Agent, with the written approval of the owners or holders of not less than 67% in principal amount of the Bonds outstanding, other than Bonds provision for the payment or redemption of which shall have been made on or before the effective date of such Supplemental Ordinance. Within the meaning of this Section 9.02, provision for the redemption of Bonds shall have been made if the Bonds are no longer deemed to be outstanding under Section 1110(b) of the Act.

Section 9.03. Execution of 1985 Bonds; Other Action. The President or Vice-President of the Board and Secretary or Assistant Secretary of the Township are hereby authorized to execute the 1985 Bonds, to deliver the 1985 Bonds to the Underwriters upon receipt of the purchase price thereof, to execute and deliver the Pledge Agreement on behalf of the Township, and the proper officers of the Township are authorized to take such other action as may be necessary or proper to effect the issuance of said Bonds or otherwise to comply with the Act or the Ordinance.

Section 9.04. Defeasance. If and when the Bonds and coupons secured hereby shall have been fully paid or retired by redemption or otherwise, or if and when provision for such payment or retirement shall have been duly made (a) by deposit with the Paying Agent of funds sufficient to effect such payment or retirement irrevocably pledged for that purpose and, (b) in the

case of retirement of Bonds by redemption, by filing with the Paying Agent (i) a Certified Resolution calling such Bonds for redemption and fixing the date for redemption, and (ii) either (aa) proof of publication of the required redemption notice, or (bb) irrevocable instructions to the Paying Agent to give such notice accompanied by funds sufficient to pay all expenses of notice; then and in that case the right, title and interest of the Paying Agent shall thereupon cease, determine and become void, and the Paying Agent in such case, on demand of the Township, shall release this Ordinance and reassign and retransfer to or upon the order of the Township all Sewer Revenues, and shall execute such documents to evidence such release as may be reasonably required by the Township and shall turn over to the Township or to such person, body or authority as may be entitled to receive the same, any surplus in the Sinking Fund, and all balances remaining in any other funds or accounts held hereunder; otherwise this Ordinance shall be, continue and remain in full force and effect.

Section 9.05. Other Township Financings. Nothing in this Ordinance shall limit the power of the Township to issue other bonds or notes under other ordinances, resolutions or indentures for the purpose of financing other projects or from pledging the revenues of such other projects for the payment of the bonds or notes issued to finance such other projects. Without limiting the generality of the preceding sentence, the Township expressly reserves the right to issue bonds or notes payable out of, and secured by, sewer assessments payable by property owners specially benefitted by the project or facility financed from the proceeds of such bonds or notes. Sewer assessments and financings for assessable improvements to the Sewer System shall not be governed by the provisions of this Ordinance, but assessment bonds or notes may be secured by a subordinate lien on the Sewer Revenues.

Section 9.06. No Personal Recourse. No recourse shall be had for any claim based on the Ordinance or the Bonds 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 penalty or otherwise.

Section 9.07. Deposit of Funds for Payment of Bonds. If the Township deposits with the Paying Agent funds sufficient to pay the principal or redemption price of any Bonds becoming due, either at maturity or by call for redemption or otherwise, together with all interest accruing thereon to the due date, interest on the Bonds shall cease to accrue on the due date and all liability of the Township with respect to such Bonds and any matured shall likewise cease, except as hereinafter provided. Thereafter the holders of such Bonds shall be restricted exclusively

to the funds so deposited for any claim of whatsoever nature with respect to such Bonds and the Paying Agent shall hold such funds in trust for such holders.

Moneys so deposited with the Paying Agent which remain unclaimed five years after the date payment thereof becomes due shall, upon request of the Township, if the Township is not at the time to the knowledge of the Paying Agent in default with respect to any covenant in the Ordinance or the Bonds contained, be paid to the Township; and the holders of the Bonds for which the deposit was made shall thereafter be limited to a claim against the Township; provided, however, that the Paying Agent, before making payment to the Township, may, at the expense of the Township, cause a notice to be published once in a newspaper or newspapers of general circulation in Montgomery County stating that the moneys remaining unclaimed will be returned to the Township after a specified date.

SECTION 9.08. Appointment of Paying Agent. Continental Bank, Norristown, Pennsylvania, is hereby appointed paying agent for the Bonds and sinking fund depository for the purposes of this Ordinance and the Act. The President of the Board of Commissioners is hereby authorized to enter into a contract with the Paying Agent in connection with the performance of its duties as paying agent and sinking fund depository on usual and customary terms, including an agreement on the part of the Paying Agent to observe and comply with the provisions of this Ordinance and of the Act, and an agreement on the part of the Township to pay the fees and charges of the Paying Agent as an Operating Expense of the Sewer System.

Section 9.09. Notices to Paying Agent and Township. Any notice to or demand upon the Paying Agent may be served, presented or made at the principal corporate trust office of the Paying Agent. Any notice to or demand upon the Township shall be deemed to have been sufficiently given or served by the Paying Agent for all purposes by being sent by registered United States mail to the Township, at the Township Building, 801 Loch Alsh Avenue, Fort Washington, Pennsylvania 19034, or such other address as may be filed in writing by the Township with the Paying Agent.

Section 9.10. Further Action. The 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 the Ordinance and the Act insofar as the same relate to the Bonds, in the name and on behalf of the Township.

Section 9.11. Severability. In case any one or more of the provisions contained in the Ordinance or in the Bonds

issued pursuant thereto shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision of the Ordinance or of said Bonds, and the Ordinance or said Bonds shall be construed and enforced as if such invalid, illegal or unenforceable provision had never been contained herein.

Section 9.12. Scope of Ordinance. Nothing in the Ordinance, expressed or implied, is intended or shall be construed to confer upon, or to give any person, firm or corporation other than the Paying Agent and the holders of the Bonds, any right, remedy or claim under or by reason of the Ordinance or any covenant, condition or stipulation thereof; and the covenants, stipulations and agreements in the Ordinance are and shall be for the sole and exclusive benefit of the Paying Agent and the holders of the Bonds.

Section 9.13. 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 3rd day of December, 1985.

TOWNSHIP OF UPPER DUBLIN

Attest:

Gregory N. Klemick
Secretary

By Robert J. Zell
President of Board of
Commissioners

TOWNSHIP OF UPPER DUBLIN

GUARANTEED SEWER REVENUE BONDS,
SERIES OF 1985

Sources and Application of Funds

Bond Proceeds:

Principal Amount of Refunding Series		\$1,950,000.00
Plus Accrued Interest from 15 Dec 85 through 30 Dec 85		<u>7,113.01</u>
		<u>\$1,957,113.01</u>

Uses of Bond Proceeds:

Cost of Escrow Account to Refund 1978 Series:

U.S. Treasury Securities-SLGS (1)	\$ 1,862,000	
Less Authority Funds Applied (3)	<u>- 272,000</u>	1,590,000.00
Costs of Issuance (2):		
Underwriting Discount	\$ 42,900	
Legal Fees	25,000	
Computer Services	7,500	
Printing	6,500	
Rating	4,000	
Provision for Others	<u>5,000</u>	90,900.00
Available for Capital Sewer Projects		<u>276,213.01</u>
Total Uses of Bond Proceeds		<u>\$1,957,113.01</u>

- NOTES: (1) The cost of Escrow Account varies inversely with changes in interest rates and issuing costs.
- (2) The cost recovery factor is 100%; which means that the restricted yield escrow account is recouping 100% of the total costs of issuance.
- (3) The total amount is as reported by the trustee for the 1978 Series.

EXHIBIT A

TOWNSHIP OF UPPER DUBLIN
 GUARANTEED SEWER REVENUE BONDS,
 SERIES OF 1985

BOND AMORTIZATION AND SINKING FUND DEPOSIT SCHEDULE

Fiscal Year	Principal Amounts	Interest Rates	Interest Payments due *		Principal Repayments *	Principal and Interest
			May 1	November 1		
1986	\$ 50,000	5.750%	\$ 64,490.64	\$ 85,357.34	\$ 50,000	\$ 199,847.98
1987	35,000	6.250	83,917.66	83,919.84	35,000	202,837.50
1988	35,000	6.750	82,823.91	82,826.09	35,000	200,650.00
1989	40,000	7.000	81,642.66	81,644.84	40,000	203,287.50
1990	40,000	7.200	80,242.66	80,244.84	40,000	200,487.50
1991	45,000	7.400	78,802.66	78,804.84	45,000	202,607.50
1992	50,000	7.600	77,137.66	77,139.84	50,000	204,277.50
1993	55,000	7.800	75,237.66	75,239.84	55,000	205,477.50
1994	55,000	8.000	73,092.66	73,094.84	55,000	201,187.50
1995	65,000	8.200	70,892.66	70,894.84	65,000	206,787.50
1996	65,000	8.400	68,227.66	68,229.84	65,000	201,457.50
1997	70,000	8.600	65,497.66	65,499.84	70,000	200,997.50
1998	80,000	8.800	62,487.66	62,489.84	80,000	204,977.50
1999	85,000	9.000	58,967.66	58,969.84	85,000	202,937.50
2000	90,000	9.000	55,142.66	55,144.84	90,000	200,287.50
2001			51,092.66	51,094.84	95,000 ^c	197,187.50
2002			46,639.63	46,641.62	110,000 ^c	203,281.25
2003			41,483.49	41,485.26	115,000 ^c	197,968.75
2004			36,092.98	36,094.52	125,000 ^c	197,187.50
2005			30,233.73	30,235.02	140,000 ^c	200,468.75
2006			23,671.37	23,672.38	155,000 ^c	202,343.75
2007			16,405.90	16,406.60	165,000 ^c	197,812.50
2008	1,090,000	9.375	8,671.69	8,672.06	185,000	202,343.75
Totals	\$1,950,000		\$1,332,895.58	\$1,353,803.65	\$1,950,000	\$4,636,699.23

EXHIBIT B

Notes: (1) Interest accrues from December 15, 1985.

(2) Principal amounts are due November 1.

(3) The fiscal year ends December 31.

(4) The symbol "c" indicates the principal amounts which are to be repaid in accordance with the mandatory redemption provisions.

* Sinking Fund deposits on May 1 = the amounts shown as the interest payments on that date in each year and on November 1 = the amount shown for interest payments on that date plus the principal repayment in that fiscal year.

CERTIFICATE OF TOWNSHIP SECRETARY

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

1. The foregoing Ordinance authorizing the issuance of Guaranteed Sewer Revenue Bonds, Series of 1985, 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 December 3, 1985; 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>
Patrick J. Zollo		Judy Herold	
Harry E. Lenz		Harold Leneweaver	
Norton A. Freedman		Richard R. Rulon	
W. Richard Webster			

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 ___ day of December, 1985.

Gregory N. Klemick
Secretary

(SEAL)

SECRETARY'S CERTIFICATE

The undersigned, Secretary of the Township of Upper Dublin, hereby certifies that the attached is a true and correct copy of an Ordinance which was duly adopted by the Board of Commissioners of the Township of Upper Dublin at a special meeting of said Board of Commissioners duly called and held on December 3, 1985 and at which a quorum was present and voting throughout. I further certify that said Ordinance is still in full force and effect and has not been amended or repealed.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Township of Upper Dublin, this the day of December, 1985.

Gregory N. Klemick
Secretary

(Township Seal)

ORDINANCE No. 701

AN ORDINANCE OF THE TOWNSHIP OF UPPER DUBLIN PURSUANT TO THE INTERGOVERNMENTAL COOPERATION ACT AUTHORIZING THE ENTRY BY THE TOWNSHIP OF UPPER DUBLIN INTO AN AGREEMENT WITH THE COUNTY OF MONTGOMERY TO PROVIDE FOR THE DISPOSAL OF SOLID WASTE.

WHEREAS, the Solid Waste Management Act, Act of July 7, 1980, P.L. 380, No. 97, 35 P.S. §6018.101 et seq. (hereinafter called "Act 97"), was enacted to establish a comprehensive planning and regulatory framework to deal with the storage, collection, transportation, processing and disposal of municipal waste (as defined in Section 103 of Act 97); and

WHEREAS, Act 97 permits Montgomery (the "County") and Upper Dublin Township (the "Township") to contract with one another to carry out their several responsibilities, and authorizes the enactment of ordinances that municipal waste generated within their jurisdictions shall be disposed of at a designated facility; and

WHEREAS, in 1982 and 1983, pursuant to the requirements of Act 97, various municipalities in Montgomery County adopted resolutions requesting the County Commissioners to prepare on the municipalities' behalf, a comprehensive municipal solid waste management plan; and

WHEREAS, as a result of the aforesaid requests to the County and pursuant to County's authority under Act 97, the Board of Commissioners (hereinafter "County Board") has developed a Municipal Waste Management Plan for Solid Waste Disposal in which Plan the County undertakes to assist municipalities in the County with the disposal of municipal waste and places an emphasis on resource recovery; and

WHEREAS, pursuant to the aforesaid plan for solid waste disposal, the County seeks to arrange for the construction and operation of a resource recovery facility to serve certain Solid Waste Districts in the County and seeks to arrange for the disposal of municipal waste from the point at which it would be delivered into the County System; and

WHEREAS, the County owns a tract of land in Plymouth Township which is intended to be used for the construction of a resource recovery facility; and

WHEREAS, the County, on behalf of and at the request of various municipalities, who will be the users of the facility, has made efforts to arrange for the financing, design, construction and operation of the aforesaid facility and to negotiate a Municipal Solid Waste Disposal Design and Construction Agreement (the "Design and Construction Agreement"), a Municipal Solid Waste Disposal Service Agreement (the "Service Agreement") and other appropriate documents; and

WHEREAS, in order to finance the construction and purchase of the necessary facilities and equipment and to eliminate uneconomical operations, it is necessary that municipalities including the Township in the County enter into

legally enforceable commitments to deliver substantially all acceptable municipal waste presently collected in the county into the County System and, for the availability of the County System, to pay specific charges per ton of waste delivered; and

WHEREAS, the Act of July 12, 1972, No. 180, known as the "Intergovernmental Cooperation Act", 53 P.S. Section 481 et seq. authorizes the Township to enact an ordinance to enter into agreements of the sort contemplated hereby; and

WHEREAS, the Township has determined that it is appropriate and in the best interest of the residents of the Township to enter into the Agreement with the County.

NOW, THEREFORE, be it ENACTED AND ORDAINED as follows:

SECTION 1. The Inter-Municipal Agreement for the Disposal of Municipal Solid waste by and between the Township and other municipalities and the County is hereby approved. A copy of said Agreement is attached hereto as Exhibit "A" and is incorporated herein by reference.

SECTION 2. The duration of the Agreement shall be for twenty (20) years and the Agreement shall terminate on December 31 of the twentieth anniversary of the first year the facility commences normal operations.

SECTION 3. The President or Vice-President of the Board of Commissioners and Township Secretary are hereby authorized, empowered and directed to execute on behalf of the Township the Agreement in substantially the form set forth in Exhibit "A".

ENACTED and ORDAINED this 10th day of December A.D. 1985.

BOARD OF COMMISSIONERS
TOWNSHIP OF UPPER DUBLIN

By *Robert J. Goll*
President

Attest *Gregory N. Klemick*
Secretary

**INTER-MUNICIPAL AGREEMENT
FOR THE DISPOSAL OF MUNICIPAL SOLID WASTE**

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INTER-MUNICIPAL AGREEMENT FOR THE DISPOSAL OF MUNICIPAL SOLID WASTE ("Inter-Municipal Agreement") made this _____ day of _____, 198__, by and between THE COUNTY OF MONTGOMERY, a Second Class A County, of the Commonwealth of Pennsylvania, having an office and place of business in the Borough of Norristown, Pennsylvania, 19404 (hereinafter "County"), and the undersigned TOWNSHIPS and BOROUGHES (hereinafter collectively referred to as "Participating Municipalities" and individually as "Participating Municipality").

RECITALS:

WHEREAS, the Solid Waste Management Act, Act of July 7, 1980, P.L. 380, No. 97, 35 P.S. §6018.101 et seq. (hereinafter called "Act 97"), was enacted to establish a comprehensive planning and regulatory framework to deal with the storage, collection, transportation, processing and disposal of municipal waste (as defined in Section 103 of Act 97); and

WHEREAS, Act 97 permits County and Participating Municipalities to contract with one another to carry out their several responsibilities, and authorizes the enactment of ordinances that municipal waste generated within their jurisdictions shall be disposed of at a designated facility; and

WHEREAS, in 1982 and 1983, pursuant to the requirements of Act 97, various municipalities in Montgomery County adopted resolutions requesting the County Commissioners to prepare on the municipalities' behalf, a comprehensive municipal solid waste management plan; and

WHEREAS, as a result of the aforesaid requests to the County and pursuant to County's authority under Act 97, the Board of Commissioners (hereinafter "County Board") has developed a Municipal Waste Management Plan for Solid Waste Disposal in which Plan the County undertakes to assist municipalities in the County with the disposal of municipal waste and places an emphasis on resource recovery; and

WHEREAS, pursuant to the aforesaid plan for solid waste disposal, the County seeks to arrange for the construction and operation of a resource recovery facility to serve certain Solid Waste Districts in the County and seeks to arrange for the disposal of municipal waste from the point at which it would be delivered into the County System; and

WHEREAS, the County owns a tract of land in Plymouth Township which is intended to be used for the construction of a resource recovery facility; and

WHEREAS, the County, on behalf of and at the request of the Participating Municipalities, who will be the users of the Facility, has made efforts to arrange for the financing, design, construction and operation of the aforesaid facility and to negotiate a Municipal Solid Waste Disposal Design and Construction Agreement (the "Design and Construction Agreement"), a Municipal Solid Waste Disposal Service Agreement (the "Service Agreement"), and other appropriate documents; and

WHEREAS, it is mutually understood that for the benefit of the parties hereto and other municipalities in the County, in order to finance the construction and purchase of the necessary facilities and equipment and to eliminate uneconomical operations, it is necessary that municipalities in the County enter into legally

enforceable commitments to deliver substantially all acceptable municipal waste presently collected in the County into the County System and, for the availability of the County System, to pay specific charges per ton of waste delivered; and

WHEREAS, each of the Participating Municipalities has determined that it is appropriate and in Participating Municipality's interest to enact certain ordinances providing for the disposition of municipal waste generated within its jurisdiction at the Facility and related matters; and

WHEREAS, the parties have agreed to act in good faith and to take all necessary and appropriate actions in cooperation with one another to effect the purposes of this Agreement and to enter into this Agreement pursuant to their respective lawful authorities; and

WHEREAS, this Agreement is entered into for the mutual benefit of County and the Participating Municipalities and is not intended by the parties to be for the benefit of third persons; and

WHEREAS, it is understood that failing the implementation of the arrangements contemplated herein, the Participating Municipalities will have continued responsibility for the collection, transportation, processing and disposal of municipal waste in accordance with 35 P.S. §6018.202:

NOW THEREFORE, in consideration of the promises and of the mutual covenants and agreements herein set forth and of the undertakings of each party to the other, and intending to be legally bound, the parties do hereby promise and agree as follows:

ARTICLE I
DEFINITIONS

For purposes of this Agreement, the following capitalized words and phrases, in the absence of clear implication otherwise, shall be given the following respective interpretations:

101. Definitions.

"Aggregate Minimum Commitment" shall mean the sum of the then current Minimum Commitments of all Participating Municipalities.

"Annual Allowance" shall mean the maximum tonnage of Processible Waste permitted to be delivered by a Participating Municipality in the course of an Operating Year, pursuant to Section 207 hereof.

"Annual Commitment" shall mean the tonnage of Processible Waste required to be delivered by a Participating Municipality in the course of an Operating Year, pursuant to Section 207 hereof.

"Commercially Collected Acceptable Waste" shall mean that Acceptable Waste originating within the boundaries of the Participating Municipality other than Municipally Collected Acceptable Waste.

"Company" shall mean Dravo Operations of Montgomery County, Inc.

"County Solid Waste Plan" shall mean the County-wide solid waste management and disposal plan developed by the County as such may hereafter be amended or modified in compliance with law.

"Design and Construction Agreement" shall mean the Municipal Solid Waste Disposal Design and Construction Agreement, as such may be amended from time to time, to be entered into by the Montgomery County Industrial Development Authority for the construction of the Facility.

"District" shall mean a solid waste planning district in Montgomery County as delineated in the Municipal Waste Management Plan dated January 1985.

"Facility" shall mean the facility to be constructed in accordance with the Design and Construction Agreement.

"Full System Operation" or "Fully Operational" shall mean that date which is sixty (60) days from the Acceptance Date as defined in the Design and Construction Agreement.

"Guaranteed Annual Electric Power Sale" shall mean the Company's commitment to generate and provide for the sale of an amount of electric power annually, as set forth in Article V of the Service Agreement.

"Minimum Commitment" shall mean each Participating Municipality's commitment to deliver to the Facility in any full Operating Year, at a minimum, the number of tons of Processible Waste set forth in Schedule A.

"Monthly Allowance" shall mean the maximum number of tons of Processible Waste permitted to be delivered by a Participating Municipality during a month, pursuant to Section 207.

"Monthly Commitment" shall mean the number of tons of Processible Waste required to be delivered by a Participating Municipality to the Facility during a month, pursuant to Section 207.

"Municipally Generated Acceptable Waste" shall mean any Acceptable Waste generated within the jurisdiction of a Participating Municipality.

"Municipal Tipping Fee" shall mean the tipping fee to be paid by Participating Municipalities in accordance with the Service Agreement.

"Municipally Collected Acceptable Waste" shall mean that Acceptable Waste originating within the boundaries of the Participating Municipality and collected or caused to be collected by Participating Municipality's employees and/or by a Person under contract to Participating Municipality for the express purpose of collecting, storing, transporting and disposing of such Acceptable Waste.

"Person" shall mean any individual, firm, corporation, partnership, trust, governmental agency or any other entity or any group of such persons.

"Point of Entry Into the System" shall mean any delivery site designated by the County for delivery of either Municipally Collected Acceptable Waste or Municipally Generated Acceptable Waste.

"Recycling" shall mean the use of a waste product as a raw material in the manufacture of the same or a similar product.

"Service Agreement" shall mean the Municipal Solid Waste Disposal Service Agreement between County and Dravo Operations of Montgomery County, Inc., as such may be amended from time to time.

"Source Separation" shall mean the segregation and collection, prior to the Point of Entry Into the System, for the sole purpose of recycling of individual components of Municipal Waste, such as (without limitation) bottles, cans, and other materials.

"System" shall mean the County's overall solid waste management and disposal system and every aspect thereof including, but not limited to, equipment, transfer and resource recovery facilities and residue disposal sites acquired, constructed or operated, or to be acquired, constructed or operated by the County or any agent, designee or contractor in connection with the County Solid Waste Plan.

"Tipping Fee Stabilization Account" shall mean an account established and maintained by the County and funded in accordance with Section 302 hereof.

"Transfer Facility" or "Transfer Facilities" shall mean those Transfer Station(s) and/or Transfer Systems that are or shall be established as determined to be necessary by the County for the economical consolidation of solid waste for delivery to a resource recovery facility or other disposal site.

102. Other Definitions. The words and phrases that are used in this Agreement but not defined herein shall have the meanings ascribed to those terms in the Design and Construction Agreement and the Service Agreement.

ARTICLE II

UNDERTAKINGS AND DELIVERIES TO THE SYSTEM

201. Construction of Facility. Subject to Section 202 below, County will use reasonable efforts to arrange for the construction and operation by Company of a 1200 ton per day Facility for the processing or other disposition of Acceptable Waste generated within the several jurisdictions of the Participating Municipalities.

202. Commitment to Accept Waste. Commencing on the date the System becomes Fully Operational and for the term of this Agreement, County shall accept Municipally Generated Acceptable Waste at a Point of Entry Into the System, subject to the acceptance of such waste at the Facility, whether for processing or other disposition in accordance with the terms of the Service Agreement, and to dispose of such waste up to the amounts determined in accordance with Section 207 below, for the fees and other charges set forth in Sections 301 et seq. below and in the Service Agreement. The terms of the Service Agreement, as it presently exists and as it may be amended from time to time, are hereby incorporated by reference.

203. Notice of Start Up. County shall give Participating Municipalities reasonable notice prior to the date that it requires partial deliveries for testing and trial run purposes of the Facility. To the extent requested by County, Participating Municipalities shall deliver such quantities of Acceptable Waste as may then be required for such purposes. Payment therefor shall be at a rate to be established by the County not to exceed the rate anticipated to be charged when the Facility becomes Fully Operational. The County shall periodically advise Participating Municipalities as to the status of the construction of the Facility and its proposed operation and shall also give Partici-

pating Municipalities forty-five (45) days' written notice prior to the date that the System becomes Fully Operational.

204. Covenant to Enact Ordinance. Each Participating Municipality, having determined that it is in Participating Municipality's interest to do so, covenants that it shall enact an ordinance which will at a minimum:

(a) Provide for the licensing of all Persons collecting Commercially Collected Acceptable Waste;

(b) Require all Commercially Collected Acceptable Waste to be disposed of at locations, at times and in amounts designated by the County;

(c) Prohibit the delivery of Residual Waste, Hazardous Waste, Unacceptable Waste, Nonprocessable Waste (except for White Goods) and waste from unapproved sources to the Facility;

(d) Regulate the delivery of White Goods to the Facility and provide for the payment of costs incurred in connection therewith; and

(e) Require all haulers of Commercially Collected Acceptable Waste to observe rules and regulations promulgated by County; and

(f) Provide for appropriate sanctions to be applied to haulers who fail to comply with the provisions of the ordinance.

205. Commitment to Deliver. Commencing on the date that the System is Fully Operational, and during the term of this Agreement, provided that the Facility is accepting Acceptable Waste, whether for processing or other disposition, each Participating Municipality shall deliver or cause to be delivered, all of its Municipally Collected Acceptable Waste into the System, in accordance with rules and regulations promulgated by County, up to its Annual Allowance and Monthly Allowances, but in any event, not less than its Annual Commitment and Monthly Commitments, as established in accordance with Section 207 below. All deliveries shall be subject to the terms of the Service Agreement and approval by County and the Participating Municipalities shall pay all charges required by the Service Agreement therefor.

206. Ability of Participating Municipality to Include Third Party Waste in its Commitments.

Subject to the availability of Facility capacity adequate to service all of Participating Municipalities' Municipally Collected Acceptable Waste, the delivery of third party Acceptable Waste may be guaranteed by a Participating Municipality. (The Participating Municipality may require a secured commitment from the hauler of such waste similar to its own commitment.) In such event, the projected amount thereof shall be included by Participating Municipality in its Annual Commitment and Monthly Commitments for the Operating Year or Years in question.

207. Determination of Annual Commitments and Annual Allowances. At least 150 days prior to the beginning of each Operating Year, each Participating Municipality shall make a commitment to deliver Processible Waste to the Facility during such Operating Year ("Annual Commitment"), which commitment shall be equal to or greater than the minimum commitment it has made in Schedule "A" ("Minimum Commitment"). Each Annual Commitment shall be further stated in twelve (12) monthly commitments, the sum of which shall be equal to the Annual Commitment. A Participating Municipal-

ity's Annual Commitment may be adjusted from year to year to meet the needs of the Participating Municipality; provided that:

(a) Participating Municipality notifies County, within 150 days prior to the beginning of such Operating Year, that it wishes to increase its Annual Commitment;

(b) There is additional capacity available for such an increase and the needs of the other Participating Municipalities can also be met, failing which the requests of all Participating Municipalities requesting increases will be equitably adjusted by County;

(c) In no event shall the Annual Commitment for any Operating Year be less than the Minimum Commitment of Participating Municipality.

Participating Municipality shall be entitled to deliver in any Operating Year 110% of its Annual Commitment ("Annual Allowance") and in any month 110% of its Monthly Commitment ("Monthly Allowance"). Participating Municipality may deliver more than such amounts if permitted under the Service Agreement, subject to approval by County, which approval shall not be unreasonably withheld. In the event that such deliveries are not so permitted, Participating Municipality shall be entitled to dispose of the affected tons (and only such tons) in another lawful manner, provided that any such tonnage shall not be credited to Participating Municipality's commitments.

Based upon the foregoing commitments, County shall make County's Projection of Total Tonnage and County's Projections of Monthly Tonnage, as set forth in the Service Agreement.

208. Assignment of Tonnage. Should a Participating Municipality decide that it will not be able to meet its Annual Commitment or Monthly Commitment, then subject to the approval of the County, which approval shall not be unreasonably withheld, the Participating Municipality may assign the available balance of its Annual Commitment or Monthly Commitment to any Participating Municipality agreeable to accepting such an increase to its Annual Commitment or Monthly Commitment.

209. Failure To Deliver in Accordance with Annual and Monthly Commitments. In the event that the County's Projection of Total Tonnage or County's Projections of Monthly Tonnage are not delivered as set forth in the Service Agreement, and the County is required to make payment to the Company for tonnages not delivered, those Participating Municipalities which failed to deliver their commitments shall pay any amounts called for by the Service Agreement, pro-rated for each such defaulting Participating Municipality in accordance with the number of tons by which it has failed to meet its commitments.

210. Unavailability of Facility. In the event that the Facility shall for any reason not be available to accept the Municipally Generated Acceptable Waste of any or all of the Participating Municipalities, the Participating Municipalities and County will confer concerning the alternatives available to the Participating Municipalities. County will use reasonable efforts to have the terms of the Service Agreement carried out but shall have no other obligations arising out of the unavailability of the Facility.

211. Unavailability of County Transfer Station. In the event that the County Transfer Station becomes unavailable or inoperable for any reason, the Participating Municipalities which utilize said facility shall send their Municipally Collected

Acceptable Waste directly to the Facility. The cost associated with this direct transport to the Facility will be the sole responsibility of such Participating Municipalities.

212. Source Separation. Participating Municipality shall have the right, prior to the Point of Entry Into the System to engage in Source Separation for its own account, provided that it meets its Annual Commitment as set forth herein.

213. Rules and Regulations. County shall, prior to the date the System becomes Fully Operational and after consultation with all Participating Municipalities and the Company, promulgate and disseminate rules and regulations for the System. Such rules and regulations shall, inter alia, deal with matters relating to the operation, management, and administration of the System.

214. Other Entities. County may, from time to time, enter into separate short-term or long-term agreements with other entities for the delivery of Acceptable Waste to the Facility.

ARTICLE III

CHARGES AND PAYMENTS

301. Payment of Fees by Participating Municipalities. Commencing on the date the Participating Municipalities deliver Acceptable Waste into the System, including the start-up and testing periods and for so long after the Commencement Date as the Facility is available to accept Acceptable Waste (whether for processing or other disposition) during the term of this Agreement, Participating Municipalities shall pay to County on a monthly basis the then current per ton Municipal Tipping Fee for all Acceptable Waste delivered or caused to be delivered into the System, plus any other charges payable, in accordance with the Service Agreement and this Agreement.

302. Tipping Fee Stabilization Fund. A Tipping Fee Stabilization Fund shall be created and administered by County. In order to fund the Tipping Fee Stabilization Fund, Participating Municipalities shall make the following payments to County:

- (a) Tipping Fees during Start-up and Performance Testing; and
- (b) A surcharge per ton, as required.

The minimum required level of the fund shall be equal to the product of the current Operating Year Annual Net Disposal Fee times 4/12 times the Aggregate Minimum Commitment for the Operating Year. The monies in the Tipping Fee Stabilization Fund may be used to pay any obligations which County may have under the Service Agreement, provided that the availability of such funds for this purpose shall in no respect relieve Participating Municipalities of their obligations under Section 301. County shall require

defaulting municipalities to pay their allocable share. Amounts in default shall bear interest.

303. County Transfer Station Fee. Participating Municipalities which are directed to utilize the County Transfer Station(s) for the handling and transport of Municipally Collected Acceptable Waste to the Facility, will be charged a separate fee per ton of Municipally Collected Acceptable Waste handled and transported by County, or its agents, to the Facility. This fee shall be set annually by County and shall be sufficient enough to reimburse County for all of its expenses, costs, and obligations relating to the operation of the Transfer Station and necessary transport vehicles, including but not limited to operation, maintenance, repair, replacement, alteration, enlargements, modifications, additions, insurance, leases, administration, and overhead.

304. County Administration Fee. The County shall place a further fee on each ton of Municipally Collected Acceptable Waste delivered or caused to be delivered by the Participating Municipalities to the County System pursuant to this Agreement to cover County's administrative expenses. This fee shall be established annually by County. This fee shall be sufficient to cover all costs and obligations associated with the administration of the System (exclusive of costs associated with the Transfer Station or the County Landfill located in West Conshohocken Borough and Upper Merion Township), including but not limited to staff and personnel costs, overhead, materials, services, and other costs associated with and required for the proper management of the System.

305. Uniformity. The fees for Participating Municipalities, determined pursuant to this Agreement, shall be the same for all Participating Municipalities, provided, however, that each Participating Municipality shall pay its share of any and all penalties and fees incurred pursuant to the terms of the Service Agreement that were so

incurred due to the default of such Participating Municipality. The County or its agent may from time to time accept into the System Acceptable Waste from other sources so as to maximize the efficiency of the System and the revenues to be derived therefrom.

306. Year-End Adjustment. At the time of each Year-End Adjustment under the Service Agreement, each Participating Municipality will receive or pay its appropriate share of each adjustment.

ARTICLE IV

CONDITIONS TO COUNTY'S OBLIGATIONS

401. **Conditions.** The obligations of County hereunder are subject to the following conditions, unless such conditions are waived by County in writing:

1. The existence of an Aggregate Minimum Commitment on the part of the Participating Municipalities equal to or greater than 280,000 tons per year.
2. The successful completion of financing for the Facility.
3. The construction and acceptance of the Facility.
4. The continued availability of the Facility to accept Acceptable Waste in accordance with the Service Agreement.

ARTICLE V

ACCOUNTING, WEIGH SCALES, RECORDS & LOCAL OPERATIONS

501. Accounting and Audit. County shall keep proper books of record and account for its administration of the System in a separate Solid Waste Fund. Such books and records, together with all documents and materials relating to the System (other than such as may be subject to legal privilege) shall, at all reasonable times be subject to inspection by Participating Municipalities and shall be audited on an annual basis as part of County's annual audit.

502. Weigh Scales and Records. County shall require Company to maintain accurate weigh scales and/or other devices appropriate for determining the quantity, quality and other characteristics of all Acceptable Waste delivered to Facility. County will maintain copies of appropriate records of such measurements, which records shall be available to Participating Municipality at all reasonable times.

503. Local Operations. Upon the signing of this Agreement, Participating Municipalities shall not construct, enlarge, operate or contract for any facility for the treatment and/or disposal of Municipally Generated Acceptable Waste except as the County may expressly agree to in writing as being required on a temporary basis prior to the date that the System is Fully Operational. In addition, Participating Municipality shall take all such action as may be necessary to insure that all of its Municipally Generated Acceptable Waste will be delivered to the System once it is Fully Operational.

504. Responsibility for Collection Costs. Participating Municipality shall be solely responsible for and shall bear the total cost, expense and other obligations con-

needed with the collection and transportation of Municipally Collected Acceptable Waste prior to its Point of Entry Into the System.

ARTICLE VI

COVENANTS

601. Additional Actions. The parties hereto shall in good faith during the term of this Agreement take all such actions as may be necessary or appropriate to carry out the purposes of this Agreement including, without limitation, the enactment of legislation, ordinances, resolutions and the like. In addition to the foregoing and without limitation thereof, to the extent that any fees to be paid by Participating Municipality hereunder shall or may be pledged in connection with the financing of any portion of the System, Participating Municipality shall use its good faith efforts to defend, preserve and protect such pledge of such fees.

602. Unconditional Commitment to Pay. Provided that the Facility is accepting Acceptable Waste for processing or other disposition in accordance with the Service Agreement, each Participating Municipality's obligations to make the payments called for under this Agreement to County, in the amounts stated and when due, are absolute and unconditional and shall not be subject to any delay or diminution by reason of any set-off, counterclaim, abatement or any other reasons.

ARTICLE VII
DISPUTE RESOLUTION

701. Submission of Disputes. Any dispute between two parties arising under this Agreement which the parties are unable to resolve by themselves, after undertaking in good faith so to resolve such dispute, shall be submitted to informal arbitration. Such arbitration shall be conducted by a panel of arbitrators ("Arbitration Panel") consisting of an arbitrator selected by each party to the dispute and a third arbitrator selected jointly by the foregoing two arbitrators. The arbitration procedures shall be agreed upon by the arbitration panel and a ruling shall be made as promptly as possible and in no event longer than thirty (30) days. Unless otherwise agreed by both parties, the ruling shall not be final or binding and no judgment thereon may be entered. The parties will, however, consider the ruling in good faith.

702. Judicial Resolution. If the controversy shall not have been resolved in accordance with Section 701, then either party shall have the right to submit such dispute de novo to the Court of Common Pleas of Montgomery County. All parties submit themselves to the jurisdiction of the court and agree to accept service of process.

ARTICLE VIII
REPRESENTATIONS

801. Representations and Warranties. County and each Participating Municipality represent and warrant to one another that:

(a) Each has all requisite power and authority to enter into this Agreement, to engage in the transactions contemplated hereby, and to perform its obligations hereunder in accordance with the terms hereof.

(b) The execution, delivery and performance of this Agreement have been duly authorized by all necessary action, and the undersigned officers of County and each Participating Municipality have been empowered by all necessary action to execute and deliver this Agreement on the parties' behalf.

(c) This Agreement constitutes a valid obligation, legally binding upon the County and each Participating Municipality and enforceable against them in accordance with the Agreement's terms, in the manner in which valid contractual obligations are enforced generally.

ARTICLE IX
TERM OF AGREEMENT

901. Term. The term of this Agreement shall coincide with the term of the Service Agreement.

902. Termination. The Agreement shall remain in effect so long as the Service Agreement between County and Company remains in effect and shall terminate only upon the termination of the Service Agreement. In the event of termination of this Agreement, all obligations of the parties hereunder shall cease and County shall no longer be required to accept Municipally Generated Acceptable Waste into the System or provide for the disposal thereof.

ARTICLE X

MISCELLANEOUS

1001. Effect of Breach. Each party specifically recognizes that the other is entitled to bring suit for injunctive relief, mandamus, or specific performance or to exercise other legal or equitable remedies to enforce the obligations and covenants of each party hereto. It is recognized that the successful operation of the System -- and therefore the ability of municipalities within the County to safely, lawfully and economically dispose of their Municipally Collected Acceptable Waste -- is dependent on each Participating Municipality's fully complying with the terms and conditions of this Agreement.

1002. Assignability. County may assign or pledge this Agreement in relation to the financing of the System but no other assignment of this Agreement shall be authorized or permitted by any party.

1003. Waiver Not to be Construed. No waiver by County or Participating Municipality of any term or condition of this agreement shall be deemed or construed as a waiver of any other term or condition, nor shall a waiver of any pledge be deemed to constitute a waiver of any subsequent pledge, whether of the same or of a different section, subsection, paragraph, clause, phrase, or other provision of this Agreement required of it under this Agreement or by-law. The failure of either party to insist in any one or more instances, upon strict performance of any of the terms, covenants, agreements or conditions in this Agreement shall not be considered to be a waiver or relinquishment of such term, covenant, agreement or condition, but the same shall continue in full force and effect.

1004. Amendments. This writing represents the entire agreement among the parties and any modification or amendment hereof shall be in writing and duly executed by all the parties hereto. Notwithstanding the foregoing, it is expressly agreed by all of the parties hereto that any such amendments as County may hereafter agree to make to the Service Agreement or the Design and Construction Agreement shall not cause this Agreement to become invalid or enforceable but shall instead be deemed to amend this Agreement to the extent relevant hereto. County shall use reasonable efforts to consult with Participating Municipalities when considering such amendments.

1005. Severability. If any provision, paragraph, sentence, clause or word of this Agreement shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such shall not affect the remainder of this Agreement and this Agreement shall be construed and enforced, consistent with its expressed purposes as if such invalid and unenforceable provision, paragraph, sentence, clause or word had not been contained herein.

1006. Duplicate Originals. This Agreement may be executed in two or more counterparts, any of which shall be regarded for all purposes as duplicate originals.

1007. Insurance. Participating Municipality agrees to carry insurance in adequate amounts to hold harmless the County for any activity by the Participating Municipality or anyone acting on behalf of the Participating Municipality in the County System.

1008. Indemnification. The Participating Municipalities, jointly and severally, shall protect, indemnify and hold County harmless from and against all liabilities, actions, damages, claims, demands, judgments, losses, costs, expenses, suits or

actions and attorneys' fees, and will defend County in any suit, including appeals, arising out of events or activities occurring in connection with this Agreement and not caused by County. These indemnification provisions are for the protection of County and shall not establish any liability to third parties.

1009. Notices. All notices required hereunder to either party shall be in writing and sent by Registered Mail Return Receipt Requested to:

THE COUNTY:

County of Montgomery
Courthouse
Norristown, PA 19404

Attention: Commissioners

With copies to the County Solicitor and
the Director of Public Works

THE PARTICIPATING MUNICIPALITY:

Township/Borough of _____

Attention:

With a copy to:

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement the day and year first above mentioned.

Abington Township

Attest:

By: _____

Ambler Borough

Attest:

By:

Bridgeport Borough

Attest:

By:

Bryn Athyn Borough

Attest:

By:

Cheltenham Township

Attest:

By:

East Norriton Township

Attest:

By:

Hatboro Borough

Attest:

By:

Conshohocken Borough

Attest:

By:

Horsham Township

Attest:

By:

Jenkintown Borough

Attest:

By:

Lower Merion Township

Attest:

By:

Lower Moreland Township

Attest:

By:

Narberth Borough

Attest:

By:

Norristown Borough

Attest:

By:

Plymouth Township

Attest:

By:



Rockledge Borough

Attest:

By: _____

Springfield Township

Attest:

By:

Upper Dublin Township

Attest:

Gregory N. Klemick

By: Patrol Roll

Upper Merion Township

Attest:

By:

Upper Moreland Township

Attest:

By:

West Conshohocken Borough

Attest:

By:

West Norriton Township

Attest:

By: _____

Whitemarsh Township

Attest:

By: _____

Whitpain Township

Attest:

By:

Montgomery County

Attest:

By: _____
Paul Baker Bartle

By: _____
Allan C. Myers

By: _____
Rita C. Banning

SCHEDULE "A"

PARTICIPANTS

MINIMUM COMMITMENT TPY

ABINGTON
AMBLER
BRIDGEPORT
BRYN ATHYN
CHELTENHAM
CONSHOCKEN
EAST NORRITON
HATBORO
HORSHAM
JENKINTOWN
LOWER MORELAND
LOWER MERION
NARBERTH
NORRISTOWN
PLYMOUTH
ROCKLEDGE
SPRINGFIELD
UPPER DUBLIN
UPPER MERION
UPPER MORELAND
WEST CONSHOCKEN
WEST NORRITON
WHITEMARSH
WHITPAIN

TOTALS

Norristown Borough

Attest:

By:

ORDINANCE NO. 702

AN ORDINANCE AUTHORIZING THE RATIFICATION OF THE EXECUTION OF A JOINT INTER-MUNICIPAL COOPERATION AGREEMENT AMONG THE BOROUGH OF AMBLER, THE TOWNSHIP OF LOWER GWYNEDD, THE TOWNSHIP OF UPPER DUBLIN, THE TOWNSHIP OF WHITPAIN, THE TOWNSHIP OF WHITEMARSH, LOWER GWYNEDD TOWNSHIP MUNICIPAL AUTHORITY, UPPER DUBLIN TOWNSHIP AUTHORITY AND THE WHITPAIN TOWNSHIP SEWER AUTHORITY

WHEREAS, the Borough of Ambler, The Township of Lower Gwynedd, The Township of Upper Dublin, The Township of Whitpain, The Township of Whitemarsh, Lower Gwynedd Township Municipal Authority, Upper Dublin Township Authority, and the Whitpain Township Sewer Authority, are parties to an Agreement, dated December 16, 1959, as amended by three subsequent Agreements, dated January 16, 1961, May 26, 1970 and February 17, 1978, all incorporated into a Joint Inter-Municipal Cooperation Agreement among the parties, dated August 13, 1985, pertaining to the construction, expansion, upgrading and operation of the Ambler public sewer plant known as the Ambler Joint Wastewater Treatment Plant, also referred to as Publicly-Owned Treatment Works ("POTW"); and

WHEREAS, the POTW is owned and operated for the mutual and joint benefit of Ambler, the Townships and the Authorities; and

WHEREAS, the parties have set forth in the Joint Inter-Municipal Agreement the understanding and terms respecting the duties, responsibilities and understandings relative to the use

and operation of the sewerage system, as required by applicable federal and state acts, including the Clean Water Act of 1977 and the General Pre-Treatment Regulations (40 CFR 403) and other State laws and regulations concerning industrial waste control obligations; and

WHEREAS, it is the desire of this Municipality to ratify the execution of and the entering into of the Joint Inter-Municipal Cooperation Agreement with the above-named municipalities, which is on file in the office of this Municipality and incorporated herein by reference.

NOW THEREFORE, IT IS ORDAINED AND ENACTED by The Township of Upper Dublin, as follows:

1. The terms and conditions of the Joint Inter-Municipal Cooperation Agreement, dated August 13, 1985, among the parties hereto, are hereby incorporated by reference and made a part hereof, as if fully set forth.
2. The term of said Agreement shall be indefinite and shall remain in effect as long as the aforesaid Agreement of December 16, 1959 and its subsequent amendments shall remain in effect.
3. The purpose and objective of the Joint Inter-Municipal Cooperation Agreement is to insure continued compliance with applicable State and Federal laws, including the Clean Water

Act of 1977 and the General Pre-Treatment Regulations (40 CFR 403) and other State laws and regulations concerning the operation of the municipalities of a public owned treatment works.

4. Financing of the Agreement shall be through sewer rates, as prescribed by the municipalities.

5. The organizational structure necessary to implement the Joint Inter-Municipal Cooperation Agreement is, as set forth in said Agreement and in accordance with the Ordinances enacted by the participating municipalities.

6. The manner in which property, real and personal shall be acquired, managed or disposed of is, as set forth in the Joint Inter-Municipal Cooperation Agreement.

ORDAINED AND ENACTED this 10th day of December A.D., 1985.

ATTEST:

THE TOWNSHIP OF UPPER DUBLIN:

Gregory N. Klemick

BY: Patricia J. Zelle

ANNUAL BUDGET OF THE TOWNSHIP OF UPPER DUBLIN FOR THE YEAR 1986

ORDINANCE NO. 703

AN ORDINANCE OF UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR THE SPECIFIC PURPOSES OF THE MUNICIPAL GOVERNMENT, HEREINAFTER SET FORTH, DURING 1986.

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

SECTION 1: That for the expenses for the fiscal year 1986 the following amounts are hereby appropriated from the revenues available for the current year for the specific purposes set forth below, which amounts are more fully itemized in the Budget Form.

SUMMARY OF ALL ESTIMATED RECEIPTS

Receipts from Current Tax Levy	\$4,245,353
Receipts from Taxes of Prior Years	45,734
Other Revenue Receipts	3,779,453
Miscellaneous Non-Revenue Receipts	837,998
	<hr/>
TOTAL ESTIMATED RECEIPTS AND CASH	\$8,908,538

SUMMARY OF ALL APPROPRIATIONS

GENERAL GOVERNMENT	
Administration	\$ 602,235
Treasurer and Tax Collector	14,063
Municipal Buildings	100,385
	<hr/>
TOTAL	\$ 716,683
PROTECTION TO PERSONS AND PROPERTY	
Police	\$1,800,961
Fire	444,861
Ambulance Services	6,000
	<hr/>
TOTAL	\$2,251,822
SEWER OPERATION AND TREATMENT	
Operations	\$ 623,550
Treatment	684,246
	<hr/>
TOTAL	\$1,307,796
PUBLIC HEALTH AND SANITATION	
Health	\$ 35,390
Sanitation	939,056
	<hr/>
TOTAL	\$ 974,446

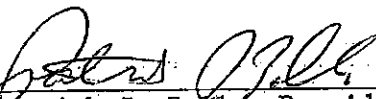
HIGHWAY MAINTENANCE	\$ 964,524
DEBT SERVICE	\$ 570,087
CAPITAL PROJECTS	
Road and Storm Sewer	\$ 337,039
Parks and Recreation	129,700
Equipment and Buildings	217,316
Sewer	420,000
	<hr/>
TOTAL	\$1,104,055
PARKS AND RECREATION	\$ 367,105
STREET LIGHTS	\$ 245,000
LIBRARY	\$ 172,000
REGULATIONS, PLANNING AND ZONING	\$ 165,420
MISCELLANEOUS	\$ 69,600
	<hr/>
TOTAL APPROPRIATIONS	\$8,908,538

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

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

ENACTED AND ORDAINED this 17th day of December 1985.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

BY: 
Patrick J. Zollo, President

ATTEST: 
Gregory N. Klemick, Secretary

ORDINANCE NO. 704

AN ORDINANCE OF UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, FIXING THE TAX RATE FOR THE YEAR 1986 FOR GENERAL PURPOSES, THE TAX RATE FOR THE YEAR 1986 FOR DEBT SERVICE, THE TAX RATE FOR THE YEAR 1986 FOR FIRE PROTECTION, THE TAX RATE FOR THE YEAR 1986 FOR PARKS AND RECREATION, THE TAX RATE FOR THE YEAR 1986 FOR LIBRARY, THE ASSESSMENT FOR THE YEAR 1986 FOR FIRE HYDRANTS, AND ESTABLISHING DISCOUNTS AND PENALTY THEREFOR.

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

SECTION 1: Tax Rates for General Purposes

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 1986, as follows:

Tax rate for General Purposes, the sum of.....34.30 mills
on each dollar of assessed valuation, or the sum of.....343.0 cents
on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

	Mills on Each Dollar of Assessed <u>Valuation</u>	Cents on Each One Hundred Dollars of Assessed <u>Valuation</u>
Tax Rate for General Purposes	34.30 mills	343.0 cents

SECTION 2: Tax Rate for Debt Service

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 1986, as follows:

Tax rate for Debt Service, the sum of.....6.67 mills
on each dollar of assessed valuation, or the sum of.....66.7 cents
on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

	Mills on Each Dollar of Assessed <u>Valuation</u>	Cents on Each One Hundred Dollars of Assessed <u>Valuation</u>
Tax Rate for Debt Service	6.67 mills	66.7 cents

SECTION 3: Tax Rate for Fire Protection

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 1986, as follows:

Tax rate for Fire Protection, the sum of.....3.00 mills
on each dollar of assessed valuation, or the sum of.....30.0 cents
on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

	<u>Mills on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for Fire Protection	3.00 mills	30.0 cents

SECTION 4: Tax Rate for Parks and Recreation

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 1986, as follows:

Tax rate for Parks and Recreation, the sum of.....3.44 mills
on each dollar of assessed valuation, or the sum of.....34.4 cents
on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

	<u>Mills of Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for Parks and Recreation	3.44 mills	34.4 cents

SECTION 5: Tax Rate for Library

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 1986, as follows:

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

The same being summarized in tabular form as follows:

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

SECTION 6: Assessment for Fire Hydrants

That the cost and maintenance of fire hydrants for fire protection, with the Fire and Water District of Upper Dublin Township, established by Ordinance No. 543, is hereby distributed by a special tax for the fiscal year 1986, as follows:

Special tax for fire hydrants, the sum of..... .65 mills
on each dollar of assessed valuation, or the sum of.....6.5 cents
on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

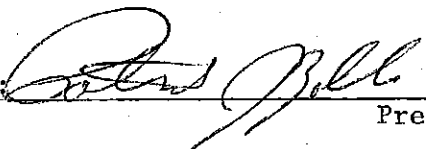
	<u>Mills on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Special Tax for Fire Hydrants and Water Tax for Fire Hydrants	.65 mills	6.5 cents

SECTION 7: Discounts and Penalty

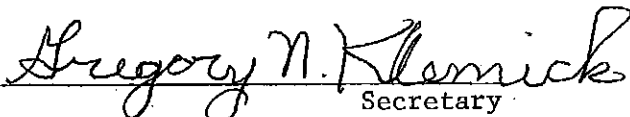
All taxpayers shall be entitled to a discount of two per centum (2%) from the amount of tax levied upon property, upon making payment of the amount of such tax within sixty (60) days of the date of the tax notice. All taxpayers who shall fail to make payment of any such taxes charged against them within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

ENACTED AND ORDAINED THIS 17th day of December, 1985.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

By: 
President

Attest:


Secretary

ORDINANCE NO. 705

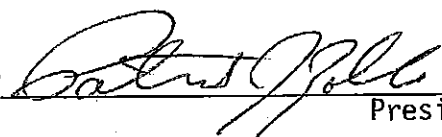
AN ORDINANCE OF THE TOWNSHIP OF UPPER DUBLIN TO ESTABLISH THE COMPENSATION OF TOWNSHIP COMMISSIONERS WHOSE TERM COMMENCES JANUARY 1, 1986.

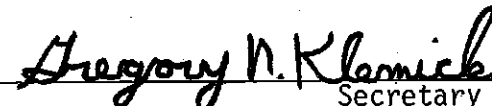
The Board of Commissioners of the Township of Upper Dublin does hereby ENACT AND ORDAIN as follows:

SECTION 1: Pursuant to Section 603 of the First Class Township Code the compensation of Township Commissioners whose term commences January 1, 1986, shall be established at \$3,300.00 per year.

ENACTED AND ORDAINED this 17th day of December, A.D. 1985.

BOARD OF COMMISSIONERS
TOWNSHIP OF UPPER DUBLIN

By 
President

Attest 
Secretary

ORDINANCE NO. 706

AN ORDINANCE TO AMEND THE UPPER DUBLIN TOWNSHIP CODE,
TITLE 2, ADMINISTRATION, CHAPTER 7, AUTHORITY,
MUNICIPAL, BY DELETING SECTION 1.02 PROJECTS TO
BE UNDERTAKEN BY THE AUTHORITY.

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

SECTION 1: That Section 1.02, Projects to be Undertaken by the Authority, which reads:

"(a) The initial project which shall be undertaken by the said Authority is: to acquire, hold, construct, improve, maintain, operate, own, lease either as lessor or as lessee, sewers, sewer systems or parts thereof and sewage treatment works, including works for treatment and disposing of industrial waste in Upper Dublin Township and for such other territory as it may be authorized to serve.

"(b) The Township hereby designates an additional project to be undertaken by the Authority, namely 'to acquire, hold, construct, improve, maintain, operate, own, lease either as lessor or lessee, parks, recreation grounds and facilities, swimming pools, playgrounds, lands, buildings, improvements and all facilities necessary or incidental thereto located in the Township of Upper Dublin.'"

shall be deleted and this section shall now read as follows:

"The projects to be undertaken by the Authority will be those specifically authorized by the Board of Commissioners from time to time. The Authority shall also advise the Board of Commissioners on sanitary sewer matters undertaken by the Township."

ENACTED AND ORDAINED this 14th day of January, A.D., 1986.

BOARD OF COMMISSIONERS
TOWNSHIP OF UPPER DUBLIN

By: [Signature]
President

Attest: [Signature]
Secretary

ORDINANCE No. 707

AN ORDINANCE TO AMEND ORDINANCE NO. 697, AMENDING THE UPPER DUBLIN TOWNSHIP CODE, TITLE 9, ARTICLE 10, SUBDIVISION AND LAND DEVELOPMENT, AND TITLE 2, CHAPTER 1, FEES, RATES AND PERMITS, REQUIRING A CONTRIBUTION FOR ROAD IMPROVEMENTS.

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

SECTION 1: That Title 9, Article 10, Paragraph 6, which reads:

There shall also be paid to the Township a sum to be used as a contribution toward the cost of the road improvements throughout said Township. The purpose of said contribution is to defray the increased cost to the Township of road construction, repair and maintenance necessitated by the impact of the development or subdivision on roads within the Township. Said contribution shall be calculated on the basis of the total floor area of all floors, including storage areas, for any new commercial and industrial building or any existing building for which additions or renovations are to be completed. A flat fee contribution will be paid for the construction of all new residential dwelling units. The fee shall be in accordance with Title 2, Chapter 1, Fees, Rates and Permits.

There is hereby established a Highway Improvement Fund under the exclusive control of the Township Commissioners into which said contributions shall be deposited and, thereafter, from which disbursements shall be made to satisfy the cost of necessary improvements.

All contributions due under this Ordinance shall be paid prior to the issuance of any building permit for the premises.

shall be amended to read:

There shall also be paid to the Township a sum to be used as a contribution toward the cost of the road improvements throughout said Township. The purpose of said contribution is to defray the increased cost to the Township of road construction, repair and maintenance necessitated by the impact of the development or subdivision on roads within the Township. Said contribution shall be calculated on the basis of the total floor area of all floors, including storage areas, for any new commercial, shopping center, industrial and office building construction or that portion of any existing building for which additions, renovations or alterations are to be made which result in the installation of additional parking places. A flat fee contribution will be paid for the construction of all new residential dwelling units. The fee shall be in accordance with Title 2, Chapter 1, Fees, Rates and Permits.

There is hereby established a Highway Improvement Fund under the exclusive control of the Township Commissioners into which said contributions shall be deposited and, thereafter, from which disbursements shall be made to satisfy the cost of necessary improvements.

All contributions due under this Ordinance shall be paid prior to the issuance of any building permit for the premises.

SECTION 2: That Title 2, Chapter 1, Fees, Rates and Permits, Article 9, Section 9.05 Road Improvement Contribution, Sub-paragraph (b), which reads:

(b) For commercial and industrial construction, including additions and renovations, Fifty Cents (50¢) per square foot of total floor area.

shall be amended to read:

(b) For new commercial, shopping center, industrial and office building construction, Fifty Cents (50¢) per square foot of total floor area. For existing buildings, Fifty Cents (50¢) per square foot for additions, renovations and alterations resulting in the installation of additional parking places.

ENACTED AND ORDAINED this 11th day of March, A.D. 1986.

BOARD OF COMMISSIONERS
TOWNSHIP OF UPPER DUBLIN

By *Robert J. Bollo*
President

Attest *Gregory N. Klemich*
Secretary

ORDINANCE No. 708

AN ORDINANCE TO AMEND THE UPPER DUBLIN TOWNSHIP CODE, TITLE 10, ZONING, ARTICLE 9, OFF-STREET PARKING AND LOADING, CONTROLLING PARKING SPACES IN THE OFFICE CENTER DISTRICT.

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

SECTION 1: That Section 9.00, 4 (e) which now reads:

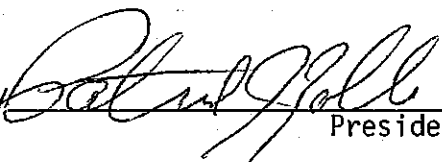
(e) Office Building or Wholesale Establishment: For any office or wholesale establishment not located in the "LIM" Limited Industrial District the following provisions shall apply: One (1) parking space for every two hundred (200) square feet of gross floor area. Up to twenty (20%) percent of this required parking area may be placed in reserve and left unpaved upon a showing by the owner that such 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.

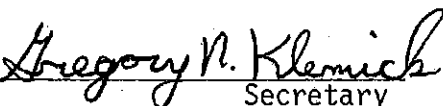
be amended to read as follows:

(e) Office Building or Wholesale Establishment: For any office or wholesale establishment not located in the "LIM" Limited Industrial District the following provisions shall apply: One (1) parking space for every two hundred (200) square feet of gross floor area. Up to sixty (60%) percent of this required parking area may be placed in reserve and left unpaved upon a showing by the owner that such 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.

ENACTED AND ORDAINED this 13th day of May A.D. 1986.

BOARD OF COMMISSIONERS
TOWNSHIP OF UPPER DUBLIN

By 
President

Attest 
Secretary

CODIFICATION AMENDMENT ORDINANCE

No. 709

AN ORDINANCE AMENDING THE EXISTING CODE OF ORDINANCES OF THE TOWNSHIP OF UPPER DUBLIN, PENNSYLVANIA AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

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

SECTION 1. That the Code of Ordinances consisting of Titles 1 to 10, inclusive, originally adopted on July 18, 1978, is hereby amended by a revised Code, three official copies of which are on record in the Office of the Township Secretary.

SECTION 2. The revised Code shall be in full force and effect from and after May 13, 1986.

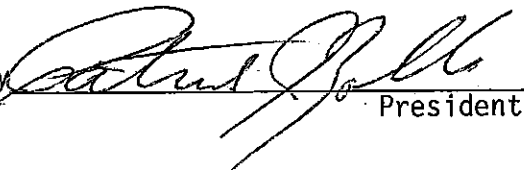
SECTION 3. That Title 1, Chapter 1, Section 1.02, Effective Date, shall be amended to show the effective date to be May 13, 1986.

SECTION 4. Section 1.04 (a), shall be amended by substituting the date, May 13, 1986, for the date of July 18, 1978.

Section 5. All other provisions of the said Title 1, Chapter 1, shall remain in full force and effect.

ENACTED AND ORDAINED this 13th day of May, A.D. 1986.

BOARD OF COMMISSIONERS
TOWNSHIP OF UPPER DUBLIN

By 
President

Attest Gregory N. Klemick
Secretary

ORDINANCE No. 710

AN ORDINANCE TO AMEND THE UPPER DUBLIN TOWNSHIP CODE, TITLE 10, BY AMENDING THE ZONING MAP DESIGNATING THE HEREIN DESCRIBED TRACT, 9.22 ACRES, HIGHLAND AVENUE AT ROUTE 309 BETWEEN ROUTE 309 AND FARM LANE, from A-RESIDENTIAL TO B-RESIDENTIAL DISTRICT.

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

SECTION 1: The Zoning Map of the Upper Dublin Zoning Ordinance, as amended, is further amended by designating the following described tract from A-Residential District to B-Residential District:

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 John & Angela Cairo, by C. Raymond Weir Associates, Inc., Civil Engineers and Surveyors, dated July 5, 1974 and revised January 21, 1975, said Plan recorded in the Office for the Recording of Deeds, etc., for Montgomery County at Norristown, Pennsylvania, in Plan Book A-24, page 17, as follows, to wit:

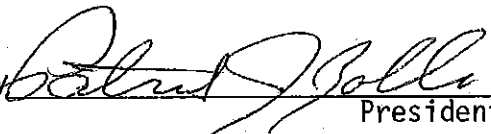
BEGINNING at a point on the Northeasterly side of Highland Avenue (80 feet wide) said point being a corner of lands now or late of John and Bertha Staton; thence extending from said point of beginning along the last mentioned lands North 38 degrees 26 minutes East 178.41 feet to a stone a corner; thence extending North 51 degrees 14 minutes West partly along the last mentioned lands and partly along lands now or late of Roy Good, Jr. and partly along lands now or late of Robert and Anna Polk 417.50 feet to an iron pin in line of lands now or late of Pat Sparango, Inc., thence extending along same North 49 degrees 03 minutes 10 seconds East 432.26 feet to an iron pin a corner of lands now or late of Parcel "B" as shown on the above mentioned Plan; thence extending along same the five following courses and distances: (1) North 68 degrees 16 minutes East, and crossing a certain drainage ditch 99.21 feet to an iron pin, (2) North 82 degrees 45 minutes East recrossing the aforementioned drainage ditch 126.81 feet to an iron pin, (3) North 85 degrees 16 minutes 30 seconds East passing through the aforementioned drainage ditch and crossing a certain bridge 243.19 feet to an iron pin, (4) North 89 degrees 21 minutes East crossing and recrossing the aforementioned drainage ditch 40.46 feet to a point in the bed of same and (5) North 66 degrees 15 minutes East through the bed of the aforementioned drainage ditch 98.45 feet to a point on the Northwesterly right-of-way line of the 309 Expressway (L.R. 782); thence extending along same Southwestwardly on the arc of a circle curving to the right having a radius of 1,870.08 feet the arc distance of 119.91 feet to an iron pin a point of tangent; thence extending South 23 degrees 46 minutes 26 seconds West 559.26 feet to a point a corner; thence extending North 66 degrees 13 minutes 34 seconds west 10 feet to a point a corner; thence extending South 23 degrees 46 minutes 26 seconds West 150.00 feet to a point a corner; thence extending South 71 degrees

14 minutes 16 seconds West 281.38 feet more or less to a point a corner; thence extending South 37 degrees 47 minutes 30 seconds West 20 feet to a point on the Northeasterly side of Highland Avenue; thence along same North 52 degrees 12 minutes 30 seconds West 106.81 feet more or less to the first mentioned point and place of beginning.

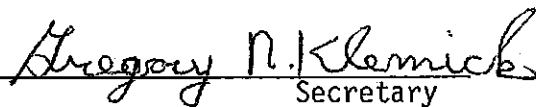
CONTAINING in area 9.22 Acres of land more or less.

ENACTED AND ORDAINED this 8th day of July, A.D. 1986.

BOARD OF COMMISSIONERS
TOWNSHIP OF UPPER DUBLIN

By 
President

Attest


Secretary

ORDINANCE No. 711

AN ORDINANCE PROVIDING FOR THE DESIGN, LAYING OUT, CONSTRUCTION AND INSTALLATION OF SANITARY WASTEWATER SEWER FACILITIES IN ANNASMEAD ROAD, WEBSTER LANE, MILDRED LANE AND IN AND THROUGH CERTAIN PRIVATE PROPERTIES LOCATED ON WELSH ROAD, AND PROVIDING FOR THE CONDEMNATION OF RIGHTS OF WAY AND PERMANENT AND TEMPORARY EASEMENTS ACROSS PRIVATE PROPERTY TO ACCOMMODATE SAID SEWERS AND FACILITIES, AND PROVIDING FOR THE PAYMENT OF COSTS OF CONSTRUCTION BY ASSESSMENT BY THE BENEFIT METHOD, AND THE PAYMENT OF AMOUNTS ASSESSED IN INSTALLMENTS AND THE COLLECTION THEREOF, THE LIENING OF PROPERTY SUBJECT TO ASSESSMENT, AND AUTHORIZING OTHER NECESSARY ACTION.

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

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

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

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

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

SECTION I SANITARY WASTEWATER SEWER FACILITIES

(a) A system of sanitary wastewater sewer facilities shall be constructed and installed in Annasmead Road, Webster Lane, Mildred Lane and certain properties designated on the design plans located on Welsh Road, Upper Dublin Township, Montgomery County, Pennsylvania, in accordance with plans to be prepared by an engineering firm to be retained for such purpose by the Board of Commissioners, and shall be interconnected to the existing sanitary wastewater sewer system in place in the Township.

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

SECTION II ASSESSMENT OF COSTS

(a) The costs of construction and installation of the sewer system, aforesaid, shall be assessed as provided by law upon the several properties benefited, improved and accommodated by the said sewer system to the extent of the benefit conferred upon such properties. The officers of the Township are authorized and directed to execute and file a petition to the Court of Common Pleas of Montgomery County, Pennsylvania for the appointment of viewers to assess benefits, as provided by law.

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

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

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

SECTION III INSTALLMENT PAYMENT PRIVILEGES

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

(a) the property owner shall, within thirty (30) days following the date of

service of the notice of assessment and the bill therefor deliver to the Township the owner's written notice of election to pay in installments in form required by the Township and to be prepared by the Township Manager, and

(b) pay the first installment due on the assessment, together with a one-time charge of Fifty Dollars (\$50,00) additional for preparation and filing of lien documents and satisfaction costs, concurrently with the delivery of the notice of election to pay in installments, aforesaid; and

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

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

ENACTED and ORDAINED this 12th day of August, 1986.

ATTEST:

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

BY:

Gregory N. Klemick
Secretary

BY:

Robert J. Hill
President

ORDINANCE No 712

AN ORDINANCE TO AMEND THE UPPER DUBLIN TOWNSHIP CODE, TITLE 2, ADMINISTRATION, CHAPTER 1, FEES, RATES AND PERMITS, ARTICLE 3, BUILDING AND CONSTRUCTION, TO PROVIDE FOR RE-INSPECTION FEES FOR BUILDING CONSTRUCTION.

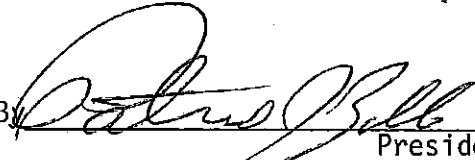
The Board of Commissioners of the Township of Upper Dublin does hereby ENACT AND ORDAIN as follows:

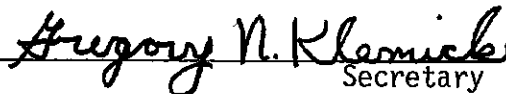
SECTION 1: That Title 2, Chapter 1, Article 3, Building and Construction be amended by the addition of Section 3.05, Re-inspection Fees, to read as follows:

"Re-inspections caused by failure of applicant to comply with Code requirements or to expeditiously correct defects after initial inspections, shall result in payment of One Hundred Dollars (\$100.00) for every additional inspection."

ENACTED AND ORDAINED this 12th day of August, A.D. 1986.

BOARD OF COMMISSIONERS
TOWNSHIP OF UPPER DUBLIN

By  President

Attest  Secretary

ORDINANCE NO. 713

AN ORDINANCE TO AMEND THE UPPER DUBLIN TOWNSHIP CODE,
TITLE 10, ZONING, BY INCLUDING ANTENNAS AND SATELLITE
DISH ANTENNAS AS ACCESSORY USES IN THE TOWNSHIP

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

SECTION 1: That Article 2, Section 2.06, Definitions, be amended by
adding Paragraphs AAA, Antenna, AAB, Satellite Dish Antenna, and AAC, Antenna
Reception Window, as follows:

AAA. Antenna. - An apparatus, external to or attached to the
exterior of a building, together with any supporting structure for
sending or receiving electromagnetic waves. Antennas may be
principal or accessory structures.

AAB. Satellite Dish Antenna. - A device incorporating a reflective
surface that is solid, open mesh, or bar configured and is in the shape
of a shallow dish, cone, horn, or cornucopia. Such device shall be used
to transmit and/or receive radio or electromagnetic waves between
terrestrially and/or orbitally based uses. This definition is meant to
include but not be limited to what are commonly referred to as
satellite earth stations, TRVO's and microwave antennas.

AAC. Antenna Reception Window. - The area which lies between a
satellite dish antenna and an orbiting satellite.

SECTION 2: That Article 4 - General Zoning Regulations, Section 4.07, be
amended by changing the title from "Accessory Uses" to "Accessory Buildings,
Structures, and Uses", and that subsection B. be amended to include the following
sentence:

"7. Antennas and satellite dish antennas accessory to permitted
uses."

SECTION 3: That Section 4.08 be amended by changing the title from
"Minimum Setback of Accessory Buildings" to "Minimum Setback of Accessory Buildings,
Structures, and Uses" and by adding the following new subsections (f, g, h, i, j):

f. In all non-residential zoning districts, roof-mounted accessory antennas of any type may be erected on the roof of the principal or accessory building to a maximum height of thirty-five (35) feet above maximum height of the building on which it is located provided the following criteria are met:

1. Satellite dish antennas and microwave relay antennas shall not be visible between ground level and ten (10) feet above ground level from any street adjoining the lot;
2. Satellite dish antennas shall not exceed twelve (12) feet in diameter. Microwave relay antennas shall not exceed four (4) feet in diameter;
3. Satellite dish antennas, microwave relay antennas, and their accompanying support structures shall be neutral in color and, to the extent possible, compatible with the appearance and character of the neighborhood;
4. All installations shall require a building permit;
5. All applications must include certification by a registered engineer that the proposed installation complies with all applicable BOCA Basic Building Code standards. Furthermore, written documentation of such compliance, including load distributions within the buildings support structure shall be furnished;
6. No advertising shall be affixed to any part of the antenna or supporting structure.

g. In any zoning district, permanent, extendable, retractable, or telescoping ground mounted tower, mast, or support, and accompanying antenna, that is accessory to a permitted or special use, may be erected to a maximum height of sixty-five (65) feet above mean ground level as measured at the base of the structure, provided said antenna(s) may only be located in a side or rear yard. The antenna tower must be set back from all applicable side and rear yard setbacks one (1) foot for every two (2) feet of antenna height. For example, a forty (40) foot antenna must be set back twenty (20) feet from the setback line and a sixty (60) foot antenna must be set bak thirty (30) feet. In addition, the following criteria shall also apply:

1. No advertising shall be affixed to any part of the antenna or supporting structure;
2. Ground-mounted extendable, retractable, or telescoping antennas may be located at the side or rear yard setback and may be erected in excess of sixty-five (65) feet as a special exception provided the following criteria are met:
 - a. Installation shall require a building permit;

b. All applications must include certification by a registered engineer that the proposed installation complies with all applicable BOCA Code standards.

In all non-residential zoning districts, ground mounted satellite dish antennas may be erected to a maximum height of fifteen (15) feet above mean ground level as measured from the base of the structure provided the following criteria are met:

1. All installations must comply with all accessory-use yard, height, bulk, and setback requirements specified within the district;
2. If the subject parcel abuts a residence district, all such antennas shall be placed a minimum of twenty (20) feet from any lot line and effectively screened from the adjoining residential property;
3. Installation shall require a building permit;
4. All installations shall be located to prevent obstruction of the antenna's reception window from potential permitted development on adjoining properties;
5. All applications must include certification by a registered engineer that the proposed installation complies with all applicable BOCA Basic Building Code standards;
6. No advertising shall be affixed to the satellite dish antenna or supporting structure.

h. In any residence district, roof-mounted accessory antennas (except satellite dish antennas) may be erected on the roof of the principal or accessory building to a maximum height of twenty-five (25) feet above the maximum height of the building on which it is located.

i. In any residence district, roof-mounted satellite dish antennas may be erected as a special exception only when the following criteria are met:

1. Demonstration by the applicant that compliance with the applicable yard, setback, and height restrictions would result in the obstruction of the antenna's reception window; furthermore, such obstruction involves factors beyond the applicant's control;
2. Installation shall require a building permit;

3. The height of the proposed installation does not exceed the maximum height restriction imposed upon primary and accessory uses within the district;

4. All applications must include certification by a registered engineer that the proposed installation complies with all applicable BOCA Basic Building Code standards. Furthermore, written documentation of such compliance, including load distributions within the building's support structure shall be furnished;

5. Only one satellite dish antenna shall be permitted per lot;

6. Satellite dish antennas shall not exceed twelve (12) feet in diameter;

7. Satellite dish antennas shall be neutral in color and, to the extent possible, compatible with the appearance and character of the neighborhood;

8. No advertising shall be affixed to the satellite dish antenna or supporting structures;

9. Those criteria relating to all special exceptions listed in Section 15.06 of this Ordinance shall apply.

j. In any residence district, one accessory ground-mounted satellite dish antenna may be erected to a maximum height of twelve (12) feet above mean ground level as measured at the base of the structure and provided the following criteria are met:

1. All installations must comply with all accessory-use yard, height, bulk, and setback requirements specified within the district;

2. All installations shall be located to prevent obstruction of the antenna's reception window from potential permitted development on adjoining properties;

3. The satellite dish antenna shall be neutral in color and, to the extent possible, compatible with character and appearance with the surrounding neighborhood;

4. All installations must include screening treatments located along the antenna's nonreception window axes and low-level ornamental landscape treatments along the reception window axes of the antenna's base. Such treatments should completely enclose the antenna;

5. Installation shall require a building permit;

6. All applications must include certification by a registered engineer that the proposed installation complies with all applicable BOCA Basic Building Code standards.

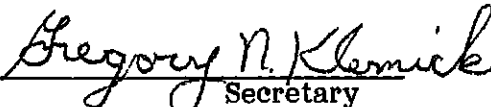
7. No advertising shall be affixed to the satellite dish antenna or supporting structure.

ENACTED AND ORDAINED this 14th day of October (A.D.), 1986.

BOARD OF COMMISSIONERS
TOWNSHIP OF UPPER DUBLIN

By: 
President

Attest:


Secretary

ORDINANCE No. 714

AN ORDINANCE TO AMEND THE UPPER DUBLIN TOWNSHIP CODE, TITLE 10, ZONING, ARTICLE 12, "LIM" LIMITED INDUSTRIAL DISTRICT, AND ARTICLE 9, OFF-STREET PARKING AND LOADING, TO DECREASE THE BUILDING COVERAGE IN LIMITED INDUSTRIAL DISTRICT, TO INCREASE THE PERMITTED IMPERVIOUS GROUND COVERAGE AND TO REDUCE THE SIZE OF A PARKING SPACE AND TO CONTROL TYPE OF PARKING.

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

SECTION 1: That Article 12, Section 12.01, Use Regulations, Paragraph H, (b), which reads:

"The maximum impervious surface of a lot shall not exceed fifty (50%) percent of the total lot area. The maximum allowable impervious surface is given as an impervious surface ratio, or that portion of the site which may be covered by building, paving, or other impervious materials. The ratio is calculated by dividing the total impervious surface by the gross area of the site. The remainder of the lot shall be planted and maintained with live vegetative cover to the satisfaction of the Board of Commissioners."

shall be amended to read as follows:

"The maximum impervious surface of a lot shall not exceed sixty (60%) percent of the total lot area. The maximum allowable impervious surface is given as an impervious surface ratio, or that portion of the site which may be covered by building, paving, or other impervious materials. The ratio is calculated by dividing the total impervious surface by the gross area of the site. The remainder of the lot shall be planted and maintained with live vegetative cover to the satisfaction of the Board of Commissioners."

SECTION 2: That Article 12, Section 12.01, Use Regulations, Paragraph H, (d), which reads:

"The gross floor area based on the outside perimeter of the building shall not exceed twelve thousand five hundred (12,500) square feet per acre of lot area."

shall be amended to read as follows:

"The gross floor area based on the outside perimeter of the building shall not exceed eleven thousand (11,000) square feet per acre of lot area."

SECTION 3: That Article 9, Section 9.05, Parking Space and Travel Lanes, Paragraph 1, which reads:

"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."

shall be amended to read as follows:

"A parking space available for the parking of one (1) motor vehicle shall be not less than nine and one-half (9½) feet in width and nineteen (19) feet in length having an area not less than one hundred eighty and five-tenths (180.5) 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."

SECTION 4: That Article 12, Section 12.14, Area and Yard Regulations, Subparagraph C, Yard Requirements, shall be amended by the addition of Paragraph 7, as follows:

"7. Multi-Level Parking. All multi-level parking shall be considered a building and therefore included in calculating the permitted gross floor area on the premises."

Paragraphs 7 through 10 shall be re-numbered as Paragraphs 8 through 11.

ENACTED AND ORDAINED this 14th day of October A.D. 1986.

BOARD OF COMMISSIONERS
TOWNSHIP OF UPPER DUBLIN

By *Patricia J. Zell*
President

Attest *Gregory N. Klemick*
Secretary

ORDINANCE No. 715

AN ORDINANCE TO AMEND THE UPPER DUBLIN TOWNSHIP CODE, TITLE 10, BY AMENDING THE ZONING MAP DESIGNATING THE HEREIN DESCRIBED TRACT, 1014 FARM LANE, FROM A-RESIDENTIAL TO B-RESIDENTIAL DISTRICT.

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

SECTION 1: The Zoning Map of the Upper Dublin Zoning Ordinance, as amended, is further amended by designating the following described tract from A-Residential to B-Residential District:

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected, SITUATE in the Township of Upper Dublin, County of Montgomery and State of Pennsylvania, bounded and described according to a Survey and Plan thereof made by C. Raymond Weir, Registered Professional Engineer, dated March 26, 1956, as follows to wit:

BEGINNING at a point in the center line of a certain private Road (Forty feet wide) at the distance of Three hundred seventy and eight one-hundredths feet measured on a bearing of South Fifty-one degrees, Five minutes, Thirty seconds East along said center line from its intersection with title line in the bed of Farm Lane (Forty feet wide) which said last mentioned intersection is located as follows, (from its intersection with the centerline of Loch Alsh Avenue (Fifty feet wide) measured along the said title line in the bed of Farm Lane) (1) South thirty-seven degrees thirty-eight minutes, thirty seconds West Two hundred nine and seventy-six one-hundredths feet to an angle in same; (2) South forty-three degrees, one minute, thirty seconds West One hundred thirty-nine and twenty-two one-hundredths feet to a point of curve; (3) Southwesterly on a curve to the right with a radius of Four hundred thirty-five feet the arc distance of One hundred five and sixty-two one-hundredths feet; thence extending from said first mentioned point of beginning along the said center line of said private Road South fifty-one degrees, five minutes, thirty seconds East One hundred twenty-six and fifty-eight one-hundredths feet to a point, South thirty-eight degrees, fifty-four minutes, thirty seconds West along land now or late of Josephine Schiavone Two hundred thirty-six and thirty-seven one-hundredths feet to a point; thence along land now or late of Sidney and Annette Flexner North forty-seven degrees, thirty-three minutes West One hundred twenty-six and eighty-two one-hundredths feet to a point; thence extending North thirty-eight degrees, fifty-four minutes, thirty seconds East Two hundred twenty-eight and fifty-four one-hundredths feet to the first mentioned point and place of beginning. CONTAINING 0.675 of an acre, more or less.

ALSO ALL THAT CERTAIN tract or piece of ground with the buildings thereon erected, SITUATE in the Township of Upper Dublin, County of Montgomery and State of Pennsylvania, and bounded and described according to a survey and plan thereof made by C. Raymond Weir, Registered Professional Engineer, dated September 22, 1955, as follows, to wit:

BEGINNING at a spike in the bed of Farm Lane (forty feet wide) a corner of land now or late of Domenick Schiavone; thence extending along said land and crossing an iron pin on the side of said Lane South forty-seven degrees, thirty-three minutes East Seven hundred eighty-nine and thirty one-hundredths feet to a stone; thence along land now or late of Gustave O. Xuemmerle, South forty-eight degrees, fifty-nine minutes West Two hundred seventy-five and four one-hundredths feet to a point; thence extending North forty-two degrees, nineteen minutes West Seven hundred ninety-two and six one-hundredths feet to a point, and North fourteen degrees, ten minutes thirty seconds West Eighty-four and eighty-three one-hundredths feet to a point in the bed of said Farm Lane; thence extending in the bed of same North seventy-five degrees, forty-nine minutes, thirty seconds East One hundred eighty-four and seventy-three one-hundredths feet to the first mentioned point and place of beginning. CONTAINING 4.5 acres more or less.

ENACTED AND ORDAINED this 14th day of October A.D. 1986.

BOARD OF COMMISSIONERS
TOWNSHIP OF UPPER DUBLIN

By *Patricia J. [Signature]*
President

Attest *Gregory N. Clemick*
Secretary

ORDINANCE NO. 716

AN ORDINANCE TO AMEND THE UPPER DUBLIN TOWNSHIP CODE, TITLE 2, CHAPTER 5, TAXATION, ARTICLE 2, REALTY TRANSFER TAX.

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

SECTION 1: Title 2, Chapter 5, Article 2, Realty Transfer Tax, shall be deleted in its entirety and the following substituted therefor:

Sec. 201 Title

This ordinance shall be known and may be cited as the "REALTY TRANSFER TAX ORDINANCE".

Sec. 2.02 Definitions

(a) "Acceptance" - The making, execution, or final delivery of a document by all parties to a transaction.

(b) "Acquired Company" - A real estate company where a change in the ownership interest in the company, however effected: (1) does not affect the continuity of the company; and (2) of itself or together with prior changes has the effect of transferring, directly or indirectly, ninety (90%) percent or more of the total ownership interest in the company within a period of three (3) years.

(c) "Association" - A partnership, limited partnership, or any other form of unincorporated enterprise, owned or conducted by two or more persons other than a private trust or decedent's estate.

(d) "Corporation" - A corporation [or] joint stock association, business trust, or banking institution which is organized under the laws of this Commonwealth, the United States, or any other state, territory or foreign country or dependency.

(e) "Document" - Any deed, instrument, or writing which conveys, transfers, demises, vests, confirms, or evidences any transfer or demise of title to real estate, but does not include wills, mortgages, deeds of trust, or other instruments of like character given as security for a debt and deeds of release thereof to the debtor, land contracts whereby the legal title does not pass to the grantee until the title consideration specified in the contract has been paid or any cancellation thereof unless the consideration is payable over a period of time exceeding thirty (30) years or instruments which solely grant, vest, or confirm a public utility easement. "Document" shall also include a declaration of acquisition required to be presented for recording under Section 2.03(b) of this Ordinance.

(f) "Members of the same family" - Any individual, such individual's brothers and sisters, the brothers and sisters of such individual's parents and grandparents, the ancestors and lineal descendants of any of the foregoing, a spouse of any of the foregoing

and the estate of any of the foregoing. Individuals related by the half blood or legal adoption shall be treated as if they were related by the whole blood.

(g) "Person" - Every natural person, association, or corporation. Whenever used in any clause prescribing and imposing a fine or imprisonment, or both, the term "person" as applied to associations, shall include the responsible members or general partners thereof, and as applied to corporations, the officers thereof.

(h) "Real Estate" -

(1) Any lands, tenements, or hereditaments within this Commonwealth, including, without limitation, buildings, structures, fixtures, mines, minerals, oil, gas, quarries, spaces with or without upper or lower boundaries, trees, and other improvements, immovables, or interest which by custom, usage, or law pass with a conveyance of land, but excluding permanently attached machinery and equipment in an industrial plant.

(2) A condominium unit.

(3) A tenant-stockholder's interest in a cooperative housing corporation, trust, or association under a proprietary lease or occupancy agreement.

(i) "Real Estate Company" - A corporation or association which is primarily engaged in the business of holding, selling, or leasing real estate, ninety (90%) percent or more of the ownership interest in which is held by thirty-five (35) or fewer persons and which: (1) derives sixty (60%) percent or more of its annual gross receipts from the ownership or disposition of real estate; or (2) holds real estate, the value of its entire tangible asset holdings exclusive of tangible assets which are freely transferable and actively traded on an established market.

(j) "Title to real estate" -

(1) Any interest in real estate which endures for a period of time, the termination of which is not fixed or ascertained by a specific number of years, including, without limitation, an estate in fee simple, life estate, or perpetual leasehold; or

(2) Any interest in real estate enduring for a fixed period of years but which, either by reason of the length of the term or the grant of a right to extend the term by renewal or otherwise, consists of a group of rights approximating those including, without limitation, a leasehold interest or possessory interest under a lease or occupancy agreement for a term of thirty (30) years or more or a leasehold interest or possessory interest in real estate in which the lessee has equity. In determining the term of a lease, it shall be presumed that a right or option to renew or extend a lease will be exercised if the rental charge to the lessee is fixed or if a method for calculating the rental charge is established.

(k) "Transaction" - The making, executing, delivering, accepting, or presenting for recording of a document.

(l) "Value" -

(1) In the case of any bona fide sale of real estate at arm's length for actual monetary worth, the amount of the actual consideration therefor, paid or to be paid, including liens or other encumbrances thereon existing before the transfer and not removed thereby, whether or not the underlying indebtedness is assumed, and ground rents, or a commensurate part thereof where such liens or other encumbrances and ground rents also encumber or are charged against other real estate;

(2) In the case of a gift, sale by execution upon a judgment or upon the foreclosure of a mortgage by a judicial officer, transactions without consideration or for consideration less than the actual monetary worth of the real estate, a taxable lease, an occupancy agreement, a leasehold or possessory interest, any exchange of properties, or the real estate of an acquired company, the actual monetary worth of the real estate determined by adjusting the assessed value of the real estate for local real estate tax purposes for the common level ratio of assessed values to market values of the taxing district as established by the State Tax Equalization Board, or a commensurate part of the assessment where the assessment includes other real estate;

(3) In the case of an easement or other interest in real estate, the value of which is not determinable under clause (1) or (2), the actual monetary worth of such interest; or

(4) The actual consideration for or actual monetary worth of any executory agreement for the construction of buildings, structures, or other permanent improvements to real estate between the grantor and other persons existing before the transfer and not removed thereby or between the grantor, the agent or principal of the grantor or a related corporation, association, or partnership and the grantee existing before or effective with the transfer.

(m) "Tax" - The tax imposed, assessed, and levied by this Ordinance.

(n) "Board" - The Board of Township Commissioners of the Township of Upper Dublin, Montgomery County, Pennsylvania.

(o) "District" - The Township of Upper Dublin, Montgomery County, Pennsylvania.

(p) "Secretary" - The Secretary of the Board of Township Commissioners of the Township of Upper Dublin, Montgomery County, Pennsylvania.

(q) "Treasurer" - The duly elected and acting Treasurer of the Township of Upper Dublin, Montgomery County, Pennsylvania.

(r) Throughout this Ordinance the singular shall include the plural, and the masculine shall include the feminine and neuter.

Sec. 2.03 Imposition of the Tax

(a) Every person who makes, executes, delivers, accepts, or presents for recording any document or in whose behalf any document is made, executed, delivered, accepted, or presented for recording, shall be subject to pay for or in respect to the transaction or any part thereof, or for or in respect of the vellum parchment or paper upon which such document is written or printed, a tax at the rate of one (1%) percent of the value of the real estate represented by such document, which tax shall be payable at the earlier of the time the document is presented for recording or within thirty (30) days of acceptance of such document, or within thirty (30) days of becoming an acquired company.

(b) Within thirty (30) days after becoming an acquired company, such company shall present a declaration of acquisition with the recorder of deeds of each

county in which it holds real estate for the affixation of documentary stamps and recording. Such declaration shall set forth the value of real estate holdings of the acquired company in such county.

(c) Except as otherwise provided in Section 2.11, documents which make, confirm, or evidence any transfer or demise of title to real estate between associations or corporations and the members, partners, shareholders, or stockholders thereof are fully taxable. For the purposes of this article, corporations and associations are entities separate from their members, partners, stockholders, or shareholders.

Sec. 2.04 Applicable to Prior Agreements

The Tax hereby levied shall apply to or be imposed upon all transactions, transfers or privileges arising out of agreements or contracts to sell or any other arrangements made and entered into by the parties hereto, prior to the date of the adoption of this Ordinance.

Sec. 2.05 Applicable to Subsequent Agreements

The Tax hereby levied shall apply to or be imposed upon all transactions, transfers or privileges arising out of agreements or contracts to sell or any other arrangements made and entered into by the parties thereto, after the date of the adoption of this Ordinance.

Sec. 2.06 Applicable Where No Agreement

The Tax hereby levied shall apply to or be imposed upon all transactions, transfers or privileges where there are no agreements made and entered into by the parties thereto.

Sec. 2.07 Interest

All taxes imposed by this Ordinance not paid when due shall bear interest from the due date at the rate of one-half (1/2%) per centum per month until paid.

Sec. 2.08 Penalty

A penalty to ten (10%) per centum is hereby imposed upon all taxes which are unpaid at the time they are due and payable in accordance with the provisions of this Ordinance.

Sec. 2.09 Collection

All taxes imposed by this Ordinance, together with interest from the due date and the penalty thereof, may be recovered as other debts of like character are not by law recovered.

Sec. 2.10 Lien

The tax imposed by this Ordinance shall become a lien upon the lands, tenements, or hereditaments, or any interest therein, situate wholly or partly within the Township, which are described in or conveyed by the documents which is the subject of tax imposed under Section 2.03, the said lien to begin at the time when the tax is due and payable and continue until discharged by payment, or in accordance with the law. The Township Solicitor is authorized to file a municipal or tax claim for said tax in the Court of Common Pleas of Montgomery County in accordance with the provisions of the Municipal Lien Act of 1923, the amendments and supplements thereto.

Sec. 2.11 Exempt Parties and Excluded Transactions

(a) **Exempt Parties.** The United States, the Commonwealth, or any of their instrumentalities, agencies, or political subdivisions shall be exempt from payment of the tax imposed by this article. The exemption of such governmental bodies shall not, however, relieve any other party to a transaction from liability for the tax.

(b) **Excluded Transactions.** The tax imposed by Section 2.03 shall not apply to the following:

(1) A transfer to the Commonwealth or to any of its instrumentalities, agencies, or political subdivisions by gift, dedication, or deed in lieu of condemnation or deed of confirmation in connection with condemnation proceedings, or a reconveyance by the condemning body of the property condemned to the owner of record at the time of condemnation, which reconveyance may include property line adjustments provided said reconveyance is made within one (1) year from the date of condemnation.

(2) A document which the Commonwealth is prohibited from taxing under the Constitution of Statutes of the United States.

(3) A conveyance to a municipality, township, school district, or county pursuant to acquisition by the municipality, township, school district, or county of a tax delinquent property at sheriff sale or tax claim bureau sale.

(4) A transfer for no or nominal actual consideration which corrects or confirms a transfer previously recorded, but which does not extend or limit existing record legal title of interest.

(5) A transfer of division in kind for no or nominal actual consideration or property passed by testate or intestate succession and held by co-tenants; however, if any of the parties take shares greater in value than their undivided interest, tax is due on the excess.

(6) A transfer between husband and wife, between persons who were previously husband and wife who have since been divorced, provided the property or interest therein subject to such transfer was acquired by the husband and wife or husband or wife prior to the granting of the final decree in divorce, between parent and child or the spouse of such child, between brother or sister or spouse of a brother or sister and brother or sister or the spouse of a brother or sister and between a grandparent and grandchild or the spouse of such grandchild, except that a subsequent transfer by the grantee within one (1) year shall be subject to tax as if the grantor were making such transfer.

(7) A transfer for no or nominal actual consideration of property passing by testate or intestate succession from a personal representative of a decedent to the decedent's devisee or heir.

(8) A transfer for no or nominal actual consideration to a trustee of an ordinary trust where the transfer of the same property would be exempt if the transfer was made directly from the grantor to all of the possible beneficiaries, whether or not such beneficiaries are contingent or specifically named. No such exemption shall be granted unless the recorder of deeds is presented with a copy of the trust instrument that clearly identifies the grantor and all possible beneficiaries.

(9) A transfer for no or nominal actual consideration from a trustee to a beneficiary of an ordinary trust.

(10) A transfer for no or nominal actual consideration from trustee to successor trustee.

(11) A transfer: (i) for no or nominal actual consideration between principal and agent or straw party; or (ii) from or to an agent or straw party where, if the agent or straw party were his principal, no tax would be imposed under this article. Where the document by which title is acquired by a grantee or statement of value fails to set forth that the property was acquired by the grantee from, or for the benefit of, his principal, there is a rebuttable presumption that the property is the property of the grantee in his individual capacity if the grantee claims an exemption from taxation under this clause.

(12) A transfer made pursuant to the statutory merger or consolidation of a corporation or statutory division of a nonprofit corporation, except where it is reasonably determined that the primary intent for such merger, consolidation or division is avoidance of the tax imposed by this Ordinance.

(13) A transfer from a corporation or association of real estate held of record in the name of the corporation or association where the grantee owns stock of the corporation or an interest in the association in the same proportion as his interest in or ownership of the real estate being conveyed and where the stock of the corporation or the interest in the association has been held by the grantee for more than two (2) years.

(14) A transfer from a nonprofit industrial development agency or authority to a grantee of property conveyed by the grantee to that agency or authority as security for a debt of the grantee or a transfer to a nonprofit industrial development agency or authority.

(15) A transfer from a nonprofit industrial development agency or authority to a grantee purchasing directly from it, but only if: (i) the grantee shall directly use such real estate for the primary purpose of manufacturing, fabricating, compounding, processing, publishing, research and development, transportation, energy conversion, energy production, pollution control, warehousing, or agriculture; and (ii) the agency or authority has the full ownership interest in the real estate transferred.

(16) A transfer by a mortgagor to the holder of a bona fide mortgage in default in lieu of a foreclosure or a transfer pursuant to a judicial sale in which the successful bidder is the bona fide holder of a mortgage, unless the holder assigns the bid to another person.

(17) Any transfer between religious organizations or other bodies or persons holding title for a religious organization if such real estate is not being or has not been used by such transferor for commercial purposes.

(18) A transfer to a conservancy which possesses a tax-exempt status pursuant to Section 5.01(e)(3) of the Internal Revenue Code of 1954 (68A Stat. 3, 26 U.S.C. §501(e)(3)) and which has as its primary purpose preservation of land for historic, recreational, scenic, agricultural, or open-space opportunities.

(19) A transfer of real estate devoted to the business of agriculture to a family farm corporation by a member of the same family which directly owns at least seventy-five (75%) percent of each class of the stock thereof.

(20) A transfer between members of the same family of an ownership interest in a real estate company or family farm corporation.

(21) A transaction wherein the tax due is One (\$1.00) Dollar or less.

(22) Leases for the production or extraction of coal, oil, natural gas, or minerals and assignments thereof.

In order to exercise any exclusion provided in this section, the true, full, and complete value of the transfer shall be known on the statement of value. For leases of coal, oil, natural gas, or minerals, the statement of value may be limited to an explanation of the reason such document is not subject to tax under this Ordinance.

Sec. 2.12 Credits Against Tax

(a) Where there is a transfer of a residential property by a licensed real estate broker which property was transferred to him within the preceding year as consideration for the purchase of other residential property, a credit for the amount of the tax paid at the time of the transfer to him shall be given to him toward the amount of the tax due upon the transfer.

(b) Where there is a transfer by a builder of residential property which was transferred to the builder within the preceding year as consideration for the purchase of new, previously unoccupied residential property, a credit for the amount of the tax paid at the time of the transfer to the builder shall be given to the builder toward the amount of the tax due upon the transfer.

(c) Where there is a transfer of real estate which is demised by the grantor, a credit for the amount of tax paid at the time of the demise shall be given the grantor toward the tax due upon the transfer.

(d) Where there is a conveyance by deed of real estate which was previously sold under a land contract by the grantor, a credit for the amount of tax paid at the time of the sale shall be given the grantor toward the tax due upon the deed.

(e) If the tax due upon the transfer is greater than the credit given under this section, the difference shall be paid. If the credit allowed is greater than the amount of tax due, no refund or carryover credit shall be allowed.

Sec. 2.13 Proceeds of Judicial Sale

The tax herein imposed shall be fully paid, and have priority out of the proceeds of any judicial sale of real estate before any other obligation, claim, lien, judgment, estate, or costs of the sale and of the writ upon which the sale is made, and the sheriff, or other officer, conducting said sale, shall pay the tax herein imposed out of the first monies paid to him in connection therewith. If the proceeds of the sale are insufficient to pay the entire tax herein imposed, the purchaser shall be liable for the remaining tax.

Sec. 2.14 Collection by Recorder of Deeds

The Recorder of Deeds of Montgomery County is hereby authorized and empowered to act as the collector of the taxes imposed by Section 2.03 of this Ordinance and to remit such taxes to the Treasurer of the Township on a monthly basis.

Sec. 2.15 Violation and Penalty

It shall be unlawful for any person to:

(1) Make, execute, issue, deliver, or accept, or cause to be made, executed, issued, delivered or accepted, any document without the full amount of tax thereon being duly paid; or

(2) Any person violating any of the provisions of this Ordinance shall be liable to a penalty not exceeding Three Hundred (\$300.00) Dollars for each and every offense and, further, shall be required to pay the amount of tax, together with interest as is otherwise provided for herein, which should have been paid upon the document or documents, and upon default in the payment of the same for ten (10) days, shall be subject to thirty (30) days imprisonment.

ENACTED AND ORDAINED this 11th day of November, 1986.

BOARD OF COMMISSIONERS
TOWNSHIP OF UPPER DUBLIN

Attest:

Gregory N. Klemick
Secretary

By:

[Signature]
President

ORDINANCE NO. 717

AN ORDINANCE IMPOSING A TAX FOR GENERAL REVENUE PURPOSES ON EARNED INCOME AND NET PROFITS OF RESIDENTS OF UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA AND ON EARNED INCOME AND NET PROFITS EARNED BY NON-RESIDENTS OF UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, FOR WORK DONE, OR SERVICES PERFORMED OR RENDERED IN SAID TOWNSHIP, REQUIRING THE FILING OF DECLARATIONS AND RETURNS, AND THE GIVING OF INFORMATION BY EMPLOYERS AND OTHERS SUBJECT TO THE TAX, IMPOSING ON EMPLOYERS THE DUTY OF COLLECTING THE TAX AT THE SOURCE, PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE ORDINANCE AND IMPOSING PENALTIES FOR VIOLATION THEREOF.

The Board of Commissioners of Upper Dublin Township, Montgomery County, Pennsylvania, pursuant to the provision of the Local Tax Enabling Act, Act No. 511 of 1965, and amendments, does hereby ENACT AND ORDAIN as follows:

SECTION 1. DEFINITIONS.

"Association". A partnership, limited partnership, or any other unincorporated group of two (2) or more persons.

"Business". An enterprise, activity, profession or any other undertaking of an unincorporated nature conducted for profit, or ordinarily conducted for profit, whether by persons, partnerships, associations or any other entity.

"Corporation". A corporation or joint stock association organized under the laws of the United States, the Commonwealth of Pennsylvania or any other state, territory, foreign country or dependency.

"Current year". The calendar year for which the tax is levied.

"Domicile". The place where one lives and has his permanent home, and to which he has the intention of returning whenever he is absent. Actual residence is not necessarily domicile, for domicile is the fixed place of abode which, in the intention of the taxpayer, is permanent rather than transitory. Domicile is the voluntary fixed place of habitation of a person, not for a mere special or limited purpose, but with the present intention of making a permanent home, until some event occurs to induce him to adopt some other permanent home. In the case of businesses, or associations, the domicile is the place considered as the center of business affairs and the place where its functions are discharged.

"Earned Income". Salaries, wages, commissions, bonuses, incentive payments, fees, tips and other compensation received by a person or his personal representative for services rendered, whether directly or through an agent, and whether in cash or in property; not including, however, wages or compensation paid to persons on active

military service, periodic payments for sickness, disability other than regular wages received during a period of sickness, disability or retirement or payments arising under Workmen's Compensation Acts, Occupational Disease Acts and similar legislation, or payments commonly recognized as old age benefits, retirement pay or pensions paid to persons retired from service after reaching a specific age or after a stated period of employment compensation payments by any governmental agency, or payments to reimburse expenses, or payments made by employers, or labor unions for wage and salary supplemental programs, including, but not limited to, programs covering hospitalization, sickness, disability or death, supplemental unemployment benefits, strike benefits, Social Security and retirements.

"Income tax officer or officers". Person, public employee or private agency designated by governing body to collect and administer the tax on earned income and net profits.

"Employer". A person, partnership, association, corporation, institution, governmental body or unit or agency, or any other entity employing one or more persons for a salary, wage, commission or other compensation.

"Net profits". The net income from the operation of a business, profession, or other activity, except corporations, after provisions for all costs and expenses incurred in the conduct thereof, determined either on a cash or accrual basis in accordance with the accounting system used in such business, profession, or other activity, but without deduction of taxes based on income.

"Non-resident". A person, partnership, association or other entity domiciled outside the taxing district.

"Person or individual". A natural person.

"Preceding year". The calendar year before the current year.

"Resident". A person, partnership, association or other entity domiciled in the taxing district.

"Succeeding year". The calendar year following the current year.

"Taxpayer". A person, partnership, association, or any other entity, required hereunder to file a return of earned income or net profits, or to pay a tax thereon.

SECTION 2. IMPOSITION OF TAX.

A tax at the rate of one-half of one (.5%) percent on each Dollar is hereby imposed on all earned income and net profits, as defined herein, earned by residents of the Township of Upper Dublin and on all earned income and net profits earned by non-residents of the Township of Upper Dublin for work done or services performed or rendered in said Township. This tax shall become effective January 1, 1987 and shall remain in effect thereafter on a calendar year basis without annual reenactment unless the rate of tax is subsequently changed.

SECTION 3. DECLARATION AND PAYMENT OF TAX.

A. Net Profits

1. Every taxpayer making net profits shall on or before April 15th of each year make and file with the officer on a form prescribed by the officer, a declaration of his estimated net profits during the period beginning January 1st and ending December 31st of the current year and pay to the officer in four (4) equal quarterly installments the tax due thereon as follows: The first installment at the time of filing the declaration and the other installments on or before June 15th of the current year, September 15th of the current year, and January 15th of the succeeding year.

2. On or before April 15th of the succeeding year, every taxpayer shall make and file a final return on a form prescribed by the officer showing the amount of net profits earned, the total amount of tax due and the total amount of tax paid thereon. At the time of filing the final return, the taxpayer shall pay to the officer the balance of the tax due, or shall make demand for refund or credit in the case of overpayment. An incomplete or improperly completed tax return shall be considered as not having been filed. Each final return shall be substantiated and supported by such United States Federal Income Tax Return forms as required by the officer, which shall at least include a copy of the Federal W-2 Form in the case of an earned income taxable, and Schedule "C" of the Federal Return as to a net profits taxable.

B. Earned Income

Every taxpayer shall, on or before April 15th of the succeeding year, make and file with the officer, a final return showing the amount of earned income received during the period beginning January 1st of the current year, and ending December 31st of the current year, the total amount of tax due thereon, the amount of tax paid thereon, the amount of tax thereon that has been withheld pursuant to the provisions relating to the collection at source, and the balance of tax due. At the time of filing the final return, the taxpayer shall pay the balance of the tax due or shall make demand for refund or credit in the case of overpayment. An incomplete or improperly completed tax return shall be considered as not having been filed. Income Tax Return forms as required by the officer, which shall include a copy of the Federal W-2 Form in the case of an earned income taxable, and Schedule "C" of the Federal return as to a net profits taxable.

C. Earned Income Not Subject to Withholding

Every taxpayer who is employed for a salary, wage, commission, or other compensation and who received any earned income not subject to the provisions relating to collection at source, shall make and file with the officer on a form prescribed or approved by the officer, a quarterly return on or before April 30th of the current year, July 31st of the current year, October 31st of the current year, and January 31st of the succeeding year, setting forth the aggregate amount of earned income not subject to withholding by him during the three (3) month periods ending March 31st of the current year, June 30th of the current year, September 30th of the current year, and December 31st of the current year, respectively, and subject to the tax, together with such other information as the officer may require. Every taxpayer making such return shall, at the time of filing thereof, pay to the officer the amount of tax shown as due thereon.

SECTION 4. COLLECTION AT SOURCE.

A. Every employer having an office, factory, workshop, branch, warehouse, or other place of business within the Township who employs one or more persons, other than domestic servants, for a salary, wage, commission, or other compensation, shall deduct at the time of payment thereof, the tax imposed by the Board of Commissioners of Upper Dublin Township on the earned income due to his employee or employees and shall, on or before April 30th of the current year, July 31st of the current year, October 31st of the current year, and January 31st of the succeeding year, file a return and pay to the officer the amount of taxes deducted during the preceding three (3) month periods ending March 31st of the current year, June 30th of the current year, September 30th of the current year, and December 31st of the current year, respectively. Such returns unless otherwise agreed upon between the officer and employer, shall show the name and Social Security Number of each such employee, the earned income of such employee during such preceding three (3) month period, the tax deducted therefrom, the political subdivision imposing the tax upon such employee and the political subdivision in which the employee resides, the total earned income of all such employees during such preceding three (3) month period, and the total tax deducted therefrom and paid with the return.

B. Any employer, who for two of the preceding four (4) quarterly periods, has failed to deduct the proper tax, or any part thereof, or has failed to pay over the proper amount of tax to the taxing authority, may be required by the officer to file his return and pay the tax monthly. In such cases, payments of tax shall be made to the officer on or before the last day of the month succeeding the month for which the tax was withheld.

C. On or before February 28th of the succeeding year, every employer shall file with the officer:

1. An annual return showing the total amount of earned income paid, the total amount of tax deducted, and the total amount of tax paid to the officer for the period, beginning January 1st of the current year, and ending December 31st of the current year.

2. A return showing withholding statement for each employee employed during all or part of the period beginning January 1st of the current year, and ending December 31st of the current year setting forth the employee's name, address, Social Security Number, the amount of earned income paid to the employee during said period, the amount of tax deducted, the political subdivisions imposing the tax upon such employee and the amount of tax paid to the officer. Every employer shall furnish two (2) copies of the individual return to the employee for whom it is filed.

D. Every employer who discontinues business prior to December 31st of the current year, shall, within thirty (30) days after the discontinuance of business, file the returns and withholding statements herein above required and pay the tax due.

E. Except as otherwise provided, every employer who willfully or negligently fails or omits to make the deductions required by this section, shall be liable

for payment of the taxes which he was required to withhold to the extent that such taxes have not been recovered from the employee.

F. The failure or omission of any employer to make the deductions required by this section shall not relieve any employee from the payment of the tax or from complying with the requirements of this Ordinance relating to the filing of declarations and returns.

SECTION 5. POWERS AND DUTIES OF OFFICER.

A. It shall be the duty of the officer to collect and receive the taxes, fines and penalties imposed by this Ordinance. It shall also be his duty to keep a record showing the amount received by him from each person or business paying the tax, and the date of such receipt.

B. Each officer, before entering upon his official duties, shall give and acknowledge a bond to the Township of Upper Dublin. If the Board of Commissioners shall by Resolution designate any bond previously given by the officer as adequate, such bond shall be sufficient to satisfy the requirements of this subsection.

Each such bond shall be joint and several, with one or more corporate sureties which shall be surety companies authorized to do business in this Commonwealth and duly licensed by the Insurance Commissioner of this Commonwealth.

Each bond shall be conditioned upon the faithful discharge by the officer, his clerks, assistants and appointees of all trusts confided in him by virtue of his office, upon the faithful execution of all duties required by him according to law, of all monies and all balances thereof paid to, received, or held by him by virtue of his office, and upon the delivery to his successor or successors in office of all books, papers, documents or other official things held in right of his office.

Each such bond shall be taken in the name of the appointing authority or authorities, and shall be for the use of the political subdivision or political subdivisions appointing the officer, and for the use of such other person or persons for whom money shall otherwise appear, in case of a breach of any of the conditions thereof by the acts or neglect of the principle on the bond.

C. The officer charged with the administration and enforcement of the provisions of the Ordinance is hereby empowered to prescribe, adopt, promulgate and enforce, rules and regulations relating to any matter pertaining to the administration and enforcement of this Ordinance, including provisions for the reexamination and correction of declarations and returns and of payments alleged or found to be incorrect, or as to which an overpayment is claimed or found to have occurred, and to make refunds in case of overpayment, for any period of time not to exceed six (6) years subsequent to the date of payment of the sum involved, and to prescribe forms necessary for the administration of this Ordinance. No rule or regulation of any kind shall be enforceable unless it has been approved by the Board of Commissioners of the Township of Upper Dublin. A copy of such rules and regulations currently in force shall be available for public inspection.

D. The officer shall refund, on petition of, and proof by the taxpayer, earned income tax paid on the taxpayer's ordinary and necessary business expenses, to the extent that such expenses are not paid by the taxpayer's employer.

E. The officer and agents designated by him are hereby authorized to examine the books, papers, and records of any employer or of any taxpayer or of any person whom the officer reasonably believes to be an employer or taxpayer, in order to verify the accuracy of any declaration or return, or if no declaration or return was filed, to ascertain the tax due. Every employer and every taxpayer and every person, whom the officer reasonably believes to be an employer or taxpayer, is hereby directed and required to give to the officer, or to any agent designated by him, the means, facilities and opportunity for such examination and investigations, as are hereby authorized.

F. Any information gained by the officer, his agents, or by any other official or agent of the taxing district, as a result of any declarations, returns, investigations, hearings or verifications required or authorized by this Ordinance, shall be confidential, except for official purposes and except in accordance with a proper judicial order, or as otherwise provided by law.

G. The officer is authorized to establish different filing, reporting and payment dates for taxpayers whose fiscal years do not coincide with the calendar year.

SECTION 6. SUIT FOR COLLECTION OF TAX.

A. The officer may sue in the name of the Township for recovery of taxes due and unpaid under this Ordinance.

B. Any suit brought to recover the tax imposed by this Ordinance shall begin within three (3) years after such tax is due, or within three (3) years after the declaration or return has been filed, whichever date is later; provided, however, that this limitation shall not prevent the institution of a suit for the collection of any tax due or determined to be due in the following cases:

1. Where no declaration or return was filed by any person, although a declaration or return was required to be filed by him under provisions of this Ordinance, there shall be no limitation.

2. Where an examination of the declaration or return filed by any person, or of other evidence relating to such declaration or return in the possession of the officer, reveals a fraudulent evasion of taxes, there shall be no limitation.

3. In the case of substantial understatement of tax liability of twenty-five (25%) percent or more and no fraud, suit shall begin within six (6) years.

4. Where any person has deducted taxes under the provisions of this Ordinance, and has failed to pay the amounts so deducted to the officer, or where any person has willfully failed or omitted to make the deductions required by this section, there shall be no limitation.

5. This section shall not be construed to limit the Township from recovering delinquent taxes by any other means provided by law.

C. The officer may sue for recovery of an erroneous refund provided such suit is begun two (2) years after making such refund, except that the suit may be brought within five (5) years if it appears that any part of the refund was induced by fraud or misrepresentation of material fact.

SECTION 7. INTEREST AND PENALTIES.

If for any reason the tax is not paid when due, interest at the rate of six (6%) percent per annum on the amount of said tax, and an additional penalty of one-half of one (1/2%) percent of the amount of the unpaid tax for each month or fraction thereof during which the tax remains unpaid, shall be added and collected. Where suit is brought for the recovery of any such tax, the person liable therefore shall, in addition, be liable for the costs of collection and the interest and penalties herein imposed.

SECTION 8. FINES AND PENALTIES FOR VIOLATION OF ORDINANCE.

A. Any person who fails, neglects, or refuses to make any declaration or return required by this Ordinance, any employer who fails, neglects or refuses to deduct or withhold the tax from his employees, any person who refuses to permit the officer or any agent designated by him to examine his books, records, and papers, and any person who knowingly makes any incomplete, false or fraudulent return, or attempts to do anything whatsoever to avoid the full disclosure of the amount of his net profits or earned income in order to avoid the payment of the whole or any part of the tax imposed by this Ordinance, shall, upon conviction thereof before any justice of the peace, alderman or magistrate, or court of competent jurisdiction in the County, be sentenced to pay a fine of not more than Five Hundred (\$500.00) Dollars for each offense, and costs, and, in default of payment of said fine and costs to be imprisoned for a period not exceeding thirty (30) days. Each violation shall constitute a separate offense, punishable by a like fine or imprisonment for each day of continued violation.

B. Any person who divulges any information which is confidential under the provisions of this Ordinance shall, upon conviction thereof before any justice of the peace, alderman or magistrate, or court of competent jurisdiction, be sentenced to pay a fine of not more than Five Hundred (\$500.00) Dollars for each offense, and costs, and in default of payment of said fines and costs to be imprisoned for a period not exceeding thirty (30) days.

C. The penalties imposed under this section shall be in addition to any other penalty imposed by any other section of this Ordinance.

D. The failure of any person to receive or procure forms required for making the declaration or returns required by this Ordinance, shall not excuse him from making such declaration or return.

SECTION 9. SEVERABILITY

The provisions of this Ordinance are severable. If any sentence, clause or section of this Ordinance is, for any reason, declared to be unconstitutional, illegal or invalid, said unconstitutionality, illegality and invalidity shall not impair any of the remaining provisions or sections of this Ordinance. It is hereby declared to be the intent of the Board of Commissioners that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentences, clauses, or sections had not been included herein.

ENACTED AND ORDAINED this 1th day of November, 1986.

BOARD OF COMMISSIONERS
TOWNSHIP OF UPPER DUBLIN

Attest: Gregory W. Klemick
Secretary

By: Arthur Boll
President

AN ORDINANCE TO AMEND THE UPPER DUBLIN TOWNSHIP CODE, TITLE 2, CHAPTER 1, FEES, RATES AND PERMITS, ARTICLE 2, ADMINISTRATIVE CODE, TO CHANGE THE METHOD OF CALCULATING SANITARY SEWER RENTS FROM A FIXED FEE BASIS TO ONE BASED ON A SERVICE CHARGE AND USAGE RATE BASED ON WATER CONSUMPTION.

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

SECTION 1: That Section 2.02 of Title 2, Chapter 1, Article 2, be deleted and the following substituted therefor:

Section 2.02. Sewer Rental Rates

(a) Commencing January 1, 1987, the annual sewer rental for properties served by the Township Sewer System shall be assessed as follows:

(1) Annual Service Charge: Eighty Dollars (\$80.00) per property. A property for this purpose shall be a single family dwelling, each unit of a multi-family dwelling (excepting rooming houses where each tenant occupies only one or two rooms using common facilities), each individual apartment or condominium in a residential complex, each commercial establishment, whether standing alone or in a shopping center or similar grouping of buildings, each institution, each industrial or office building.

(2) Usage Rate: Two Dollars (\$2.00) per one thousand (1,000) gallons of water usage; provided, however, credit of five percent (5%) of actual consumption shall be given to all residential users.

(b) Those properties served by the sewer system but with non-metered private wells shall pay an annual rental of Two Hundred Sixty Dollars (\$260.00).

SECTION 2: That Section 2.03 of Title 2, Chapter 1, Article 2, be deleted and the following substituted therefor:

Section 2.03. Penalties

All users who shall fail to make payment of any such rental charged against them within sixty (60) days of the date of the invoice, shall be charged a penalty of ten percentum (10%) of the amount of the rental, which penalty shall be added to the rental collected as provided by law.

ENACTED AND ORDAINED this 9th day of December A.D. 1986.

BOARD OF COMMISSIONERS
TOWNSHIP OF UPPER DUBLIN

By: Patrick J. Zollo
Patrick J. Zollo, President

Attest: Gregory N. Klemick
Gregory N. Klemick
Manager/Secretary

ORDINANCE NO. 719

AN ORDINANCE PROVIDING FOR THE DESIGN, LAYING OUT, CONSTRUCTION AND INSTALLATION OF SANITARY WASTEWATER SEWER FACILITIES IN TENNIS AVENUE, NORRISTOWN ROAD, STOUT ROAD AND COOPER DRIVE AND CERTAIN PROPERTIES DESIGNATED ON THE DESIGN PLANS AND PROVIDING FOR THE CONDEMNATION OF RIGHTS OF WAY AND PERMANENT AND TEMPORARY EASEMENTS ACROSS PRIVATE PROPERTY TO ACCOMMODATE SAID SEWERS AND FACILITIES AND PROVIDING FOR THE PAYMENT OF COSTS OF CONSTRUCTION AND INSTALLATION BY ASSESSMENT BY THE BENEFIT METHOD AND THE PAYMENT OF AMOUNTS ASSESSED IN INSTALLMENTS AND THE COLLECTION THEREOF, THE LIENING OF PROPERTY SUBJECT TO ASSESSMENT, AND AUTHORIZING OTHER NECESSARY ACTION.

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

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

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

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

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

SECTION I SANITARY WASTEWATER SEWER FACILITIES

(a) A system of sanitary wastewater sewer facilities shall be constructed

and installed in Tennis Avenue, Norristown Road, Stout Road and Cooper Drive, and certain properties designated on the design plans, in Upper Dublin Township, Montgomery County, Pennsylvania, in accordance with plans to be prepared by an engineering firm to be retained for such purpose by the Board of Commissioners, and shall be interconnected to the existing sanitary wastewater sewer system in place in the Township.

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

SECTION II ASSESSMENT OF COSTS

(a) The costs of construction and installation of the sewer system, aforesaid, shall be assessed as provided by law upon the several properties benefited, improved and accommodated by the said sewer system to the extent of the benefit conferred upon such properties. The officers of the Township are authorized and directed to execute and file a petition to the Court of Common Pleas of Montgomery County, Pennsylvania for the appointment of viewers to assess benefits, as provided by law.

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

(c) Upon confirmation of the report of the viewers, the Township Manager shall make out bills for the amounts assessed against each property and a notice of assessment which shall be forthwith served on all the owners of each property not less than thirty (30) days prior to the due date specified on such bill for

the payment of each such assessment, either by personal service on the owner or his or its agent, or left on the assessed premises, or by registered or certified mail.

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

SECTION III INSTALLMENT PAYMENT PRIVILEGES

Any owner of property assessed shall have the option of paying the assessment over a term of five (5) years from the due date of the assessment in twenty (20) equal quarterly installments plus interest at the rate of six per cent (7%) per annum on the unpaid balance, provided that:

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

(b) pay the first installment due on the assessment, together with a one time charge of Seventy-Five Dollars (\$75.00) additional for preparation and costs

of filing of lien documents and satisfaction costs, concurrently with the delivery of the notice of election to pay in installments, aforesaid; and

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

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

ENACTED and ORDAINED this 9th day of December, 1986.

ATTEST:

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

BY:

Gregory N. Klomick
Secretary

BY:

John J. Bell
President

ANNUAL BUDGET OF THE TOWNSHIP OF UPPER DUBLIN FOR THE YEAR 1987

ORDINANCE NO. 720

AN ORDINANCE OF UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR THE SPECIFIC PURPOSES OF THE MUNICIPAL GOVERNMENT, HEREINAFTER SET FORTH, DURING 1987.

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

SECTION 1: That for the expenses for the fiscal year 1987 the following amounts are hereby appropriated from the revenues available for the current year for the specific purposes set forth below, which amounts are more fully itemized in the Budget Form.

SUMMARY OF ALL ESTIMATED RECEIPTS

Receipts from Current Tax Levy	\$ 3,779,280
Receipts from Taxes of Prior Years	92,385
Other Revenue Receipts	<u>6,350,223</u>
TOTAL ESTIMATED RECEIPTS AND CASH	\$10,221,888

SUMMARY OF ALL APPROPRIATIONS

GENERAL GOVERNMENT	
Administration	\$ 615,071
Treasurer and Tax Collector	12,415
Municipal Buildings	<u>88,269</u>
TOTAL	\$ 715,755
PROTECTION TO PERSONS AND PROPERTY	
Police	\$ 1,845,194
Fire	<u>248,274</u>
TOTAL	\$ 2,093,468
SEWER OPERATION AND TREATMENT	
Operations	\$ 699,583
Treatment	<u>651,600</u>
TOTAL	\$ 1,351,183
PUBLIC HEALTH AND SANITATION	
Health	\$ 14,676
Sanitation	<u>943,332</u>
TOTAL	\$ 958,008

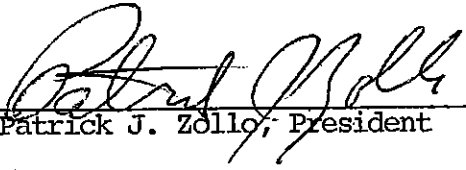
HIGHWAY MAINTENANCE	\$ 1,075,207
DEBT SERVICE	\$ 603,010
CAPITAL PROJECTS	
Sewer	\$ 1,322,859
Road, Storm Sewer, Equipment and Buildings	852,382
Parks and Recreation	<u>110,100</u>
TOTAL	\$ 2,285,341
PARKS AND RECREATION	\$ 414,411
STREET LIGHTS	\$ 251,000
LIBRARY	\$ 182,501
REGULATIONS, PLANNING AND ZONING	\$ 177,004
MISCELLANEOUS	<u>\$ 115,000</u>
TOTAL APPROPRIATIONS	\$10,221,888

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

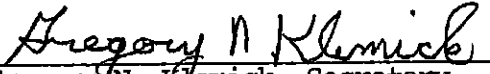
SECTION 3: That an ordinance, or part of an ordinance, conflicting with this ordinance be and the same is hereby repealed insofar as the same affects this ordinance.

ENACTED AND ORDAINED this 16th day of December 1986.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

BY: 
Patrick J. Zollo, President

ATTEST:


Gregory N. Klemick, Secretary

ORDINANCE NO. 721

AN ORDINANCE OF UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, FIXING THE TAX RATE FOR THE YEAR 1987 FOR GENERAL PURPOSES, THE TAX RATE FOR THE YEAR 1987 FOR DEBT SERVICE, THE TAX RATE FOR THE YEAR 1987 FOR FIRE PROTECTION, THE TAX RATE FOR THE YEAR 1987 FOR PARKS AND RECREATION, THE TAX RATE FOR THE YEAR 1987 FOR LIBRARY, THE ASSESSMENT FOR THE YEAR 1987 FOR FIRE HYDRANTS, AND ESTABLISHING DISCOUNTS AND PENALTY THEREFOR.

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

SECTION 1: Tax Rates for General Purposes

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 1987, as follows:

Tax rate for General Purposes, the sum of. 26.84 mills
on each dollar of assessed valuation, or the sum of. 268.4 cents
on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

	<u>Mills on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for General Purposes	26.84 mills	268.4 cents

SECTION 2: Tax Rate for Debt Service

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 1987, as follows:

Tax rate for Debt Service, the sum of. 6.67 mills
on each dollar of assessed valuation, or the sum of. 66.7 cents
on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

	<u>Mills on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for Debt Service	6.67 mills	66.7 cents

SECTION 3: Tax Rate for Fire Protection

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 1987, as follows:

Tax rate for Fire Protection, the sum of. 3.00 mills
on each dollar of assessed valuation, or the sum of 30.0 cents
on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

	<u>Mills on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for Fire Protection	3.00 mills	30.0 cents

SECTION 4: Tax Rate for Parks and Recreation

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 1987, as follows:

Tax rate for Parks and Recreation, the sum of. 3.44 mills
on each dollar of assessed valuation, or the sum of 34.4 cents
on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

	<u>Mills on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for Parks and Recreation	3.44 mills	34.4 cents

SECTION 5: Tax Rate for Library

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 1987, as follows:

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

The same being summarized in tabular form as follows:

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

SECTION 6: Assessment for Fire Hydrants

That the cost and maintenance of fire hydrants for fire protection, with the Fire and Water District of Upper Dublin Township, established by Ordinance No. 543, is hereby distributed by a special tax for the fiscal year 1987, as follows:

Special tax for fire hydrants, the sum of.65 mills
on each dollar of assessed valuation, or the sum of.	6.5 cents
on each one hundred dollars of assessed valuation.	

The same being summarized in tabular form as follows:

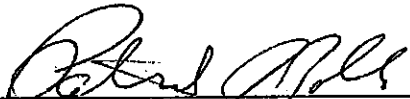
	<u>Mills on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Special Tax for Fire Hydrants	.65 mills	6.5 cents

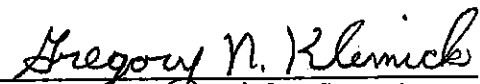
SECTION 7: Discounts and Penalty

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

ENACTED AND ORDAINED THIS 16th day of December, 1986.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

BY: 
Patrick J. Zollo, President

ATTEST: 
Gregory N. Klemick, Secretary

ORDINANCE No. 722

AN ORDINANCE OF UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, ESTABLISHING THE DATES OF THE REGULAR STATED MEETINGS OF THE COMMISSIONERS OF THE TOWNSHIP OF UPPER DUBLIN DURING THE YEAR 1987.

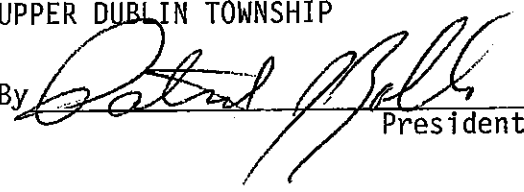
The Board of Commissioners of the Township of Upper Dublin does hereby ENACT AND ORDAIN as follows:

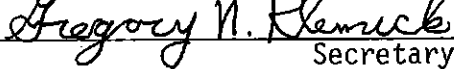
SECTION 1. The regular stated monthly meeting of the Commissioners of the Township of Upper Dublin for the year 1987 will be held on the second Tuesday of each month unless the same shall be a legal holiday, in which case on the next regular business day following, at 7:30 p.m., local time.

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

ENACTED AND ORDAINED this 13th day of January, 1987.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

By 
President

Attest 
Secretary

ORDINANCE No. 723

AN ORDINANCE TO AMEND THE UPPER DUBLIN TOWNSHIP CODE, TITLE 7, CHAPTER 2, ANIMALS ARTICLE 3, SECTION 3.04, VACCINATION AGAINST RABIES.

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

SECTION 1: Title 7, Chapter 2, Article 3, Section 3.04, Annual Vaccination Against Rabies, which reads:

"That for the purpose of further protecting the public health and Welfare and the prevention, to the extent possible, of persons and animals from rabies, it shall be the duty of the owner of an animal to have his animal, six (6) months or over of age, vaccinated annually by a veterinarian with a preventive vaccination against rabies."

shall be amended to read as follows:

"That for the purpose of further protecting the public health and welfare and the prevention, to the extent possible, of persons and animals from rabies, it shall be the duty of the owner of an animal to have his animal, three (3) months or over of age, vaccinated against rabies as required by State Law or certified by a State Licensed Veterinarian."

ENACTED AND ORDAINED this 10th day of February A.D. 1987.

BOARD OF COMMISSIONERS
TOWNSHIP OF UPPER DUBLIN

By *Robert J. Ball*
President

Attest *Gregory N. Klemick*
Secretary

1/30/87

ORDINANCE No. 724

AN ORDINANCE TO AMEND THE UPPER DUBLIN TOWNSHIP CODE, TITLE 2, CHAPTER 5, TAXATION, ARTICLE 3, ASSESSMENT FOR STREET LIGHTING, TO PROVIDE FOR IMPOSITION OF TAX AGAINST PROPERTIES LOCATED IN PLANNED UNIT DEVELOPMENTS.

SECTION 1: That Article 3, Assessment for Street Lighting, shall be amended by the addition of a new section, as follows:

"Section 3.02 Imposition Against Properties Located in Planned Unit Developments.

The assessment against residential properties located in planned unit developments, included but not limited to cooperatives, condominiums, and other such projects, shall be assessed as follows:

1. Dwelling units according to the width of the lot regardless of whether located on dedicated or undedicated streets, courts, alleys or other rights of way, at a charge in accordance with Section 3.01, A.

2. Open Space owned by Homeowners Associations or other similar organizations, the charge to be in accordance with Section 3.01, D.

3. No charge shall be made for street lighting against properties located in developments wherein the street lights are owned by homeowners groups."

ENACTED AND ORDAINED this 10th day of February A.D. 1987.

BOARD OF COMMISSIONERS
TOWNSHIP OF UPPER DUBLIN

By *Robert J. Zoll*
President

Attest *Gregory N. Klemick*
Secretary

ORDINANCE No. 725

AN ORDINANCE TO AMEND THE UPPER DUBLIN TOWNSHIP CODE, TITLE 3, BUILDING AND CONSTRUCTION, CHAPTER 3, SECTION 1.09, TO INCREASE THE INSPECTION FEE.

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

SECTION 1: The last paragraph of Title 3, Chapter 3, Section 1.09, Inspections, which reads:

"Inspection fee Fifteen (\$15.00) Dollars per hour."

shall be amended to read as follows:

"Inspection fee Twenty (\$20.00) Dollars per hour."

ENACTED AND ORDAINED this 10th day of February A.D. 1987.

BOARD OF COMMISSIONERS
TOWNSHIP OF UPPER DUBLIN

By Patricia Ball
President

Attest Gregory N. Klamick
Secretary

ORDINANCE No. 726

AN ORDINANCE TO AMEND THE UPPER DUBLIN TOWNSHIP CODE, TITLE 2, CHAPTER 3, TOWNSHIP MANAGER'S TENURE.

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

Section 1: Title 2, Chapter 3, Section 1.02 Appointment and Removal, which reads:

"The Manager shall be appointed by a majority of all the members of the Board of Commissioners and he shall serve until the first Monday of January of the even-numbered years succeeding his selection or until his successor qualifies."

shall be amended to read as follows:

"The Manager shall be appointed by a majority of all the members of the Board of Commissioners and such person shall serve at the will of the Board; provided, nevertheless, that upon termination of employment initiated by the Commissioners, the Manager shall be given a lump sum cash payment equal to three (3) months aggregate salary."

Section 2: Title 2, Chapter 3, Section 1.05 Manager's Compensation, which reads:

"The salary of the Township Manager shall be fixed from time to time by ordinance."

shall be amended to read as follows:

"The salary of the Township Manager shall be fixed from time to time as determined by the Board."

ENACTED AND ORDAINED this 10th day of February A.D. 1987.

BOARD OF COMMISSIONERS
TOWNSHIP OF UPPER DUBLIN

By Robert Gall
President

Attest Margoy N. Klemick
Secretary

ORDINANCE NO. 127

AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF AN UPPER DUBLIN TOWNSHIP ACCOUNT WITH THE PENNSYLVANIA LOCAL GOVERNMENT INVESTMENT TRUST FOR THE PURPOSE OF INVESTING TOWNSHIP FUNDS THROUGH THE PURCHASE OF SHARES OF THE TRUST.

WHEREAS, The Pennsylvania Local Government Investment Trust was formed in accordance with the authorization contained in the Intergovernmental Cooperation Act (1972 P.L. 762 No. 180), initially by the Boroughs of Chambersburg and Emmaus, to provide a vehicle for Pennsylvania municipal entities to pool their funds for investment purposes; and

WHEREAS, the Municipal Authorities Act of 1945 (P.L. 382, No. 164), as amended by Act 70 of 1981 (P.L. 221), authorizes municipal authorities to join with other political subdivisions and municipal authorities (collectively, "local governmental units") in accordance with the Intergovernmental Cooperation Act for the purpose of purchasing investments; and

WHEREAS, the Intergovernmental Cooperation Act provides that any joint cooperation agreement shall be deemed in force to any local government unit, when the same has been adopted by all cooperating local governmental units;

NOW, THEREFORE, IT SHALL BE ORDAINED AS FOLLOWS:

Section 1. This Governmental Unit shall join with other local governmental units in accordance with the Intergovernmental Cooperation Act by becoming a settlor of the Pennsylvania Local Government Investment Trust (the Trust) and entering into the Declaration of Trust, which is adopted by reference with the same effect as if it had been set out verbatim in this section and a copy of which shall be filed with the minutes of the meeting at which this Ordinance was adopted.

Section 2. This Governmental Unit is authorized to purchase shares in the Trust from time to time with available funds, and to redeem some or all of those shares from time to time as funds are needed for other purposes. These actions are to be taken by the officers designated for this purpose, pursuant to general or specific instructions by the governing body of this Governmental Unit.

Section 3. The Trustees of the Trust are designated as having official custody of this Governmental Units funds which are invested by the purchase of shares in the Trust.

Section 4. As required by the Intergovernmental Cooperation Act the following matters are specifically found and determined:

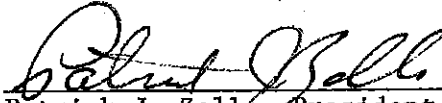
- (a) The conditions of the agreement are set forth in the Declaration of Trust referred to in Section 1;
- (b) This Governmental Unit's participation in the Trust shall be terminable at any time by ordinance;
- (c) The Declaration of Trust and the purchase of its shares are for the purpose of investing this Governmental Unit's funds in obligations which are otherwise legal investments, as part of a pooled arrangement with other local governmental units,

thereby achieving economic and other advantages of pooled investments;

- (d) It is not necessary to finance the agreement authorized herein from funds of this Governmental Unit except through the purchase of shares in the Trust;
- (e) The Trust shall be managed by a Board of Trustees as set forth in the Declaration of Trust and the By-Laws provided for therein; and
- (f) Shares may be repurchased and redeemed from time to time as this Governmental Unit may determine to be necessary or appropriate to meet its cash investment requirements.

ORDAINED this 10th day of February, 1987.

BOARD OF COMMISSIONERS
TOWNSHIP OF UPPER DUBLIN

By: 
Patrick J. Zollo, President

(SEAL)

ATTEST: 
Gregory N. Klemick, Secretary

ORDINANCE No. 728

AN ORDINANCE OF UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, ESTABLISHING THE DATES OF THE COMMITTEE MEETINGS OF THE COMMISSIONERS OF THE TOWNSHIP OF UPPER DUBLIN DURING THE YEAR 1987.

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

SECTION 1: A. The meeting of the Executive Committee will be held on the first Tuesday of each month at 7:00 p.m., local time.

B. The meeting of the Public Safety, Works and Services Committee will be held on the third Tuesday of each month at 7:30 p.m., local time.

C. The meeting of the Planning, Environment and Recreation Committee will be held on the fourth Tuesday of each month at 7:30 p.m., local time.

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

ENACTED AND ORDAINED this 10th day of February 1987.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

By *Robert Bell* President

Attest *Gregory N. Klennick*
Secretary

ORDINANCE No. 729

AN ORDINANCE TO AMEND THE UPPER DUBLIN TOWNSHIP CODE, TITLE 10, ZONING, BY AMENDING THE ZONING MAP DESIGNATING THE HEREIN DESCRIBED TRACT OF APPROXIMATELY 45± ACRES OF LAND NORTH OF THE INTERSECTION OF LIMEKILN PIKE AND BELL LANE FROM INST-INSTITUTIONAL DISTRICT TO MD - MULTI-DWELLING DISTRICT.

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

SECTION 1: The Zoning Map of the Upper Dublin Zoning Ordinance, as amended is further amended by designating the following described tract from INST-Institutional District to MD - Multi-Dwelling District:

ALL THAT CERTAIN lot or tract of ground situate in the Township of Upper Dublin, County of Montgomery and State of Pennsylvania, as laid out on a lot location plan showing land to be acquired by Upper Dublin School District from the Estate of J. Frederick Martin, Deceased, as prepared by C. Raymond Weir Associates, Inc., Ambler, Pennsylvania, dated January 8, 1968, as revised January 12, 1968, bounded and described as follows, to wit:

BEGINNING at an iron pin set in the intersection of the Northwesterly side line of College Lane, 50 feet wide, with the center line of Joint Farm Lane, 24 feet wide; thence along land of Mrs. J. Frederick Martin, of which this was a part, the four following courses and distances, to wit, (1) North 46 degrees 36 minutes East 125.05 feet to a point of curvature, (2) thence by a curved line bearing to the left in a Northeast to Northwest direction with a radius of 75 feet the arc distance of 84.17 feet to a point of tangency, (3) thence North 17 degrees 42 minutes West 624.07 feet to a point, (4) thence North 72 degrees 07 minutes 30 seconds East, and crossing a private road to be vacated extending from existing Frederick Drive through land now or late of J. Frederick Martin, Southeasterly to the Limekiln Pike, 725.58 feet to a point in line of land now or late of Isaac Farley; thence along the same South 44 degrees 28 minutes 20 seconds East 822.26 feet to a point in the middle of Limekiln Pike, as laid out 50 feet wide, the Easterly side of which has now been established to a distance of 30 feet from the said middle line; thence along said middle line South 6 degrees 27 minutes 15 seconds West 1482.42 feet to a point at the intersection of the aforesaid middle line of Limekiln Pike with the center line of the aforementioned Joint Farm Lane, 24 feet wide extended, said point being at a distance of 26.42 feet Northerly from the intersection of the middle line of Limekiln Pike with the center line of Bell Lane, 50 feet wide; thence along College View Subdivision and along the middle of said Joint Farm Lane, 24 feet wide, North 43 degrees 24 minutes West 1485.98 feet to the point and place of beginning.

CONTAINING an area of 34.949 acres of land be the same more or less.

BEING Assessment Parcel No. 54-00-10381-00-5.

ALL THAT CERTAIN lot or tract of ground, situate in the Township of Upper Dublin, County of Montgomery and State of Pennsylvania, as laid out on a Lot Location Plan showing land to be acquired by Upper Dublin School District from the Estate of J. Frederick Martin, deceased, as prepared by C. Raymond Weir Associates, Inc., Ambler, Pennsylvania, dated January 8, 1968, and revised January 12, 1968, bounded and described as follows, to wit:

BEGINNING at the point of intersection which the northwesterly side of College Lane (50 feet wide) makes with the center line of a Private Road called Joint Farm Lane (24 feet wide); thence extending from said point of beginning North 43 degrees 24 minutes West along the center line of Joint Farm Lane 848.39 feet more or less to a corner of lands now or late of Helen Martin; thence extending along the last mentioned lands and along other lands of now or late Mrs. J. Frederick Martin North 46 degrees 30 minutes East crossing the Southwesterly side of Frederick Drive (50 feet wide) 532.51 feet to a point on the center line of same being in line of lands now or late of Lawrence Scheibner, et ux; thence extending along the last mentioned lands the two following courses and distances: (1) South 43 degrees 30 minutes East along the center line of Frederick Drive 66.04 feet (2) North 72 degrees 07 minutes 30 seconds East 622.19 feet to a point in line of lands now or late of Louis and Albert B. Fechtenburg; thence extending along the last mentioned lands South 44 degrees 25 minutes 30 seconds East 141.21 feet more or less to a point a corner of lands now or late of Isaac Farley; thence extending along the last mentioned lands South 44 degrees 28 minutes 20 seconds East 82.40 feet to a point; thence extending South 72 degrees 07 minutes 30 seconds West 725.58 feet to a point; thence extending South 17 degrees 42 minutes East 624.07 feet to a point of curve on the Southwesterly side of College Lane aforesaid; thence extending Southeastwardly, southwardly and southwestwardly along the Southwesterly, Westerly and Northwesterly side of College Lane on the arc of a circle curving to the right having a radius of 75.00 feet the arc distance of 84.17 feet to a point of tangent on the same; thence extending South 46 degrees 36 minutes West along the Northwesterly side of College Lane 125.05 feet to the first mentioned point and place of beginning.

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

CONTAINING in area 10.413 acres more or less, as shown on the above mentioned plan.

BEING Parcel No. 54-00-10382-00-4.

ENACTED AND ORDAINED this 24th day of March A.D. 1987.

BOARD OF COMMISSIONERS
TOWNSHIP OF UPPER DUBLIN

By [Signature] vice-President

Attest

[Signature]
Secretary

ORDINANCE No. 730

AN ORDINANCE AMENDING ORDINANCE No. 718 OF THE UPPER DUBLIN TOWNSHIP CODE, TITLE 2, CHAPTER 1, FEES, RATES AND PERMITS, ARTICLE 2, ADMINISTRATIVE CODE, TO PROVIDE A CREDIT AGAINST SEWER BILLS FOR SWIMMING POOL OWNERS.

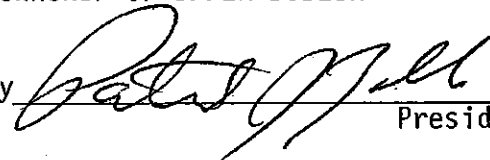
The Board of Commissioners of the Township of Upper Dublin does hereby ENACT AND ORDAIN as follows:

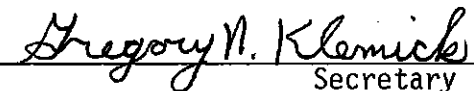
SECTION 1: That Section 2.02, Sewer Rental Rates, of Title 2, Chapter 1, Article 2, by amended by the addition of a new subparagraph (c) as follows:

"(c) Those properties on which there exists an inground swimming pool shall be given a credit of Thirty Dollars (\$30.00) per year and those properties with above ground swimming pools, a credit of Fifteen Dollars (\$15.00) a year."

ENACTED AND ORDAINED this 12th day of May A.D. 1987.

BOARD OF COMMISSIONERS
TOWNSHIP OF UPPER DUBLIN

By 
President

Attest 
Secretary

5/11/87
ORDINANCE NO. 731

AN ORDINANCE AMENDING THE UPPER DUBLIN TOWNSHIP CODE, TITLE 3, BUILDING AND CONSTRUCTION, CHAPTER 1, BUILDING CODE, PROVIDING FOR THE ADOPTION OF BOCA NATIONAL BUILDING CODE, 1987, TENTH EDITION, THE CABO ONE AND TWO FAMILY DWELLING CODE, 1986 EDITION, THE BOCA NATIONAL MECHANICAL CODE, 1987, SIXTH EDITION, AND THE BOCA NATIONAL ENERGY CONSERVATION CODE, 1987, FIFTH EDITION; CHAPTER 3, GRADING EXCAVATION AND FILL; AND CHAPTER 4, THE BOCA NATIONAL PLUMBING CODE OF 1987, SEVENTH EDITION, WITH AMENDMENTS THERETO.

The Commissioners of Upper Dublin Township do ENACT AND ORDAIN as follows:

SECTION 1: That Title 3, Chapter 1, Building Code, Article 1, 2, 3 and 4 shall be deleted in its entirety to provide for the adoption of the BOCA National Building Code, 1987, Tenth Edition, the Cabo One and Two Family Dwelling Code, 1986 Edition, the BOCA National Mechanical Code, 1987, Sixth Edition, and the BOCA National Energy Conservation Code, 1987, Fifth Edition and shall now read as follows:

ARTICLE 1 - BOCA NATIONAL BUILDING CODE

Sec. 1.01 Adoption of the BOCA National Building Code

There is hereby adopted by the Township of Upper Dublin for the purpose of prescribing regulations governing the design, construction, alteration, enlargement, equipment, repair, demolition, removal, conversion, use or maintenance of all buildings and structures, certain documents marked and designated as the BOCA National Building Code, 1987, Tenth Edition, as published by the Building Officials and Code Administrators International, Inc., and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended by Section 1.03 of this ordinance, of which codes not less than three (3) copies have been and now are filed in the Administrative Office of the Township of Upper Dublin, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect the provisions thereof shall be controlling within the limits of the Township of Upper Dublin.

Sec. 1.02 Definitions

- (a) Wherever the word "municipality" is used in the Building Code, it shall mean the Township of Upper Dublin.
- (b) Wherever the word "code official" is used in the Building Code, it shall be held to mean the Building Inspector or his assistants.
- (c) Wherever the words "Department of Building Inspection" are used in the Building Code, they shall be held to mean the Department of Licenses and Inspections of the Township of Upper Dublin.

Sec. 1.03 Amendments

The BOCA National Building Code is amended and changed in the following respects:

ARTICLE 1 - ADMINISTRATION AND ENFORCEMENT

Subsections 109.3 and 109.4 of Section 109.0 are amended to read as follows:

109.3 Organizations: The Board of Commissioners of the Township of Upper Dublin shall appoint the Building Inspector and assistant inspectors as shall be necessary for the administration of the National Code.

109.4 Deputy: The Board of Commissioners of the Township of Upper Dublin may designate an employee as a deputy who shall exercise all the powers of the Building Inspector during the temporary absence or disability to the Building Inspector.

Subsection 111.6 of Section 111.0 shall be amended to read as follows:

111.6 Site Plan: There shall also be filed a site plan drawn on an accurate scale of not less than fifty (50) feet to the inch, with all elevations established from Upper Dublin Datum; it shall show the size and location of all the new construction and all existing structures on the site, distances from lot lines and the established street grades; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the plot plan shall show any construction to be demolished and the location and size of all existing buildings and construction that are to remain on the site.

In the case of a plot plan being prepared for a Zoning Hearing Board hearing, the owner or building, in filing applications for the erection or addition of any building, shall submit four (4) copies of a plot plan to scale, prepared by a Registered Professional Engineer or Land Surveyor, such plan shall show the following:

- (a) Location of property showing nearest intersecting street and distance in feet and decimal parts thereof of property therefrom, together with a North Point.
- (b) Dimensions, bearings, and lot numbers as of plan of record.
- (c) Plot plan shall indicate whether property is marked by stakes, monuments, etc.
- (d) Lot area in square feet to be shown on plot plan.
- (e) Building area in square feet to be shown on plot plan.
- (f) Plot plan shall indicate the location and size of improvements now erected or proposed to be erected.
- (g) Availability of sanitary sewers and/or public water.
- (h) Type of zoning.

(i) Proper zoning restriction lines to be marked on plan indicating front yard, side yards, and rear yards. On a corner lot the proper front yard setback shall be shown as provided by Zoning Ordinance, also showing the reduced front yard setback on the long side of the lot.

(j) Streets, rights-of-way, etc., shall be properly marked with dimensions according to plans of record.

(k) Plot plans shall have indicated thereon the proposed method for discharge of rain waters and surface waters from the premises.

(l) In the case of a plot plan being prepared for Zoning Hearing Board hearing, the square foot area shall be shown on all existing buildings, indicating area on each floor.

(m) In the case of a plot plan prepared for a Zoning Hearing Board hearing, showing a building encroaching in a restricted area, plot plan shall show distance between front, side or rear yard property line and the encroaching building. In addition, all streets or highways, streams, unusual terrain features, gas transmission lines, and building within one hundred (100) feet of property line shall be shown.

(n) Plot plans shall be drawn to scale, dated, signed and sealed by the Registered Professional Engineer or Land Surveyor preparing plot plan. Plot plan shall show name of person for whom sale is being prepared. The Registered Professional Engineer or Land Surveyor shall also identify the plot plan by a numerical or alphanumeric system in the lower right hand corner of the drawing.

Subsection 112.5 of Section 112.0 shall be amended to read as follows:

112.5- The Township Building Inspector shall stamp or endorse in writing, two (2) sets of plans marked "Approved", one (1) set shall be retained by him and the other set shall be kept at the building site, open to inspection of the Code Official, the Building Inspector or other Township Officials.

The Township shall ascertain that the applicant has complied with all requirements of the Zoning Ordinance and the Subdivision Regulations and other applicable local and state regulations prior to his approval of plans. Plans requiring Pennsylvania Department of Labor and Industry approval shall be approved by that agency prior to being approved by the Township.

Permits are required when:

- Change of use or occupancy is involved.
- Construction of a new building.
- Structural changes in existing buildings.
- Alterations and/or additions involving a cost of Two Hundred Fifty (\$250.00) Dollars or more.
- Plumbing fixtures are installed or replaced.
- Roofing - new and replacement.
- Fences.
- Tool sheds and/or lawn sheds.

-Installation of aluminum siding or replacement thereof.

Section 114.0 and its Subsections shall be amended to read as follows:

SECTION 114.0 FEES

114.3.1 Fees Required: Applicants for permits to be issued under this ordinance shall pay to the Township at the time of application, the fees prescribed in the Building Permit Fee Schedule adopted by the Board of Commissioners and found in Title 2, Chapter 1, FEES, RATES AND PERMITS of Upper Dublin Township Code.

Section 117.0 and its Subsections shall be deleted and amended to read as follows:

SECTION 117.0 VIOLATIONS AND PENALTIES AND ABATEMENT

117.1 Violations and Penalties: Any owner, tenant, building contractor, architect, workman or other person who shall erect, alter, reconstruct, repair, equip, or remove any building or structure, without the permit required by this ordinance first having been obtained, or who shall fail to comply with any of the regulations, order or direction of the Building Inspector; or who shall in any way violate any of the provisions of this ordinance of not obtaining the building permit before commencing construction, shall be liable on conviction thereof, to a fine or penalty not exceeding Three Hundred (\$300.00) Dollars for each and every offense; provided that for the first offense under this ordinance the Code Official shall deliver to such violator a notice of such violation which notice shall contain instructions that the owner may avoid prosecution by payment of double the fee charged for the building permit within seventy-two (72) hours after receipt of such notice; failing said payment the offense shall be subject to prosecution in accordance with the terms aforesaid. Except for the aforesaid provision, whenever such person shall have been notified by the Code Official or by service of summons in a prosecution, or in any other way, that he is committing such violation of this ordinance, each day in which he shall continue such violation after such notification shall constitute a separate offense punishable by a like fine or penalty. Such fines or penalties shall be collected as like fines or penalties are now by law collected.

117.2 Abatement: Any building or structure erected, altered reconstructed, repaired, equipped or removed contrary to the provisions of this ordinance is hereby declared to be a public nuisance and shall be abatable as such.

Section 119.0 Certificate of Use and Occupancy and its Subsections shall be deleted and amended to read as follows:

119.1 New Buildings: No building except a building accessory to a single family dwelling hereafter erected shall be occupied or used in whole or in part until a certificate of occupancy shall have been issued by the Building Inspector certifying that such building conforms to the provisions of this ordinance.

119.2 Building Hereafter Altered: No building hereafter so enlarged or so altered as to change its classification, and no building hereafter altered for which a certificate of occupancy has not been heretofore issued shall be occupied or used, in whole or in part, until a certificate of occupancy shall have been issued certifying that the work for which the permit was issued, has been completed in accordance with the provisions of this ordinance.

119.3 Existing Buildings: Nothing in this ordinance shall prevent the continuance of the use and occupancy of a lawfully existing building except as may be

necessary for the safety of life or property. Upon written request from the owner, there shall be issued a certificate of occupancy for an existing building, other than a single family dwelling or a building accessory thereto, certifying the occupancy or use of such building.

119.4 Change of Occupancy: No change of occupancy or use shall be made in a building hereafter erected or altered that is not consistent with last issued certificate of occupancy for such building, unless a permit is secured. In case of an existing building, no change of occupancy or use that would bring it under some special provision of this shall be made, unless the Building Inspector finds, upon investigation, that such building conforms substantially to the provisions of law with respect to the proposed new occupancy and use, and a certificate of occupancy is issued therefor.

119.5 Temporary Occupancy: Upon written request from the owner, the temporary certificate for part of a building may be issued, provided that such temporary occupancy or use would not jeopardize life or property.

119.6 Contents of Certificate: In addition to the certification as to compliance, with the provisions of this ordinance, the certificate of occupancy shall state the purposes for which the building may be used in its several parts, the maximum permissible live loads on the several floors, the number of individual persons that may be accommodated in the several stories if such number is limited by a provision of law or by the permit, and any special stipulations of the permit.

119.7 Applications: Applications for certificates of occupancy shall be submitted on such forms as the Building Inspector may prescribe. It shall contain such information as may be required by him and shall be verified by affidavit.

119.8 Issuance and Filing: A certificate of occupancy shall be issued within ten (10) days after application therefor if the building at the time of application shall be entitled thereto. A record of all certificates shall be kept in the Township Building and copies shall be furnished, on written request and on the payment of a fee of One Dollar (\$1.00) per copy, to any person having a proprietary interest in the building affected.

Subsections 121.2 of Section 121.0 shall be deleted and amended to read as follows:

121.2 Emergency Work: In case there shall be, in the opinion of the Code Official, actual and immediate danger of the falling of a building or structure so as to endanger life or property, he shall cause the necessary work to be done to render said building or structure temporarily safe, whether the procedure prescribed in this section has been instituted or not. For this purpose, he may employ such labor and materials as may be necessary. The Township Solicitor shall institute appropriate action against the owner of premises where the unsafe building or structure was located for recovery of costs incurred in the performance of emergency work.

Subsections 121.4 and 121.5 shall be deleted.

Section 123.0 Board of Survey shall be deleted in its entirety.

Section 124.0 and its Subsections shall be amended to read as follows:

SECTION 124.0 COMMITTEE ON BUILDING CODE AND APPEALS

124.1 Appeals: An appeal from any decision of the Code Official may be taken to the Commissioners. Such appeal shall be made in writing within ten (10) days after such decision has been made, shall be verified by affidavit and filed with the Township Secretary. The appellant or his representatives shall have the right to appear and be heard, if such a right is requested in the written appeal. A prompt decision of such appeal shall be made. In making the decision, the Commissioner may vary or modify any provision of this ordinance where there are practical difficulties in the way of executing the strict letter of the law, so that the spirit of the law shall be observed, public safety secured and substantial justice done. Every action of the Commissioners on such appeals shall be by resolution, copies of which shall be certified to the Code Official and the appellant.

124.2 The Commissioners shall appoint a Committee on Building Code, to serve at the will of the Commissioners. It shall be the duty of the Committee on Building Code to review the Building Code and make such recommendation to the Commissioners as the Committee deems necessary.

124.3 Rules:

(a) Rules necessary to define or carry out the intent or purpose of this ordinance, or to set forth conditions under which new materials or methods of construction may be used, may be recommended from time to time by the Building Code Committee to the Commissioners.

(b) Rules adopted as herein provided shall have the same force and effect as the provisions of this ordinance.

(c) Any rule may be amended or repealed by the same procedure provided for the adoption of new rules.

ARTICLE 2 DEFINITIONS

Section 201.0 General Definitions, shall be amended by the addition of the following:

Approved Rating Bureau: Means an insurance inspection bureau, department or organization as listed in Appendix A.

Code Official: Wherever the words "code official", are used in the Building Code, they shall be held to mean the Building Inspector or his assistants.

Department of Public Safety: Wherever the words "Department of Public Safety" are used in the Building Code, they shall be held to mean the Department of Licenses and Inspections of the Township of Upper Dublin.

Fire-resistive Building: Means a building in which the walls are of approved masonry or reinforced concrete and the structural members of which have fire-resistance rating sufficient to withstand the hazard involved in the occupancy but not less than a

four hour rating for bearing walls, fire walls, party walls, and girders other than above specified and for beams, floors and roofs; and a two hour rating for five partitions; and in which all floor openings are protected by effective fire-resistance enclosures.

Major Kitchen: Means a kitchen with an area of five hundred (500) square feet or more, in any building except a single family or a two family dwelling.

Municipality: Wherever the word "municipality" is used in the Building Code, it shall be held to mean the Township of Upper Dublin.

Substantially Altered: Means any substantial structural alteration in or addition to the supporting or structural members of a building such as bearing walls, bearing columns, bearing beams, or bearing girders; provided, that a substantial alteration shall not include, inter alia, repairs to roof, walls or interior; exterior or interior painting or redecoration; elimination, moving or replacement of utility lines, gas, water, sewer and electricity; and installation or replacement of kitchen or bathroom equipment. A structural alteration not increasing the square footage of a building more than twenty percent (20%) shall not be considered a substantial alteration.

ARTICLE 3 USE GROUP CLASSIFICATION

Section 309.0 Subsection 309.4 - 309.41 and 309.5 shall be deleted as follows:

SECTION 309.0 USE GROUP R, RESIDENTIAL BUILDINGS

Subsection 309.4, 309.4.1 and 309.5 shall be deleted and amended to read as follows:

All Group R.3-R.4 Structures shall be designed in accordance with The CABO One and Two Family Dwelling Code of the 1986 Edition as adopted by Upper Dublin Township. If anything is not covered in this Code, the BOCA National Building Code, 1987 will supersede.

ARTICLE 5 GENERAL BUILDING LIMITATIONS

Section 514.0 Fire Resistive construction shall be added.

514.1 All structures constructed in a Zoning District "LIM" (Limited Industrial District) shall be type 1 construction as specified in Section 402.0, Article 4.

514.2 All structures constructed in Zoning District "CR-L" and "CR-I" (Commercial-Retail District) shall be type 1 construction as specified in Section 402.0, Article 4.

514.3 All structures constructed in Zoning District "OC" (Office Center Districts) shall be type 1 construction as specified in Section 402.0, Article 4.

514.4 All structures constructed in Zoning District "M" (Motel-Motor Inn - Motor Lodge District) shall be type 1 construction as specified in Section 402.0, Article 4.

514.5 All structures constructed in Zoning District "INST" (Institutional District) shall be type 1 construction as specified in Section 402.0, Article 4.

514.6 All structures constructed in Zoning District "SC" (Shopping Center District) shall be type 1 construction as specified in Section 402.0, Article 4.

Section 515.0 Fences shall be added to Article 5, reading as follows:

SECTION 515.0 FENCES

515.1 General: No owner or occupant of premises situated in Upper Dublin Township shall erect a fence, screening, or wall which in the judgment of the Code Official, shall be of such construction as to constitute a hazard or danger to persons or property.

515.2 Limitations: No fence or wall (except a retaining wall or wall of a building permitted under this ordinance) over four (4) feet in height shall be erected in any front yard nor over six (6) feet in height in any rear or side yard. Corner property and property with a street front in the rear yard shall be limited to four (4) feet in height on each street front. All street fronts shall be limited to four (4) feet.

515.3 Obstructions to Vision at Intersection: On any lot, no wall, fence, or other structure shall be erected, altered or maintained which shall interfere with a free and unobstructed view down and across lands located at or near the intersection of any two roads or a road and railroad and railway, or at any curve in any road, as may be necessary to assure a full and unobstructed view in all directions at such crossings or curves and to so prevent the use of such lands for any purpose or in any manner which may interfere with or obstruct the vision of persons traveling upon such highways.

ARTICLE 6 SPECIAL USE AND OCCUPANCY REQUIREMENTS

The following sections and subsections of Article 6 shall be amended:

Section 621.0 Mobile Dwelling Units shall be deleted only insofar as it conflicts with other ordinances of the Township.

Section 623.0 Radio and television towers, shall be deleted insofar as it conflicts with other ordinances of the Township.

SECTION 602.0 HIGH-RISE BUILDINGS

Subsections 602.1 Applicability shall be deleted and amended to read as follows:

601.1 Applicability: The provisions of this section shall apply to all buildings of use Groups B, R-1, R-2, M, E and I when such buildings have floors used for human occupancy located more than fifty (50) feet or five (5) or more stories above the lower level of Fire Departments vehicle access, except that the provision of this section shall not apply to airport traffic control towers conforming to the requirements of Section 616.0.

Subsection 602.3 Options shall be deleted and amended to read as follows:

602.3 Sprinklers: All buildings and structures shall be provided with an approved automatic fire suppression system according to section 602.3.1.

Section 602.32 Areas of Refuse

602.3.2.1 Division of floor area shall be deleted

602.3.2.2 Stairways and elevators shall be deleted

602.3.2.3 Wall construction shall be deleted

602.3.2.4 Floor, ceiling construction shall be deleted

602.3.2.5 Manual fire alarm system shall be deleted

SECTION 1710.0 PLYWOOD

Section 1710.0 Plywood, shall be amended by the addition of the following Subsection:

1710.1.1 All plywood shall be a minimum of one half inch (1/2") used in structures in Upper Dublin Township.

ARTICLE 23 ROOFS AND ROOF COVERINGS

Subsection 2301.2 Existing Roofs, shall be amended by the addition of the following:

2301.2.1 Asphalt Shingle Application: Not more than one (1) overlay of asphalt shingles shall be applied over an existing asphalt shingle roof. No asphalt roofing shall be applied over wood shingles.

2301.2.2 Wood Shake Application: Not more than one (1) overlay of wood shake shall be applied over an existing asphalt or wood shingle roof. One (1) layer of eighteen (18) inch Type 30 felt shall be interlaced between each layer of shake.

2301.2.3 Application over Shakes: New roof covering shall not be applied over an existing shake roof.

2301.2.4 Flashings and Edgings: Rusted or damaged flashing, vent caps and metal edgings shall be replaced with new materials as necessary.

2301.2.4.A Drip Edgings: Drip edgings shall be installed on all roofs in Upper Dublin Township new or replacement.

ARTICLE 10 FIRE PROTECTION SYSTEMS

Section 1001.0 shall be amended as follows:

Section 1001.1 shall be amended to read as follows:

1001.1 Approval of Plans: Before any automatic sprinkler equipment is installed or altered in any building, detailed plans thereof shall first be submitted to and approved in writing by an approved rating bureau, and thereafter the said plans shall be submitted to and approved in writing by the Fire Marshal of Upper Dublin Township. Nothing contained herein shall be construed to prevent the installation of other types of automatic fire protection in writing by an approved rating bureau and the Fire Marshal.

Section 1002.0 shall be deleted and amended to read as follows:

SECTION 1002.0 FIRE SUPPRESSION SYSTEMS

1002.1 Where Required: Fire suppression systems shall be installed and maintained in full operating condition, as specified in this code, in the locations indicated in Sections 1002.2 through 1002.21, hereafter erected, converted or substantially altered.

1002.2 Use Group A-1: In all buildings or structures or portions thereof of Use Group A-1.

1002.3 Use Group A-2: In all buildings or structures or portions thereof of Use Group A-2:

1. When more than 5,000 square feet (465m^2) in area; or
2. When more than one story in height.

1002.4 Use Group A-3: In all buildings or structures or portions thereof of Use Group A-3 when more than three thousand (3,000) square feet of building area, shall be fully sprinklered.

1002.5 Stages and enclosed platforms: Stages under the roof and gridiron, in the tie and fly galleries, and in all places behind the proscenium wall of the stage; over and within enclosed platforms in excess of 500 square feet (46.5m^2) in area; and in dressing rooms, lounges, workshops and storerooms accessory to such stages or enclosed platforms.

Exceptions

1. Stages or enclosed platforms open to the auditorium room on three or more sides.
2. Altars, pulpits or similar platforms and their accessory rooms.
3. Stage gridirons when sidewall sprinklers with 135 degrees F. (57 degrees C.) rated heads with heat-baffle plates are installed around the perimeter of the stage except for the proscenium opening at points not more than 30 inches (762mm) below the gridiron nor more than 6 inches (152mm) below the baffle plate.
4. Under stage or under enclosed platform areas less than 4 feet (1919) in clear height used exclusively for chair or table storage and lined on the inside with materials approved for 1 hour fire-resistance rated construction.

Group H. 1002.7 Use Group H: In all buildings or structures or portions thereof of Use

Group I. 1002.8 Use Group I: In all buildings or structures or portions thereof of Use

1002.9 Use Groups M, S-1 and F-1: In all buildings or structures or portions thereof of Use Groups M, S-1 and F-1:

1. When more than 10,000 square feet in area; or
2. When more than 10,000 square feet in total area on all floors; or
3. When more than one story in height.

1002.10 Public garages (Group 1): In all Group 1 public garages:

1. When more than 10,000 square feet (930m^2) in area.
2. When more than 7,500 square feet (697.5m^2) in area and more than one story in height.
3. When more than 5,000 square feet (465m^2) in area and more than two stories in height.
4. When more than three stories in height.
5. When located in buildings where the upper stories are designed for other uses.
6. When located in any story that is more than 50 percent below grade.
7. In fuel dispensing areas.

1002.11 Public Garages (Group 2): In all group 2 public garages:

1. When more than 10,000 square feet (930m^2) in area and more than one story in height.
2. When more than two stories in height.
3. When located in buildings where the upper stories are designed for other uses.

1002.12 Bus Garages: In all bus garages:

1. When required by Section 1002.10.
2. When used as passenger terminals for four or more buses.
3. When used for storage or loading of four or more buses.

1002.13 Unlimited Area Buildings: In unlimited area buildings as required by Section 504.0.

1002.14 Storage and Workshop Areas: In all portions of Use Groups A, B, E, I, R-1 and R-2 occupied for storage, workshop or similar purposes and as provided in Section 610.2 and 611.7 for Use Groups 1-2 and 1-3 respectively.

1002.15 Windowless story: In every story or basement of all buildings where there is not provided at least 20 square feet (1.86m²) of opening entirely above the adjoining ground level in the story or basement, on at least one side of the building. Openings shall have minimum dimensions of not less than 22 inches (559mm). Such openings shall be accessible to the fire department from the exterior and shall be unobstructed to allow firefighting and rescue operations from the exterior.

When openings in a story are provided on only one side and the opposite wall of such story is more than 75 feet (22,860mm) from such openings, the story shall be provided with an approved automatic fire suppression system or openings as specified above shall be provided on at least two sides of the exterior walls of the story. If any portion of a basement is located more than 75 feet (22,860mm) from openings required in this section, the basement shall be provided with an approved automatic fire suppression system.

1002.16 Painting Rooms: In spray painting rooms or shops where painting, brushing, dipping or mixing is regularly conducted using flammable materials.

1002.17 Trash Rooms and Chutes: In rooms or areas used for incineration, trash and laundry collection or similar uses; and at alternate floor levels and at the top of all chutes used in conjunction with these rooms or areas.

1002.18 Furnace Rooms: In furnace rooms, boiler rooms and rooms for similar uses and as provided in Section 610.2 and 611.7 for Use Groups 1-2 and 1-3 respectively.

Exception: Such a room located entirely within and serving as a single dwelling unit.

1002.19 Unenclosed Vertical Openings: In unenclosed vertical openings between floors as required by Section 606.3.

1002.20 Kitchen Exhaust Systems: In commercial kitchen exhaust systems when such systems are required by the mechanical code listed in Appendix A.

1002.21 Hazardous Exhaust Systems: In duct systems exhausting hazardous material in accordance with the mechanical code listed in Appendix A.

1002.22 Alternative Protection: In special use areas of buildings or structures, an automatic fire alarm system shall be installed in lieu of a fire suppression system where such fire suppression system installation would be detrimental or dangerous to the specific use or occupancy, as approved by the code official and the fire prevention code official.

1002.22.1 Telephone Central Office Equipment Buildings: Within telephone central office equipment buildings, the automatic fire suppression system is not required in the following rooms or areas when such rooms or areas are protected with an approved automatic fire alarm system.

1. Generator and transformer rooms.
2. Communication equipment areas when such areas are separated from the remainder of the building by 1-hour fire-resistance rated wall and 2-hour fire-resistance rated floor/ceiling assemblies, and are used exclusively for such equipment.

1002.23 Nonfire-resistive Buildings: Nonfire-resistive buildings over three thousand (3,000) square feet in area per floor shall be fully sprinklered when constructed or substantially altered.

1002.24 Fire-resistive Buildings: Fire-resistive buildings which have a floor area of five thousand (5,000) square feet or more per floor shall be sprinklered when constructed or substantially altered. All fire resistive buildings over five (5) floors in height shall be fully sprinklered.

1002.25 Automatic Sprinkler Systems required in parts of certain buildings: Automatic sprinkler equipment shall be installed and maintained in cellars, subcellars, basements, subbasements, storage rooms, major kitchens and chutes of buildings of the types set forth below, hereafter erected or substantially altered.

1002.25.1 Rental Apartment houses and Apartment Hotels.

1002.25.2 Automatic sprinkler equipment shall be installed and maintained in all cellars and basements of buildings hereafter erected or substantially altered, which cellars and basements have an undivided area of twenty five hundred (2,500) square feet or more and are used for the manufacture, storage or sale of combustible goods, wares or merchandise, or for the housing of automobiles.

1002.26 All Use Group A-4 Structures: Sprinklers shall be installed and maintained throughout this type of building, hereafter erected, converted, or substantially altered.

1002.27 Automatic sprinkler equipment shall be installed and maintained in all multi-family units over 3 families. Sprinklers shall be quick response type meeting the requirements of NFPA 13D., 1984.

1002.28 Exemptions. Nothing herein contained shall be construed to require the installation of automatic sprinkler equipment in: (i) safe deposit or other vaults, (ii) rooms or buildings used for the sale, manufacture or storage of aluminum powder, calcium carbide, calcium phosphide, metallic sodium, potassium, quicklime, magnesium powder, sodium peroxide, or like substances to which the application of water will cause or increase the fire hazard, or (iii) any other location where the installation of such equipment may in the opinion of an approved rating bureau and the Fire Marshal increase the hazard of life or property, or for any other reason be impractical due to existing conditions.

1002.29 All mobile homes or industrialized housing units shall be equipped with Quick Response Type Residential Sprinklers meeting the requirements of NFPA 13D., 1984.

ARTICLE 27 ELECTRIC WIRING AND EQUIPMENT

Article 27, Electrical Equipment is hereby amended by adding the following subsections.

Section 2708.1 - Permit Requirements - Permits are required for all 208 volt circuits nominal and up.

(A) Permits are not required where the estimated cost is under Fifty Dollars (\$50.00).

(B) All services, new construction and work including alarm systems, communication systems, and other low voltage systems in excess of Fifty Dollars (\$50.00), shall be inspected by an agency approved by the Township of Upper Dublin.

Section 2708.2 - Minimum Requirements

(A) Electrical service installations for a single family dwelling and each sub-service to individual apartments in multi-family dwellings shall be of a minimum capacity of one hundred (100) amperes, three (3) wire.

(B) Whenever alterations in electrical wiring require a permit, the physical conditions and the capacity of the existing electric service shall be reviewed and, when required, shall be upgraded in accordance with the requirements of this ordinance, but in no event shall the replacement be smaller than one hundred (100) amperes, three (3) wire, single phase service for a residence or a commercial building.

(C) Each new or replacement metered service rated at six hundred (600) volts or less and four hundred (400) amperes or less, shall be provided with a main disconnect.

(D) Each new or replacement metered service rated six hundred (600) volts or less and over four hundred (400) amperes, shall be provided with disconnects in conformity with the National Electric Code.

(E) Each primary service shall be provided with a single disconnecting device which will simultaneously open all ungrounded conductors.

(F) Each family dwelling shall have a minimum of twelve (12) full size single pole branch circuit spaces in new or replacement service.

(G) One-2 wire with ground one hundred twenty-five (125) volts twenty (20) ampere branch circuit shall be provided for laundry receptable outlet in new or replacement service.

(H) Two-2 wire with ground one hundred twenty-five (125) volts twenty (20) ampere receptacle circuits shall be installed in the kitchen in new or replacement

service. Inaccessible receptacles such as refrigerators or "dedicated receptacles" do not satisfy the requirements of this section.

(I) All floor receptacles shall be moved to the wall or baseboard in new or replacement service, unless it is an approved raised type and installed in an approved manner.

(J) Basement wiring shall be updated to conform to minimum standards as prescribed by this ordinance if, in the opinion of the Electrical Inspector, an unsafe condition exists. This includes removing "knob and tube" wiring located in the basement through or below the joists, if tapped or spliced. All other wiring shall be corrected to meet wiring specifications contained in the N.E.C.

(K) When a review of service protective equipment and circuits reveal overloading of circuits, hazardous conditions or inadequate protection, the protective equipment shall be added and the circuiting split to accept the existing and the new electrical loads.

(L) A single outlet receptacle is required for a dedicated circuit.

Section 2708.2 - Multiple-Occupancy Buildings

(A) Article 230-72(d) of the National Electrical Code is hereby amended to read as follows:

(1) In a multiple-occupancy building each occupant shall have access to his disconnecting means. A multiple-occupancy building having individual occupancy above the second floor shall have service equipment grouped in a common accessible location.

(2) The disconnecting means shall comply with Section 2002.5, Subparagraphs (A) through (K).

(3) Multiple-occupancy buildings that do not have individual occupancy above the second floor shall be permitted to have service conductors run to each occupancy in accordance with Section 230-2, Exception No. 3, of the National Electrical Code.

(4) All other services are to be installed at a central location and be accessible to all tenants.

Section 2708.3 - Outdoor Installation - All guy wires, light streamers and other current carrying metal parts shall be insulated from all poles and supports with approved insulators, and shall not be lower than eight (8) feet from the ground. The N.E.C. will govern all circumstances not specifically included herein.

(A) Outdoor Devices - All public amusement devices shall be underwriters approved, wiring to be a minimum size No. 12, three (3) wires, twist lock receptacle one of which must be connected to an approved ground and all flexible cords shall be three (3) conductors, not less than No. 14 guage wire.

Section 2708.4 - Temporary Electrical Service - The switch box shall be attached to a wooden pole 4 x 4 x 16 or larger. Pole shall be no less than two (2) feet into solid ground and shall be braced with three (3) braces in tripod fashion, braces to be 2 x 4 stock.

Section 2708.4.1 - is hereby added, as follows:

Section 2708.4.1 - Service During Construction - GFI Protection - a ground-fault circuit interruptor may be required on all electrical service installed during construction, at the discretion of the Upper Dublin Township Electrical Inspector.

Section 2708.4.2 - Switch Box - Switch box shall be an approved metal type. Cover to box shall be locked in the "off" position when not in use. The approved metal switch may be enclosed in a wooden box and this box locked, installation to be weather proofed construction. If receptacles are used in the pole in the temporary circuit, they shall be placed five (5) feet above ground level.

Section 2708.5 - Grounding - Permanent service - only copper wire of proper size is to be used where water service is available within seventy-five (75) feet of the electrical service, a continuous copper wire shall be installed and connected on the street side of main shut-off valve, and the water meter shall be bonded. In areas where no underground metallic pipe is used, such as wells and cisterns, the provisions of the N.E.C., Article 250, shall apply. A ground rod must be driven and must comply to the requirements of the N.E.C., 1981 Edition.

Section 2708.6 - Temporary Service - An eight (8) foot galvanized steel rod or other approved grounding electrode shall be used for grounding.

Section 2708.7 - Temporary Use - Delete in its entirety. Section 2002.7 will govern.

(A) Electricity from adjacent residences and for establishments not associated with the construction project, shall not be used as a source of temporary power.

(B) Temporary power lines shall not be allowed to lie on the ground.

Section 2708.8 - Aluminum Conductors - No aluminum conductors allowed after the service.

Section 2708.9 - Occupancy Permit - No occupancy permit shall be granted prior to a final approval from an electrical inspections agency approved by the Township.

Section 2708.10 - Correction of Violation - Upon a citation of a violation of this ordinance, the owner or occupant shall bring such violation into compliance within the period of forty-eight (48) hours, unless such time is extended by the Code Enforcement Officer for cause shown.

Section 2708.11 - Heating/Electrical

Section 2708.12 - General

(A) Size of the conductor shall not be less than No. 14 wire connecting the burner safety switch to the main panel. Breaker or "s" type fuse shall be used.

(B) An additional burner shut-off switch (oil or gas) shall be located in the stairway 5'6" above the first floor level to the basement except if a gas burner is a self-energizing unit and it shall be connected to the fixed burner switch at the main service panel.

(C) Gas or oil burner shut-off shall be clearly marked with a differentiating color. Top of stair switch shall be mounted in a proper box and corresponding cover and shall have a guard so that the switch cannot be inadvertently turned off.

(D) Exposed electrical conductors that are run from cellar or basement ceiling to heating unit shall be enclosed in electrical metallic tubing (E.M.T.). All other wiring in close proximity to unit shall be protected from physical damage when necessary.

(E) Fire Safety - During installation, repair and servicing, a fire-extinguisher shall be available at all times.

(F) Valves - Readily accessible shut-off valves shall be installed in the oil supply lines close to gravity tank enclosures. Each tank shall be equipped with a fusible valve (firematic) in burner supply line at the burner.

Subsection 680-25(d)(1) of the National Electrical Code, 1986 Edition, adopted by reference by the BOCA National Building Code, shall be amended to read as follows:

680-25(d)(1) - Any wiring within fifteen (15) feet of a swimming pool shall be GFCI protected and placed in rigid conduit, intermediate metallic conduit, or rigid non-metallic conduit as provided in Subsection 680-25(b)(1).

ARTICLE 28 PLUMBING SYSTEMS

Article 28 shall be deleted to the extent that it conflicts with the Plumbing Code of the Township. (Chapter 4).

ARTICLE 29 SIGNS

Article 29 shall be deleted to the extent that it conflicts with the Zoning Ordinance of the Township, Title 10.

ARTICLE 30 PRECAUTIONS DURING BUILDING OPERATIONS

Subsections 3007.2.1 and 3007.2.2 of Subsection 3007.2.3 shall be added to Subsection 3007.2.

3007.2.1 Deep Excavations: When an excavation extends more than three (3) feet below the curb grade at the common property line, or below the surface of the ground where there is not such curb grade, the person causing such excavation to be made shall, if afforded the necessary consent to enter upon adjoining land, at his own expense preserve and protect from injury every building or structure, the safety of which

may be affected by such excavation, and when necessary, shall underpin and support the same by proper foundation, irrespective of the depth to which the foundations of such building or structure may extend. If the necessary consent is not accorded to the person making the excavation, then it shall be the duty of the person refusing such license to preserve and protect such building or structure from injury and when necessary, to underpin and support the same proper foundations, and for that purpose be permitted to enter upon the premises where such excavation is being made.

3007.2.2 When an excavation extends not more than three (3) feet below the curb grade at the common property line, or below the surface of the ground when there is no such curb grade, the owner of a building or structure, the safety of which may be affected by such excavation, shall preserve and protect the same from injury and when necessary, shall underpin and support the same by proper foundations. For such purpose, he shall be permitted, if necessary, to enter upon the premises where such excavation is being made.

3007.2.3 In case there is a party wall along a lot line of the premises where an excavation is being made, the person causing the excavation to be made shall, at his own expense, preserve such party wall in as safe a condition as it was before the excavation was commenced and shall when necessary underpin and support the same by proper foundations.

APPENDIX A REFERENCED STANDARDS

Shall be adopted as part of Boca 1987 Code and shall be used to help enforce this Code.

NFiPA NATIONAL FIRE PROTECTION ASSOCIATION Page 495 and 496
Batterymarch Park
Quincy, MA 02269
Tel - 517-328-9290

Change the date of the standards to the following, the ones not on this list are the latest now in use:

	16-80
	70-87
	80-83
	102-78
delete	643-71
add	120-84 Coal Preparation Plants, Standard for

Add to the list:

The entire 16 Volumes of the National Fire Codes 1986 Edition which includes 101-1985 Life Safety Code, Published by the NFiPA, shall also be used as Reference Standards. Note: The National Electrical Code shall be 70-1987.

The "Fire Protection Handbook" Sixteenth Edition, Published by NFiPA shall also be used as a Reference Standard.

ARTICLE 2 - CABO ONE AND TWO FAMILY DWELLING CODE

Sec. 2.01 Adoption of One and Two-Family Dwelling Code

There is hereby adopted by the Township of Upper Dublin for the purpose of regulating the fabrication, erection, construction, enlargement, alteration, repair, location and use of detached one and two family dwelling, their appurtenances and accessory structures, certain documents marked and designated as the CABO One and Two Family Dwelling Code, 1986 Edition, Third Edition as published under the Nationally Recognized Model Codes, and the whole thereof, of which code not less than three (3) copies have been and now are filed in the office of the Ssecretary of the Township of Upper Dublin, and the same are hereby adopted and incorporated as fully as if set out at length herein.

Sec. 2.02 Definitions

(a) Wherever the word "municipality" is used in the Code, it shall be held to mean the Township of Upper Dublin.

(b) Wherever the words "Department of Public Safety" are used in the Dwelling Code, it shall be held to mean the Department of Licenses and Inspections of the Township of Upper Dublin.

(c) Wherever the words "Building Official" are used in the Dwelling Code, it shall be held to mean the Building Inspector or his assistants.

Part I Building Planning, Chapter 2, Section R-210 - Attached Garages shall be amended to read as follows:

Section R-210 - Attached Garages

R-210.1 - Shall be deleted and shall read:

R-210.1 - Opening Protection. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 1 3/4" in thickness or equivalent and there shall be a minimum of four (4") inch step up from the garage floor into the residence.

Part II Construction, Chapter 3 Foundations shall be amended by the addition of the following:

Section R-303 Footings: Shall be amended by the deletion of anything in the section that shall conflict with the following:

(a) Shall comply with plans submitted for evaluation.

(b) Excavations shall have square bottoms and sided and are to be free of loose dirt, water and frost.

(c) Shall be at least three feet (3') minimum below grade.

- (d) Shall be at least eight inches (8") wider than the foundation wall.
- (e) Shall be poured separate and before foundation walls are formed.
- (f) Shall be at least eight inches (8") in depth.
- (g) All footing shall be keyed.
- (h) All footings shall be formed with wood or steel. Earth forms can be used upon the discretion of the inspector.

Section R-304 - Foundation Walls shall be amended by the deletion of anything in the section that shall conflict with the following:

Section R-304 - Foundation Walls:

Concrete Foundation Walls: Minimum thickness is ten inches (10"). The only exception to this rule is a single story, ranch type home of all frame construction. In this type of construction, an eight inch (8") poured wall is allowed provided there is no veneer, for example, brick or stone used as facing for the home.

Forms shall remain in place until concrete is set. However, if temperature is below thirty degrees (30°) (F), forms shall remain in place a minimum of three (3) days.

All honeycombing shall be filled with cement mortar.

One-half inch (1/2") anchor bolts are required eight inches (8") long placed twelve inches (12") from corner and every eight foot (8') intervals.

Exterior walls shall be damped proofed. Damp proofing shall be done in this manner: Snap ties must be knocked off foundations and filled with cement mortar then a Bituminous substances must be applied.

Cement block foundation walls shall be pargeted. Block foundation walls shall be waterproofed and shall be topped with a course of solid block to provide full bearing. A minimum of ten inch (10") block are allowed on one-half inch (1/2") anchor bolts sixteen inches (16") long are required for foundation anchorage twelve inches (12") from corners and every eight feet (8') apart. In townhouse construction all Firewalls shall be constructed of Masonry with a minimum thickness of eight (8") inches.

R-307.2 Structural Requirements:

The main supporting beam in all types of construction shall be steel meeting with the standards of the American Steel Institute. All steel beams shall be supported by steel columns or masonry.

Chapter 4 Wall Construction shall be amended to read as follows:

Sections of subsections R-402.1, R-402.2, R-402.3, R-402.6, R-402.7, R-402.8, R-402.9 and R-402.10 shall be deleted if it conflicts with the following:

Section R-402 - Wood:

R-402.1 Identification of ALL load-bearing lumber, plywood and particle board shall conform to applicable standards or grading rules and shall be so identified by the grade mark, or certificate of inspection issued by an approved grading or inspection bureau or agency. The grade mark for such load-bearing lumber shall provide adequate information to determine the "F" and "E" Values.

R-402.2 Grade: All wood shall be a minimum of Number Two or better. There shall not be any Number Three or Utility Grade lumber used in the Township of Upper Dublin for any construction purposes.

R-402.3 Construction:

- (a) Plates shall be two by six inches (2" x 6") Number Two Grade or better on ALL one and two story homes to provide four inches (4") or more bearing.
- (b) Sill seal shall be applied before plates are anchored.
- (c) Plates shall be anchored to foundation walls at corners and also at intervals of eight feet (8').
- (d) Minimum bolt embedding shall be eight inches (8") in concrete walls and sixteen inches (16") in masonry walls.
- (e) Bolts shall be one-half inch (1/2") in diameter.
- (f) Cuts or notches in top or bottom of joists and rafters shall not exceed twenty percent (20%) of depth of member.
- (g) Studs, joists and rafters shall be spaced sixteen inches (16") on center. Minimum bearing for beams, rafters and joists shall be four inches (4").
- (h) Two by three inch (2" x 3") studs are not allowed for any interior nonbearing or bearing partitions in residential and multi-family dwellings.
- (i) Collar ties are required at each third rafter.
- (j) A two by six inch (2" x 6") wall is required where the main stack is placed.
- (k) All gable ends must be sixteen inches (16") on center.
- (l) Approved trusses may be allowed on twenty four inch (24") centers provided they meet BOCA's standards.
- (m) King and Queen poles are required, King pole vertical of the ridge pole and Queen pole running off the gable and forty five degree (45°) angle.
- (n) Ridge pole to be one size bigger than the rafters.

- (o) All top plates, jambs trimmers and headers shall be doubled.
- (p) Only one-half inch (1/2") exterior plywood, agency approved shall be allowed for roof, sub-floors and exterior corners.
- (q) A layer of one-half inch (1/2") flake board may be used as an underlayment where carpet is going to be applied.
- (r) A layer of five-eighths inch (5/8") PTS underlayment is required in kitchen, bathrooms and foyers over one-half inch (1/2") CDX agency approved sub-floor.
- (s) Three quarter inch (3/4") T & G Plywood can be used as a sub-floor but must have a one-quarter inch (1/4") underlayment applied to accept finish carpet or vinyl flooring.
- (t) A layer of fifteen pound (15 lb.) felt paper is required over plywood corners or aspenite prior to the application of masonry.
- (u) Trusses that are approved for installation on twenty four inch (24") centers, shall have clip applied for proper installation.
- (v) Minimum exterior sheathing shall be on one-half inch (1/2") plywood, cellulose or styrene foam.
- (w) All trim boards used for Fascia or outside trim shall consist of clear redwood or cedar or clear pressure treated pine. Other lumber but not less than No. 2 may be used but must be cased with vinyl or aluminum.

R-402.7 Firestopping:

(a) Firestopping shall be provided in stud walls and partitions at each floor level and between ceilings of the top story and roof space. In full furred spaces of framed walls and studded off spaces of masonry walls at maximum intervals of four feet (4'). At the top and bottom and at openings for pipes, belts, shafting, chutes and conveyors passing through combustible floors or partitions with close-fitting non-combustible caps or metal shutters or other approved noncombustible means and in all other locations that would permit the free travel of flames.

(b) Firestopping of ceiling spaces.

When a ceiling is used to fire protect non-combustible floor and roof assemblies, floor beams and girders need not be individually fire protected except when such members support loads from more than one (1) floor or one (1) floor and roof such fire resistive ceiling shall be continuous. All storage spaces provided in cellars or basement of multi-family dwellings shall have a one and one-half (1 1/2) hour fire rated ceiling.

Chapter 5 Wall Covering, Section R-502 Interior Covering shall be amended by the addition of the following:

Section R-502 Interior Covering

R-503.5 Gypsum Wallboard:

(a) Minimum thickness one-half inch (1/2").

ARTICLE 3 - BOCA NATIONAL MECHANICAL CODE

Sec. 3.01 Adoption of the BOCA National Mechanical Code

There is hereby adopted by the Township of Upper Dublin for the purpose of prescribing regulations governing the design, construction, installation, conversion, repair, use or maintenance of all mechanical systems in all buildings and structures, certain documents marked and designated as the BOCA National Mechanical Code, 1987, Sixth Edition, and the whole thereof, of which codes not less than three (3) copies have been and now are filed in the Administrative Offices of the Township of Upper Dublin, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect the provisions thereof shall be controlling within the limits of the Township of Upper Dublin.

Sec. 3.02 Amendments

APPENDIX A REFERENCE STANDARDS AGENCIES shall be amended to read as follows:

The address of NFIPA to National Fire Protection Association shall be amended to read as follows:

Batterymarch Park
Quincy, Ma. 02269
Tel - 517-328-9290

APPENDIX A ACCEPTED ENGINEERING PRACTICE STANDARDS shall be amended to read as follows:

58-86
70-87

Any NFIPA Standard not on above list, the date is okay.

The entire 16 Volumes of the National Fire Codes 1986 Edition which includes 101-85 Life Safety Code, Published by NFIPA, shall also be used as Reference Standards.

The "Fire Protection Handbook Sixteenth Edition," Published by NFIPA shall also be used as a Reference Standard.

ARTICLE 4 - BOCA NATIONAL ENERGY CONSERVATION CODE

Sec. 4.01 Adoption of the BOCA National Energy Conservation Code

There is hereby adopted by the Township of Upper Dublin for the purpose of prescribing regulations governing the design, construction, alteration, enlargement, equipment, repair, demolition, removal, conversion, use or maintenance of buildings and structures, certain documents marked and designated as the BOCA National Energy Conservation Code, 1987 Fifth Edition, and the whole thereof, of which codes not less

than three (3) copies have been and now are filed in the Administrative Offices of the Township of Upper Dublin, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect the provisions thereof shall be controlling within the limits of the Township of Upper Dublin.

SECTION 2: Title 3, Chapter 3, Grading, Excavation and Fill, shall be amended by the addition of a new Section 1.12A, Standards for Driveway Installation, and read as follows:

"All driveways in Upper Dublin Township to be constructed according to Upper Dublin highway regulations. 3" - 4" Modified (aA), 2" of I.D. 2 Binding and 1" I.D. 2 Topping."

SECTION 3: Title 3, Chapter 4, PLUMBING CODE, shall be deleted in its entirety to provide for the adoption of the BOCA National Plumbing Code:

Sec. 1.01 BOCA National Plumbing Code Adopted

There is hereby adopted by the Township of Upper Dublin for the purpose of prescribing regulations governing the design and installation of plumbing systems, including sanitary and storm drainage, sanitary facilities, water supplies, storm water and sewage disposal in buildings, certain documents marked and designated as the BOCA National Plumbing Code, 1987, Seventh Edition, as published by the Building Officials and Code Administration International, Inc., and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended by Section 1.03 of this ordinance, of which codes not less than three (3) copies have been and now are filed in the Administrative Offices of the Township of Upper Dublin, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the Township of Upper Dublin.

Section 1.02 Definitions. The following shall be added to Article 2 Definitions of Plumbing Terms, Section P-201.0.

(a) Wherever the words "name of jurisdiction" are used in the Plumbing Code, they shall be held to mean the Township of Upper Dublin.

(b) "Township Solicitor" shall be substituted for the term "Legal Counsel of the Municipality" or the term "Legal Officer of the Municipality", wherever either of the same shall occur therein.

(c) Wherever the words "Code Official" are used in the Plumbing Code, they shall be held to mean the Plumbing Inspector or his assistants. (The provisions of this Ordinance shall be administered within the Department of Licenses and Inspection in the Township of Upper Dublin by the Plumbing Inspector or his assistants.)

ARTICLE 1 ADMINISTRATION AND ENFORCEMENT

Section 1.03 AMENDMENTS. The BOCA National Plumbing Code shall be amended and changed in the following respects:

(1) Section P-110.0 Duties and Powers of the Plumbing Official is hereby amended to include the following new subsection: P-110.8 Rule Making Authority: The Plumbing Inspector shall have the power as may be necessary in the interest of public safety, health and general welfare, to adopt and promulgate rules and regulations, to interpret and implement the provisions of this Code, to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions; but no such rules shall have the effect of waiving the minimum requirements of this Code or of violating accepted engineering practice involving health and public safety. All rules and regulations adopted shall have the same effect as the provisions of this Code but such rules may be amended or repealed at any time by the same procedure prescribed for adoption.

(2) Section P-111.0 Application for Permit, Subsections P-111.1, P-111.3 and P-111.4, are hereby amended to read as follows: P-111.1 Permit Required: Plumbing work shall not be commenced until a permit for such work has been issued by the Plumbing Official. Repairs which involve only the working parts of a faucet or valve, the clearance of stoppages, the repairing of leaks or the replacement of defective faucets or valves may be made without a permit, provided alterations are not made in the existing piping or fixtures. The plumbing division shall issue one (1) plumbing permit per job and no other plumbing contractor may procure another permit for the same installation without the release of the original permit.

P-111.3 By Whom Application is Made: Application for a permit shall be made by the person or corporation engaged by the owner or his agent to install all or part of any plumbing system. The applicant shall meet all qualifications, licensing or bonding requirements as may be established by rules promulgated with this Code and by any other Ordinances or statutes. The full names and addresses of the owner, lessee, applicant, and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.

(5) Section P-112.0 Permits, Subsection P-112.1, is hereby amended to read as follows:

P-112.1 Action on Application: The Plumbing Official shall examine or cause to be examined all applications for permits for all plumbing installations. If the application or the plans do not conform to the requirements of all pertinent laws, he shall reject such application in writing stating the reasons therefor. If he is satisfied that the proposed work conforms to the requirements of this Code and all laws and ordinances applicable thereto, he shall issue a permit therefor as soon as practicable. A plumbing permit shall not be transferable.

(6) Section P-113.0 Conditions of Permit, Subsection P-113.1 is amended to read as follows:

P-113.1 Payment of Fees: A permit shall not be issued except to the registered Master Plumber or a Homeowner Plumber and not until all prescribed fees have been paid. For the purposes of this Ordinance, the term "Homeowner Plumber" shall mean a person who performs plumbing work to the property said person owns and uses as his or her principal residence or domicile. A permit issued to a Homeowner Plumber shall be valid only for plumbing work actually performed by said Homeowner Plumber to said Homeowner's principal residence or domicile.

(7) Section P-114.0 Fees, Subsection P-114.2 is hereby amended to read as follows:

P-114.2 Plumbing Fee Schedule: Fees shall be charged in accordance with a Plumbing Fee Schedule which shall be adopted by the Board of Commissioners and found in Title 2, Chapter 1, FEES, RATES, AND PERMITS of the Upper Dublin Township Code.

(8) Section P-117.0 Violations, Subsection P-117.4, is hereby amended to read as follows:

P-117.4 Penalties: Any person violating the provisions of this Code shall be guilty of a summary offense punishable by a fine of not more than Three Hundred (\$300.00) Dollars or imprisonment of not more than thirty (30) days, or both. Each day's continued violation shall constitute a separate offense.

P-118.2 Unlawful Continuance: Any person who shall continue any plumbing work in or about the structure after having been served with a stop order, except such work as he is directed to perform to remove a violation or unsafe condition, shall be subject to a fine of not less than Three (\$300.00) Dollars or imprisonment of not more than thirty (30) days, or both. Each day's continued violation shall constitute a separate offense.

Section P-122.0, Means of Appeal, including all subsections from P-122.1 to P-122.7, are hereby deleted and shall be replaced with the following:

P-122.0 Appeals An appeal from any decision of the plumbing inspector may be taken to the Commissioners. Such appeal shall be made in writing within ten (10) days after such decision has been made, shall be verified by affidavit and filed with the Township Secretary. The appellant or his representatives shall have the right to appear and be heard, if such a right is requested in the written appeal. A prompt decision of such appeal shall be made. In making the decision, the Commissioners may vary or modify any provision of this ordinance where there are practical difficulties in the way of executing the strict letter of the law, so that the spirit of the law shall be observed, public safety secured and substantial justice done. Every action of the Commissioners on such appeals shall be by resolution, copies of which shall be certified to the plumbing inspector and the appellant.

Sections P-123.0 to P-123.5 reading as follows, are added:

SECTION P-123.0 LICENSING, REGISTRATION AND BONDING OF PLUMBERS

P-123.1 On and after the passage of this ordinance, it shall be unlawful for any person to carry on or work at the business of plumbing or house drainage in the Township of Upper Dublin until such person registers with and is licensed by the Township of Upper Dublin Department of Licenses and Inspections. Nothing in this ordinance, however, shall be construed to prevent the employment of journeyman plumbers or working of apprentices under the direction and supervision of duly registered and licensed master plumbers.

P-123.2 Registration of Master Plumbers. All master plumbers residing in and/or having a bona fide place of business in the Township of Upper Dublin shall not be

required to undergo any examination and they shall be entitled to register for the current year and annually thereafter before the first day of February in each year.

P-123.2 Registration and Fees. Any master plumber engaged in the business of plumbing or house drainage in the Township of Upper Dublin shall pay for each initial registration, a fee in accordance with the fee schedule adopted by the Board of Commissioners and set forth in Title 2, Chapter 1, FEES, RATES AND PERMITS, Sec. 3.03 of the Upper Dublin Code.

P-123.3.1 Expiration of Licenses. At the expiration of each calendar year said license shall be null and void. A licensed master plumber or journeyman plumber desiring to continue in or work at the business of plumbing or house drainage for the ensuing year, shall, before the first day of February of each year, surrender the said license for the current year to the Township of Upper Dublin, Department of Licenses and Inspections and re-register his name and business or home address upon such forms as are furnished by the Township of Upper Dublin.

P-123.3.2 Re-registration. For re-registration unless the licensed master plumber shall have failed to make application for re-registration at the specified time, the journeyman plumber shall be re-registered upon surrendering Journeyman Card for the current year and paying a fee in accordance with the fee schedule set forth in Title 2, Chapter 1, FEES, RATES, AND PERMITS, Section 3.03 of the Upper Dublin Code.

P-123.3.3 Registration for Institutions, etc. A person certified as competent by the Administrative Authority of the Township of Upper Dublin, may be registered as a master plumber for the care of, alteration to, or addition to the drainage system of a designated manufacturing or mercantile establishment, institution, hotel, etc., where it is necessary to have continual service of a master plumber, and may receive a license; but, in no case shall said person be permitted to do any plumbing or drainage work in any building or buildings other than that for which he is registered. To obtain a registration other than an institutional registration the person must submit proof that he is no longer employed by said firm, institution or other business establishment and offer evidence of a bona fide place of business.

P-123.3.4 License may be revoked. The license granted under this ordinance may be suspended or revoked by the Township of Upper Dublin, Department of Licenses and Inspections when a registered plumber shall violate any of these rules and regulations or shall refuse or neglect to make the necessary corrections to work not approved by the plumbing inspector or his assistants with a reasonable time after notification thereof, or shall permit the use of his name by a person for the purpose of obtaining a permit or permits to do plumbing or drainage work.

P-123.3.5 No person carrying on the business of plumbing and house drainage shall allow his name to be used by any person directly or indirectly, either to obtain a permit or permits or to do any work under his license.

P-123.4 Place of Business. Every registered master plumber shall have a bona fide place of business and shall display on the front of his place of business a sign "Registered Master Plumber," bearing his name.

P-123.4.1 A bona fide place of business shall be a building or part of a building where a shop is equipped with reasonable amount of stock, tools, and work space or an office where people may call to transact business at least thirty (30) hours per week.

P-123.4.2 Notice of Change in Status. Every registered master plumber shall give immediate notice to the Township of Upper Dublin, Department of Licenses and Inspections of any change of his place of business. Every registered master plumber retiring from business or failing to actively continue engaging in the business of plumbing or house drainage shall surrender his license to the Township of Upper Dublin, Department of Licenses and Inspections.

P-123.5 As a precondition to registration and licensing, all master plumbers must obtain a plumbing license permit bond in the amount of Twenty Five Hundred Dollars (\$2,500.00) running in favor of Upper Dublin Township, to guarantee compliance with the Plumbing Code.

P-123.6 Exemption: The licensing requirements of this Section P-123 shall not apply to Homeowner Plumbers, as defined in Section P-113.1 hereof.

Section P-302.0 Connection to Public Water and Sewer System. Subsection P-303.2, is hereby amended to read as follows: P-303.2 Public Systems Available: A public water main or public sewer system shall be considered available to a building when the nearest point of the building is located within 300 feet from the nearest terminus of the water or sanitary sewage collection system.

Section P-308.0 Protection of Pipes, Subsection P-308, is hereby amended to read as follows:

P-308.3 Freezing: Water service piping and sewers shall be installed below recorded frost penetration but not less than 3'0" below grade for water piping and sewers. Plumbing piping in exterior building walls shall be adequately protected against freezing by insulation or heat or both.

Section P-404-0 Piping System Materials is hereby amended in the following manner:

P-402.3 Water Service Pipe is hereby amended by the deletion of:

1. Asbestos Cement Pipe
2. Copper Tubing (Type M)

P-402.4 Water Distribution Pipe is hereby amended by the deletion of:

1. Asbestos Cement Pipe
2. Bituminized Fiber Pipe

P-403.3 Building Storm Sewer Pipe is hereby amended by the deletion of:

1. Asbestos Cement Pipe
2. Bituminized Fiber Pipe

P-404.4 Subsoil Drain Pipe is hereby amended by the deletion of:

1. Asbestos Cement Pipe
 2. Bituminized Fiber Pipe
- ARTICLE 8 STORM DRAINS

The following Subsection of Section P-800.0 shall be added as Section P-812.0 Sump Pump Systems for storm water.

P-812.0 SUMP PUMP SYSTEMS FOR STORM WATER FROM INTERIOR OF ALL BUILDINGS

P-812.1 Where Required: In all basements and cellars below grade that cannot be drained by gravity whether they have water in them or not at the time.

P-812.2 Pump: The pump shall be of a capacity and head appropriate to anticipated use requirements and shall meet Standard Pump Manufacturers Associates certification standards.

P-812.3 Sump Pit: The sump pit shall not be less than two feet by two feet by three feet (2' x 2' x 3') deep to a bed of loose stone. The pit may be constructed of tile, concrete, steel, plastic or other suitable materials with four (4) inches of stone in the bottom of sump pit. The pit must be approved by the Plumbing Inspector.

P-812.4 Electrical: The electrical service outlet shall meet the requirements of the National Electric Code. It shall be separately fused and grounded and shall be located not less than four (4) feet above floor. Shall not be on a G.F.I. (Ground Fault Interrupter).

P-812.5 Discharge into Sump: Nothing but storm, surface water and condensate from air conditioner may be discharged into the pit.

P-812.6 Discharge from Sump Pit: The discharge pipe size and fittings shall be the same as or larger than pump discharge tapping. When discharging into a storm sewer or 10 feet from the house, a suitable anti-siphon device or free flowing check valve shall be installed. No sump pump may be discharged into the street or over the curb. The runoff must be contained on the property so that it will not run into the street and cause ice to form.

The following Subsection (1209.1) of Section 1209.0 Lavatories shall be amended to read as follows: Steel Lavatories are not permitted to be installed in Upper Dublin Township.

The following Subsection (1210.1) of Section 1210.0 Bathtubs shall be amended to read as follows: Steel tubs are not permitted to be installed in Upper Dublin Township.

Section P-1213.0 Food Waste Grinder Units shall be amended to read as follows:

P-1213.6 Food Waste Grinders Not Permitted: Food waste grinders are not permitted in any sanitary sewer system into which the said sewage from the grinder drains and ultimately flows into the sewage treatment plant of The Delaware Valley Industrial Sewage Co., Inc.

The following Subsection of Section P1222.0 shall be added as Section P-1222.3:

P-1222.3 All Sillcock shall be of the Anti-Freeze Type.

Section 1.04 Penalty

(a) Any person or persons, firm or corporation, who or which shall fail to comply with any of the provisions of this ordinance regarding the procuring of a license or certificate to engage in or work at the business of plumbing, or house or building drainage, shall be liable, upon conviction in a summary proceeding, to a fine of not less than Twenty Five Dollars (\$25.00) for each and every day that he, they or it shall engage in or work at said business without having obtained said certificate.

(b) All fines and penalties shall be paid to the Township of Upper Dublin to apply to the general fund.

ENACTED and ORDAINED this 12th day of May, 1987.

UPPER DUBLIN TOWNSHIP
BOARD OF COMMISSIONERS

Attest: Gregory N. Klemick
Secretary

By: James Ball
President

ORDINANCE NO. 732

AN ORDINANCE AMENDING THE UPPER DUBLIN TOWNSHIP CODE, TITLE 4, FIRE PREVENTION, CHAPTER 1, PROVIDING FOR THE ADOPTION OF THE BOCA NATIONAL FIRE PREVENTION CODE, 1987, SEVENTH EDITION, WITH AMENDMENTS THERETO.

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

SECTION 1: That Title 4, Fire Prevention, Chapter 1, be deleted in its entirety to provide for the adoption of the "BOCA National Fire Prevention Code, 1987, Seventh Edition", and shall now read as follows:

Sec. 1.01 Adoption of BOCA National Fire Prevention Code

There is hereby adopted by the Township of Upper Dublin for the purpose of prescribing regulation governing conditions hazardous to life and property from fire or explosion that certain code known as the BOCA National Fire Prevention Code, 1987 Seventh Edition, as published by the Building Officials Conference of American save and except such portions as are hereafter deleted, modified or amended, of which code not less than three (3) copies have been and how are on file in the Administrative Offices of the Township of Upper Dublin at 801 Loch Alsh Avenue, Fort Washington, Pennsylvania and the same are hereby adopted and incorporated as fully as if set out at length herein and from the date on which this ordinance shall take effect the provisions thereof shall be controlling within the limits of the Township of Upper Dublin, Montgomery County, Pennsylvania.

Sec. 1.02 Definitions

Whenever any of the following words are used in this ordinance and in the Fire Prevention Code, or any part thereof, they shall have the respective meanings, as follows:

- (a) "Municipality" - Township of Upper Dublin, Montgomery County, Pennsylvania.
- (b) "Township" - Township of Upper Dublin, Montgomery County, Pennsylvania.
- (c) "Commissioners" - Commissioners of the Township of Upper Dublin, Montgomery County, Pennsylvania.
- (d) "Corporation Counsel" - Solicitor of the Township.
- (e) "Fire Board" - Board established by the Township of Upper Dublin (Ordinance No. 120, adopted October 11, 1956, and amendments thereto).
- (f) "Bureau of Fire Prevention" - Fire Board and/or Fire Marshal.

(g) "Code Official" - Fire Marshal.

(h) "Fire Marshal" - The Fire Marshal of Upper Dublin Township, the appointee of Township as per Ordinance No. 120, aforesaid.

Sec. 1.03 Enforcement

(a) The Fire Prevention Code shall be enforced by the Fire Marshal.

(b) The Marshal may detail such inspectors as shall from time to time be necessary. The Fire Marshal shall recommend to the Commissioners of Upper Dublin Township the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and non-members of the Fire Department.

(c) A report of the Fire Marshal shall be made annually and transmitted to the Secretary of the Township; it shall contain all proceedings under this Code, with such statistics as the Fire Marshal may wish to include therein; the Fire Marshal shall also recommend any amendment to the Code which, in his judgment shall be desirable.

Sec. 1.04 Amendments to BOCA Basic Fire Prevention Code shall be amended and changed in the following respects:

ARTICLE 2

Add the following to Section F-201.0:

Bulk Plant: shall mean that portion of a property where flammable or combustible liquids are received by tank vessel, pipe lines, tank car, or tank vehicle, and are stored or blended for the purpose of distributing such liquids by tank vessel, pipeline, tank car, tank vehicle, or container.

Fire Marshal: same as Code Official.

ARTICLE 3

Add the following sections to Article 3:

F-301.5.1: All permitted fires shall be kindled or maintained between sunrise and sunset, except by a special permit for burning after sunset issued by the Fire Marshal.

F-301.5.2: The burning of leaves on Saturday between sunrise and sunset and on Sunday from twelve noon to sunset shall be permitted at private homes only, provided, however, that because of unusual drought conditions the burning of leaves may be banned throughout the Township by the Fire Marshal.

F-318 Outside Cooking

F-318.1 No charcoal or propane fired cooking equipment shall be used on patio or patio balcony at any multi-family dwelling in Upper Dublin Township. The cooking equipment shall not be stored within any units or on patio or patio balcony of any

multi-family dwellings within Upper Dublin Township. The charcoal or propane fired cooking units may be used at least fifteen (15) feet from any building and on the ground with permission of the owner.

F-319 Unvented Fuel Burning Heaters:

F-319.1 The use of unvented fuel burning space (room) heaters shall be prohibited in all multi-family units and rental properties in Upper Dublin Township.

SECTION F-313.0 FIRE LANES AND PARKING

F-313.1 Parking Prohibited: It shall be unlawful to park any vehicle within a "NO PARKING" area adjacent to a commercial, institutional, or any building to which the public is invited. It is the intent that there should be, at all times, space available to permit proper egress by occupants from the building and adequate space for Fire Equipment.

F-313.2 No Parking Zones: Each "NO PARKING" area shall be determined and decreed by the Fire Marshal. His direction and approval shall be indicated on a plan, furnished by owner, in triplicate, but prepared and certified by a duly licensed civil or landscape engineer.

F-313.3 Marking for No Parking Zones: Each "NO PARKING" area shall be indicated by surface painted lines or approved strips, and a sufficient number of "No Parking by Order of Fire Marshal" signs. The number, size, type and construction of each sign shall be determined by the Fire Marshal and provided by the owner of lot at the owner's expense. The Fire Marshal shall be empowered to require the lot owner to replace any sign and/or require a restoration thereof, so as to permit a clear and legible reading of the words thereon.

F-313.4 Temporary Regulations: The Fire Marshal is hereby given authority to adopt and enforce temporary parking regulations to cover emergencies or special condition in any public or private street, lane, alley or shopping center if he shall determine that the parking of motor vehicles is liable to interfere with the operations of the Fire Department. He shall post signs on such street, lane, alley, or shopping center reading "NO PARKING Temporary Fire Regulation by Order of Fire Marshal of the Township of Upper Dublin".

F-313.5 Violations: Any person parking a motor vehicle or other vehicle in disregard of any sign erected by the Fire Marshal, as provided herein, shall be guilty of a violation of this ordinance and subject to the fines and penalties as provided by the State Motor Vehicle Code #81-H.B.-1817, Section 3353-Section A. 3ii.

ARTICLE 5

Add the following section Article 5:

F-509.4 Fire Alarm Systems, Systems Required in Certain Buildings: Automatic central station fire alarm systems approved by the Fire Marshal shall be installed in all existing school dormitories, homes for children, sanitariums, nursing homes, convalescent homes, and homes for the aged having over five (5) guests, housing bed or ambulatory patients.

F-509.5 Minimum Requirements: The following minimum requirements for an approved fire alarm system are hereby established but additional requirements may be imposed by either the Fire Marshal or Building Official when more stringent regulations are deemed necessary:

(a) All exposed wiring must be installed in approved metallic raceway or armored cable (BX). The source of current for fire alarm systems shall be taken from the service side of the main switch and shall terminate in fused safety switch prominently stenciled "FIRE ALARM". The fused switch shall be located within three (3) feet of the main switch.

(b) Automatic fire detecting equipment shall be installed at the top of the basement or cellar stairway and throughout all parts of the basement or cellar. Combination "Rate of Rise and Fixed Temperature" detectors shall be used and shall be installed on the ceiling. A sufficient number of sounding devices approved by the Fire Marshal shall be installed on each floor of the building and be so arranged that they may be heard in all parts of the building above all other normal sounds.

(c) One "Hammerless Break-Glass Station" shall be installed on the first floor of the building within ten (10) feet of the primary exit. A spare glass and a key for the same shall be kept at the Fire Alarm Control box.

(d) An inspection certificate from an approved rating bureau showing that the installation has been inspected and approved shall be supplied to the Fire Marshal by the company which installed the approved fire alarm system.

F-509.6 After-Ring Fire Alarm: All coded fire alarm systems required by the Department of Labor and Industry of the Commonwealth except "Pre-signal" systems shall be provided with a relay that will sound all alarm devices automatically and continuously after the code cycle is completed and until the system is turned off manually at the main control panel.

SECTION F-510.0 REGULATIONS APPLYING TO ALL FIRE HYDRANTS WITHIN TOWNSHIP OF UPPER DUBLIN

F-510.1 Fire Hydrants Required: Fire hydrants connected to sufficient water supply for fire-fighting purposes shall be provided in new real estate subdivisions, on new streets, in office centers, shopping centers, educational institutions, apartment complexes and similar occupancies at the direction of the Fire Marshal, who shall consult with an approved rating bureau and the Township Engineer before directing such installations.

F-510.2 Specification: The following specifications shall apply to all fire hydrants installed or replaced after the effective date of this ordinance, which are on public water systems. The following specifications shall also apply to private fire hydrants which are on private property but are served by a public water system.

F-510.2.1: All fire hydrants shall adhere to specifications shown on document known as "Hydrant Hose Connection Standard, dated July 23, 1975, Drawing No. S-5, Construction Standards, Upper Dublin Township" on file with the Fire Marshal in the Township Building, and as revised from time to time by the Fire Marshal.

F-510.2.2: Fire Department Siamese Connections on all existing buildings or structures shall be provided with three (3) inch National Standard Fire Hose Thread (3-6 N H) female connection on Siamese with caps or plugs and chains.

F-510.2.3: All hose cabinets shall be provided with one and one-half (1 1/2) inch male National Standard Fire Hose Thread (1.5 -9N H) and single jacketed rubber lines hose.

F-510.2.4: All private yard hydrants which are on a private water system or are metered from a public water system shall be of the Yard Hydrant Type with two (2) two and one-half (2 1/2) inch gated valves with National Standard two and one-half (2 1/2) inch thread caps. No pumper connection will be permitted. All presently installed private yard hydrants which do not comply with these specifications shall be made to comply with the above type valves.

F-510.3 Conduct Prohibited: It shall be unlawful for any person to draw water from a fire hydrant for any purpose except official use by employees of the Township, other than to extinguish a fire, or to willfully permit water from a fire hydrant to be wasted, or damage or break a fire hydrant, or to hinder or obstruct any fireman or any vehicle of the Fire Department from passing along the streets to or from a fire, or from conducting firefighting operations at a fire.

ARTICLE 28

Add the following subsection to Section F-2800.2:

F-2800.2.1: No permits shall be issued for Bulk Plants in Upper Dublin Township.

ARTICLE 30

Add the following subsection to Section F-3000.1:

F-3000.1.1: Bulk Plants for the storage of Liquefied Petroleum Gases are not permitted in the Township of Upper Dublin.

Add the following subsections to Section F-3004.0:

F-3004.4: Used as fuel for space heaters for drying and winter protection during construction work - Only Interstate Commerce Commissioners shipping cylinders not exceeding one hundred (100) pounds capacity shall be used as containers for liquefied petroleum gas. In addition, the valve on the cylinders shall be protected when in storage or transportation by a protective cap or other device approved by the Fire Marshal in order to give adequate protection against valve damages.

Each cylinder in use shall be adequately supported in an upright position. Where the space heater and cylinder are located on the same floor, not more than one cylinder shall be used for each four hundred (400) square feet of floor space to be heated. For concrete protection only, where cylinders are placed on the floor below where heaters are in use, not more than one (1) heater shall be used for each two hundred (200) square feet of floor space to be heated. Under certain climatic conditions, additional heaters may be used when approved by the Fire Marshal.

Each heater shall have installed thereon a one hundred percent (100%) shut-off safety valve.

Only two (2) braid neoprene hose shall be used for connecting the supply cylinder to the heater. Such hose shall be fitted at each end with threaded hose unions and the hose pressure test of two hundred fifty (250) pounds per square inch. The length of the hose shall not exceed twenty (20) feet and shall be protected from damage.

Heaters shall be placed at least six (6) feet from any cylinders or any combustible materials in any horizontal direction and at least ten (10) feet from any tarpulin cover. They shall not be placed on unprotected wood flooring nor used in any unventilated areas.

No excess storage of liquefied petroleum gas is permitted in the same area where heaters are being used. Excess cylinders shall be stored in a separate storage structure satisfactory to the Fire Marshal. Such structure shall be kept securely locked when not in actual use, and shall be provided with fire extinguishers in accordance with National Fire Protection Association Standard No. 10. All cylinders empty or full shall be treated alike and handled in the same manner.

Signs shall be installed at the storage areas reading "Keep Open Flames and Fires Away," and "No Smoking in This Area," and in other locations as directed by the Fire Marshal.

Oxygen cylinders shall not be stored in the same storage area with liquefied petroleum gas cylinders.

All cylinders shall be stored and used in an upright position.

Not more than three hundred (300) pounds of liquefied petroleum gas shall be connected to one manifold inside a building. If more than one manifold is required they shall be separated by fifty (50) feet.

Suitable means for fire extinguishment shall be provided on each floor where the heaters are used. At least three-fourths (3/4) inch hose with running water to reach all points, or six (6) water pails (protected from freezing) for each five thousand (5,000) square feet, or approved type nonfreezing fire extinguishing equipment, shall be provided.

F-3004.5: Used for temporary space heating in Field Offices, Shanties, Trailers or similar enclosures in connection with construction work, and temporary tents. - Trailers in use shall be adequately supported and braces in an upright position, outside of the structure wherein the liquefied petroleum gas is being used.

Cylinders shall be adequately protected from extreme weather conditions, mechanical injury, or adjacent sources of heat, and also by a permanent protective cap, or other device approved by the Fire Marshal, in order to give adequate protection against valve damage.

Cylinders shall be of a type complying with Interstate Commerce Commission Specification for the storage of liquefied petroleum gases, and of a container capacity not to exceed one hundred (100) pounds.

Only two (2) braid neoprene hose shall be used for connecting the supply cylinder to the heater. Such hose shall be fitted at each end with threaded hose union and the hose with fitting shall withstand a prepressure test of two hundred fifty (250) pounds per square inch. The length of the hose shall not exceed twenty (20) feet and shall be protected from damage.

Low pressure regulators shall be a type approved by the Underwriters' Laboratory of the American Gas Association.

Where field office trailers are constructed with the heating equipment as an integral part including copper tubing, protruding from the trailer with a threaded fitting in accordance with the requirements of Subsection F-2210.10 paragraph 4.

No excess storage of liquefied petroleum gas will be permitted in the same area where heaters are being used. Excess cylinders shall be stored in a separate storage structure satisfactory to the Fire Marshal. Such structure shall be kept securely locked when not in actual use and accordance with National Fire Protection Association Standard No. 10. All cylinders, empty or full, shall be treated alike and handled in same manner.

Signs shall be installed at the storage areas reading "Keep Open Flames and Fires Away," and "No Smoking in This Area," and in other locations as directed by the Fire Marshal.

Oxygen cylinders shall not be stored in the same storage area with liquefied petroleum gas cylinders.

The method of manifolding two (2) cylinders with high pressure copper tubing (short lengths) factory-coupled to the automatic gas regulator is acceptable to the Fire Marshal.

Fire extinguishers shall be installed in accordance with National Fire Protection Association Standard No. 10.

F-3004.6: Used as a Fuel for Heating Tar Kettles - Only Interstate Commerce Commissioners shipping cylinders not exceeding one hundred (100) pounds capacity shall be used as containers for the liquefied petroleum gas.

The connecting of liquefied petroleum gas cylinders to tar kettle units shall be conducted outdoors.

Liquefied petroleum gas cylinders in use shall be adequately supported in an upright position and safeguarded against damage or heat.

No excess cylinders shall be stored on the job site without permission of the Fire Marshal.

Each portable tar kettle unit shall be provided with an extinguisher of the Carbon Dioxide or Dry Chemical type containing at least four (4) pounds of extinguishing agent.

It shall be unlawful for any person to operate, maintain or use a kindled tar kettle:

(a) In any building or on roofs of any structure unless the roof is of noncombustible construction;

(b) Within fifteen (15) feet of a fire hydrant;

(c) On or within two (2) feet of the surface of any asphalt pavement except for the purpose of repairing, removing or constructing the same; and

(d) Without a pressure regulator and excess flow check valve approved by the Underwriters' Laboratories, and also provided with a shut-off valve at the cylinder.

APPENDIX A AMENDMENTS, REFERENCED STANDARDS shall be amended to read as follows:

NFiPA National Fire Protection Association

Batterymarch Park
Quincy, MA 02269
Tel - 517-328-9290

Change the date of the Standard to the following:

	Standard reference number
	10-84
	12-85
	16-80
	58-86
	72B-86
delete	86A-77
add	86-85 Standard for ovens and furnaces
delete	653-71
add	120-84 Standard for coal preparation plants
	654-82 Standard for the Prevention of Fire and Dust Explosions in the Chemical, Dye, Pharmaceutical, and Plastics Industries

The entire 16 volumes of the National Fire Codes 1986 which includes 101-85 Life Safety Code, Published by NFiPA, shall also be used as Referenced Standards. Fire Protection Handbook Fifteenth Edition, Published by NFiPA shall also be used as a Reference Standard.

Sec. 1.05 Modifications

The Fire Marshal shall have power to modify any of the provisions of the Fire Prevention Code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out strict letter of the Code, provided that the Fire Marshal use the Referenced Standards listed in APPENDIX "A" as amended under Sec. 1.04 Amendments, provided that the spirit of the Code shall be observed, public safety secured, and substantial justice done. The

particulars of such modification when granted or allowed and the decision of the Fire Marshal thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

Sec. 1.06 Appeals

Whenever the Fire Marshal shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Marshal to the Commissioners of Upper Dublin Township within thirty (30) days from the date of the decision.

Sec. 1.07 New Materials, Processes or Occupancies Which May Require Permits

The Fire Board shall act as a committee to determine and recommend to the Board of Commissioners, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in said Code. The Fire Marshal shall post such list in a conspicuous place in the Township Building, and distribute copies thereof to interested persons.

Sec. 1.08 Penalties

(a) Any persons who shall violate any of the provisions of the Code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Fire Board or by a court of competent jurisdiction, within the time fixed herein, shall suffer for each and every such violation and noncompliance, be guilty of a summary offense, punishable by a fine of not more than Three Hundred Dollars (\$300.00), or in default of payment thereof, by imprisonment for not more than five (5) days. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

(b) Violation for parking within "No Parking" area shall be punishable by paying the "Official Notice" Upper Dublin Police Department Ticket within 72 hours. If this ticket is not paid, the violation shall be punishable under the Pennsylvania State Motor Vehicle Code, Section 3353 - Section A-3-ii.

ENACTED and ORDAINED this 10th day of May, 1987.

UPPER DUBLIN TOWNSHIP
BOARD OF COMMISSIONERS

Attest: Gregory N. Klemick
Secretary

By: Robert J. [Signature]
President

ORDINANCE NO. 733

AN ORDINANCE AMENDING THE UPPER DUBLIN TOWNSHIP CODE, TITLE 5,
HEALTH AND SANITATION, CHAPTER 1, PROVIDING FOR THE ADOPTION OF
THE BOCA NATIONAL EXISTING STRUCTURES CODE, 1987,
SECOND EDITION, WITH AMENDMENTS THERETO.

The Commissioners of Upper Dublin Township do hereby ENACT AND ORDAIN as follows:

SECTION 1: That Title 5, Chapter 1, shall be deleted in its entirety to provide for the adoption of the BOCA National Existing Structures Code, 1987, Second Edition, and shall now read as follows:

Sec. 1.01 Adoption of BOCA National Existing Structures Code, 1987, Second Edition

There is hereby adopted by the Township of Upper Dublin for the purpose of establishing minimum standards for basic equipment and facilities for light, ventilation, space heating and sanitation; for safety from fire; for space, use and location; and for safe and sanitary maintenance; for cooking equipment in all dwellings and multi-family dwellings now in existence, certain documents marked and designated as the BOCA National Existing Structures Code, 1987, Second Edition, as published by the Building Officials and Code Administration International, Inc., and the whole thereof, which codes not less than three (3) copies have been and now are filed in the Administrative Offices of the Township of Upper Dublin and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the Township of Upper Dublin.

Sec. 1.02 Definitions

(a) Wherever the word "Municipality" is used in the BOCA National Existing Structures Code, it shall be held to mean the Township of Upper Dublin.

(b) Wherever the words "Code Official" are used in the BOCA National Existing Structures Code, they shall be held to mean the Building Inspector of Upper Dublin.

(c) Wherever the words "Enforcement Authority" are used in the BOCA National Existing Structures Code, they shall be held to mean Building Inspector or his assistants.

Sec. 1.03 Compliance with Other Standards

All matters within the intent of this Code not covered by this Code shall comply with nationally recognized good practice standards such as the Housing Hygiene Standards for Pennsylvania, and compliance with such standards, shall be considered prima facie evidence of compliance with the requirements of its code unless otherwise specifically stated herein.

Sec. 1.04 Permit Required

No person shall lease or rent any dwelling, dwelling unit or rooming unit, motel unit or hotel unit, in Upper Dublin Township without first making application to and obtaining from the Board of Commissioners a permit (Housing License) to rent or lease such dwelling unit or rooming unit.

This Housing License shall be issued after an inspection by the Township and meets the Standards of the BOCA Basic Property Maintenance Code/1981 and any other Standards of the Township that would apply.

Starting in 1982, the Housing License will be for a two (2) year period and the Township will inspect all the rental units on the south side of Susquehanna Avenue, and all the rental units on the north side of Susquehanna Avenue will be inspected in 1983. This will mean the Township will only inspect one-half (1/2) of the Township every year.

Exceptions: The large rental units over ten (10) units will file an application for a permit every two (2) years, but the Township will make their inspections of all empty units every month. The owners of the large rental units shall notify the Building Inspector by letter of the vacant units so that they can be inspected before re-renting. Motels and hotels will be inspected on the regular inspections and the units will be spot checked.

Sec. 1.05 Permit Application

Such application shall set forth the name of the applicant together with the address of the dwelling, the dwelling unit (or units) or the rooming unit (or units) which are or will be offered for rent, and such other information as may be required by the Board of Commissioners; such application to constitute an agreement between the applicant and the Board of Commissioners for the faithful compliance by the applicant and all agents, servants, employees or representatives of the applicant with all ordinances of Upper Dublin Township and all rules and regulations of the Board of Commissioners now in effect or hereafter adopted relating to the basic equipment, physical condition, maintenance and occupancy of dwellings and dwelling units, motel and hotel units.

Sec. 1.06 Fees

(a) A permit fee shall be paid by the applicant at or before the issuance of the permit in accordance with the permit fee schedule adopted in Title 2, Chapter 1, FEES, RATES AND PERMITS.

(b) Owner or Agent. A license will not be issued or renewed for any person who does not either reside or have an office in this Township unless he shall designate in writing an agent in this Township for the receipt of any notice of a violation or violations of the provisions of this Code.

Sec. 1.07 Adoption of Rules and Regulations

The Board of Commissioners is authorized to make and adopt such procedural rules it may deem necessary for the proper enforcement of this ordinance provided that such procedural rules and regulations shall have the same force and effect as the

provisions of this ordinance and the penalty for violation thereof shall be the same as the penalty for violation of the provisions of this ordinance.

Sec. 1.08 Abatement of Violations

If a violation has not been corrected with the time designated for such compliance and the Board of Commissioners finds that the continuation of such violation constitutes a public nuisance or hazard, it may order the correction of such violation, using Township funds or Township personnel to accomplish such corrections, and may charge the cost thereof to the violator. It may collect such cost by lien and/or otherwise as may be authorized by the laws of this State.

Sec. 1.09 Penalty

Any person who violates any provision of this Code, or any provision of any rule or regulation adopted by the Board of Commissioners pursuant to authority granted by this Code, or fails to correct in a reasonable time the defects for which the dwelling or dwellings have been cited, shall upon conviction before a District Judge of competent jurisdiction, pay a penalty of not less than Twenty Five Dollars (\$25.00) or more than Thirty Dollars (\$30.00) and in default of payment of such fine be imprisoned for not less than one (1) day or more than thirty (30) days; and each day's failure to comply with any such provision shall constitute a separate violation. All prosecutions for violations of this ordinance shall be by summary proceedings brought in the name and for the use of the Township of Upper Dublin before the District Justice of the Township. All fines and penalties shall be paid to the Treasurer of the Township of Upper Dublin to apply to general funds.

ENACTED AND ORDAINED this 12th day of May, 1987

UPPER DUBLIN TOWNSHIP
BOARD OF COMMISSIONERS

Attest: Gregory N. Klemick
Secretary

By: Patricia J. Goll
President

H

ORDINANCE NO. 734

AN ORDINANCE PROVIDING FOR THE DESIGN, LAYING OUT, CONSTRUCTION AND INSTALLATION OF SANITARY WASTEWATER SEWER FACILITIES AND THE CONDEMNATION OF RIGHTS OF WAY AND PERMANENT AND TEMPORARY EASEMENTS ACROSS PRIVATE PROPERTY IN HUTCHINS DRIVE, EXTENDING FROM BUTLER PIKE TO THE CUL DE SAC EAST, AND CERTAIN PROPERTIES DESIGNATED ON THE DESIGN PLANS, AND PROVIDING FOR THE PAYMENT OF COSTS OF CONSTRUCTION AND INSTALLATION BY THE BENEFIT METHOD FOR THE SANITARY SEWER FACILITIES AND THE PAYMENT OF AMOUNTS ASSESSED IN INSTALLMENTS AND THE COLLECTION THEREOF, THE LIENING OF PROPERTY SUBJECT TO ASSESSMENT, AND AUTHORIZING OTHER NECESSARY ACTION.

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

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

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

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

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

SECTION 1. SANITARY WASTEWATER SEWER FACILITIES

a. A system of sanitary wastewater sewer facilities shall be constructed and installed in Hutchins Drive, extending from Butler Pike to the cul de sac east, and certain properties designated on the design plans, in Upper Dublin Township, Montgomery County, Pennsylvania, in accordance with plans to be prepared by an engineering firm to be retained for such purpose by the Board of Commissioners, and shall be interconnected to the existing sanitary wastewater sewer system in place in the Township.

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

SECTION 2. ASSESSMENT OF COSTS.

a. The costs of construction and installation of the sewer system, aforesaid, shall be assessed as provided by law upon the several properties benefited, improved and accommodated by the said sewer system to the extent of the benefit conferred upon such properties. The officers of the Township are authorized and directed to execute and file a petition to the Court of Common Pleas of Montgomery County, Pennsylvania for the appointment of viewers to assess benefits, as provided by law.

b. Upon completion of the said project and determination of all costs in connection therewith, the Engineer shall deliver the same in writing to the Township Engineer.

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

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

SECTION 3. INSTALLMENT PAYMENT PRIVILEGES

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

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

b. Pay the first installment due on the assessment, together with a one time charge of Seventy Five (\$75.00) Dollars additional for preparation and costs of filing of lien documents and satisfaction costs, concurrently with the delivery of the notice of election to pay in installments aforesaid; and

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

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

ENACTED AND ORDAINED this 9th day of June, 1987.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

By: *Pat J. Bell*
President

Attest: *Gregory N. Klemick*
Secretary

ORDINANCE No. 735

AN ORDINANCE TO AMEND THE UPPER DUBLIN TOWNSHIP CODE, TITLE 3, CHAPTER 3, AND TITLE 9, ARTICLE 6, SECTION 6.03, TO INCORPORATE STEEP SLOPE REGULATIONS.

The Commissioners of Upper Dublin Township do ENACT AND ORDAIN as follows:

Section 1: Title 3, Building and Construction, Chapter 3, Grading, Excavation and Fill, Section 1.15, General Requirements, shall be amended by the addition of a new subparagraph (d), as follows:

"(d) In all zoning districts, for those portions of sites having slopes greater than ten percent (10%), based upon contour lines measured at vertical intervals of two (2) feet, the following standards shall apply for all proposed uses:

- (1) Ten percent to fifteen percent (10% - 15%): No more than forty percent (40%) of the total area of such portions shall be regraded and/or stripped of vegetation.
- (2) Fifteen percent to twenty-five percent (15% - 25%): No more than thirty percent (30%) of the total area of such portions shall be regraded and/or stripped of vegetation.
- (3) Twenty-five percent (25%) or more: No more than fifteen percent (15%) of the total area of such portions shall be regraded and/or stripped of vegetation."

Section 2: Title 9, Land Development and Subdivision, Article 6, Plan Submission Requirements and Processing Procedures, Section 6.03, Preliminary Plan Requirements, 4, 1, shall be amended by the addition of a new subparagraph (f), as follows:

"(f) the average slopes of all lots which contain any slope of ten percent (10%) or greater."

ENACTED AND ORDAINED this 11th day of August, A.D. 1987.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

By Patrol J. Zell
President

Attest Gregory M. Klemick
Secretary

ORDINANCE NO. 736AN ORDINANCE TO AMEND THE UPPER DUBLIN TOWNSHIP CODE,
TITLE 10, ZONING, ARTICLE 4, GENERAL ZONING REGULATIONS
BY ADDING A NEW SECTION 4.17, STEEP SLOPE REGULATIONS.

The Commissioners of Upper Dublin Township do ENACT AND ORDAIN as follows:

SECTION 1: That Title 10, Article 4, shall be amended by the addition of a new Section 4.17, Steep Slope Regulations, as follows:

A. Legislative Intent.

In the interest of the public health, safety and welfare, the provisions of this Section are intended:

1. To minimize runoff and soil erosion which is caused by inappropriate development of steep slope land areas.
2. To protect the Township from development of steep slopes of land which may cause a subsequent expenditure for public works and disaster relief which affects the economic well-being of the Township and its residents.
3. To protect residents from property damage and personal injury due to runoff and erosion and landslides attributable to nearby development on steeply sloping land.
4. To relate the intensity of development to the steepness of terrain in order to minimize grading, the removal of vegetation, runoff and erosion and to help ensure the utilization of land in accordance with its natural capabilities to support development.
5. To restrict sedimentation and the alteration of natural drainage patterns which may aggravate flooding both in the immediate area and in downstream areas.

B. Application of Regulations.

The requirements of all zoning districts shall be modified in accordance with the provisions of this Section on all land having a slope of ten (10%) percent or more as delineated on a plan which meets the requirements of a preliminary plan as specified in the Upper Dublin Township Subdivision and Land Development Ordinance.

C. Definitions.

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

AVERAGE SLOPE - The slope of land determined according to the formula:

$$S = \frac{.0023}{A} \times I \times L$$

Where

S is the average slope in percent.

I is the contour interval in feet.

L is the combined length in contour lines in feet.

A is the area in acres of the parcel being considered.

IMPERVIOUS SURFACES - Surfaces that do not absorb rain, all buildings, parking areas, driveways, roads, sidewalks and areas of concrete and nonporous asphalt or other areas as determined by the Township Engineer shall be considered "impervious surfaces".

D. Regulations.

In every zoning district, the following regulations shall apply:

1. Every lot hereafter created by subdivision having an average slope of at least ten (10%) percent, but not more than fifteen (15%) percent, shall have the minimum lot area increased by a factor of one and three-tenths (1.3) and shall not have impervious surfaces exceeding thirty (30%) percent of the lot area as increased.

2. Every lot hereafter created by subdivision having an average slope of at least fifteen (15%) percent, but not more than twenty-five (25%) percent, shall have the minimum lot area increased by a factor of one and five-tenths (1.5) and shall not have impervious surfaces exceeding twenty (20%) percent of the lot area as increased.

3. Every lot hereafter created by subdivision having an average slope of at least twenty-five (25%) percent shall have the minimum lot area increased by a factor of two (2) and shall not have impervious surfaces exceeding ten (10%) percent of the lot area as increased.

4. All freestanding structures, buildings and substantial improvements (with the exception of driveways and utilities when no other location is feasible) are prohibited on slopes of thirty-five (35%) percent or greater and are prohibited on slopes where the soil type is classified as "stony land, steep" by that document entitled "Soil Survey Montgomery County Pennsylvania", prepared by the United States Department of Agriculture, Soil Conservation Service, dated April, 1967, copies of which are on file in the office of the Township Manager, Upper Dublin Township Building, 801 Loch Alsh Avenue, Fort Washington, Pennsylvania.

E. Liability.

Neither the approval of any proposed subdivision by any officer, employee or agency of the Township of Upper Dublin, nor the grant of any subdivision approval by the Board of Commissioners of the Township of Upper Dublin, shall

constitute a representation, guaranty or warranty of any kind by the Township of Upper Dublin or by any of its officers, employees, agencies or members of its agencies of the safety or practicality of the proposed subdivision and use, and such approval or grant of approval shall create no liability on the part of the Township of Upper Dublin or its officers, employees, agencies or members of its agencies.

ENACTED AND ORDAINED this *11th* day of *August*, 1987.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

Gregory N. Klammick
Secretary

By *Patricia Bell*
President

ORDINANCE No. 737

AN ORDINANCE TO AMEND THE UPPER DUBLIN TOWNSHIP CODE, TITLE 7, PUBLIC SAFETY, CHAPTER 9, VEHICLES AND TRAFFIC, TO CONTROL TRAFFIC ON CANDLEBROOK DRIVE.

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

SECTION 1: That Article 2, Traffic Regulations, shall be amended by the addition of the following section:

"Section 2.08 Traffic Control of Candlebrook Drive

(a) It shall be unlawful for the operator of any motor vehicle to enter Candlebrook Drive from Limekiln Pike during the hours of 6:30 a.m. to 9:30 a.m., Monday through Friday.

(b) It shall be unlawful for the operator of any motor vehicle to enter Candlebrook Drive from Susquehanna Road during the hours of 3:30 p.m. to 6:00 p.m., Monday through Friday.

(c) 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 \$50.00.

ENACTED AND ORDAINED this 20th day of October 1987.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

By Barton J. Goll
President

Attest Gregory N. Klemick
Secretary

11/20/87

ORDINANCE NO. 738

AN ORDINANCE TO AMEND THE UPPER DUBLIN TOWNSHIP CODE, TITLE 7,
PUBLIC SAFETY, CHAPTER 9, VEHICLES AND TRAFFIC, ARTICLE 4,
SNOW AND ICE EMERGENCY, TO DESIGNATE SNOW EMERGENCY ROUTES.

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

SECTION 1: Article 4, Snow and Ice Emergency, shall be amended to read as
follows:

Sec. 4.01 Traffic Regulations

(a) Declaration of Legislative Intent.

This Ordinance is enacted to facilitate the movement of traffic and to
combat the hazards of excessive snow and ice on the highways of the Township during an
emergency due to such hazards.

(b) Parking Prohibited.

During the emergency, it shall be unlawful during the period of such
emergency for any person to park any type of a motor vehicle or to allow the same to
remain parked, on any highway or portion thereof named in Section 4.01(d) of this article,
or to operate any type of motor vehicle on any such highway or portion thereof unless
such vehicle shall have adequate equipment such as chains or snow tires to provide
sufficient traction to keep such vehicle in motion so that other traffic on such highways
will not be blocked or seriously impeded.

(c) Official Signs.

In order to assist the operator of such motor vehicles in determining the
highways affected by this article, the police department shall place around the utility
poles on the highways or portions thereof designated in Section 4.01(d) of this article,
signs reading as follows:

Snow Emergency Route

Snow Tires or Chains Required

No Parking During Emergency

Vehicles Towed Away

(d) Highways Affected.

The highways or portions thereof to which the provisions of this section
shall be applicable during all periods of emergency declared as provided in the first

section of this article shall be the following named streets, or portions thereof, when duly posted:

<u>STREET</u>	<u>FROM</u>	<u>TO</u>
Bethlehem Pike	Tennis Avenue	Pennsylvania Avenue
Butler Pike	Bethlehem Pike	Welsh Road
Commerce Drive	Pennsylvania Avenue	New Jersey Drive
Delaware Drive	Commerce Drive	Virginia Drive
Dreshertown Road	Limekiln Pike	Welsh Road
Dreshertown Road	Limekiln Pike	Springfield Township Line
Fitzwatertown Road	Limekiln Pike	North Hills Avenue
Ft. Washington Avenue	Pennsylvania Avenue	Welsh Road
Jenkintown Road	Limekiln Pike	North Hills Avenue
Limekiln Pike	Welsh Road	Summit Avenue
Norristown Road	Tennis Avenue	Welsh Road
Pennsylvania Avenue	Bethlehem Pike	Turnpike Entrance
Pennsylvania Avenue	Springfield Township Line	Chelsea Avenue
Pinetown Road	Susquehanna Road	New Jersey Drive
Susquehanna Road	Tennis Avenue	Clemens Avenue
Twining Road	Welsh Road	Valley Road
Virginia Drive	Limekiln Pike	Delaware Avenue
Welsh Road	Tennis Avenue	Kimball Avenue

(e) Penalty for Violation.

Any person who shall operate any type of a motor vehicle upon any highway or portion thereof listed in Section 4.01(d) of this article, if such vehicle shall become stalled upon any of such streets during a period of emergency declared as provided in the first section of this article, if such stalling shall have been by reason of a failure to have such vehicle equipped with the equipment hereinbefore prescribed, shall be guilty of a violation of this article, and upon conviction thereof, such person shall be sentenced to pay a fine of not less than Twenty Five (\$25.00) Dollars nor more than Three Hundred (\$300.00) Dollars and costs of prosecution, and in default of payment of such fine and costs, to undergo imprisonment for not more than ten (10) days.

Sec. 4.02 Snow Plowing

(a) Declaration of Snow and Ice Emergency.

That upon a continuous fall of snow within the Township, for a period of one (1) hour, or for a depth of three (3) inches, whichever first occurs, all public streets and highways within the Township of Upper Dublin shall be deemed emergency highways for the plowing of the snow and ice accumulated thereon.

(b) Parking Prohibited on Highways During Emergency.

That upon the happening of the conditions specified in Section 4.02(a), above, it shall be unlawful to park, abandon or leave any vehicle upon any Township

street or highway, until the snow fall ceases or until the snow and/or ice is plowed or substantially removed from the Township streets or highways, whichever event is later.

The provisions above, shall not be enforced against any owner, lessee or operator of any vehicle when parked upon a Township street or highway where the abutting properties have no access to off-street parking, provided said vehicle is placed on even-numbered days on the side of the street on which houses have even numbers, and on odd-numbered days on the side of the street abutting odd-numbered houses.

(c) Penalty for Parking.

Any owner, lessee or operator of a vehicle parked, abandoned or left upon any Township street or highway in violation of the provisions of Section 4.02(b), above, shall, upon conviction thereof, be liable to pay a fine of not less than Twenty Five (\$25.00) Dollars nor more than Three Hundred (\$300.00) Dollars; provided, that for a first offense under this ordinance, the Chief of Police shall deliver to such violator a notice of such violation, which notice shall contain instructions that the owner may avoid prosecution by payment of the sum of Ten (\$10.00) Dollars for the first offense within seventy-two (72) hours after receipt of such notice; and further provided that for a second offense such prosecution may be avoided by payment of the sum of Twenty (\$20.00) Dollars within seventy-two (72) hours after receipt of such notice; third and subsequent offenses shall be subject to prosecution in accordance with the terms of this ordinance. A new and separate offense shall be deemed to have been committed for each day that any violation of the provisions of this ordinance shall continue to exist.

ENACTED AND ORDAINED this 24th day of November, 1987.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

Attest: Gregory N. Klamick
Secretary

By: Patricia Ball
President

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TOWNSHIP OF UPPER DUBLIN
Montgomery County, Pennsylvania

ORDINANCE NO. 739

AN ORDINANCE OF THE TOWNSHIP OF UPPER DUBLIN ESTABLISHING A TRANSPORTATION DEVELOPMENT AND BUSINESS IMPROVEMENT DISTRICT IN THE VICINITY OF THE FORT WASHINGTON INDUSTRIAL PARK; APPROVING A PROJECT TO AMELIORATE TRAFFIC CONGESTION IN THE DISTRICT; IMPOSING SPECIAL ASSESSMENTS ON BENEFITTED PROPERTIES LOCATED WITHIN THE DISTRICT TO FINANCE A PORTION OF THE COSTS OF THE PROJECT; AND AUTHORIZING OTHER NECESSARY AND INCIDENTAL ACTION.

WITNESSETH:

WHEREAS, the Township of Upper Dublin, Montgomery County, Pennsylvania (the "Township"), is a first class township organized and existing under the laws of the Commonwealth of Pennsylvania; and

WHEREAS, the Township commissioned the Delaware Valley Regional Planning Commission ("DVRPC") to undertake a comprehensive study (completed in September of 1986) of the traffic congestion surrounding the Fort Washington Industrial Park and to propose potential improvements to the traffic system; and

WHEREAS, the Township has determined to undertake a project consisting of improvements to three intersections and the widening of Dreshertown Road to ameliorate the traffic congestion surrounding the Fort Washington Industrial Park, as further described herein (the Project); and

WHEREAS, the Township held a public hearing on November 23, 1987, after due public notice, and received comments on the Project; and

WHEREAS, the Township will enter into a reimbursement agreement with the Pennsylvania Department of Transportation (the Department) pursuant to which the Township will contribute \$1,400,000 for the construction of the Project, and the Department will contribute \$1,000,000 for the construction of the Project and will supervise said construction; and

WHEREAS, the Township has determined to finance its share of the Project by the issuance of its Highway Improvement

Revenue Bonds, Series of 1988, in the approximate aggregate principal amount of \$1,710,000 (the Bonds); and

WHEREAS, the Township is contemplating entering into a guaranty agreement in accordance with the Local Government Unit Debt Act pursuant to which the Township would pledge its full faith, credit and taxing power to secure the payment of debt service on the Bonds; and

WHEREAS, the Township is authorized to designate a Transportation Development and Business Improvement District pursuant to the Business Improvement District Act of 1967, approved November 30, 1967, P.L. 658, as amended (the Business Improvement Act) and the Transportation Partnership Act, approved July 9, 1985, P.L. 187, No. 47, as amended (the Partnership Act); and

WHEREAS, the Township desires to impose special assessments pursuant to the Business Improvement Act and the Partnership Act on property especially benefited by the Project and apply any funds so generated to the payment of debt service on the Bonds.

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

1) The Township hereby establishes and designates the "Fort Washington Transportation Development and Business Improvement District" within the boundaries of the Township of Upper Dublin, Montgomery County, Pennsylvania pursuant to the Business Improvement Act and the Partnership Act (the District). The boundaries of the District shall be as shown on the map labeled "Fort Washington Transportation and Business Improvement District" prepared by the Delaware Valley Regional Planning Commission, a copy of which is attached hereto as Exhibit A and incorporated herein by reference.

2) The Township hereby approves and determines to undertake the Project consisting of the improvements to three separate intersections and the widening of Dreshertown Road enumerated in this section. No portion of the Project constitutes the maintenance or repair of an existing transportation facility but rather constitute new or improved transportation facilities, within the meaning of the Partnership Act.

(a) At the intersection of Pennsylvania Avenue and Commerce Drive, the Township will construct a dual left/right turn lane on Commerce Drive, a right turn lane on westbound Pennsylvania Avenue, a left turn lane on eastbound Pennsylvania Avenue, a larger turn radius for trucks, and will activate the traffic signal. The resulting intersection configuration will have

three lanes on the southbound approach (left turn only, dual left/right turn, right turn only), four lanes on the westbound approach (left turn only, through only, dual through/right, and right turn only), and three lanes on the eastbound approach (two through lanes and a left turn only). The estimated construction cost for this portion of the Project is \$320,000.

(b) On Twining Road at the intersection of Susquehanna Road, a westbound right turn lane and a southbound left turn lane will be constructed. The turn radius at the northeast corner will be improved and the signal timing will be adjusted with a two-dial controller. The estimated construction cost for this portion of the Project is \$35,000.

(c) At the intersection of Pinetown Road and Delaware Avenue turns from both roads will be channelized to enhance the free flow of traffic. The estimated construction cost for this portion of the Project is \$45,000.

(d) Dreshertown Road will be widened from two to four lanes between the Limekiln Pike and the proposed realignment with Dresher Road in Horsham Township, a distance of 6,100 feet. The estimated construction cost for this portion of the Project is \$2,000,000.

3) The Township hereby authorizes the imposition of a special assessment on property within the District that is determined to be benefited by the Project pursuant to Section 4 of this Ordinance and the Business Improvement Act and the Partnership Act (the Assessments). The Township Board of Commissioners hereby finds and determines that each Assessment imposed by this Ordinance is fair and reasonable to the benefitted property and does not exceed the benefit from the Project accruing to that property.

4) The Township hereby determines that property meeting the following criteria have a substantial relationship with the Project, are specially benefited thereby and are legally assessable by the Township:

(a) The parcel is within the District as designated by the Township pursuant to section (1) herein;

(b) The parcel is zoned commercial, limited industrial, shopping center or office center pursuant to the relevant zoning ordinance of the Township and not used for nonconforming residential purposes; and

(c) The parcel is not owned by the United States, the Commonwealth of Pennsylvania, any county, city or other municipality or municipal division, or by institutions of purely public charity, nor is it an actual place of religious worship, place of

burial not held or used for private or corporate profit or otherwise legally exempt from municipal claims generally.

A list of those parcels of land (identified by parcel number) which are within the District and which are assessable as of the date hereof is attached hereto as Exhibit B and incorporated herein by reference. Included in the list is the estimated initial annual installment of the Assessment to be paid with respect to each benefitted property.

5) The Annual Costs of the Project shall mean the administrative expenses of the Township with respect to the Project, the Debt Service Requirements for the Bonds, and any additional amount necessary to comply with the rate covenant of the Township. For the purposes of this Section Debt Service Requirements shall mean the amounts required in that year to pay, or to be set aside for the payment of, (i) the principal of or interest on the Bonds, (ii) sinking fund deposits on the Bonds and (iii) any deposits required to be made to restore any debt service reserve fund; provided however that it shall not include capitalized interest set aside out of proceeds of the Bonds. The estimated average Annual Cost of the Project is approximately \$225,600.

6) The annual installment of the Assessment on each benefitted property shall be determined by multiplying the total Annual Costs of the Project by the ratio of the assessed value of the benefitted property to the total assessed valuation of all benefitted properties in the District. The installments of assessments on each benefitted property shall be recalculated each year to take into account changes in the assessed value of benefitted properties and changes in the total assessed valuation of all benefitted properties in the District. There shall not be assessed any charges against benefitted properties an aggregate amount in excess of the estimated Annual Costs of the Project.

7) The Assessments shall be payable in annual installments for the next ten (10) years. In no event however shall the assessments be payable beyond the term of the Bonds. The Assessment installments shall not be equal. The benefitted property owners shall not have the ability to prepay any installment of Assessments.

8) The annual Assessment installments shall be collected on a schedule that corresponds with the collection schedule for real estate taxes imposed by the Township. To the extent possible, the notice of assessments shall be deposited in the U.S. mail no later than March 1 of each year. The annual Assessment installments will be due no later than June 1 of each year. The Township shall not grant a discount to property owners for making an early payment of assessments, unless otherwise required

by law. The Township shall impose interest and a five percent (5%) penalty on the late payment of assessment installments to the full extent authorized by law.

9) The solicitor of the Township, on behalf of the Township, is hereby authorized enter in the Montgomery County Prothonotary's office claims to secure the assessments at the same time and in the form as municipal claims are filed. Notwithstanding the filing of such claims, all assessments which are made payable in installments shall constitute liens and encumbrances upon the respective benefited properties at the beginning of each calendar year (except as provided hereunder) only in an amount equal to the sum of (i) the annual installment becoming payable in such year, with interest and penalties, if any, thereon and (ii) the total of all installments with interest and penalties thereon which became due during prior years and which remain due and unpaid at the beginning of the current year. In the case of default in the payment of any installment for a period of ninety (90) days after the same shall become due, the solicitor may enforce the claim as to the overdue installment (with interest and penalties) provided however that if any installment or portion thereof shall remain due and unpaid for one (1) year after it has become due and payable, then the entire assessment with accrued interest and penalties shall become due and become a lien from the due date of the installment.

10) The appropriate Township officials are hereby authorized and directed to complete the multi-year transportation improvement program and financial plan and otherwise take any and all action necessary or desirable to comply with the provisions of this Ordinance, and to obtain the requisite approvals of the Project from the Upper Dublin Planning Commission, the Montgomery County Planning Commission, the DVRPC and the Department. No assessments shall be collected until said program and all approvals required by the Partnership Act have been completed. The President or Vice-President of the Board of Commissioners is hereby further authorized and directed to negotiate with the Department with respect to the form and substance of the reimbursement agreement, approve the final form and substance thereof, and execute and deliver, in the name of the Township and on its behalf, said reimbursement agreement to the Department. Their approval of the reimbursement agreement shall be conclusively evidenced by the execution thereof.

11) Any and all moneys paid to the Township pursuant to the Assessments shall be segregated and deposited in a fund separate from any other funds or accounts of the Township. No funds obtained pursuant to this Ordinance or the Assessments shall be used for any purpose other than financing the Project.

12) This Ordinance shall take effect forty-five (45) a days after enactment; provided however that if property owners of the District whose property valuation as assessed for taxable purposes shall amount to more than fifty percent (50%) of the total property valuation of the District, shall sign and file, in the office of the prothonotary of the Court of Common Pleas of Montgomery County, a written protest against this Ordinance prior to the expiration of said forty-five (45) days, then this Ordinance shall become null and void.

13) All resolutions and ordinances and parts of resolutions and ordinances heretofore adopted or enacted to the extent the same are inconsistent herewith are hereby repealed.

ENACTED AND ORDAINED this 8th day of December, 1987.

TOWNSHIP OF UPPER DUBLIN

Attest:

Gregory Klemick
Gregory Klemick
Secretary

By:

Patrick J. Zollo
Patrick J. Zollo
President

CERTIFICATE OF TOWNSHIP SECRETARY

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

The foregoing is a true and correct copy of an Ordinance of the Township 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 December 8, 1987; 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>
Patrick J. Zollo		Judy Herold	
Harry E. Lenz		James B. Bockius	
Norton A. Freedman		Richard R. Rulon	
W. Richard Webster			

and that such Ordinance and the votes thereon have been duly recorded in the minutes and the ordinance book of the Township.

I further certify that a brief summary of the Ordinance and a reference to a place within the Township where copies of the proposed Ordinance could be examined was duly advertised on November 25, 1987 in the Ambler Gazette and on November 27, 1987 in the Montgomery County Record, each a newspaper of general circulation in the Township, and that attested copies of the proposed Ordinance were duly supplied to the above-mentioned newspapers and to the county law library.

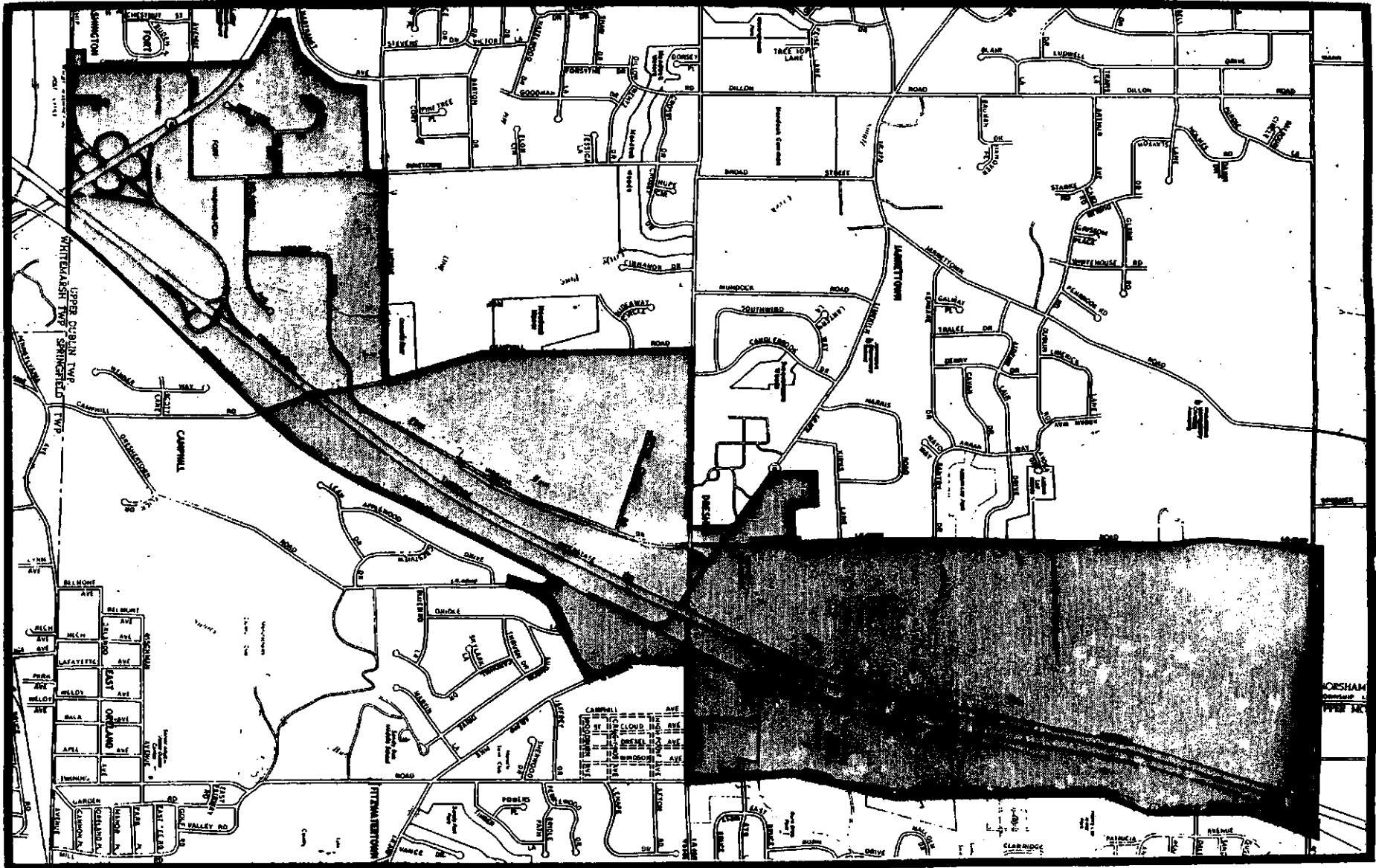
I further certify that such Ordinance has not been altered, amended, modified, suspended or repealed and is still in full force and effect as of the date of the delivery of this Certificate.

WITNESS my hand and seal of the Township this 8th day of December, 1987.

Gregory N. Klemick
Secretary

(SEAL)

FORT WASHINGTON TRANSPORTATION DEVELOPMENT AND BUSINESS IMPROVEMENT DISTRICT



FORT WASHINGTON TRANSPORTATION IMPROVEMENT DISTRICT
ANALYSIS OF ASSESSMENT SCENARIOS

BONDING

BLOCK	PARCEL	UNIT	OWNER	PROPERTY LOCATION	ASSESSMENT	% OF TOTAL	10 YEARS \$225,616 Ex. x%
9	10273005	17	CUMBERLAND FARMS INC	777 DEOHAN ST	22,100	0.100%	243
9	10276002	16	DRESHER PLAZA INC	1799-07 LINCOLN PIKE	25,000	0.122%	275
9	10279008	15	COSTANZO, FRANK B MARY JANE	LINCOLN PIKE	2,100	0.010%	23
9	14045005	14	COSTANZO, FRANK B MARY JANE	1704 SUSQUEHANNA RD	8,300	0.041%	91
9	14040002	22	PHILADELPHIA ELECTRIC COMPANY	SUSQUEHANNA RD	EXEMPT		
9	14051008	13	WELSON, WALTER & ISABELLA	1668 SUSQUEHANNA RD	EXEMPT		
					57,500	0.281%	633
					BLOCK TOTAL		
10	05365000	72	BLUE RIDGE REAL ESTATE CO	DRESHER RD	613,000	2.992%	6,751
10	05362002	73	ATLANTIC REFINING AND MARKETING CORP	DRESHER RD	14,700	0.072%	162
					627,700	3.064%	6,913
					BLOCK TOTAL		
12	05242005	53	PRUDENTIAL INS CO OF AMERICA ATTN CJ COOK VP LAW DEPT	1735 DRESHER RD	10,200	0.050%	112
12	05167008	45	MCIDA & GITLIN	1401 DRESHER RD	100,900	0.493%	1,111
12	05170005	55	NOYCOMERT CIDA & GITLIN	DRESHER RD	10,500	0.051%	116
12			PRUDENTIAL INSURANCE COMPANY OF AMERICA		166,000	0.810%	1,828
12	05239000	1	PRUDENTIAL INSURANCE COMPANY OF AMERICA	DRESHER RD			
12	05245002	52	PRUDENTIAL INSURANCE COMPANY OF AMERICA	DRESHER RD			
12	16675002	39	PRUDENTIAL INSURANCE COMPANY OF AMERICA	2001 WELSH RD			
12	16672005	2	PRUDENTIAL INS CO OF AMERICA	WELSH RD	3,560,900	17.382%	39,216
12	10032003	71	WEDDIS OLD FASHIONED HAMBURGERS & TAX DEPT #350811	1710 LINCOLN PIKE	39,000	0.190%	430
12	10013002	61	DEULSE, ALFRED & M CATHERINE	LINCOLN PIKE	11,900	0.054%	131
12	14036005	54	TELFORD IND DEV AUTH & ALLIED CONCRETE	1749 SUSQUEHANNA RD	20,400	0.102%	229
12	14039002	54	TELFORD IND DEV AUTH & ALLIED CONCRETE	1750 SUSQUEHANNA RD	212,400	1.039%	2,344
12	14031001	23	DRESHERBROOK ASSOCIATES	SUSQUEHANNA RD	11,900	0.054%	131
		58	PENNSYLVANIA TURNPIKE COMMISSION		EXEMPT		
		59	PENNSYLVANIA TURNPIKE COMMISSION		EXEMPT		
12	05176000	46	WIDMAN, ROBERT & LILLIAN	1417 DRESHER RD			
12	05182002	11	JUNOD, EDOUARD P	1431 DRESHER RD			
12	05185000	40	BOUNDS, OHAR P JR & JEAN E	1435 DRESHER RD			
12			GWYREDD CHASE INC				
12	05191002	9	GWYREDD CHASE INC	1555 DRESHER RD			
12	05179005	47	GWYREDD CHASE INC	DRESHER RD			
12	05206005	30	GWYREDD CHASE INC				
12	05206005	26	GWYREDD CHASE INC				
12	05212000	36	GWYREDD CHASE INC				
12	05215005	29	GWYREDD CHASE INC				
12	05218002	28	GWYREDD CHASE INC				
12	05221000	31	GWYREDD CHASE INC				
12	05224005	5	GWYREDD CHASE INC				
12	05227002	34	GWYREDD CHASE INC				
12	05230000	32	GWYREDD CHASE INC				

12	05210000	32	GYNEDO CHASE INC						EXEMPT
12	05197005	7	BLAIR, HERNAN & ANNA	1601 DRESHER RD					EXEMPT
12	05200002	6	GIULIANI, ALFRED	1605 DRESHER RD					EXEMPT
12	05203000	56	GIULIANI, ALFRED & ANGELA M	1609 DRESHER RD					EXEMPT
12	05236002	27	DELTZEN, LOUISE V D	1633 DRESHER RD					EXEMPT
12	05173002	49	WITHSOSKY, ROBERT & NORMA	DRESHER RD					EXEMPT
12	05188005	10	DRESHER CEMETERY	DRESHER RD					EXEMPT
12	05168007	12	HORNER, CHARLES R JR & HARRIET	DRESHER RD REAR					EXEMPT
12	18038005	13	TORI ELYSSE DEV CORP	1716 LINCOLN PIKE					EXEMPT
12	14838002	15	DRESHERBROOK ASSOCIATES	3365 SUSQUEHANNA RD	10,700	0.052%	118		
12	14833008	17	PENNA RR CO	SUSQUEHANNA RD					EXEMPT
12	16238007	63	RECICHO, LOUIS J & KATHLEEN A	1508 TWINING RD					EXEMPT
12	16240005	8	KINGS, MARGARET E	1512 TWINING RD					EXEMPT
12	16243002	62	KINGS, DAVID & MARGARET	1514 TWINING RD					EXEMPT
12	16246008	50	WALTON, JOS R & JOAN M	1518 TWINING RD					EXEMPT
12	16249005	48	WHITMAN, CURTIS J & RUTH E	1522 TWINING RD					EXEMPT
12	16252002	38	LUCAS, ELAINE M	1526 TWINING RD					EXEMPT
12	16255008	37	YODER, MAX R & BETTY B	1606 TWINING RD					EXEMPT
12	16258005	23	SCHMIDT, FREDERICK J JR & NANCY J	1628 TWINING RD					EXEMPT
12	16261002	24	LINDNER, ALBERT F & DOLORES Q	1636 TWINING RD					EXEMPT
12	16264008	44	KNAUER, DELMAR J & KATHLEEN J	1650 TWINING RD					EXEMPT
12	16267005	42	GOLDBERG, MARVIN & SHIRLEY	1658 TWINING RD					EXEMPT
12	16270002	43	ELLERT, THOMAS K & BETH E	1666 TWINING RD					EXEMPT
12	16273008	18	STREPPER, FRANKLIN B III & LAURA	1674 TWINING RD					EXEMPT
12	16276005	51	DINNICK, EDMUND Y & MARY M	1702 TWINING RD					EXEMPT
12	16277004	65	DIPALCO, PETER JR	1704 TWINING RD					EXEMPT
12	16278003	66	DEBLCOURT, HANS & K PAMELA	1706 TWINING RD					EXEMPT
12	16282008	28	MONAGHAN, FRANK X JR & MARY C	1720 TWINING RD					EXEMPT
12	16279002	19	GORTNER, RAPHAEL A & CATHLEEN V	1784 TWINING RD					EXEMPT
12	16286004	67	BALEER, MICHAEL S & DONNA L	1800 TWINING RD					EXEMPT
12	16287003	68	COSTANTO, SAVERIO & SUZANN	1804 TWINING RD					EXEMPT
12	16288002	69	CUNNACIA, EDWARD JR	1808 TWINING RD					EXEMPT
12	14827005	16	TOWNSHIP OF UPPER DUBLIN	SUSQUEHANNA RD					EXEMPT
12	16229007	41	UPPER DUBLIN TWP	1504 TWINING RD					EXEMPT
12	16225002	14	UPPER DUBLIN TWP	TWINING RD					EXEMPT
12	16228008	57	UPPER DUBLIN TWP	TWINING RD					EXEMPT
12	16245005	21	GUGIEMELLI, RICHARD & KATHLEEN A	TWINING RD					EXEMPT
					4,155,600	20.205%	45,766		
					BLOCK TOTAL				

43	13387005	21	EXION CORP	PENNSYLVANIA AVE	20,400	0.100%	225
					20,400	0.100%	225
				BLOCK TOTAL			
49			MONTGOMERY CIDA & HANSEN PROPERTIES	220 COMMERCE DR	228,300	1.114%	2,514
49	04396005	93	MONTGOMERY CIDA & HANSEN PROPERTIES				
49	04396104	119	MONTGOMERY CIDA & HANSEN PROPERTIES				
49	04402000	92	ZIMMER, EDWARD H JR TRUS & MARCO AVIONICS INC	270 COMMERCE DR	259,900	1.269%	2,862
49	04405005	95	MONTGOMERY PUBLISHING CO	290 COMMERCE DR	52,000	0.254%	571
49	04400002	100	UNION ELECTRIC CONTRACTING CO	350 COMMERCE DR	21,900	0.107%	241
49	04411004	94	DELROB CORPORATION	370 COMMERCE DR	34,300	0.167%	378
49	04414005	30	LAMIERI, JOSEPH & LENA	390 COMMERCE DR	6,500	0.032%	72
49	04417002	31	DIVERSIFIED OFFICE PROP & DELAWARE VLY IND PROP	410 COMMERCE DR	51,800	0.253%	570
49	04420000	32	UPPER HANOVER TWP IND DEV AUTH & AYDIN CORP	414 COMMERCE DR	141,400	0.690%	1,557
49	11734034	30	UPPER HANOVER TWP IND DEV AUTH & STEVEN A ROSEN-DIRECTOR	400 MARYLAND DR	136,000	0.664%	1,498
49	11731005	106	SK B LTD C/O PARKVIEW ASSOC	425 MARYLAND DR	59,600	0.291%	656
49	11734002	108	525 REALITY HOLDING INC	455 MARYLAND DR	212,200	1.036%	2,337
49	11737000	109	KORNIG, JOHN & HELEN	465 MARYLAND DR	50,100	0.245%	552
49	11729007	112	MONTGOMERY CIDA SAFEGUARD BUS-B HERZOG	470 MARYLAND DR	120,800	0.629%	1,418
49	11734029	37	SAFEGUARD BUSINESS SYSTEMS INC & BOB HERZOG	470 MARYLAND DR	17,500	0.085%	193
49	11720000	103	MONYC CO IND DEV AUTH	500 MARYLAND DR	299,200	1.460%	3,295
49	11734011	117	NORTH WALES WATER AUTHORITY	MARYLAND DR	EXEMPT		
49	12170000	107	MARLE CREATIONS INC	270 NEW JERSEY DR	50,600	0.286%	645
49	12175002	29	LAMERO ENG CORP H J DR	275 NEW JERSEY DR	120,500	0.588%	1,327
49	12190005	102	DIBSINGER INDUSTRIES ASSOCIATES	230 NEW YORK DR	40,200	0.196%	443
49	12187000	99	CARPENTER STEEL CO	235 NEW YORK DR	52,100	0.254%	574
49	12181005	98	MONTGOMERY CIDA & WJW ASSOCIATES	240 NEW YORK DR	132,200	0.645%	1,456
49	12184002	105	BIRNBAK, J ROBERT & MARILYN J	245 NEW YORK DR	56,500	0.276%	622
49			MCIDA & PARKER-BLUESTEIN ET AL		115,000	0.561%	1,266
49	12193002	110	MCIDA & PARKER-BLUESTEIN ET AL	260 NEW YORK DR			
49	12193101	114	MCIDA & PARKER-BLUESTEIN ET AL				
49	13504005	34	HOWLEY, MICHAEL J & DEBORAH	500 PINE TOWN RD	EXEMPT		
49	13501000	35	KELLY, DOROTHY A	510 PINE TOWN RD	EXEMPT		
49	13490002	36	WELLS, MARIO	520 PINE TOWN RD	EXEMPT		
49	13495005	40	MONTGOMERY CIDA & HIGHLAND OFF CTR ASSOC	550 PINE TOWN RD	374,000	1.826%	4,119
49	11416005	20	DRETSCHNEIDER, GORDON H B & MARY E	MADISON AVE REAR	800	0.004%	9
					2,649,400	12.933%	29,178
				BLOCK TOTAL			

50	03601000	29	SOUTH BRUNSWICK IND PROP INC & TWENTIETH SHELCO CORP	CAMP HILL RD	18,500	0.090%	204
50	04624002	11	SOUTH BRUNSWICK IND PROP INC & TWENTIETH SHELCO CORP	425 DELAWARE DR	2,500	0.012%	28
50	04369005	43	SOUTH BRUNSWICK IND PROP INC & TWENTIETH SHELCO CORP	COMMERCE DR	600	0.003%	7
50	04366008	30	PENNA REAL ESTATE INVESTMENT TRUST	135 COMMERCE DR	224,700	1.097%	2,475
50	04367007	58	ELCO CORP & WICKES MANUFACTURING CO	155 COMMERCE DR	67,400	0.329%	742
50	04372002	35	KORTG CO IND DEV AUTH	175 COMMERCE DR	86,800	0.424%	956
50	04375008	34	WEINBERG, WILLIAM	185 COMMERCE DR	89,000	0.434%	980
50	04381002	26	BNAKTA, BHARAT D & RAVI & ARVIND	285 COMMERCE DR	289,000	1.411%	3,183
50	04383009	55	ANTRAK	335 COMMERCE DR	EXEMPT		
50	04384008	25	WEINBERG, WILLIAM	375 COMMERCE DR	353,400	1.725%	3,892
50	04387005	31	UPPER HANOVER TWP IND DEV AUTH & AYDIN CORP	401 COMMERCE DR	156,400	0.763%	1,722
50	04378005	50	FORT WASHINGTON REALTY	COMMERCE DR	261,800	1.278%	2,883
50	04390002	39	PRINGLE ELECTRICAL MFG CO	COMMERCE DR	79,000	0.386%	870
50	04393001	40	UPPER DUBLIN TOWNSHIP AUTHORITY	COMMERCE DR	EXEMPT		
50	04621005	41	GEORGE P PILLING & SON CO	420 DELAWARE DR	160,100	0.781%	1,763
50	04627008	42	MONTGOMERY CIDA & DAIRY CENTER INC	465 DELAWARE DR	284,000	0.996%	2,247
50	04624209	59	NORTH WALES WATER AUTHORITY	DELAWARE DR	EXEMPT		
50	04625001	68	DELAWARE VLY IND SEWAGE INC	DELAWARE DR	27,300	0.133%	301
50	08395002	4	RORER, WILLIAM H INC	1429 HIGHLAND AVE	6,500	0.032%	72
50	08392005	5	RORER, WILLIAM H INC	1433 HIGHLAND AVE	9,500	0.046%	105
50	08389008	16	RORER, WILLIAM H INC	1435 HIGHLAND AVE	5,100	0.025%	56
50	08386002	15	RORER, WILLIAM H INC	1437 HIGHLAND AVE	800	0.004%	9
50	08383005	14	RORER, WILLIAM H INC	1439 HIGHLAND AVE	6,900	0.034%	76
50	08380004	7	RORER, WILLIAM H INC	1441 HIGHLAND AVE	7,000	0.034%	77
50	04618008	48	RORER, WILLIAM H INC	425 DELAWARE AVE	80,500	0.393%	887
50	16374006	3	RORER, WILLIAM H INC	VIRGINIA DR	8,000	0.039%	88
50	16375014	53	RORER, WILLIAM H INC	VIRGINIA DR	6,000	0.029%	66
50	16375023	24	RORER, WILLIAM H INC	VIRGINIA DR	44,900	0.219%	494
50	16375005	34	RORER, WILLIAM H	500 VIRGINIA DR	1,599,100	7.486%	17,611
50	08780005	33	CONTINENTAL BANK	165 INDIANA AVE	35,700	0.174%	393
50	08791002	36	CONTINENTAL BANK	INDIANA AVE	99,200	0.484%	1,092
50	04363002	37	CONTINENTAL BANK	515 PENNA AVE	384,200	1.875%	4,231
50	05194008	61	PENNA TURNPIKE COMMISSION LOAN N T REAL ESTATE HRSBG	PENNA AVE	EXEMPT		
50	13381002	62	STEEN, ANITA & TERRY L	PENNA AVE	400	0.002%	4
50	13384008	23	KENNEDY LEWIS BRNEST GARFIELD & ALFRED	PENNA AVE	180	0.000%	1
50	13447008	18	TRICHMAN, MARK	465 PINETOWN RD	3,700	0.018%	41
50	13444002	27	TRICHMAN, MARK	467 PINETOWN RD	3,600	0.018%	40
50	13441005	17	PILEGGI, NICHOLAS F & EDITH	469 PINETOWN RD	11,500	0.056%	127
50	13423005	1	UPPER HANOVER TP IND DEV AUTH	575 PINETOWN RD	99,500	0.486%	1,096
50	16372053	49	410 VIRGINIA DRIVE CORP	440 VIRGINIA DR	98,000	0.478%	1,079
50	16389009	52	KAI 21N ASSOCIATES	475 VIRGINIA DR	272,800	1.332%	3,004
50	16387002	47	TREHARD ASSOCIATES & GARRETT IND SUPPLY CO	550 VIRGINIA DR	49,100	0.240%	541
50	16393005	45	TELFORD (DA & 555 VIRGINIA DR ASSOC	555 VIRGINIA DR	40,300	0.197%	444
50	16396002	44	WEINBURG, WILLIAM	565 VIRGINIA DR	69,000	0.337%	760
50	16397001	54	575 VIRGINIA DRIVE CORP	575 VIRGINIA DR	87,500	0.427%	964
50	16375032	56	580 VIRGINIA DRIVE REALTY CORP & MCR CORP	580 VIRGINIA DR	204,800	0.996%	2,247
50	16390008	46	JUDA DIENER FOUNDATION	VIRGINIA DR	391,600	1.912%	4,313
					5,645,000	27.555%	62,168
					BLOCK TOTAL		

52		HAYFIELD TIDA & KENNETH F KAHN				
52	03529008	14	HAYFIELD TIDA & KENNETH F KAHN	1035 CAMP HILL RD	45,900	0.224%
52	03532005	13	HAYFIELD TIDA & KENNETH F KAHN	1035 CAMP HILL RD		
52	03538008	12	BK B LTD C/O PARKVIEW ASSOC	1005 CAMP HILL RD	147,200	0.719%
52	03520008	8	SOUTH BRUNSWICK IND PROP INC & TWENTYETH SHELFP CORP	505 OFFICE CENTER DR	27,000	0.132%
52	12710007	33	SOUTH BRUNSWICK IND PROP INC & TWENTYETH SHELFP CORP	503 OFFICE CENTER DR	60,000	0.332%
52	15058008	2	SOUTH BRUNSWICK IND PROP INC & TWENTYETH SHELFP CORP	SUSQUEHANNA RD	5,400	0.026%
52	16381008	23	SOUTH BRUNSWICK IND PROP INC & TWENTYETH SHELFP CORP	1200 VIRGINIA DR	31,700	0.155%
52	16377003	18	SOUTH BRUNSWICK IND PROP INC & TWENTYETH SHELFP CORP	VIRGINIA DR	20,400	0.100%
52	16408102	27	SOUTH BRUNSWICK IND PROP INC & TWENTYETH SHELFP CORP	VIRGINIA DR	24,200	0.118%
52	16404255	6	SOUTH BRUNSWICK IND PROP INC & TWENTYETH SHELFP CORP	VIRGINIA DR	85,000	0.415%
52	03544002	7	SOUTH BRUNSWICK IND PROP INC & TWENTYETH SHELFP CORP	CAMP HILL RD REAR	12,800	0.061%
52	05353002	5	PENNA R R CO	DRESHER RD REAR	EXEMPT	
52	05356008	4	ALLIED CONCRETE & SUPPLY	DRESHER RD REAR	4,900	0.024%
52	12706002	19	CANADA LIFE ASSURANCE CO & AMERICAN CITY NYG CO	500 OFFICE CENTER DR	706,200	3.417%
52	12709008	22	CANADA LIFE ASSURANCE CO & AMERICAN CITY NYG CO	501 OFFICE CENTER DR	764,100	3.730%
52		32	MONYG COUNTY IND DEV AUTHORITY & AYDIN MONITOR SYSTEMS	502 OFFICE CENTER DR	181,900	0.888%
52	16385004	1	PRUDENTIAL INS CO OF AMERICA	401 OFFICE CENTER DR	604,800	3.343%
52	16386003	35	1301 OFFICE CTR LTD PYRSHP & EQUITABLE LIFE ASSURANCE	4030 OFFICE CENTERDR	604,800	3.343%
52	15049008	3	CONSOLIDATED RAIL CORP	SUSQUEHANNA RD	3,100	0.015%
52	15052005	11	REIDEL, PHILIP C & PHYLLIS W	SUSQUEHANNA RD	32,300	0.154%
52	15060006	37	1301 OFFICE CTR LTD PYRSHP & EQUITABLE LIFE ASSURANCE	SUSQUEHANNA RD	3,500	0.017%
52	15065001	34	NORTH WALES WATER AUTHORITY	SUSQUEHANNA RD	EXEMPT	
52	16402005	20	REBSTOCK, HOWARD W &	1015 VIRGINIA DR	62,300	0.304%
52	16375104	25	ONE THOUSAND OFFICE CENTER INC & BEECH NUT NUTRITION	1035 VIRGINIA DR	140,500	0.686%
52	16376004	9	BELL TELEPHONE CO OF PENNA	1050 VIRGINIA DR	469,300	2.291%
52	16399008	10	UPPER HANOVER TWP IND DEV AUTH & KEYSTONE COMPUTER ASSOC	1055 VIRGINIA DR	60,400	0.334%
52	14378002	15	HOWYELL INC	1100 VIRGINIA DR	1,750,000	8.542%
52	16404201	29	AUTOMATIC DATA PROCESSING OF N Y	1125 VIRGINIA DR	36,500	0.178%
52	16404156	20	AUTOMATIC DATA PROCESSING OF PA INC	1155 VIRGINIA DR	337,500	1.647%
52	16384005	17	1260 VIRGINIA DRIVE REALTY CORP	1250 VIRGINIA DR	107,000	0.513%
52	16405002	21	CLAYTON HLDG CO	1375 VIRGINIA DR	206,400	1.390%
52	16404003	26	DIVERSIFIED OFFICE PROP & DELAWARE VLY IND PROP	VIRGINIA DR	113,900	0.556%
					6,904,600	34.094%
					BLOCK TOTAL	
54	10270008	1	SCHNIDT, FREDRICK J JR	LINCOLN PIKE	9,500	0.046%
54	10267002	2	SELAS CORP OF AMERICA	2000 LINCOLN PIKE	336,600	1.643%
					346,100	1.689%
					BLOCK TOTAL	
TOTAL ASSESSMENT					20,406,300	

SUMMARY

YEARLY DISTRICT ASSESSMENT 225,616
MILLS 11.01
TOTAL COST 2,256,160

ANNUAL BUDGET OF THE TOWNSHIP OF UPPER DUBLIN FOR THE YEAR 1988

ORDINANCE NO. 240

AN ORDINANCE OF UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR THE SPECIFIC PURPOSES OF THE MUNICIPAL GOVERNMENT, HEREINAFTER SET FORTH, DURING 1988.

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

SECTION 1: That for the expenses for the fiscal year 1988 the following amounts are hereby appropriated from the revenues available for the current year for the specific purposes set forth below, which amounts are more fully itemized in the Budget Form.

SUMMARY OF ALL ESTIMATED RECEIPTS

Receipts from Current Tax Levy	\$ 3,069,415
Receipts from Taxes of Prior Years	58,000
Other Revenue Receipts	<u>7,722,282</u>
TOTAL ESTIMATED RECEIPTS AND CASH	\$10,849,697

SUMMARY OF ALL APPROPRIATIONS

GENERAL GOVERNMENT	
Administration	\$ 595,867
Treasurer and Tax Collector	11,200
Library	191,411
Municipal Buildings	<u>97,298</u>
TOTAL	\$ 895,776
PROTECTION TO PERSONS AND PROPERTY	
Police	\$ 1,995,114
Fire	<u>259,339</u>
TOTAL	\$ 2,254,453
SEWER OPERATION AND TREATMENT	
Operations	\$ 834,517
Treatment	<u>780,153</u>
TOTAL	\$ 1,614,670
PUBLIC HEALTH AND SANITATION	
Health	\$ 15,976
Sanitation	<u>1,093,087</u>
TOTAL	\$ 1,109,063

HIGHWAY MAINTENANCE	\$ 1,453,602
DEBT SERVICE	\$ 561,924
CAPITAL PROJECTS	
Sewer	\$ 120,000
Road, Storm Sewer, Equipment and Buildings	1,993,426
Parks and Recreation	<u>78,250</u>
TOTAL	\$ 2,191,676
PARKS AND RECREATION	\$ 443,152
REGULATIONS, PLANNING AND ZONING	\$ 193,946
MISCELLANEOUS	<u>\$ 131,435</u>
TOTAL APPROPRIATIONS	\$10,849,697

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

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

ENACTED AND ORDAINED this 15th day of December 1987.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

BY: *Patrick J. Zollo*
Patrick J. Zollo, President

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

AN ORDINANCE OF UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, FIXING THE TAX RATE FOR THE YEAR 1988 FOR GENERAL PURPOSES, THE TAX RATE FOR THE YEAR 1988 FOR DEBT SERVICE, THE TAX RATE FOR THE YEAR 1988 FOR FIRE PROTECTION, THE TAX RATE FOR THE YEAR 1988 FOR PARKS AND RECREATION, THE ASSESSMENT FOR THE YEAR 1988 FOR FIRE HYDRANTS, AND ESTABLISHING DISCOUNTS AND PENALTY THEREFOR.

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

SECTION 1: Tax Rates for General Purposes

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 1988, as follows:

Tax rate for General Purposes, the sum of 18.70 mills on each dollar of assessed valuation, or the sum of 187.0 cents on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

	<u>Mills on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for General Purposes	18.70 mills	187.0 cents

SECTION 2: Tax Rate for Debt Service

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 1988, as follows:

Tax rate for Debt Service, the sum of 6.67 mills on each dollar of assessed valuation, or the sum of 66.7 cents on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

	<u>Mills on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for Debt Service	6.67 mills	66.7 cents

SECTION 3: Tax Rate for Fire Protection

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 1988, as follows:

Tax rate for Fire Protection, the sum of 3.00 mills
on each dollar of assessed valuation, or the sum of 30.0 cents
on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

	<u>Mills on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for Fire Protection	3.00 mills	30.0 cents

SECTION 4: Tax Rate for Parks and Recreation

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 1988, as follows:

Tax rate for Parks and Recreation, the sum of 3.44 mills
on each dollar of assessed valuation, or the sum of 34.4 cents
on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

	<u>Mills on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for Parks and Recreation	3.44 mills	34.4 cents

SECTION 5: Assessment for Fire Hydrants

That the cost and maintenance of fire hydrants for fire protection, with the Fire and Water District of Upper Dublin Township, established by Ordinance No. 543, is hereby distributed by a special tax for the fiscal year 1988, as follows:

Special tax for fire hydrants, the sum of65 mills
on each dollar of assessed valuation, or the sum of 6.5 cents
on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

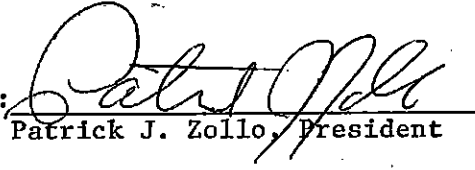
	<u>Mills on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Special Tax for Fire Hydrants	.65 mills	6.5 cents

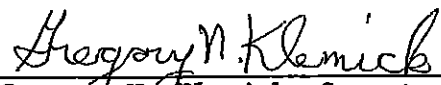
SECTION 6: Discounts and Penalty

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

ENACTED AND ORDAINED THIS 15th day of December, 1987.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

BY: 
Patrick J. Zollo, President

ATTEST: 
Gregory N. Klemick, Secretary

ORDINANCE No. 742

AN ORDINANCE OF THE TOWNSHIP OF UPPER DUBLIN PROVIDING FOR THE LAYING OUT, CONDEMNATION OF RIGHT OF WAY AND CONSTRUCTION OF STORM SEWER FACILITIES FOR LUNG CHOU YANG AND CHAO NUAN YANG IN UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA.

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

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

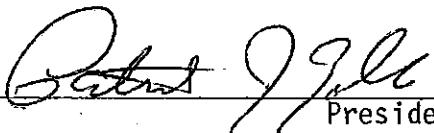
NOW, THEREFORE, the Board of Commissioners of Upper Dublin Township, Montgomery County, Pennsylvania, ENACT AND ORDAIN that:

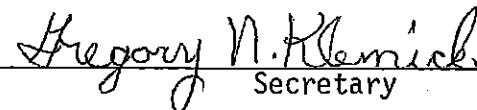
SECTION 1: A portion of a storm sewer line shall be constructed across certain private property as more particularly described on the plan attached hereto and made a part hereof dated August 13, 1987 (the "Plan").

SECTION 2: The condemnation for the purpose of such storm sewer of permanent rights-of-way of twenty (20) feet in width, as shown by the aforesaid Plan, by the filing of a Declaration of Taking, pursuant to the Act of June 22, 1964, P.L. 84, as amended, 26 P.S. Sec. 1-101 et seq., the "Eminent Domain Code," is hereby authorized.

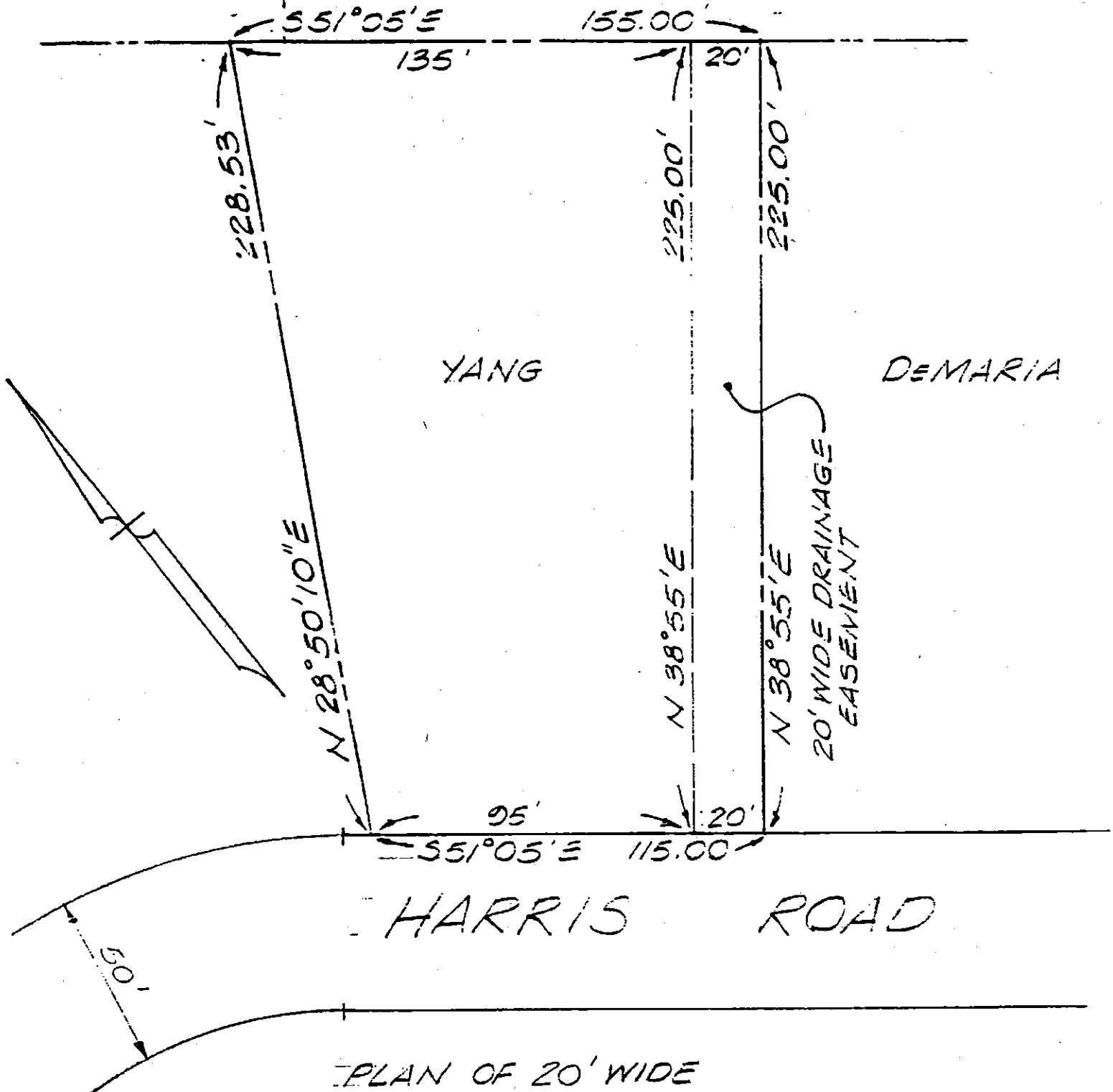
ENACTED AND ORDAINED this 15th day of December, A.D. 1987.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

By  President

Attest  Secretary

BENJAMIN



PLAN OF 20' WIDE
 DRAINAGE EASEMENT
 ON PROPERTY OF
 LUNG CHOU & CHAO NUAN YANG
 1343 HARRIS ROAD, UPPER DUBLIN TOWNSHIP
 MONTGOMERY COUNTY, PA.
 SCALE: 1" = 40' AUGUST 13, 1987

20' WIDE DRAINAGE EASEMENT

On Property of

LUNG CHOU & CHAO NUAN YANG

ALL THAT CERTAIN lot or piece of land designated as a 20' Wide Drainage Easement as shown on a plan prepared by Upper Dublin Township titled "Plan of 20' Wide Drainage Easement on Property of Lung Chou & Chao Nuan Yang" SITUATE in the Township of Upper Dublin, County of Montgomery, and Commonwealth of Pennsylvania bounded and described as follows:

BEGINNING at a point on the Northeasterly side of Harris Road (50' wide) at the intersection of the property line between Lots #12 and #13 as shown on a plan titled "Dresher View Farms" made for Conrad J. Gettler, prepared by Barton & Martin Engineers, and recorded in the office for the recording of deeds of Montgomery County in Norristown, PA in plan book A-2, Page 2, THENCE from the point of beginning and along the Northeasterly side of Harris Road North Fifty One degrees Five minutes West (N51°05'W) Twenty Feet (20') THENCE North Thirty Eight degrees Fifty Five minutes East (N38°55'E) Two Hundred Twenty Five feet (225') to a point, THENCE South Fifty One degrees Five minutes East (S51°05'E) Twenty feet (20') to a point, THENCE South Thirty Eight degrees Fifty Five minutes West (S38°55'W) Two Hundred Twenty Five feet (225') to a point on the Northeasterly side of Harris Road, the first mentioned point and place of beginning.

INTENDING to describe a Twenty foot (20') wide drainage easement from Harris Road to lands now or formerly of Robert & Lynn R. Benjamin.

ORDINANCE No. 743

AN ORDINANCE OF UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, ESTABLISHING THE DATES OF THE REGULAR STATED MEETINGS OF THE COMMISSIONERS OF THE TOWNSHIP OF UPPER DUBLIN DURING THE YEAR 1988.

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

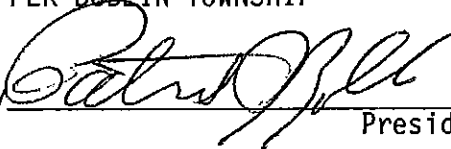
SECTION 1. The regular stated monthly meeting of the Commissioners of the Township of Upper Dublin for the year 1988 shall be held on the second Tuesday of each month unless the same shall be a legal holiday, in which case on the next regular business day following, at 7:30 p.m., local time.

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

ENACTED AND ORDAINED this 4th day of January, 1988.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

By



President

Attest

Gregory N. Klemick
Secretary

ORDINANCE No. 744

AN ORDINANCE TO AMEND THE UPPER DUBLIN TOWNSHIP CODE, TITLE 10, ZONING, BY AMENDING THE ZONING MAP DESIGNATING THE HEREIN DESCRIBED TRACT OF APPROXIMATELY 3.44 ACRES OF LAND ON THE WESTERLY SIDE OF ROUTE 309 EXPRESSWAY BETWEEN THE END OF VAN SANT LANE AND SCHIAVONE DRIVE FROM A-RESIDENTIAL TO B-RESIDENTIAL DISTRICT.

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

SECTION 1: The Zoning Map of the Upper Dublin Zoning Ordinance, as amended, is further amended by designating the following described tract from A-Residential to B-Residential District:

ALL THAT CERTAIN tract or parcel of ground, Situate in the Township of Upper Dublin, County of Montgomery and Commonwealth of Pennsylvania, bounded and described according to a Subdivision Plan prepared for John and Angela Cairo, by C. Raymond Weir Associates, Inc., Civil Engineers & Surveyors, dated July 5, 1974, last revised January 21, 1975, recorded in the Office for the Recording of Deeds, in and for the County of Montgomery, at Norristown, Pennsylvania, in Plan Book A-24, page 12, as follows, to wit:

BEGINNING at an interior iron pin, at a corner of Parcel "A", as shown on said Plan, which point is at the distance of 432.26 feet, measured North 49 degrees 03 minutes 10 seconds East, along said Parcel "A" from an iron pin, at a corner of the same, which last mentioned iron pin is at the distance of 417.50 feet, measured North 51 degrees 14 minutes West, along said Parcel "A" from a stone, at a corner of the same, which last mentioned stone is at the distance of 178.41 feet, measured North 38 degrees 26 minutes East, along said Parcel "A" from a point on the Northeasterly side of Highland Avenue (80.00 feet wide at this point) and which last mentioned point is at the distance of 106.31 feet, measured North 52 degrees 12 minutes 30 seconds West, along the said Northeasterly side of Highland Avenue from its point of intersection with the Northwesterly side of Legislative Route No. 782-309 Expressway (of the variable widths shown on said Plan); thence extending from said point of beginning North 49 degrees 03 minutes 10 seconds East, partly along lands now or late of Cairo, as shown on said Plan, also crossing a certain drainage ditch, as shown on said Plan, also partly along lands now or late of Flexner, as shown on said Plan, also partly along the end of a certain turn-around (of variable widths), located at the end of Schiavone Lane (40.00 feet wide), as shown on said Plan and also along lands now or late of Dougherty as shown on said Plan, the distance of 861.67 feet to a stone, at a corner of lands now or late of Michener, as shown on said Plan; thence extending South 51 degrees 15 minutes 50 seconds East, along said lands of Michener, the distance of 87.61 feet to a point on the Northwesterly Limit of Slope Line of said Legislative Route No. 782-309 Expressway; thence extending along said Northwesterly Limit of Slope Line, the 3 following courses and distances, viz: (1) South 18 degrees 19 minutes 30 seconds West, the distance of 300.29 feet to a point, a corner; (2) thence extending South 14 degrees 27 minutes 13 seconds West, the distance of 59.25 feet to a point of curve, a corner;

and (3) thence extending Southwestwardly on the arc of a curve, curving to the right, having a radius of 1870.08 feet, the arc distance of 57.94 feet to an iron pin, a corner of Parcel "A" aforesaid and also being within the bed of the aforesaid drainage ditch; thence along said Parcel "A" and also within or near the aforesaid drainage ditch, the 5 following courses and distances, viz: (1) extending South 66 degrees 15 minutes West, the distance of 98.45 feet to an iron pin, a corner; (2) thence extending South 89 degrees 21 minutes West, the distance of 40.46 feet to an iron pin, a corner; (3) thence extending South 85 degrees 18 minutes 30 seconds West, the distance of 243.19 feet to an iron pin, a corner; (4) thence extending South 82 degrees 45 minutes West, the distance of 126.81 feet to an iron pin, a corner; and (5) thence extending South 68 degrees 16 minutes West, the distance of 99.21 feet to the first mentioned interior iron pin and place of beginning.

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

BEING Parcel Number 54-00-13945-01-4 as set forth in the Montgomery County Board of Assessments Appeals.

ENACTED AND ORDAINED this 12th day of January, A.D. 1988.

BOARD OF COMMISSIONERS
TOWNSHIP OF UPPER DUBLIN

By Patricia J. Jolly
President

Attest

Gregory N. Klemick
Secretary

ORDINANCE No. 745

AN ORDINANCE TO AMEND THE UPPER DUBLIN TOWNSHIP CODE, TITLE 8, STREET AND HIGHWAYS, CHAPTER 5, OPENING OR EXCAVATING TOWNSHIP HIGHWAYS, SECTION 1.02 PERMIT APPLICATION.

The Commissioners of Upper Dublin Township do ENACT AND ORDAIN as follows:

SECTION 1: That Title 8, Street and Highways, Chapter 5, Opening or Excavating Township Highways, Section 1.02 Permit Application, Sub-section (d) which reads:

"(d) The said application must be signed by a person, firm, association or corporation who shall have filed with the Board of Commissioners, a bond in amount not less than One Thousand (\$1,000.00) Dollars under such condition and with surety as shall be approved by the Solicitor of the Board of Commissioners to save harmless the Township of Upper Dublin from any and all damages to person or property accruing by reason of the work for which permits may be issued from time to time hereunder, and who also shall have filed with the Board of Commissioners a certificate showing liability insurance is carried in the amount of One Million (\$1,000,000.00) Dollars."

shall be amended to read as follows:

"(d) The said application must be signed by a person, firm, association or corporation who shall have filed with the Board of Commissioners, a bond or a certified check in amount not less than Five Thousand (\$5,000.00) Dollars under such condition and with surety as shall be approved by the Solicitor of the Board of Commissioners to guarantee completion of the work and to save harmless the Township of Upper Dublin from any and all damages to person or property accruing by reason of the work for which permits may be issued from time to time hereunder, and who also shall have filed with the Board of Commissioners a certificate showing liability insurance is carried in the amount of One Million (\$1,000,000.00) Dollars. Upon completion of the work a bond of two thousand five hundred (\$2,500.00) Dollars shall be filed to guarantee maintenance of the highway when excavated for a period of one year."

ENACTED AND ORDAINED this 10th day of MAY A.D. 1988.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

By [Signature]
President

Attest Gregory N. Klemick
Secretary

ORDINANCE No. 746

AN ORDINANCE TO AMEND THE UPPER DUBLIN TOWNSHIP CODE, TITLE 10, ZONING, ARTICLE 4, GENERAL ZONING REGULATIONS, TO DELETE ALTERNATIVE TWO OF SECTION 4.12, PLANNED RESIDENTIAL AREAS.

The Commissioners of Upper Dublin Township do ENACT AND ORDAIN as follows:

SECTION 1: That Title 10, Zoning, Article 4, General Zoning Regulations, Section 4.12, Planned Residential Areas, Subsection B, Alternative Two, shall be deleted in its entirety.

ENACTED AND ORDAINED this 14th day of June A.D. 1988.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

By Robert J. Balle
President

Attest Gregory N. Klemick
Secretary

ORDINANCE No. 747

AN ORDINANCE TO AMEND THE UPPER DUBLIN TOWNSHIP CODE, TITLE 10, ZONING, BY AMENDING THE ZONING MAP DESIGNATING THE HEREIN DESCRIBED TRACTS OF APPROXIMATELY 14.03 ACRES NEAR THE INTERSECTION OF HIGHLAND AVENUE AND BETHLEHEM PIKE AND 13.36 ACRES NEAR THE INTERSECTION OF CEDAR ROAD AND LOCH ALSH AVENUE FROM INSTITUTIONAL TO B-RESIDENTIAL DISTRICT.

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

Section 1: The Zoning Map of the Upper Dublin Zoning Ordinance, as amended, is further amended by designating the following described tracts from INSTITUTIONAL to B-RESIDENTIAL DISTRICT:

ALL THAT CERTAIN lot or parcel of land situate in the Township of Upper Dublin, County of Montgomery, Commonwealth of Pennsylvania, bounded and described as Parcel Two on a Plan of Survey for The Sisters of the Holy Family of Nazareth, prepared by J. G. Park Associates, Inc., Engineers and Surveyors, Washington Crossing, PA, dated April 26, 1988, Job Number P88-4401, as follows to wit:

BEGINNING at a point, said point being the intersection of the existing easterly right-of-way line of Bethlehem Pike (60 feet wide) with the existing northerly right-of-way line of Highland Avenue (50 feet wide); THENCE, along the said easterly right-of-way line of Bethlehem Pike, North 07 degrees 51 minutes 00 seconds West for a distance of 470.00 feet to a point; THENCE, leaving the said right-of-way line and through the lands of the Grantor the following two courses and distances: (1) North 75 degrees 23 minutes 30 seconds East for a distance of 798.01 feet to a point; THENCE, (2) North 86 degrees 18 minutes 00 seconds East for a distance of 519.93 feet to a point; THENCE, along other lands of the Grantor, South 20 degrees 44 minutes 22 seconds West for a distance of 167.59 feet to a point on the existing northwesterly right-of-way line of Farm Lane (50 feet wide); THENCE, along the said right-of-way line, South 34 degrees 32 minutes 52 seconds West for a distance of 604.30 feet to a point on the aforeaid northerly right-of-way line of Highland Avenue; THENCE, along the said right-of-way the following two courses and distances: (1) North 69 degrees 46 minutes 39 seconds West for a distance of 53.92 feet to a point; THENCE; (2) South 85 degrees 13 minutes 53 seconds West for a distance of 776.92 feet to a point, the point and place of beginning.

CONTAINING 611,262 Square Feet or 14.0326 Acres more or less.

ALSO:

ALL THAT CERTAIN lot or parcel of land situate in the Township of Upper Dublin, County of Montgomery, Commonwealth of Pennsylvania, bounded and

described as Parcel Three on a Plan of Survey for The Sisters of the Holy Family of Nazareth, prepared by J. G. Park Associates, Inc., Engineers and Surveyors, Washington Crossing, PA, dated April 26, 1988, Job Number P88-4401, as follows to wit:

BEGINNING at a point, said point being the intersection of the existing southeasterly right-of-way line of Cedar Road (50 feet wide) with the existing southwesterly right-of-way line of Loch Alsh Avenue (50 feet wide); THENCE, along the said southwesterly right-of-way line of Loch Alsh Avenue, South 52 degrees 03 minutes 37 seconds East for a distance of 1187.71 feet to a point; THENCE, leaving the said right-of-way line and along the lands now or formerly of Gordon & Rose Prosser, Edward & Minnie Haff, and Leo & Edna Senese, and passing over two iron pipes found, South 49 degrees 58 minutes 25 seconds West for a distance of 300.00 feet to a point; THENCE, through the lands of the Grantor the following three courses and distances: (1) North 55 degrees 01 minutes 35 seconds West for a distance of 370.00 feet to a point; THENCE, (2) South 87 degrees 39 minutes 12 seconds West for a distance of 723.39 feet to a point; THENCE, (3) North 51 degrees 58 minutes 30 seconds West for a distance of 205.00 feet to a point on the aforesaid southeasterly right-of-way line of Cedar Road; THENCE, along the said right-of-way line North 38 degrees 01 minutes 30 seconds East for a distance of 780.00 feet to a point, the point and place of beginning.

CONTAINING 582,137 Square Feet or 13.3640 Acres more or less.

ENACTED AND ORDAINED this 14th day of June A.D. 1988.

BOARD OF COMMISSIONERS
TOWNSHIP OF UPPER DUBLIN

By *Patricia J. Galt* President

Attest *Gregory N. Klemick*
Secretary

ORDINANCE No. 748

AN ORDINANCE TO AMEND THE UPPER DUBLIN TOWNSHIP CODE, TITLE 10, ZONING, ARTICLE 21, MRD-MIXED RESIDENTIAL DISTRICT, SECTION 21.06, SPECIAL DEVELOPMENT REGULATIONS, BY ADDING A NEW PARAGRAPH I, DECKS.

The Commissioners of Upper Dublin Township do ENACT AND ORDAIN as follows:

Section 1: Title 10, Article, 21, Section 21.06, Special Development Regulations, shall be amended by the addition of a new Paragraph I, Decks, as follows:

"I. Decks. A deck constructed of wood may be erected within the rear yard of a single family detached dwelling, a single family patio dwelling, attached patio dwelling and/or townhouse or twin dwelling provided the deck is not more than twenty (20) feet in depth from the rear most portion of the principal dwelling and is at least five (5) feet from the rear property line; is not enclosed either on the sides or by a roof, and is ground level. Should the slope of the rear yard be such that the first floor of the dwelling is above ground level, a deck may be constructed at that level provided the space beneath is not enclosed."

ENACTED AND ORDAINED this 28th day of June A.D., 1988

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

By *Patricia J. Ball*
President

Attest *Gregory N. Klemick*
Secretary

ORDINANCE NO. 749

AN ORDINANCE DIRECTING THE REALIGNMENT, WIDENING AND RECONSTRUCTION OF JARRETTOWN ROAD, BETWEEN LIMEKILN PIKE AND WELSH ROAD, A PUBLIC HIGHWAY WITHIN THE TOWNSHIP OF UPPER DUBLIN AND THE INSTALLATION OF NEW SIDEWALKS AND CURBS AND REPLACEMENT OF CERTAIN CURBS AND SIDEWALKS AS REQUIRED AND LEVYING THE COSTS FOR SUCH IMPROVEMENTS UPON THE ABUTTING PROPERTY OWNERS.

WHEREAS, the Board of Commissioners intends to reconstruct Jarrettown Road between Limekiln Pike and Welsh Road by realigning, widening and repaving the roadway surface and installing new or replacing existing curbs and sidewalks as required.

WHEREAS, the Board of Commissioners has determined that the cost of the Improvements to be made to Jarrettown Road shall be assessed and collected from the owners of the abutting properties.

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

Section 1. Concrete curbs and sidewalks shall be replaced or installed as required, on Jarrettown Road, between Limekiln Pike and Welsh Road, pursuant to a Plan prepared for the Township, which may be inspected at the offices of the Township during normal business hours.

Section 2. The roadway surface of Jarrettown Road between Limekiln Pike and Welsh Road shall be realigned, resurfaced, widened and improved, pursuant to a Plan prepared for the Township, which may be inspected at the offices of the Township during normal business hours.

Section 3. The Improvements described in Sections 1 and 2 shall not be commenced until the completion of the obtaining of bids and the award of the contracts.

Section 4. The construction of the improvements shall be in accordance with the requirements of the Ordinances, Rules and Regulations of the Township of Upper Dublin and the provisions of the Construction Contract Documents and Plans.

Section 5 Easements for realigning and widening and for purposes of construction as shown on the Plan shall be condemned along Jarrettown Road between Limekiln Pike and Welsh Road.

Section 6 The Township Engineer shall have authority to inspect, direct or stop the work done and to accept or reject such work and any materials to be used in the construction of the Improvements.

Section 7 The costs and expenses incurred in constructing the Improvements shall be assessed against the owners of the abutting properties by _____ Resolution of this Board of Commissioners following completion and acceptance of the work. Payments of assessments shall be enforced by municipal liens, and penalties and interest shall be assessed against those property owners who fail to pay the assessed amount within the time prescribed by such Resolution.

ENACTED and ORDAINED this 28th day of June, 1988.

ATTEST:

BY:

Gregory N. Klemick
Secretary

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

BY:

Robert J. Bell
President

TOWNSHIP OF UPPER DUBLIN
Montgomery County, Pennsylvania

ORDINANCE NO. 750

AUTHORIZING THE INCURRENCE OF NONELECTORAL DEBT OF THE TOWNSHIP BY THE ISSUANCE OF \$2,125,000 AGGREGATE PRINCIPAL AMOUNT GENERAL OBLIGATION BONDS, SERIES OF 1988 FOR THE PURPOSE OF THE TOWNSHIP'S OUTSTANDING GENERAL OBLIGATION REFUNDING BONDS, SERIES OF 1985, AND PAYING THE COSTS OF THE FINANCING; AUTHORIZING THE PREPARATION OF A DEBT STATEMENT AND OTHER DOCUMENTATION; COVENANTING TO CREATE A SINKING FUND AND TO BUDGET, APPROPRIATE AND PAY DEBT SERVICE ON THE BONDS; PLEDGING THE FULL FAITH, CREDIT AND TAXING POWER OF THE TOWNSHIP FOR THE PROMPT AND FULL PAYMENT OF THE BONDS; SETTING FORTH THE SUBSTANTIAL FORM OF THE BONDS, PRINCIPAL MATURITY DATES AND AMOUNTS, INTEREST RATES AND INTEREST PAYMENT DATES, PLACE OF PAYMENT, SINKING FUND PROVISIONS, PROVISIONS FOR REDEMPTION AND OTHER DETAILS OF THE BONDS; FINDING THAT A PRIVATE NEGOTIATED SALE OF THE BONDS IS IN THE BEST FINANCIAL INTEREST OF THE TOWNSHIP; ACCEPTING A PROPOSAL FOR THE PURCHASE OF THE BONDS; AUTHORIZING THE PROPER TOWNSHIP OFFICERS TO CONTRACT FOR THE SERVICES OF A PAYING AGENT AND SINKING FUND DEPOSITARY AND APPOINTING SAME; AND AUTHORIZING OTHER NECESSARY ACTION.

WHEREAS, the Township of Upper Dublin has heretofore issued \$2,200,000 principal amount of its General Obligation Bonds, Series of 1985 (the "1985 Bonds") for the purpose of refinancing bonds issued to finance various capital improvement projects identified in Section I of Township Ordinance No. 608 (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 refunding its outstanding indebtedness; and

WHEREAS, the Township proposes to issue its General Obligation Bonds, Series of 1988 (the "Bonds") for the purpose of refunding the 1985 Bonds to reduce the total debt service over the life of the issues and has received a proposal for the purchase of the Bonds.

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

Section 1. Approval of Refunding Program. This Township shall incur indebtedness, pursuant to the Acts in the amount of \$2,125,000 for the purpose of refunding the 1985 Bonds

and paying the costs and expenses of the issuance of the Bonds and the payment and redemption of the 1985 Bonds. It is hereby determined and stated that the purpose and result of refunding the 1985 Bonds is to reduce the total debt service over the life of the issues as shown in the Schedule of Annual Debt Service Savings attached hereto and made a part hereof.

Section 2. Authorization of Indebtedness and Issuance of Bonds. The Township shall issue, pursuant to this Ordinance, \$2,125,000 aggregate principal amount of its General Obligation Bonds, Series of 1988 for the purposes authorized in Section 1 of this Ordinance and to finance the indebtedness authorized hereunder.

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

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

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

Section 6. Covenant to Pay Debt Service - Pledge of Taxing Power. The Township hereby covenants with the registered owners of the Bonds: (a) that the Township has or will include in its budget for each year, commencing with the fiscal year ending December 31, 1988, the amount of the debt service on the Bonds

which will be payable in each such fiscal year so long as the Bonds shall remain outstanding; (b) that the Township shall appropriate from its general revenues such amounts to the payment of such debt service; and (c) that the Township shall duly and punctually pay or cause to be paid from the sinking fund herein-after created or any other of its revenues or funds the principal of the Bonds and the interest thereon on the dates and at the place and in the manner stated in the Bonds according to the true intent and meaning thereof. For such budgeting, appropriation and payment the Township hereby pledges its full faith, credit and taxing power. This covenant shall be specifically enforceable. 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 7. Form of Bonds. The Bonds shall be substantially in the following form with appropriate omissions, insertions and variations:

(FORM OF BOND)

(BOND TEXT - FACE OF BOND)

TOWNSHIP OF UPPER DUBLIN
(Montgomery County, Pennsylvania)

GENERAL OBLIGATION BOND, SERIES OF 1988

No. R- \$ _____

Interest Rate	Maturity Date	Dated Date	CUSIP
		July 15, 1988	

REGISTERED OWNER

PRINCIPAL SUM Dollars

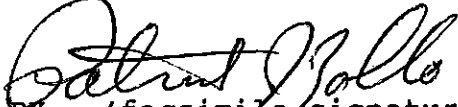
The Township of Upper Dublin, Montgomery County, Pennsylvania (the Township), a municipal corporation of the Commonwealth of Pennsylvania, for value received, hereby promises to pay to the registered owner hereof on the maturity date set forth above the principal sum set forth above, unless this Bond shall have been called for redemption and payment of the redemption price shall have been duly made or provided for, and to pay interest thereon initially on November 1, 1988 and semiannually thereafter on May 1 and November 1 of each year (each, an Interest Payment Date), at the annual rate specified above, calculated on the basis of a 360-day year of twelve 30-day months until the principal sum is paid or has been provided for. This Bond will bear interest from the most recent Interest Payment Date to which interest has been paid or duly provided for or, if no interest has been paid, from November 1, 1988. The principal of this Bond is payable upon presentation and surrender hereof at the principal corporate trust office of Continental Bank, Norristown,


Pennsylvania (the Paying Agent). Interest on this Bond will be paid on each Interest Payment Date by check or draft mailed to the person in whose name this Bond is registered on the registration books of the Township maintained by the Paying Agent, as bond registrar, at the address appearing thereon at the close of business on the fifteenth day of the calendar month (whether or not a business day) next preceding such Interest Payment Date (the Regular Record Date). Any such interest not so timely paid or duly provided for shall cease to be payable to the person who is the registered owner hereof as of the Regular Record Date, and shall be payable to the person who is the registered owner hereof at the close of business on a Special Record Date for the payment of such defaulted interest. Such Special Record Date shall be fixed by the Paying Agent whenever money becomes available for payment of the defaulted interest, and notice of the Special Record Date and payment date shall be given to the registered owners of the Bonds not less than fifteen (15) days prior to the Special Record Date. The principal of and interest on this Bond are payable in lawful money of the United States of America.

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

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

TOWNSHIP OF UPPER DUBLIN


BY: (facsimile signature)
President of Board
of Commissioners


Attest: (facsimile signature)
Secretary

(SEAL)

(FORM OF AUTHENTICATION CERTIFICATE)

DATE OF AUTHENTICATION

Authentication Certificate

This Bond is one of the Township of Upper Dublin General Obligation Bonds, Series of 1988, described in the within mentioned Ordinance.

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

CONTINENTAL BANK,
Paying Agent

By: _____
Authorized Officer

(BOND TEXT - BACK OF BOND)

This Bond is one of a duly authorized issue of General Obligation Bonds, Series of 1988, of the Township in the aggregate principal amount of \$2,125,000 issued in fully registered form in the denomination of \$5,000 or any integral multiple thereof, all of like date and tenor, except as to dates of maturity, rates of interest and provisions for redemption and all issued in accordance with the Local Government Unit Debt Act of the Commonwealth of Pennsylvania, Act 52 of 1978 approved April 28, 1978, as amended (the Act), and pursuant to an Ordinance of the Board of Commissioners of the Township duly adopted on June 28, 1988 (the Ordinance). The Bonds are issued for the purpose of refunding the Township's outstanding General Obligation Bonds, Series of 1985.

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

The Bonds maturing on and after November 1, 1993 shall be subject to redemption prior to maturity, at the option of the Township, as a whole or in part from time to time by lot on November 1, 1992 or on any date thereafter, in either case upon payment of a redemption price of 100% of principal amount, together with accrued interest to the date fixed for redemption.

The Bonds stated to mature on November 1, 2001 (the Term Bonds) are subject to mandatory redemption prior to their stated 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, to give notice of redemption 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 November 1 of the years 1999 and 2000 in the annual principal amounts of \$210,000 and 225,000, respectively, or such lesser principal amounts as shall at the time represent all Term Bonds which shall then be outstanding.

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

The Paying Agent shall give notice of any redemption by first-class mail, postage prepaid, mailed not less than thirty (30) days nor more than sixty (60) days prior to the redemption date to each registered owner of Bonds to be redeemed at his registered address as it appears in the bond register. Such notice shall also be mailed to the Bond Buyer, or if no longer published, to such substitute financial journal as shall be acceptable to the Paying Agent. Such Notice shall be given in the name of the Township, shall identify the Bonds to be redeemed (and, in the case of a partial redemption of any Bonds, the respective principal amounts thereof to be redeemed), shall specify the redemption date and the redemption price, and shall state that on the redemption date the Bonds called for redemption will be payable at the principal corporate trust office of the

Paying Agent and that from the date of redemption interest will cease to accrue. The Paying Agent may use "CUSIP" numbers (if then generally in use) in notices of redemption as a convenience to Bond owners, provided that any such notice shall state that no representation is made as to the correctness of such numbers either as printed on the Bonds or as contained in any notice of redemption and that reliance may be placed only on the identification numbers prefixed "R-" printed on the Bonds. Failure to mail any notice or defect in the mailed notice or in the mailing thereof in respect of any Bond shall not affect the validity of the redemption of any other Bond.

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

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

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

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

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

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

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

ASSIGNMENT AND TRANSFER

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

PLEASE INSERT SOCIAL SECURITY OR OTHER IDENTIFYING NUMBER OF ASSIGNEE

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

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

Dated:

Signature Guaranteed by:

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

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

(Authorized Signature)

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

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

(Authorized Signature)

Section 8. Terms of Bonds. The Bonds shall be issued in fully registered form, in denominations of \$5,000 or integral multiples thereof, shall be dated July 15, 1988, shall bear interest from such date payable initially on November 1, 1988 and semiannually thereafter on May 1 and November 1 of each year until maturity or the date fixed for redemption, at the annual rates and shall mature on November 1 of the years as set forth in Exhibit A attached hereto.

The principal of the Bonds shall be payable upon presentment and surrender thereof in lawful money of the United States of America at the principal corporate trust office of Continental Bank, Norristown, Pennsylvania which is hereby appointed paying agent and sinking fund depository (the "Paying Agent") for the Bonds. Interest on the Bonds will be paid on each Interest Payment Date by check or draft mailed to the persons in whose names the Bonds are registered at the address appearing thereon at the close of business on the fifteenth day of the calendar month (whether or not a business day) next preceding such Interest Payment Date.

Section 9. Redemption of Bonds. The Bonds maturing on and after November 1, 1993 shall be subject to redemption prior to maturity, at the option of the Township, as a whole or in part from time to time by lot on November 1, 1992 or on any date thereafter, in either case upon payment of a redemption price of 100% of principal amount, together with accrued interest to the date fixed for redemption.

In addition, the Bonds maturing November 1, 2001 (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 to redemption and redeem Term Bonds at said redemption price on November 1 of the years and in the annual principal amounts (to the extent not purchased as hereinafter permitted) set forth in the Form of Bond contained in Section 7 hereof. The Township reserves the right to purchase such Term Bonds, in lieu of redemption at a price not exceeding par. Upon the presentation by the Township to the Paying Agent of the Term Bonds so purchased at least forty-five (45) days prior to the date of redemption, the Paying Agent shall reduce the principal amount of the Bonds to be called for redemption by the face amount of the Bonds so purchased.

Any such redemption shall be after written notice by first-class mail, postage prepaid, mailed not less than thirty (30) days nor more than sixty (60) days prior to the redemption date to the registered owners of the Bonds to be redeemed at their registered addresses as they appear in the bond register.

Such notice shall also be mailed to the Bond Buyer, or if no longer published, to such substitute financial journal as shall be acceptable to the Paying Agent. On the date designated for redemption, notice having been sent as aforesaid, and money for payment of the principal and accrued interest being held by the Paying Agent and Sinking Fund Depository, as paying agent, interest on the Bonds so called for redemption shall cease to accrue, the bonds so called for redemption shall cease to be entitled to any benefit or security under the Ordinance authorizing issuance of the Bonds, and the registered owners of the Bonds so called for redemption shall have no rights with respect to such Bonds, except to receive payment of the principal of and accrued interest on such Bonds to the date fixed for redemption. Failure to mail any notice or defect in the mailed notice or in the mailing thereof in respect of any Bond shall not affect the validity of the redemption of any other Bond.

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

Section 11. Creation of and Deposits in Sinking Fund. The Township covenants that there shall be, and there hereby is established, and that it shall hereafter maintain, a sinking fund (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 semiannual dates listed on Exhibit A such amounts as at the time shall be sufficient to pay the principal of and interest on the Bonds as they become due.

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

The Paying Agent is hereby authorized and directed, without further action by the Township, to pay from the Sinking Fund the principal of and interest on the Bonds as the same become due and payable in accordance with the terms thereof and

the Township hereby covenants that such money, to the extent required, will be applied to such purpose.

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

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

Section 13. Award and Sale of Bonds. The Bonds are hereby awarded and sold at private sale by negotiation to Dolphin & Bradbury Incorporated and Butcher & Singer Inc. (the "Bond Purchasers") at a price of \$2,095,781.25 plus accrued interest from July 15, 1988 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. The proper officers of this Township are hereby authorized and directed to endorse the acceptance of this Township on said proposal and to deliver executed copies thereof to Dolphin & Bradbury and Butcher & Singer Inc.

Section 14. Bond Insurance. If deemed financially advantageous to the Township, the proper officers of the Township are hereby authorized to purchase a policy of insurance guaranteeing the payment of the principal of and interest on the Bonds, to pay the premium for such policy from the proceeds of the Bonds and to execute such documents as may be necessary to effect the issuance of such party. If any such policy is obtained, the Bonds issued under this Ordinance may include a statement of the terms of such insurance policy and the Authentication Certificate of the Paying Agent appearing on each Bond may include a statement confirming that the original insurance policy is on file with the Paying Agent.

Section 15. Contract with Paying Agent. The proper officers of the Township are authorized to contract with the Paying Agent in connection with the performance of duties as paying agent and sinking fund depository on usual and customary terms, including an agreement on the part of the Paying Agent to observe and comply with the provisions of this Ordinance and of the Act.

Section 16. Federal Tax Covenants. The Township hereby covenants not to take or omit to take any action so as to cause interest on the Bonds to be no longer excluded from gross income for purposes of federal income taxation and to otherwise comply with the requirements of Sections 103 and 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), and all applicable regulations promulgated with respect thereto, throughout the term of the Bonds. The Township further covenants that it will make no investments or other use of the proceeds of the Bonds which would cause the Bonds to be "arbitrage bonds" as defined in Section 148 of the Code. The Township further covenants to comply with the rebate requirements (including the prohibited payment provisions) contained in Section 148(f) of the Code and any regulations promulgated thereunder, to the extent applicable, and to pay any interest or penalty imposed by the United States for failure to comply with said rebate requirements, to the extent applicable.

The Township hereby represents and warrants, after due investigation and to the best of its knowledge, that: (i) the Township is a governmental unit with general taxing powers; (ii) the Bonds are not "private activity bonds" within the meaning of Section 141 of the Code; (iii) ninety-five percent (95%) or more of the net proceeds of the Bonds are to be used for local governmental activities of the Township; and (iv) the aggregate face amount of all tax-exempt obligations (other than "private activity bonds") issued or to be issued by the Township (and all "subordinate entities" thereof) during the 1988 calendar year including the Bonds, is not reasonably expected to exceed \$5,000,000. The Township hereby authorizes the proper officers of the Township to execute a certificate to that effect at the time of the closing.

The Township hereby further represents and warrants, after due investigation and to the best of its knowledge, that (i) the Bonds are not "private activity bonds" within the meaning of Section 141 of the Code and (ii) the aggregate face amount of "qualified tax-exempt obligations" within the meaning of Section 265(b)(3)(B) of the Code (which includes qualified 501(c)(3) bonds but not any other private activity bonds) issued or to be issued by the Township (and all "subordinate entities" thereof) during the 1988 calendar year, including the Bonds, is not reasonably expected to exceed \$10,000,000. The Township hereby designates the Bonds as a "qualified tax-exempt obligation" within the meaning of Section 265(b)(3)(B) of the Code. The Township hereby authorizes the proper officers of the Township to execute a certificate to that effect at the time of the closing.

Section 17. Execution and Authentication of Bonds. As provided in Section 4, the Bonds shall be executed by the Presi-

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

Section 18. Redemption of 1985 Bonds-Pledge and Escrow Agreement. The Township hereby calls for redemption on May 1, 1990 all of the 1985 Bonds which will then remain outstanding. In order to provide for the redemption of such 1985 Bonds and for the payment of the principal of and interest on the 1985 Bonds on each payment date from November 1, 1988 to and including May 1, 1990, the Township shall enter into a Pledge and Escrow Agreement to be dated as of July 15, 1988 (the "Pledge Agreement") with Continental Bank in its capacity as paying agent for the 1985 Bonds (the "1985 Paying Agent"). The Pledge Agreement shall provide for (a) the Township to deposit in escrow with the 1985 Paying Agent the amount necessary, together with interest earned on the investment thereof, to pay all principal and interest due on the 1985 Bonds on each May 1 and November 1 to and including May 1, 1990 and to redeem on May 1, 1990 all 1985 Bonds which mature after that date, (b) the investment of the amount so deposited in accordance with the applicable regulations under the Internal Revenue Code, (c) the irrevocable pledge of all funds held by the 1985 Paying Agent under the Pledge Agreement to the payment of the 1985 Bonds, and (d) the publication of notice of redemption of the 1985 Bonds in accordance with the terms thereof.

Section 19. Application of Proceeds of the Bonds-Fees and Expenses. Upon delivery of the Bonds, the amount required to pay and redeem the 1985 Bonds and to pay all expenses of the redemption and retirement of the 1985 Bonds shall be paid over to the 1985 Paying Agent to be held and invested in accordance with the terms of the Pledge Agreement. The balance of the proceeds of the Bonds shall be applied to pay the costs and expenses of issuing the Bonds and carrying out the refunding program, including the fees and expenses of the Solicitor, Bond Counsel, Paying Agent, and Accountants of the Township, printing costs, bond rating fees and miscellaneous expenses, and the proper officers of the Township are hereby authorized to pay such costs and expenses from the proceeds of the Bonds upon presentation of proper invoices therefor. Any proceeds of the Bonds which are not required for the foregoing purposes shall be applied toward the costs of the Projects originally financed by bonds refinanced by the 1985 Bonds and described in Ordinance No. 608 of the Township or shall be held as a reserve for other capital projects.

Section 20. Officers Authorized to Act. For the purpose of expediting the closing and the issuance and delivery of the Bonds, or in the event that the President of the Board of Commissioners or the Secretary of the Township shall be absent or otherwise unavailable for the purpose of executing documents, or for the purpose of taking any other action which they or either of them may be authorized to take pursuant to this Ordinance, the Vice President of the Board of Commissioners or the Assistant Secretary of the Township, respectively, are hereby authorized and directed to execute documents, or otherwise to act on behalf of the Township in their stead.

Section 21. Approval of Official Statement. The Bond Purchasers are hereby authorized to prepare an Official Statement with respect to the Bonds which is hereby approved and authorized and the Township consents to the use by the Bond Purchasers of the Official Statement in the public offering and the sale of the Bonds. A copy of the Official Statement shall be lodged with the official minutes of this meeting.

Section 22. Authorization of Further Action. The proper officers of the Township are hereby authorized and directed to take all such action, execute, deliver, file and/or record all such documents, publish all notices and otherwise comply with the provisions of this Ordinance and the Act insofar as the same shall relate to the Bonds, in the name and on behalf of the Township.

Section 23. Act Applicable to Bonds. This Ordinance is adopted pursuant to, and the Bonds issued hereunder shall be subject to, the provisions of the Act and all the mandatory provisions thereof shall apply and be deemed incorporated herein by reference whether or not explicitly stated herein.

Section 24. Contract with Bond Owners. This Ordinance constitutes a contract with the registered owners of the Bonds from time to time outstanding hereunder and shall be enforceable in accordance with the provisions of the laws of the Commonwealth of Pennsylvania.

Section 25. Severability; Titles. In case any one or more of the provisions contained in this Ordinance or in any Bond shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision of this Ordinance or of said Bonds, and this Ordinance or said Bonds shall be construed and enforced as if such invalid, illegal or unenforceable provisions had never been contained therein.

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

Section 26. Repealer. All ordinances and parts of ordinances in any manner heretofore adopted to the extent that the same are inconsistent in any manner herewith are hereby repealed

Section 27. Effective Date. This Ordinance shall take effect on the earliest date permitted by the Act.

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 the issuance of General Obligation Bonds, Series of 1988 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 June 28, 1988; 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>
Patrick J. Zollo		Judy Herold	
Harry E. Lenz		Richard R. Rulon	
Norton A. Freedman		James B. Bockius	
Charles M. Bolig			

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.

28th WITNESS my hand and the seal of the Township this day of June, 1988.

Gregory N. Klemich
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 July ____, 1988.

Gregory M. Klemick
Secretary

Schedule of Annual Debt
Service Savings

DELIVERY DATE:

DISCOUNT RATE

YEAR END

REFUNDING

REFUNDED

DIFFERENCE

PRES VALUE

TOTAL

EXHIBIT A

TOWNSHIP OF UPPER DUBLIN
GENERAL OBLIGATION BONDS, SERIES OF 1988

BOND AMORTIZATION SCHEDULE

<u>Period</u> <u>Ending</u>	<u>Principal</u> <u>Maturity</u> <u>(November 1)</u>	<u>Rate of</u> <u>Interest</u>	<u>Interest</u> <u>Payable</u>	<u>Total Debt</u> <u>Service and Sinking</u> <u>Fund Deposit</u>
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TOTALS

ORDINANCE No. 751

AN ORDINANCE TO AMEND CERTAIN PROVISIONS OF THE CODES OF UPPER DUBLIN TOWNSHIP TO INCREASE THE FINES WHICH MAY BE LEVIED FOR VIOLATION OF THE CODES.

WHEREAS, the General Assembly of the Commonwealth of Pennsylvania enacted, on March 2, 1988, Act No. 1988-19, which provides for the increase of fines for violation of ordinances; and

WHEREAS, the Board of Commissioners has determined that such an increase as permitted is appropriate;

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

Section 1. That the following sections of the Upper Dublin Township Code, providing for a fine for the violation of the Code, shall be amended to increase the fine from "Three Hundred Dollars (\$300.00)" to "One Thousand Dollars (\$1,000.00)":

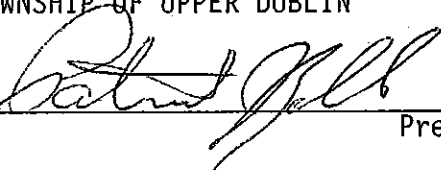
Title 3, Chapter 1, Article 1, § 117.4	-	(p. 3-1-5)
Title 4, Chapter 1, § 1.08	-	(p. 4-1-10)
Title 5, Chapter 3, Article 1, § 1.03	-	(p. 5-3-2)
Title 5, Chapter 6, § 1.08	-	(p. 5-6-3)
Title 5, Chapter 7, § 1.06	-	(p. 5-7-2)
Title 5, Chapter 8, § 1.08	-	(p. 5-8-2)
Title 5, Chapter 10, § 1.06	-	(p. 5-10-4)
Title 7, Chapter 2, Article 1, § 1.09	-	(p. 7-2-6)
Title 7, Chapter 5, § 1.04	-	(p. 7-5-1)
Title 7, Chapter 10, § 1.10	-	(p. 7-10-3)

Section 2. That the following sections of the Upper Dublin Code, providing for a fine for the violation of the Code shall be amended to increase the fine from "Three Hundred Dollars (\$300.00)" to "Six Hundred Dollars (\$600.00)":

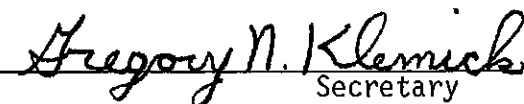
Title 6, Chapter 2, § 1.07 - (p. 6-2-3)

ENACTED AND ORDAINED this 12th day of July A.D. 1988.

BOARD OF COMMISSIONERS
TOWNSHIP OF UPPER DUBLIN

By  President

Attest


Secretary

TOWNSHIP OF UPPER DUBLIN

Montgomery County, Pennsylvania

ORDINANCE NO. 152

AUTHORIZING THE INCURRENCE OF NONELECTORAL DEBT BY THE ISSUANCE OF \$650,000 GUARANTEED HIGHWAY IMPROVEMENT REVENUE NOTES, SERIES OF 1988, TO PROVIDE FUNDS TOWARDS THE CONSTRUCTION OF CERTAIN HIGHWAY PROJECTS; ESTABLISHING THE TERMS AND CONDITIONS OF THE NOTES; PLEDGING CERTAIN TRANSPORTATION ASSESSMENT REVENUES OF THE TOWNSHIP AS SECURITY FOR SAID NOTES AND IN ADDITION GUARANTEEING THE PAYMENT OF THE NOTES AND PLEDGING THE TOWNSHIP'S FULL FAITH, CREDIT AND TAXING POWER THEREFOR; FINDING AND DETERMINING THAT IT IS IN THE BEST FINANCIAL INTEREST OF THE TOWNSHIP TO SELL THE SERIES OF 1988 NOTES AT PRIVATE NEGOTIATED SALE; ACCEPTING A PROPOSAL FOR THE PURCHASE OF THE NOTES AT PRIVATE NEGOTIATED SALE AND AUTHORIZING THE DISBURSEMENT OF THE PROCEEDS OF THE SALE THEREOF; PROVIDING FOR THE ISSUANCE OF ADDITIONAL HIGHWAY IMPROVEMENT REVENUE NOTES; ESTABLISHING A SINKING FUND; AUTHORIZING THE FILING OF A TRANSCRIPT OF PROCEEDINGS WITH THE DEPARTMENT OF COMMUNITY AFFAIRS; APPOINTING A PAYING AGENT AND SINKING FUND DEPOSITARY; AND AUTHORIZING OTHER NECESSARY ACTION.

Jenkins, Tarquini & Jenkins
Butler Avenue
Ambler, PA 19002

Saul, Ewing, Remick & Saul
38th Floor Centre Square West
Philadelphia, PA 19102

RECITALS

WHEREAS, the Township of Upper Dublin (the "Township"), is a municipal corporation and political subdivision of the Commonwealth of Pennsylvania (the "Commonwealth"); and

WHEREAS, the Township has undertaken certain highway improvements (as defined herein, "the Project") and has authorized the financing of the Project by imposing assessments on property especially benefitted thereby in accordance with Ordinance No. 739 of the Township duly enacted on December 8, 1987 (the "Assessment Ordinance") and the Transportation Partnership Act, approved July 9, 1985 P.L. 187, No. 47, as amended (the "Partnership Act"); and

WHEREAS, the Board of Commissioners of the Township after due deliberation has found and determined that it is in the best interests of the Township to finance Phase I of the Project, as defined herein, through the sale of Guaranteed Highway Improvement Revenue Notes, Series of 1988 of the Township (the "1988 Notes"), pursuant to this Ordinance at private negotiated sale; and

WHEREAS, the Board of Commissioners of the Township has reviewed a proposal for the purchase of the 1988 Notes from the firm of Dolphin & Bradbury, Inc., Philadelphia, Pennsylvania; and

WHEREAS, the Board of Commissioners desires to authorize the issuance of the Notes, to provide for the repayment and security thereof and the application of the proceeds thereof, and to approve other matters relating thereto.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF UPPER DUBLIN, in order to secure payment of the principal of and interest on the Notes issued and outstanding hereunder according to their tenor, to secure the performance and observance of all covenants and conditions therein and herein contained and to declare the terms and conditions upon which the Notes shall be secured, and in consideration of the covenants herein contained and of the purchase and acceptance of the Notes by the holders thereof, the Township, intending to be legally bound, by these presents DOES HEREBY TRANSFER, ASSIGN AND PLEDGE HEREUNDER all its right, title and interest in and to the Revenues, as defined herein, upon terms herein set forth, to the Paying Agent in trust for the equal and proportionate use, benefit and security of all present and future holders of the Notes, without preference, priority or distinction as to lien or otherwise, except as hereinafter provided, of any one Note over any other Note, so that each Note issued hereunder shall have the same right, lien and privilege hereunder, and the principal of and interest on the Notes shall be secured equally and propor-

tionately hereby, AND IT HEREBY IS ENACTED AND ORDAINED AS
FOLLOWS:

ARTICLE I

DEFINITIONS, INTERPRETATIONS, PRELIMINARY MATTERS, LEGAL
AUTHORITY AND PROCEEDINGS UNDER ACT

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

Assessment Ordinance
Commonwealth
1988 Notes
Partnership Act
Project
Township

Section 1.02. Other Definitions. For all purposes of this Ordinance and all Supplemental Ordinances hereafter enacted, except as otherwise expressly provided or unless the context clearly otherwise requires, the terms defined in this Section have the following meanings:

"Accountant" means such independent certified public accountant or accounting firm as shall at the time be employed by the Township for the purpose of performing the functions and duties of the independent certified public accountant under this Ordinance or any Supplemental Ordinance.

"Act" means the Local Government Unit Debt Act of the Commonwealth (Act No. 52 approved April 28, 1978), as now amended and as from time to time hereafter amended or supplemented.

"Additional Notes" means all notes or bonds secured by a pledge of Revenues which are authorized and issued pursuant to Article III hereof.

"Administrative Expenses" means the expenses reasonably incurred or to be incurred by the Township in connection with administering the Project and the Notes including, without limiting the generality of the foregoing, all taxes imposed upon the Township or its assets or properties, auditing fees, legal fees, engineering fees, office expenses, general administrative expenses, compensation and expenses of the Trustee, and other costs and expenses which constitute costs of ownership, operation or administration of the Project.

"Assessments" shall mean the special assessments imposed by the Township on benefitted property within the District in accordance with the Assessment Ordinance pursuant to the Partnership Act.

"Authorized Officer" means with respect to the Township the President or Vice President of the Board of Commissioners or the Township Manager or such other officers of the Township as may from time to time be designated by resolution of the Township, a certified copy of which is filed with the Paying Agent.

"Board" or "Board of Commissioners" means the governing body of the Township.

"Bond" or "Notes" means all bonds or notes outstanding from time to time under this Ordinance, including Additional Notes as well as the 1988 Notes described in Section 2.01 and 2.03 hereof and bonds or notes issued pursuant to Section 2.10.

"Capital Additions" means all permanent improvements to the transportation system within the Township and property of any kind acquired or constructed by the Township after the date hereof (other than the Project) which (i) is used or useful in connection with the transportation system within the Township, (ii) is properly chargeable to a plant or property account under sound accounting practice, and (iii) constitutes transportation facility projects or transportation service projects under the Partnership Act; including, without limiting the generality of the foregoing, land, easements, rights of way, leaseholds, other interests in real or personal property, replacements of property retired, relocation of facilities; additional buildings and renovations of existing buildings; machinery and equipment.

"Certified Resolution" means a copy of one or more resolutions certified by the Secretary or an Assistant Secretary of the Township, under its seal, to have been duly adopted by the Board and to be in effect on the date of such certification.

"Code" means the Internal Revenue Code of 1986, as amended, and all applicable regulations promulgated thereunder and under the Internal Revenue Code of 1954, as amended.

"Construction Fund" means the fund of the Township described in Section 4.01.

"Cost or Costs" in connection with the Project or any Capital Additions, means all expenses which are properly chargeable thereto under sound accounting practice or which are incidental to the financing and construction or acquisition of such project, including, without limiting the generality of the foregoing:

A. amounts payable to contractors and costs incident to the award of contracts;

B. cost of labor, facilities and services furnished by the Township and its employees or others, materials and supplies purchased by the Township or others, and permits and licenses obtained by the Township;

C. engineering fees and expenses for survey, design, inspection, supervision and other duties required for proper construction of a project;

D. premiums for contract notes and insurance during construction and costs on account of personal injuries and property damage in the course of construction and insurance against the same;

E. interest during construction of a project and for the period after construction permitted by the Act;

F. administrative expenses of the Township (including compensation and expenses of the Paying Agent) during construction and for a reasonable period after construction of a project pending the collection of Revenues;

G. printing, legal, accounting and other professional and advisory fees and expenses and other expenses of financing;

H. costs, fees and expenses in connection with the acquisition of real property or rights therein;

I. cost of machinery and equipment necessary for the completion and proper operation of the project or property in question; and

J. amounts required to repay temporary or note anticipation loans made to finance the costs of any project.

In the case of projects for refunding or redeeming any Notes, "Cost" includes, without limiting the generality of the foregoing, the items listed above as applicable, advertising and other expenses related to the redemption of the Notes to be redeemed, the redemption price of such Notes and the accrued interest payable on redemption to the extent not otherwise provided for. Whenever Costs are to be paid hereunder, payment may

be made to reimburse the Township or other person or entity which has paid the same.

"Debt Service Requirements" means, with respect to any period, the amounts required in said period to pay, or to be set aside or deposited in the Sinking Fund for the payment of, the principal of or interest on Notes, excepting amounts set aside out of proceeds of Notes for payment of interest. For the purpose of ascertaining aggregate Debt Service Requirements, interest shall be computed to mandatory redemption dates to the extent that Notes are required to be redeemed by mandatory redemption provisions, otherwise computed to stated maturity dates.

"District" means the Fort Washington Transportation Development and Business Improvement District designated by the Township in the Assessment Ordinance.

"Engineer" means such engineer or consulting engineer firm as shall at the time be employed or engaged to perform engineering services for the Township related to the Project and may include the person designated generally as "Township Engineer."

"Fiscal Year" means a period of 12 consecutive months ending the last day of December of each year.

"Government Obligations" means treasury bills or interest bearing direct obligations of the United States of America, or obligations the principal of and interest on which are unconditionally guaranteed by the United States of America or an agency or instrumentality thereof.

"Officer's Certificate" means a certificate or statement signed by an Authorized Officer.

"Ordinance" means this instrument and, unless the context indicates otherwise, all Supplemental Ordinances.

"Outstanding", when used with reference to Notes, shall mean, at any date as of which the amount of Outstanding Notes is to be determined, the aggregate of all Notes theretofore and thereupon being authenticated and delivered, except:

- (i) Notes cancelled at or prior to such date;
- (ii) Notes for the payment of which cash shall have been theretofore deposited with the Paying Agent and which shall have matured by their terms, but shall not have been surrendered for payment;

(iii) Notes for the payment or redemption of which funds sufficient to pay all principal, interest and premium, if any, to the date of maturity or date fixed for redemption shall have been theretofore deposited with the Paying Agent, provided, in the case of redemption, that notice thereof has been published as required by this Ordinance or irrevocable instructions given to the Paying Agent to publish such notice; and

(iv) Notes which are no longer deemed to be outstanding in accordance with provisions in Section 1110(b) of the Act.

"Paying Agent" means Continental Bank, Norristown, Pennsylvania, in its capacity as paying agent and Sinking Fund Depository under this Ordinance.

"Phase I" means the planning, design and construction of the following improvements:

(a) At the intersection of Pennsylvania Avenue and Commerce Drive, the construction of a dual left/right turn lane on Commerce Drive, a right turn lane on westbound Pennsylvania Avenue, a left turn lane on eastbound Pennsylvania Avenue, a larger turn radius for trucks, and actuating the traffic signal. The resulting intersection configuration will have three lanes on the southbound approach (left turn only, dual left/right turn, right turn only), four lanes on the westbound approach (left turn only, through only, dual through/right, and right turn only), and three lanes on the eastbound approach (two through lanes and a left turn only);

(b) On Twining Road at the intersection of Susquehanna Road, a westbound right turn lane and a southbound left turn lane will be constructed. The turn radius at the northeast corner will be improved and the signal timing will be adjusted with a two-dial controller;

(c) At the intersection of Pinetown Road and Delaware Avenue turns from both roads will be channeled to enhance the free flow of traffic; and

(d) To the extent excess funds are available in the Construction Fund after the completion of construction (or the setting aside of moneys sufficient therefor) of the improvements described in (a) through (c) above, the planning, design and construction of the

improvements described in the definition of Phase II below.

"Phase II" means the planning, design and construction of the widening of Dreshertown Road from two to four lanes between the Limekiln Pike and the proposed realignment with Dresher Road in Horsham Township, a distance of 6,100 feet.

"Project" means the planning, design and construction of the highway improvements described in Phase I and Phase II.

"Purchaser" means Dolphin & Bradbury, Incorporated.

"Rate Covenant" means the covenant of the Township set forth in Section 5.01.

"Revenues" means (a) receipts and revenues derived from the Assessments, and (b) all income, interest and profits received from the investment of moneys held in any fund established under the Ordinance, but excludes tax and other general revenues of the Township.

"Sinking Fund" means the separate fund created by Section 6.01.

"Supplemental Ordinance" means a ordinance supplemental to this Ordinance executed in connection with the issuance of Additional Notes pursuant to Article III, or executed for the purpose of amendments or modifications pursuant to Section 9.02.

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

Section 1.03. Legal Authority. This Ordinance is enacted pursuant to the Act, the Partnership Act, the First Class Township Code of the Commonwealth, and the Board, on behalf of the Township, hereby determines and states that each and every matter and thing provided for herein is necessary and desirable to carry out and effectuate the public purposes of the Township in accordance with such laws. All of the mandatory provisions of the Act shall apply hereunder whether or not expressly stated herein.

Section 1.04. Ordinance To Constitute Contract. In consideration of the purchase and acceptance of the Notes authorized to be issued hereunder by those who shall purchase the same

from time to time, this Ordinance shall be deemed to be and shall constitute a contract between the Township and the registered owners of all such Notes; and the covenants and agreements herein set forth to be performed on behalf of the Township shall be for the benefit, protection and security of registered owners of all such Notes, all of which, regardless of the time or times of their issue or maturity, shall be of equal rank, without preference, priority or distinction of any such Note over any other thereof except as expressly provided therein, herein or in any Supplemental Ordinance.

SECTION 1.05. Increase in Indebtedness. The gross nonelectoral indebtedness of the Township shall be increased in the aggregate amount of \$650,000 for the purpose of providing funds for Phase I of the Project as hereinafter described. Such nonelectoral indebtedness shall be evidenced by \$650,000 principal amount of 1988 Notes, which shall be issued as guaranteed revenue notes as hereinafter authorized.

SECTION 1.06. Debt Statement and Other Proceedings Authorizing 1988 Notes. The President of the Board and Township Secretary or Treasurer are hereby authorized and directed to execute and file the debt statement and borrowing base certificate required by the Act and to apply to the Department of Community Affairs for approval of the proceedings authorizing the issuance of the 1988 Notes, and to execute and file with said Department any and all documents required to be submitted as part of said application for approval.

Section 1.07. Covenant as to Debt Service. The Township hereby covenants with the holders from time to time of the outstanding Notes: (a) that the Township will include in its Annual Budget for each Fiscal Year, commencing with the Fiscal Year ending December 31, 1989, the amounts of the debt service on the outstanding Notes which will be payable in each such fiscal year so long as any of such Notes shall remain outstanding; (b) that the Township will appropriate to and deposit in the Sinking Fund hereinafter established, from the Revenues hereinafter pledged and, to the extent of any deficiency, from its general revenues, such amounts for the payment of such debt service; and (c) that the Township will duly and punctually pay out of its Revenues deposited in the Sinking Fund and, to the extent necessary, out of its general revenues so deposited, the principal of every Note and the interest thereon on the dates, at the places and in the manner stated in the Notes, according to the true intent and meaning thereof; and for such budgeting, appropriation and payment, the Township hereby pledges its full faith, credit and taxing power. The covenant contained herein shall be specifically enforceable.

Section 1.08. Pledge of Revenues. All Revenues are hereby irrevocably pledged for the payment of the principal of, premium, if any, and interest on the Notes, and for the further benefit and security of the registered owners of the Notes a security interest is hereby granted in and to all Revenues, which security interest shall be perfected as provided in Section 606 of the Act. The proper Township officers shall execute and file financing statements as required by the Uniform Commercial Code to evidence the grant of such security interest.

Section 1.09. Guaranty of Notes. The Township guarantees that the Revenues pledged pursuant to Section 1.07 hereof will be sufficient for the payment of the principal of and interest on the Notes, and, to the extent, if any, that such Revenues shall be insufficient, it will budget, appropriate and pay the principal of and interest on the Notes from its general revenues; and for such guaranty, budgeting, appropriation and payment the Township hereby irrevocably pledges its full faith, credit and taxing power.

Section 1.10. Taxes Not Assumed. The Township does not assume the payment of any taxes with respect to the Notes.

ARTICLE II

CONCERNING THE NOTES - TERMS OF THE 1988 NOTES

Section 2.01. Authorization of Notes - Phase I - Form of 1988 Notes. There shall be initially issued hereunder \$650,000 Highway Improvement Revenue Notes, Series of 1988, described in Section 2.03, for the purpose of: (a) providing funds to finance Phase I of the Project, and (b) paying the costs and expenses of the financing. It is hereby determined and stated that the improvements to be financed from the proceeds of the 1988 Notes are those improvements described in the definition of Phase I contained herein, that such improvements have a realistic estimated useful life of not less than ten (10) years and that the Township has obtained realistic cost estimates for such improvements through actual bids or professional cost estimates.

The amount of the proceeds of the 1988 Notes to be applied to the purposes set forth in this Section 2.01 is estimated to be as set forth in Exhibit A attached hereto and made a part hereof.

The 1988 Notes shall be fully registered notes and shall be dated, shall be in the denomination, shall be numbered, shall mature and shall bear interest as more particularly set forth in Section 2.03.

Additional Notes may also be issued under this Ordinance pursuant to and subject to the terms and conditions of Article III hereof. The Additional Notes shall be issued in such aggregate principal amounts, for such purposes, shall be in such form and denomination, shall bear such dates, shall be numbered, and shall mature and bear interest as shall be provided in the Supplemental Ordinance executed in connection with the issuance thereof. Notes may also be issued under this Ordinance pursuant to Section 2.10 hereof in lieu of Notes theretofore issued which have been mutilated, lost, destroyed or stolen.

The 1988 Notes shall be in substantially the following form with appropriate insertions, omissions and variations:

[FORM OF FACE OF 1988 NOTE]

No. R-

\$ _____

TOWNSHIP OF UPPER DUBLIN
Montgomery County, Pennsylvania

GUARANTEED HIGHWAY IMPROVEMENT REVENUE NOTE,
SERIES OF 1988

Interest Rate	Issue Date	Maturity Date	CUSIP
---------------	------------	---------------	-------

REGISTERED OWNER:

PRINCIPAL SUM:

DOLLARS

TOWNSHIP OF UPPER DUBLIN, a municipal corporation and political subdivision existing under and by virtue of the laws of the Commonwealth of Pennsylvania (the "Township"), for value received, hereby promises to pay to the registered owner hereof on the Maturity Date set forth above the Principal Sum set forth above, unless this Note shall have been called for redemption and payment of the redemption price shall have been duly made or provided for, and to pay interest thereon from September 1, 1988 or the most recent Interest Payment Date to which interest has been paid or duly provided for, initially on March 1, 1989 and semi-annually thereafter on September 1 and March 1 of each year (each, an "Interest Payment Date"), at the annual rate specified above, calculated on the basis of a 360-day year of twelve 30-day months, until the principal sum is paid or has been provided for. The principal of this Note is payable upon presentation and surrender hereof at the principal corporate trust office of Continental Bank, in Norristown, Pennsylvania (the "Paying Agent"). Interest on this Note will be paid on each Interest Payment Date by check or draft mailed to the person in whose name this Note is registered on the registration books of the Township maintained by the Paying Agent, as note registrar, at the address appearing thereon at the close of business on the fifteenth day of the calendar month next preceding such Interest Payment Date (the "Regular Record Date"). Any such interest not so timely paid or duly provided for shall cease to be payable to the person who is the registered owner hereof as of the Regular Record Date, and shall be payable to the person who is the registered owner hereof at the close of business on a Special Record Date for the payment of such defaulted interest. Such Special Record Date shall be fixed by the Paying Agent whenever moneys become available for payment of the defaulted interest, and notice of the Special Record Date and of the payment date shall be given to

registered owners of the Notes not less than fifteen (15) days prior to the Special Record Date. The principal of and interest on this Note are payable in lawful money of the United States of America.

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

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

TOWNSHIP OF UPPER DUBLIN

(Facsimile Seal)

By: *[Signature]*
(Facsimile Signature)
President of Board of Commissioners

Gregory N. Klemick
Attest: (Facsimile Signature)
Secretary

[FORM OF AUTHENTICATION CERTIFICATE]

This Note is one of the Guaranteed Highway Improvement Revenue Notes, Series of 1988, described in the within mentioned Ordinance.

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

Date of Authentication:

CONTINENTAL BANK,
Paying Agent

By: _____
Authorized Officer

[FORM OF REVERSE OF 1988 NOTE]

This Note is one of a duly authorized issue of \$650,000 Guaranteed Highway Improvement Revenue Notes, Series of 1988, of the Township (the "Notes") dated September 1, 1988 and is issued pursuant to the Local Government Unit Debt Act of the Commonwealth (Act No. 52 approved April 28, 1978), as amended (the "Act"). The Notes are issued in registered form in the denominations of \$5,000 and any integral multiple thereof. The Notes are all of like date and tenor, except as to date of maturity, rate of interest and provision for redemption, are all issued pursuant to the Act and an ordinance enacted by the Board of Commissioners of the Township on August 9, 1988 (the "Ordinance") and are all equally and ratably secured under the Ordinance by a pledge of the Township's transportation assessment revenues and certain other income and moneys as provided in the Ordinance. The Notes are issued for the purpose of providing funds for certain improvements to the highways in the Township.

The Township has guaranteed the payment of all obligations due on the Notes and for the payment of such guaranty has unconditionally pledged its full faith, credit and taxing power.

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

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

Notes maturing on and after September 1, 1991 are subject to redemption prior to maturity at the option of the Township as a whole or in part from time to time in inverse order of maturity and within a maturity by lot, on September 1, 1990 or any date thereafter, at a redemption price equal to 100% of principal amount, together with interest accrued to the date fixed for redemption.

For the purpose of selection of Notes for redemption, any Note of a denomination greater than \$5,000 shall be treated

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

The Paying Agent shall give notice of any redemption by first-class mail, postage prepaid, mailed not less than thirty (30) days nor more than sixty (60) days prior to the redemption date to each registered owner of Notes to be redeemed at his registered address as it appears in the Note Register. Such notice shall be given in the name of the Township, shall identify the Notes to be redeemed (and, in the case of a partial redemption of any Notes, the respective principal amounts thereof to be redeemed), shall specify the redemption date and the redemption price, and shall state that on the redemption date the Notes called for redemption will be payable at the principal corporate trust office of the Paying Agent and that from the date of redemption interest will cease to accrue. Failure to mail any notice or defect in the mailed notice or in the mailing thereof in respect of any Note shall not affect the validity of the redemption of any other Note.

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

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

the same series designation, maturity and interest rate of any authorized denomination, as requested by the owner surrendering the same.

The Paying Agent shall not be required: (i) to transfer or exchange any Notes during a period beginning at the close of business on the fifth (5th) day next preceding the day of selection of Notes to be redeemed and ending at the close of business on the day on which the applicable notice of redemption is given, or (ii) to transfer or exchange any Note selected for redemption in whole or in part.

The Township and the Paying Agent may treat the person in whose name this Note is registered on the note register maintained by the Paying Agent as the absolute owner of this Note 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 Notes, and has directed the Paying Agent to use such numbers in notices of redemption and other notices, if any, as a convenience to registered owners of Notes. No representation is made as to the accuracy of such numbers either as printed on the Notes or as contained in any notice and reliance may be placed only on the identification numbers prefixed "R".

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

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

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 Note 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 Note or in the creation of the debt for which this

Note is evidence, exist, have happened and have been performed in regular and due form and manner as required by law; that this Note, together with all other indebtedness of the Township, is within every debt and other limit prescribed by the Constitution and the statutes of the Commonwealth of Pennsylvania; that the Township has established with the Paying Agent, as Sinking Fund Depository, a sinking fund for the Notes and shall deposit therein from its transportation assessment revenues and, if required, from its general revenues, amounts sufficient to pay the principal of and interest on the Notes as the same shall become due and payable; and that for the prompt and full payment of all obligations of this Note, the full faith, credit and taxing power of the Township are hereby irrevocably pledged.

Neither this Note nor any obligation to pay interest hereunder shall be entitled to any benefit under the Ordinance or be valid or become obligatory for any purpose until this Note shall have been authenticated by the certificate endorsed hereon duly signed by the Paying Agent, or its successor in the trust.

[END OF 1988 NOTE FORM]

Section 2.02. Finding As To Private Negotiated Sale and Sale of 1988 Notes to the Purchaser. As required by Section 701 of the Act, the Board of Commissioners hereby finds, determines and declares after due investigation that it is in the best financial interests of the Township to sell the 1988 Notes at private negotiated sale.

The 1988 Notes are hereby awarded and sold at private negotiated sale to the Purchaser at a price of \$643,500 and in accordance with the other terms and conditions contained in the proposal of the Purchaser presented to this meeting, which is hereby accepted. A copy of said proposal shall be attached to this Ordinance and lodged with the official minutes of this meeting and is hereby incorporated herein by reference. The average annual debt service on the 1988 Notes under the terms of said proposal is \$155,043.

Section 2.03. Maturities and Other Terms of 1988 Notes. The 1988 Notes shall be in denominations of \$5,000 or any integral multiple thereof, shall be dated September 1, 1988, and shall be subject to purchase or redemption prior to maturity in the manner and subject to the conditions therein stated. The 1988 Notes shall bear interest at the annual rates and shall mature as follows:

<u>Principal Amount</u>	<u>Rate of Interest</u>	<u>Maturity Date (September 1)</u>
\$115,000	5.60%	1989
125,000	5.80%	1990
130,000	6.00%	1991
135,000	6.25%	1992
145,000	6.50%	1993

The 1988 Notes shall be subject to redemption prior to maturity at the option of the Township in accordance with the terms set forth in the form of 1988 Note contained in Section 2.01 hereof.

Section 2.04. Authentication and Delivery of 1988 Notes. The Township shall execute and deliver to the Paying Agent for authentication the 1988 Notes described in Sections 2.01 and 2.03, and thereupon, the Paying Agent shall authenticate said Notes and deliver them to or upon the order of the Township, but only upon receipt of the proceeds of sale of the Notes and of the following:

- (a) A certified copy of this Ordinance;
- (b) A certificate of the Pennsylvania Department of Community Affairs issued pursuant to the Act approving the incurrence of the debt of the Township evidenced by the 1988 Notes; and
- (c) An opinion of note counsel approving the validity of the Notes.

Section 2.05. Disbursement of Proceeds of 1988 Notes. The Township shall also furnish to the Paying Agent at the time the Notes are authenticated an Officers' Certificate signed by an Authorized Officer setting forth: (i) the amount of proceeds to be received by the Township from the sale of the Notes; (ii) the amounts presently payable or to be reserved for the costs and expenses of the financing; and (iii) the amounts remaining for deposit to the Construction Fund.

The proceeds of the sale of the 1988 Notes shall be paid over to the Paying Agent and shall be deposited by it in a settlement account, from which the Paying Agent shall make the payments and deposits and set aside the reserves, if any, set forth in the Officers' Certificate.

Any reserves which shall be set up in the settlement account shall be disbursed from time to time by the Paying Agent pursuant to further written directions of an Authorized Officer

of the Township and any balance ultimately remaining in any such reserve shall ninety (90) days after the date of issuance of the 1988 Notes be transferred by the Paying Agent to the Construction Fund.

Section 2.06. Place, Manner and Source of Payment of 1988 Notes. The principal of and interest on the Notes issued and to be issued hereunder, and the redemption premium, if any, payable thereon in case of redemption, shall be payable as provided on the form of Note set forth in this Ordinance or the applicable Supplemental Ordinance, in lawful money of the United States of America. The principal of and interest on the Notes and the redemption premium, if any, payable thereon in case of redemption, shall be payable out of the Revenues of the Township, and out of other moneys, if any, held by the Paying Agent hereunder, to the extent and as provided in this Ordinance or any Supplemental Ordinance, and, from the general tax revenues of the Township in the event Revenues are not sufficient for such purpose.

Section 2.07. Execution of Notes. All Notes issued hereunder shall be executed in the name of the Township by the manual or facsimile signature of the President or Vice-President of the Board of Commissioners, and a facsimile of the corporate seal shall be thereunto affixed and attested by the manual or facsimile signature of its Secretary or Assistant Secretary. Whether or not any one or more of said officers who shall have signed or attested said Notes shall have ceased to be such officer or officers at the time of the delivery of said Notes, said Notes shall be valid and binding obligations of the Township.

Section 2.08. Authentication of Notes. No Notes shall become valid or obligatory for any purpose until such Notes shall have been authenticated by the Paying Agent, and such authentication by the Paying Agent upon any Note shall be conclusive evidence and the only evidence that the Note so authenticated has been duly authenticated and delivered hereunder and that the registered owner thereof is entitled to the benefit of the Ordinance.

Section 2.09. Registration and Transfer of Notes.

A. The Township shall keep, at the principal corporate trust office of the Paying Agent, books for the registration and transfer of Notes and hereby appoints the Paying Agent to act as transfer agent to keep such books and make such registrations and transfers under such reasonable regulations as the Township may prescribe. Registrations and transfers shall be without charge to the registered owner thereof.

B. The Notes shall be exchangeable for Notes of other authorized denominations in the same aggregate principal amount. The registered owner desiring to exchange Notes shall surrender such Notes at the principal corporate trust office of the Paying Agent, together with a written request for exchange, setting forth the denominations of the Notes to be issued. Thereupon, the Paying Agent shall authenticate and deliver to such registered owner a new Note or new Notes in authorized denominations aggregating the principal amount of the Note or Notes surrendered. All 1988 Notes issued in exchange for, or upon registration of transfer of 1988 Notes shall be dated the date of authentication thereof and shall bear interest from the most recent Interest Payment Date to which interest has been paid or duly provided for or, if no interest has been paid, from September 1, 1988.

C. All Notes presented for transfer, registration, exchange, redemption or payment shall be accompanied by a written instrument or instruments or transfer, in form and with guaranty of signature satisfactory to the Township and the Paying Agent, duly executed by the bondholder or by his duly authorized attorney.

D. All Notes delivered upon any registration of transfer or exchange shall be valid obligations of the Township, evidencing the same debt as the Notes surrendered, shall be secured by the Ordinance and shall be entitled to all of the security and benefits hereof to the same extent as the Notes surrendered.

Section 2.10. Mutilated, Destroyed, Stolen or Lost Notes. In case any Note shall become mutilated or be destroyed, stolen or lost, the Township may, in its discretion, issue and thereupon the Paying Agent shall authenticate and deliver a new Note, of like tenor, amount and maturity as the Note so mutilated, destroyed, stolen or lost, (a) in exchange and in substitution for such mutilated Note, upon surrender and cancellation of such mutilated Note, or (b) in place of and in substitution for the Note destroyed, stolen or lost, (i) upon the registered owner's filing with the Paying Agent evidence satisfactory to the Township and to the Paying Agent that such Note has been destroyed, stolen or lost and of his ownership thereof, and (ii) upon the registered owner's furnishing the Township and the Paying Agent with indemnity satisfactory to them and complying with such other reasonable regulations as the Township and the Paying Agent may require. The Township may, for each new Note authenticated and delivered under the provisions of this Section 2.10, require the payment of a sum sufficient to pay printing expenses and any additional expenses, including counsel fees, which may be incurred by the Township and the Paying Agent. All Notes so surrendered to the Paying Agent shall be cancelled

and cremated by the Paying Agent and a cancellation and cremation certificate shall be filed with the Township by the Paying Agent.

All duplicate Notes issued pursuant to this Section 2.10 shall constitute original additional contractual obligations on the part of the Township, whether or not the lost, stolen or destroyed Notes be at any time found by anyone, and such duplicate Notes shall be entitled to equal and proportionate benefits with all other Notes issued under this Ordinance.

Section 2.11. Temporary Notes. Pending preparation of definitive Notes of any series, or by agreement with the purchasers of all Notes of any series, the Township may issue and, upon its request, the Paying Agent shall authenticate in lieu of definitive Notes one or more temporary printed or typewritten Notes in denominations of \$1,000 and multiples thereof of substantially the tenor recited above. Upon request of the Township, the Paying Agent shall authenticate definitive Notes in exchange for and upon surrender of an equal principal amount of temporary Notes. Until so exchanged, temporary Notes shall have the same rights, remedies and security hereunder as definitive Notes.

Section 2.12. Cancellation and Cremation of Surrendered Notes. Notes surrendered for payment, redemption or exchange and Notes purchased from any fund or account established under this Ordinance shall be cancelled by the Paying Agent. Unless the Township shall have previously specified another disposition thereof, the Paying Agent shall cremate cancelled Notes and deliver a certificate of cremation to the Township.

Article III

ISSUANCE OF ADDITIONAL NOTES

Section 3.01. Purposes of Additional Notes. The Township may issue from time to time, and the Paying Agent shall authenticate, Additional Notes for the purpose of providing all or part of the funds necessary to refund notes, including accrued and unpaid interest and redemption premiums, if any, or for the purpose of providing all or part of the funds required to complete Phase I; acquire, construct or complete Phase II; or acquire, construct or complete Capital Additions. In each case, any and all costs and expenses in any way incidental to the financing may be funded by the Additional Notes.

Section 3.02. Additional Notes for Refunding. Prior to the issuance of Additional Notes for refunding purposes, the Township shall deliver to the Paying Agent:

(a) A Supplemental Ordinance providing for the issuance of the Additional Notes, authorizing the payment or redemption of the Notes to be refunded, and containing other necessary or proper provision not inconsistent herewith unless all Notes, the holders of which are entitled to the protection of the provisions hereof with which the Supplemental Ordinance is inconsistent, are to be paid or redeemed;

(b) Evidence satisfactory to the Paying Agent that notice of redemption has been properly given, or that provision satisfactory to the Paying Agent has been made for the proper giving thereof, or that sufficient waivers have been duly filed in accordance with Section 7.02;

(c) An opinion of counsel satisfactory to the Paying Agent approving the form of said Supplemental Ordinance, stating that the same is in compliance with this Section 3.02; and expressing an opinion that the Additional Notes when issued will be valid obligations of the Township in accordance with their terms, and that it is proper for the Paying Agent to authenticate the Additional Notes.

Such opinion of counsel may be accepted by the Paying Agent as conclusive evidence that the requirements of this Sec-

tion 3.02 have been complied with, and the Paying Agent shall thereupon be authorized to authenticate the Additional Notes and to deliver the same to or upon the order of the Township.

The proceeds of Additional Notes issued for refunding purposes shall, after paying all costs and expenses incidental to the redemption and to the financing, be applied by the Paying Agent to the payment or redemption of the Notes to be refunded.

Section 3.03. Additional Notes for Project or Capital Additions. Prior to the issuance of Additional Notes for the completion of Phase I, the acquisition, construction or completion of Phase II, or the acquisition, construction or completion of Capital Additions, the Township shall deliver to the Paying Agent:

(a) A Supplemental Ordinance providing for the completion of Phase I, the acquisition, construction or completion of Phase II, or the acquisition, construction or completion of the Capital Additions, for the issuance of the Additional Notes, and containing other necessary or proper terms, requirements and provisions which shall not be inconsistent with this Ordinance or any previous Supplemental Ordinance unless all Notes, the holders of which are entitled to the protection of the provision or provisions with which the Supplemental Ordinance is inconsistent, have been paid or redeemed or provision therefor duly made;

(b) If the purpose of the Additional Notes is not for the construction or completion of the Project, a certificate of the Engineer approving the Capital Additions and stating that the same will be necessary or useful;

(c) A certificate of the President of the Board and one other Authorized Officer stating that the current Revenues are sufficient to comply with the Rate Covenant after giving effect to the Debt Service Requirements of the Additional Notes or that increases in Assessments are required to comply therewith and if such increases are required, a certified copy of an Ordinance of the Township enacting the required increases.

(d) An opinion of counsel satisfactory to the Paying Agent, approving the forms of said Supplemental Ordinance, ordinances and certificates or such of them as are required, and expressing the opinion that the same are in compliance with this Section 3.03.

Such opinion of counsel may be accepted by the Paying Agent as conclusive evidence that the requirements of this Section 3.03 have been complied with, and the Paying Agent will thereupon be authorized to authenticate the Additional Notes and to deliver the same to or upon the order of the Township.

Section 3.04. Application of Proceeds of Notes Issued for Project or Capital Additions. The proceeds of the Additional Notes issued for the purpose of completing Phase I, acquiring, constructing or completing Phase II, or acquiring, constructing or completing Capital Additions shall, after paying the costs and expenses of the financing and making any other payments and setting aside any reserves authorized by the Supplemental Ordinance, be deposited in the Construction Fund.

The Paying Agent shall be authorized to disburse the moneys in Construction Fund from time to time for the purpose of paying or reimbursing the Township for the Costs of completing Phase I, acquiring, constructing or completing Phase II, or constructing, acquiring or completing the Capital Additions, upon submission of requisitions and certificates of the character contemplated by Section 4.03 upon which the Paying Agent may conclusively rely.

Section 3.05. Additional Notes on Parity. All Additional Notes issued from time to time under this Article III shall be on a parity with the Notes and with all other Additional Notes theretofore issued hereunder.

Section 3.06. Temporary Loans. The Township shall be authorized to borrow money temporarily for the purpose of completing Phase I, acquiring, constructing or completing Phase II, or acquiring, constructing or completing Capital Additions, in which event it may, upon issuing Additional Notes, repay the money so borrowed, together with interest, out of the proceeds of the Additional Notes, and such payments shall be treated as a Cost of acquiring, constructing or completing the Project or Capital Additions, respectively.

ARTICLE IV

CONSTRUCTION OF THE PROJECT

CONSTRUCTION FUND

SECTION 4.01. Construction Of Project. The Township covenants that it will proceed with all reasonable dispatch to construct and complete Phase I of the Project in accordance with the plans and specification prepared by the Engineer or in accordance with such change orders or modifications thereof as shall be approved by the Township. The Township further covenants and agrees that: (a) it will enter into contracts for construction of Phase I of the Project with competent contractors and will require such contractors to furnish performance and payment notes in accordance with the plans and specifications of the Engineer; (b) it will perform, and will require the contractors to perform all of the covenants and agreements contained in the construction contracts and will require the contractors and their sureties to perform their obligations contained in the performance and payment notes; (c) it will comply and require the contractors to comply with all lawful rules, regulations, permits, orders and other requirements of any governmental authority or agency having jurisdiction over the construction of Phase I of the Project.

SECTION 4.02. Construction Fund. There is hereby created a Construction Fund which shall be maintained with the Paying Agent or other depository of the Township and shall be accounted for separately from other funds of the Township. In addition to the moneys to be credited thereto pursuant to Sections 2.05 and 3.04, there shall be credited to the Construction Fund any moneys from governmental or other sources made available to the Township for the Costs of the Project. The moneys credited to the Construction Fund shall be held under the control of Township and shall be applied for and towards the payment of the Costs of the Project and, pending such application, shall be subject to a lien and charge in favor of the registered owners of the Notes Outstanding under this Ordinance and for the further security of such registered owners until paid out as herein provided.

SECTION 4.03. Disbursements From Construction Fund. The Township covenants that it will keep accurate records of disbursements charged to the Construction Fund and that payments from the Construction Fund shall be made only after there shall have been executed and filed with the Township Secretary requisitions or certificates signed by one or more Authorized Officers of the Township, stating with respect to each payment to

be made, (i) the requisition or certificate number, (ii) the name of the person, firm or corporation, to whom payment is to be made, (iii) the amounts to be paid, and (iv) in reasonable detail the purpose for which the obligation was incurred; and certifying that each obligation for which payment is requested has been properly incurred by the Township and it is a proper charge against the Construction Fund and that each amount requisitioned is unpaid and has not be the basis of any previous withdrawal.

In the case of payments to contractors under contracts supervised by the Engineer, the requisition shall contain a certificate of the Engineer certifying approval of the requisition and further certifying with respect to any obligations incurred for work or materials, that such work was actually performed or such materials were actually installed in or about the Project or delivered at the site of the work for that purpose, or delivered for fabrication at a place approved by the Engineer, and that all work done and materials furnished for which such obligations were incurred are in the opinion of the Engineer in accordance with the plans and specifications for the Project or duly approved change orders or modifications thereof.

In the case of payments for the purchase price of lands, rights of way or easements, the Township shall also obtain and file with the Township Secretary an opinion of counsel that the Township has acquired good title to said lands as needed to operate the Project.

SECTION 4.04. Investment of Construction Fund. The money from time to time credited to the Construction Fund shall, except to the extent required to discharge current obligations, be invested and reinvested by the Authorized Officers of the Township, on a separate or pooled basis with other funds of the Township, in Government Obligations maturing at convenient dates or may be deposited in one or more savings accounts or time deposit accounts or certificates of deposit secured in the manner required by law. The profits and losses realized upon such investments, and the interest on such accounts, shall be credited or charged to the Construction Fund.

SECTION 4.05. Completion of Project and Capital Additions, Excess Moneys. The Township covenants that it will proceed with dispatch and efficiency to complete Phase II and all Capital Additions and in all events, within three (3) years of the date of delivery of any series of Notes issued to fund Phase II or particular Capital Additions. Upon completion of Phase I, Phase II, or each project constituting a Capital Addition, the proper Township officials shall execute and file with the Township Secretary, a completion certificate approved in writing by the Engineer and thereupon any moneys credited to the Construction Fund not reserved for final payment of Costs of

Phase I, Phase II, or such Capital Additions, respectively, or allocated to or reserved for future Capital Additions, shall be transferred to the Sinking Fund.

ARTICLE V

RATES AND CHARGES

Section 5.01. Rate Covenant. The Township hereby covenants that so long as any Notes shall remain outstanding, it will fix charge and collect Assessments which will provide total Revenues sufficient, together with other available moneys, including surplus Revenues from prior Fiscal Years, in each Fiscal Year, commencing with the Fiscal Year ending December 31, 1989:

(a) To provide for the Debt Service Requirements on all Notes issued and Outstanding or to be issued and Outstanding in each such year as and when the same shall become due and payable; and

(b) to pay the Administrative Expenses of the Township in connection with the Project.

Section 5.02. Existing Rates. The Township hereby determines and states that its present Assessment Ordinance establishes assessments sufficient to comply with the foregoing Rate Covenant and that it will furnish to the Purchaser upon delivery of the 1988 Notes, a certificate of its Authorized Officers stating that in their opinion the assessments so adopted comply with the Rate Covenant and setting forth in reasonable detail the estimates and calculations upon which the certificate is based. The Township Secretary shall keep on file at the office of the Township and at the principal office of the Paying Agent and shall furnish to any registered owner, upon request, a certified copy of the assessments currently in effect, together with a certificate of the Township's Authorized Officers evidencing that such assessments comply with the Rate Covenant.

Section 5.03. Increase of Rates. If in the Fiscal Year ending December 31, 1989 or any Fiscal Year thereafter the Revenues have not been sufficient to comply with the Rate Covenant, the Township covenants and agrees that, to the full extent it may lawfully do so, it will enact further amendments to its Assessment Ordinance increasing its Assessments to the extent estimated by the Engineer to be required to comply with the Rate Covenant, but nothing herein shall require an increase in such assessments to a level which, in the opinion of the Engineer (evidenced by a written certificate so stating), will result in a decrease in gross Revenues from what would have been received if assessments were imposed at lower levels. Nothing herein contained is intended to limit assessments.

Section 5.04. Application of Revenues. The Township covenants and agrees to collect with all due dispatch all Assessments and Revenues and to credit all Assessments and Revenues to a separate assessment fund or account of the Township which is accounted for separately from other Township moneys and accounts, but moneys credited to such fund may be pooled with other Township funds for deposit and investment purposes so long as proper accounting records are maintained to evidence the interest of the assessment fund in any such pooled deposits and investments. Moneys credited to the assessment fund shall be applied for the following purposes in the following order of priority:

(a) to make required deposits in the Sinking Fund established hereunder;

(b) to pay, or reimburse the Township for, Administrative Expenses; and

(c) to finance refunds to benefitted property owners, to the extent necessary under the Partnership Act.

ARTICLE VI

SINKING FUND

Section 6.01. Creation of Sinking Fund. The Township covenants that there shall be and there is hereby established and that it shall hereafter maintain a Highway Improvement Revenue Note Sinking Fund for the Notes 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 in accordance with the provisions of this Ordinance. The Sinking Fund shall be held and maintained for the equal and proportionate benefit and security of the holders of outstanding Notes.

The moneys and investments from time to time on deposit in the Sinking Fund shall, without further action or filing, be subject to a perfected security interest, lien and charge in favor of the holders and registered owners of the Notes until disbursed as hereinafter provided.

Section 6.02. Deposits to Sinking Fund - Payment of Notes. The Township covenants and agrees to deposit in the Sinking Fund not later than each payment date for any series of Notes Outstanding hereunder, the amount necessary to provide sufficient funds in the Sinking Fund to make all payments of the principal of and interest on all such Notes as and when the same become due and payable. The Paying Agent, without further action of the Township, is hereby authorized and directed to pay from the Sinking Fund, the principal of and interest on the Notes, and the Township hereby covenants that such moneys, to the extent required, will be applied to such purpose, as and when the same shall become due and payable.

The Sinking Fund deposits required to meet the principal and interest payments on the 1988 Notes shall be those set forth in Exhibit B attached hereto and made apart hereof, or such other amount as shall be necessary to pay such principal and interest on the payment dates.

If any series of Notes shall include provisions for the mandatory redemption of Notes from the Sinking Fund in any year, in lieu of serial maturities, the Paying Agent shall take all action necessary to effect such redemptions in accordance with the terms of each such series of Notes. The dates and amounts of such mandatory redemptions applicable to Additional Notes, if any, shall be as set forth in the applicable Supplemental Ordinance.

During the years in which Notes are to be mandatorily redeemed and prior to the selection by lot of such Notes for redemp-

tion, the Township or Paying Agent on its behalf, shall be authorized to accept tenders for the purchase of such Notes of the maturity currently designated for redemption out of moneys on deposit in the Sinking Fund, at prices not exceeding 100% of principal amount and interest accrued to the date of purchase. The principal amount of said Notes required to be redeemed in any year shall be reduced by the amount of said Notes so purchased.

If the Township shall determine to include in any notice of mandatory redemption given by the Paying Agent the optional redemption of Notes out of other available funds, and shall give the Paying Agent written notice of such determination in time for the Paying Agent to include such Notes in its drawing by lot, then the Notes to be redeemed shall be included in the drawing by lot and in the redemption notice.

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

Section 6.03. Surplus Moneys. Moneys in the Sinking Fund which are not required for the payment of any past or current Debt Service Requirement of the Notes may be used as a credit against future Sinking Fund deposits or for any lawful purpose. Nothing herein shall prevent the Township from applying moneys in the Sinking Fund to the redemption or purchase of Notes.

Section 6.04. Performance of Guaranty. The Township covenants to levy and impose such taxes and to appropriate such amounts as may from time to time become necessary to make up any deficiency in Sinking Fund deposits for the Notes in order to fully perform and discharge the Township's guaranty of such Notes.

Section 6.05. Investment of Sinking Fund. Pending application to the purposes for which the Sinking Fund is established, an Authorized Officer is authorized and directed to cause the moneys in such fund to be invested or deposited and insured or secured as may be permitted by the Act and other applicable law. All income received on deposits or investments of moneys in the Sinking Fund shall be deposited therein and shall be credited against the deposits next required to be made into such Fund under Section 6.02 or otherwise applied as set forth in Section 6.03.

Section 6.06. Retirement of All Notes. In the event that the Township shall desire to redeem and pay all outstanding Notes, and the moneys in the Sinking Fund, together with other available funds, are sufficient to effect such redemption or payment, including in addition to principal and interest, redemption premium, cost of redemption and proper charges and expenses of the Paying Agent, the Sinking Fund may be discontinued and the money therein applied toward such redemption or payment.

ARTICLE VII

REDEMPTION OF NOTES

Section 7.01. Redemption of Notes. The Notes issued or to be issued under this Ordinance shall be subject to redemption at such time or times and from time to time, in such order, at such redemption prices, upon such notice, and upon such terms and conditions as may be expressed in the particular Note, or, as the case may be, in this Ordinance. If less than all the Notes are to be redeemed, the particular Notes to be called for redemption shall be selected by lot or other customary method of selection determined by the Paying Agent.

Section 7.02. Notice of Redemption - Partial Redemption. Whenever the Township shall, by Certified Resolution of the Board, determine to redeem Outstanding Notes in accordance with the right reserved to do so, the Township shall give the Paying Agent at least forty (40) days notice of the date fixed for redemption. When Notes are called for redemption, the Paying Agent will give owners of Notes called for redemption the notice provided in the particular Notes unless all registered owners of the Notes to be redeemed shall file written waivers of notice with the Paying Agent. Any defect in or failure to give such notice to any particular registered owner shall not affect the validity of the redemption of any other Note. The Paying Agent shall use "CUSIP" numbers (if then generally in use) in notices of redemption as a convenience to registered owners, but any such notice shall state that no representation is made as to the accuracy of such numbers as printed on the Notes or as contained in any such notice and that reliance may be placed only on the identification numbers prefixed "R-" printed on the Notes.

If only a portion of such a Note is selected for redemption, then at such time as said Note is presented to the Paying Agent for payment of that portion of the Note which was selected for redemption, the Paying Agent shall pay such portion. The Paying Agent promptly thereafter shall issue and authenticate a new Note or Notes of any authorized denomination as requested by the owner for the remaining aggregate outstanding principal amount of the Note which was not called for redemption. The newly issued and authenticated Note or Notes shall be delivered to the owner at the address appearing on the books of the Paying Agent.

Section 7.03. Payment of Redemption Price. If notice of redemption has been duly mailed to the owners of all Notes called for redemption, then the Notes called for redemption shall be payable on the redemption date at the applicable redemption price as set forth in the particular Notes, plus interest accrued

to the redemption date. Payment of the redemption price together with accrued interest shall be made by the Paying Agent to or upon the order of the owner of the Notes called for redemption upon surrender of such Notes, provided that if a redemption date is on an Interest Payment Date, interest shall be paid in the usual manner.

Section 7.04. Effect of Redemption. Whenever Notes are to be redeemed, all redemption costs, including the amount necessary to pay all costs of any required mailing and any other costs incidental to the redemption and to pay the principal and all interest accrued and to accrue to the date fixed for redemption, shall be set aside and held in a separate trust by the Paying Agent exclusively for such purposes. Notice by mailing having been given in the manner hereinbefore provided or written waivers of notice having been filed with the Paying Agent, and the redemption costs having been set aside by the Paying Agent prior to the date set for redemption, the Notes so called for redemption shall become due and payable on the redemption date so designated, and interest on such Notes shall cease from such redemption date, whether such Notes be presented for redemption or not, and the owners of the Notes called for redemption shall have no security, benefit or lien under the Ordinance or any right except to receive payment of the redemption price.

Article VIII

PARTICULAR COVENANTS OF THE TOWNSHIP

Section 8.01. Payment of Notes. The Township covenants that it will promptly pay the principal of and interest on every Note issued and to be issued hereunder and secured hereby at the place and on the dates and in the manner specified herein and in said Notes according to the true intent and meaning thereof.

Section 8.02. Operation of Project. The Township covenants that it will at all times:

- (a) maintain the Project and every part thereof in good repair, working order and condition;
- (b) continuously operate or provide for the operation of the same; and
- (c) from time to time make all needful and proper repairs, renewals and replacements.
- (d) comply with all laws and regulations applicable to the Project (except to the extent that the same are being contested in good faith and by appropriate legal proceedings).

Section 8.03. No Impairment of Registered Owners' Rights. The Township covenants and agrees that so long as any of the Notes secured hereby are outstanding, none of its Revenues shall be used for any purpose other than as provided in this Ordinance, and that no contract or contracts shall be entered into or any action taken by which the rights of the Paying Agent or of the registered owners of Notes may be impaired or diminished.

Section 8.04. Further Action. The Township covenants that it will, from time to time, execute and deliver such further instruments and take such further action as may reasonable and as may be required to carry out the purpose of this Ordinance.

Section 8.05. Sale and Encumbrance of Project. The Township covenants that as long as the Notes or any of them shall be outstanding, it will not sell or otherwise dispose any part of the Project or the Revenues, except as in this Ordinance otherwise permitted, and that it will promptly pay or contest any liens or judgments constituting liens on such property which may be filed against it. The Township may, however, from time to

time, sell or permit the sale of any machinery, fixtures, apparatus, tools, instruments, or other movable property or any materials used in connection therewith which are no longer needed or useful in connection with the operation and maintenance of the Project, and the proceeds thereof, if any, shall be applied to the replacement of the property so sold or disposed of or shall be deposited in the Construction Fund or Sinking Fund. The Township may from time to time sell such real estate, forming part of the Project, as the Township by resolution shall declare not to be necessary or useful in connection with the maintenance and operation of the Project, provided the Engineer shall approve such sale in writing. The proceeds of any sale of real estate shall be deposited in the Construction Fund or Sinking Fund.

Section 8.06. No Extension of Time for Payment of Interest. In order to prevent claims for interest after maturity, the Township covenants and agrees that it will not directly or indirectly extend or assent to the extension of the time of payment of any interest on any of the Notes and will not, directly or indirectly, be a party to or approve any such arrangement by purchasing or funding such claims for interest or in any other manner. In case any such claim for interest shall be extended or funded, such claim for interest shall not be entitled in case of any default hereunder, to the benefit or security of this Ordinance except subject to the prior payment in full of the principal of all Notes issued and outstanding hereunder, and of all claims for interest which shall not have been so extended or funded.

Section 8.07. Annual Budget. The Township covenants that it will adopt by resolution of the Board and file with the Paying Agent for the Fiscal Year ending December 31, 1989 and each December 31 thereafter or such other annual accounting period as the Township may select, an annual budget setting forth the estimated Revenues and the annual Debt Service Requirements on all Notes Outstanding hereunder. Any budget may be amended or supplemented at any time, but such amended or supplemented budget shall not supersede any prior annual budget until it shall have been approved by a resolution of the Board, a certified copy of which shall be filed with the Paying Agent.

Section 8.08. Covenant To Budget, Appropriate and Pay. The Township hereby covenants with the registered owners from time to time of the Notes:

(a) that the Township will include in its budget for each year commencing with the Fiscal Year ending December 31, 1989, the amount, if any, of the debt service on the Notes which will be payable in each such Fiscal Year and which are not anticipated to be paid

from Revenues so long as the Notes shall remain outstanding; and

(b) that the Township shall appropriate such amounts to the payment of such debt service, and shall duly and punctually pay or cause to be paid from the Sinking Fund the principal of the Notes and the interest thereon on the dates and at the place and in the manner stated in the Notes according to the true intent and meaning thereof, and for such budgeting, appropriation and payment the Township hereby pledges its full faith, credit and taxing power. The covenant contained herein shall be specifically enforceable.

Section 8.09. Accounts and Audits. The Township shall at all times maintain an accurate system of accounts of the Project and keep proper books of record and account relating to the Project. The Township shall cause such accounts and records to be audited annually by a competent Accountant, and not later than ninety (90) days after the close of each fiscal year, shall furnish copies of such reports to the Paying Agent, to the Purchaser so long as any 1988 Notes remain outstanding and upon written request, to any registered owner of Notes. The Accountant shall report among other things upon the application of the Construction Fund, the maintenance of the Sinking Fund as required by Article VI, the investment and securing of moneys as required by Section 1004 of the Act, and compliance of the Township with the Rate Covenant.

Section 8.10. Employment of Engineer. The Township covenants and agrees that it will employ or retain an Engineer for the Project so long as any Notes shall remain outstanding. It shall be the duty of the Engineer, in addition to the other duties imposed elsewhere in this Ordinance, to make general inspections of the Project and of the operating records and policies of the Township and to make recommendations as to operating methods and changes, if any, in operating policies deemed advisable, and as to renewals, replacements, additions, extensions, betterments and improvements to the Project.

The Township shall furnish copies of any written reports of the Engineer on the Project to the Paying Agent and shall furnish copies to registered owners of Notes upon written request. The proposed Annual Budgets of the Township shall be submitted to the Engineer for review and recommendations prior to final adoption by the Township.

Section 8.11. Taxes on Project and Revenues; Covenant Against Liens. The Township covenants that (a) it will pay all taxes and assessments, if any, or other municipal or governmental charges lawfully levied or assessed upon the Project, or upon any

part thereof, or upon its Revenues, when the same shall become due, and will duly observe and comply with all valid requirements of any municipal or governmental authority relative to any such properties and will not create or suffer to be created any lien or charge upon the Project, or any part thereof or any prior or parity lien or charge upon the Revenues except the lien and charge of the Notes secured hereby upon such Revenues, (b) it will pay or cause to be discharged, or will make adequate provision to satisfy or discharge, within sixty (60) days after the same shall accrue, any such lien or charge and also all lawful claims and demands for labor, materials, supplies or other items which, if unpaid, might by law become a lien upon such property or any part thereof or other revenues therefrom; (c) none of the Revenues will be used for any purpose other than as provided herein; and (d) no contracts shall be entered into or any action taken by which the rights of registered owners of Notes might be impaired or diminished; provided, however, that nothing in this section shall require the Township to pay or cause to be discharged, or make provision for, any such lien or charge, so long as the validity thereof shall be contested in good faith and by appropriate legal proceedings.

Section 8.12. Federal Tax Covenants. The Township hereby covenants that it will not authorize the investment of any proceeds of the Notes in such manner as to cause the Notes to be "arbitrage bonds" as defined in Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). The Township further covenants not to take or omit to take any action as to cause interest on the Notes to be no longer excluded from gross income for the purposes of federal income taxation and to otherwise comply with the requirements of Sections 103 and 141 through 150 of the Code, and all applicable regulations promulgated with respect thereto, throughout the term of the Notes. The Township further covenants to comply with the rebate requirements contained in Section 148(f) of the Code and any regulations promulgated thereunder, to the extent applicable and to pay any interest or penalty imposed by the United States for failure to comply with said rebate requirements to the extent applicable. The Township hereby covenants that none of the proceeds of the Notes will be used directly or indirectly to make or finance loans to persons other than governmental units, nor will any proceeds of the Notes be used in any trade or business carried out by any person other than a governmental unit or in any other manner which would cause the Notes to become "private activity bonds" as defined in Section 141 of the Code. The Township hereby designates the Notes as a "qualified tax-exempt obligation" within the meaning of Section 265(b)(3)(B) of the Code.

ARTICLE IX

MISCELLANEOUS

Section 9.01. Default. If the Township shall fail to pay the principal of or interest on any Note when due or shall otherwise default in the performance of any of its obligations under the Ordinance, under the Notes or under the Act, the holders or the registered owners of the Notes, as the case may be, shall be entitled to all of the rights and remedies provided by the Act in the event of such default.

Section 9.02. Amendments. In addition to Supplemental Ordinances authorized in Article III hereunder, the Township may, from time to time and at any time, adopt a Supplemental Ordinance (a) to cure any ambiguity, or formal defect or omission in the Ordinance or in any Supplemental Ordinance, or (b) to grant to and confer upon the registered owners of Notes any additional rights, remedies, powers, authority or security that may be lawfully granted to or conferred upon the registered owners of Notes. The Ordinance may also be amended or modified from time to time, except with respect to the interest payable upon the Notes, or with respect to the dates of maturity or redemption provision of the Notes, or with respect to this Section 9.02 by a Supplemental Ordinance adopted by the Township, a certified copy of which shall be filed with the Paying Agent, with the written approval of the registered owners or holders of not less than 67% in principal amount of the Notes outstanding, other than Notes provision for the payment or redemption of which shall have been made on or before the effective date of such Supplemental Ordinance. Within the meaning of this Section 9.02, provision for the redemption of Notes shall have been made if the Notes are no longer deemed to be outstanding under Section 1110(b) of the Act.

Section 9.03. Execution of 1988 Notes; Other Action. The President or Vice-President of the Board and Secretary or Assistant Secretary of the Township are hereby authorized to execute the 1988 Notes, to deliver the 1988 Notes to the Purchaser upon receipt of the purchase price thereof, and the proper officers of the Township are authorized to take such other action as may be necessary or proper to effect the issuance of said Notes or otherwise to comply with the Act or the Ordinance.

Section 9.04. Defeasance. If and when the Notes secured hereby shall have been fully paid or retired by redemption or otherwise, or if and when provision for such payment or retirement shall have been duly made (a) by deposit with the Paying Agent of funds sufficient to effect such payment or retirement irrevocably pledged for that purpose and, (b) in the

case of retirement of Notes by redemption, by filing with the Paying Agent (i) a Certified Resolution calling such Notes for redemption and fixing the date for redemption, and (ii) either (aa) proof of publication of the required redemption notice, or (bb) irrevocable instructions to the Paying Agent to give such notice accompanied by funds sufficient to pay all expenses of notice; then and in that case the right, title and interest of the Paying Agent shall thereupon cease, determine and become void, and the Paying Agent in such case, on demand of the Township, shall release this Ordinance and reassign and retransfer to or upon the order of the Township all Revenues, and shall execute such documents to evidence such release as may be reasonably required by the Township and shall turn over to the Township or to such person, body or authority as may be entitled to receive the same, any surplus in the Sinking Fund, and all balances remaining in any other funds or accounts held hereunder; otherwise this Ordinance shall be, continue and remain in full force and effect.

Section 9.05. Other Township Financings. Nothing in this Ordinance shall limit the power of the Township to issue other notes or notes under other ordinances, resolutions or indentures for the purpose of financing other projects or from pledging the revenues of such other projects for the payment of the notes or notes issued to finance such other projects.

Section 9.06. No Personal Recourse. No recourse shall be had for any claim based on the Ordinance or the Notes 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 penalty or otherwise.

Section 9.07. Deposit of Funds for Payment of Notes. If the Township deposits with the Paying Agent funds sufficient to pay the principal or redemption price of any Notes becoming due, either at maturity or by call for redemption or otherwise, together with all interest accruing thereon to the due date, interest on the Notes shall cease to accrue on the due date and all liability of the Township with respect to such Notes and any matured shall likewise cease, except as hereinafter provided. Thereafter the holders of such Notes shall be restricted exclusively to the funds so deposited for any claim of whatsoever nature with respect to such Notes and the Paying Agent shall hold such funds in trust for such holders.

Moneys so deposited with the Paying Agent which remain unclaimed five years after the date payment thereof becomes due shall, upon request of the Township, if the Township is not at the time to the knowledge of the Paying Agent in default with

respect to any covenant in the Ordinance or the Notes contained, be paid to the Township; and the registered owners of the Notes for which the deposit was made shall thereafter be limited to a claim against the Township; provided, however, that the Paying Agent, before making payment to the Township, may, at the expense of the Township, cause a notice to be published once in a newspaper or newspapers of general circulation in Montgomery County stating that the moneys remaining unclaimed will be returned to the Township after a specified date.

SECTION 9.08. Appointment of Paying Agent.

Continental Bank of Philadelphia, Pennsylvania is hereby appointed paying agent for the Notes and sinking fund depository for the purposes of this Ordinance and the Act. The President of the Board of Commissioners is hereby authorized to enter into a contract with the Paying Agent in connection with the performance of its duties as paying agent and sinking fund depository on usual and customary terms, including an agreement on the part of the Paying Agent to observe and comply with the provisions of this Ordinance and of the Act, and an agreement on the part of the Township to pay the fees and charges of the Paying Agent as an Administrative Expense.

Section 9.09. Notices to Paying Agent and Township.

Any notice to or demand upon the Paying Agent may be served, presented or made at the principal corporate trust office of the Paying Agent. Any notice to or demand upon the Township shall be deemed to have been sufficiently given or served by the Paying Agent for all purposes by being sent by registered United States mail to the Township, at the Township Building, 801 Loch Alsh Avenue, Fort Washington, Pennsylvania 19034, or such other address as may be filed in writing by the Township with the Paying Agent.

Section 9.10. Further Action.

The 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 the Ordinance and the Act insofar as the same relate to the Notes, in the name and on behalf of the Township.

Section 9.11. Severability.

In case any one or more of the provisions contained in the Ordinance or in the Notes issued pursuant thereto shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision of the Ordinance or of said Notes, and the Ordinance or said Notes shall be construed and enforced as if such invalid, illegal or unenforceable provision had never been contained herein.

Section 9.12. Scope of Ordinance. Nothing in the Ordinance, expressed or implied, is intended or shall be construed to confer upon, or to give any person, firm or corporation other than the Paying Agent and the registered owners of the Notes, any right, remedy or claim under or by reason of the Ordinance or any covenant, condition or stipulation thereof; and the covenants, stipulations and agreements in the Ordinance are and shall be for the sole and exclusive benefit of the Paying Agent and the registered owners of the Notes.

Section 9.13. 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 9th day of August, 1988.

TOWNSHIP OF UPPER DUBLIN

Attest:

Gregory N. Klemick
Secretary

By [Signature]
President of Board of
Commissioners

TOWNSHIP OF UPPER DUBLIN
GUARANTEED HIGHWAY IMPROVEMENT REVENUE NOTES,
SERIES OF 1988

Sources and Application of Funds

Sources

Principal Amount of Notes \$650,000

Uses

Pennsylvania Ave./Commerce Drive intersection	\$507,000	
Twining Rd./Susquehanna Rd. intersection	66,000	
Pinetown Rd./Delaware Ave. intersection	31,000	
Underwriters Discount	6,500	
Legal/Administration	30,000	
Other Costs of Issuance/ Contingency	<u>9,500</u>	\$650,000

TOWNSHIP OF UPPER DUBLIN
 GUARANTEED SEWER REVENUE NOTES,
 SERIES OF 1988

NOTE AMORTIZATION AND SINKING FUND DEPOSIT SCHEDULE

<u>Period</u>	<u>Principal Maturity</u>	<u>Rate of Interest</u>	<u>Interest Payable</u>	<u>Total Debt Service and Sinking Fund Deposit</u>
3/1/89	----	---	19,676.25	19,676.25
9/1/89	\$115,000	5.60%	19,676.25	134,676.25
3/1/90	----	---	16,456.25	16,456.25
9/1/90	125,000	5.80%	16,456.25	141,456.25
3/1/91	----	---	12,831.25	12,831.25
9/1/91	130,000	6.00%	12,831.25	142,831.25
3/1/92	----	---	8,931.25	8,931.25
9/1/92	135,000	6.25%	8,931.25	143,931.25
3/1/93	----	---	4,712.50	4,712.50
9/1/93	145,000	6.50%	4,712.50	149,712.50

CERTIFICATE OF TOWNSHIP SECRETARY

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

1. The foregoing Ordinance authorizing the issuance of Guaranteed Highway Improvement Notes, Series of 1988, 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 August 9, 1988; 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>
Patrick J. Zollo		Richard R. Rulon	
Harry E. Lenz		James B. Bockius	
Norton A. Freedman		Charles M. Bolig	
Judy Herold			

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 9th day of August 1988.

Gregory N. Klemick
Secretary

(SEAL)

SECRETARY'S CERTIFICATE

The undersigned, Secretary of the Township of Upper Dublin, hereby certifies that the attached is a true and correct copy of an Ordinance which was duly adopted by the Board of Commissioners of the Township of Upper Dublin at a special meeting of said Board of Commissioners duly called and held on August 9, 1988 and at which a quorum was present and voting throughout. I further certify that said Ordinance is still in full force and effect and has not been amended or repealed.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Township of Upper Dublin, this 9th the day of August 1988.

Gregory N. Klemick
Secretary

(Township Seal)

ORDINANCE No. 753

AN ORDINANCE TO AMEND CERTAIN PROVISIONS OF THE CODES OF UPPER DUBLIN TOWNSHIP TO INCREASE THE FINES WHICH MAY BE LEVIED FOR VIOLATION OF THE CODES.

WHEREAS, the General Assembly of the Commonwealth of Pennsylvania enacted, on March 2, 1988, Act No. 1988-19, which provides for the increase of fines for violation of ordinances; and

WHEREAS, the Board of Commissioners has determined that such an increase as permitted is appropriate;

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

Section 1. The following sections of the Upper Dublin Township Code, providing for a fine for the violation of the Code, shall be amended to increase the fines set in those sections from the fines currently set to "One Thousand Dollars (\$1,000.00)" as follows:

Title 3, Chapter 3, Sec. 1.17	-	(p. 3-3-8)
Title 3, Chapter 4, Sec. 1.04(a)	-	(p. 3-4-12)
Title 3, Chapter 5, Sec. 1.05	-	(p. 3-5-2)
Title 5, Chapter 3, Art. 2, Sec. 2.12	-	(p. 5-3-7)
Title 5, Chapter 9, Sec. 1.11	-	(p. 5-9-3)
Title 7, Chapter 2, Art. 3, Sec. 3.15	-	(p. 7-2-11)
Title 7, Chapter 3, Sec. 1.03	-	(p. 7-3-2)

Section 2. The following sections of the Upper Dublin Township Code, providing for a fine for the violation of the Code, shall be amended to increase the fine from "Fifty Dollars (\$50.00)" to "Six Hundred Dollars (\$600.00)":

Title 8, Chapter 1, Sec. 1.03	-	(p. 8-1-1)
Title 8, Chapter 2, Sec. 1.08	-	(p. 8-2-3)
Title 8, Chapter 3, Sec. 1.07	-	(p. 8-3-2)
Title 8, Chapter 4, Sec. 1.03	-	(p. 8-4-1)
Title 8, Chapter 5, Sec. 1.10	-	(p. 8-5-3)
Title 8, Chapter 6, Sec. 1.06	-	(p. 8-6-2)
Title 8, Chapter 7, Sec. 1.05	-	(p. 8-7-2)
Title 10, Chapter 1, Art. 17, Sec. 17.01	-	(p. 10-1-112)

Section 3. Title 7, Chapter 9, Article 3, Section 3.04(d) is amended to set the fine at "not more than Three Hundred Dollars (\$300.00)."

Section 4. The following sections of the Upper Dublin Township Code, providing for graduated fines for the violation of the Code, shall be amended as follows:

a. Title 3, Chapter 2, Curbs and Sidewalk Construction, Section 1.07, is amended to set the fine at "... not less than Two Hundred and Fifty Dollars (\$250.00) and not more than Six Hundred Dollars (\$600.00)...".

b. Title 3, Chapter 4, BOCA Basic Plumbing Code, Section 1.04(b), is amended to set the fine at "... not less than One Hundred Fifty Dollars (\$150.00) nor more than One Thousand Dollars (\$1,000.00) ...".

c. Title 5, Chapter 1, BOCA Basic Property Maintenance Code, Section 1.10, is amended to set the fine at "... not less than One Hundred Dollars (\$100.00) or more than One Thousand Dollars (\$1,000.00)...".

d. Title 5, Chapter 2, Food and Drink, Article 2, Section 2.11, is amended to set the fine at "... (1) Five Hundred Dollars (\$500.00) for each violation upon a first offense, and (2) not more than One Thousand Dollars (\$1,000.00) ...".

e. Title 5, Chapter 2, Food and Drink, Article 1, Section 1.08, is amended to set the fine at "... not less than Three Hundred Dollars (\$300.00) nor more than One Thousand Dollars (\$1,000.00) ...".

f. Title 5, Chapter 4, Junkyards, Section 1.05, is amended to set the fine "for a first offense to a fine of Five Hundred Dollars (\$500.00), for each and every day" ... "and for a second offense, in a like manner to a fine of not less than One Thousand Dollars (\$1,000.00) ...".

g. Title 5, Chapter 5, Littering, Section 1.15, is amended to set the fine at "... not less than One Hundred Dollars (\$100.00) or more than One Thousand Dollars (\$1,000.00) ...".

h. Title 7, Chapter 1, Alarm Devices, Section 1.12(b)(2), is amended to set the fine at "... One Hundred Fifty Dollars (\$150.00) ... for the first offense. ...". "In the event of a second similar offense, ... Three Hundred Dollars (\$300.00) and the third violation upon the payment of Five Hundred Dollars (\$500.00). For all subsequent violations, ... One Thousand Dollars (\$1,000.00) ...".

i. Title 7, Chapter 2, Animals, Article 2, Section 2.07, is amended to set the fine at "... not less than One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1,000.00) ...".

j. Title 7, Chapter 7, Snow and Ice, Section 1.07, is amended to set the fine at "... not less than One Hundred Fifty Dollars (\$150.00) nor more than One Thousand Dollars (\$1,000.00) ...".

k. Title 7, Chapter 8, Vehicles, Abandoned, Section 1.06, is amended to set the fine at "... not less than One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1,000.00) ...".

1. Title 7, Chapter 9, Vehicles and Traffic, Article 4, Section 4.03, is amended to set the fine of " ... not less than Two Hundred Fifty Dollars (\$250.00) nor more than One Thousand Dollars (\$1,000.00); provided that for a first offense ... owner may avoid prosecution by payment of the sum of One Hundred Dollars (\$100.00) for the first offense ... for a second offense such prosecution may be avoided by payment of the sum of Two Hundred Dollars (\$200.00) ...".

m. Title 7, Chapter 11, Amusement Games, Section 1.14(b), is amended to set the fine at " ... not less than Three Hundred Dollars (\$300.00) nor more than One Thousand Dollars (\$1,000.00) ...".

ENACTED AND ORDAINED this 9th day of August A.D. 1988.

BOARD OF COMMISSIONERS
TOWNSHIP OF UPPER DUBLIN

By *Bates* President

Attest *Gregory N. Klemich*
Secretary

ORDINANCE No. 754

AN ORDINANCE TO AMEND THE UPPER DUBLIN TOWNSHIP CODE, TITLE 10, ZONING, BY AMENDING THE ZONING MAP DESIGNATING A TRACT OF APPROXIMATELY 3,885 SQUARE FEET OF LAND KNOWN AS TRACT NUMBER ONE, FARM LANE, PROPERTY OF THE SISTERS OF THE HOLY FAMILY OF NAZARETH, FROM INST-INSTITUTIONAL DISTRICT TO B-RESIDENTIAL DISTRICT.

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

Section 1: The Zoning Map of the Upper Dublin Zoning Ordinance, as amended, is further amended by designating the following described tract from INST-INSTITUTIONAL to B-RESIDENTIAL DISTRICT:

ALL THAT CERTAIN lot or parcel of land situate in the Township of Upper Dublin, County of Montgomery, Commonwealth of Pennsylvania, bounded and described as Tract #1, Farm Lane, on a Minor Subdivision Plan for The Sisters of the Holy Family of Nazareth, Tax Parcel 54-26A-6, prepared by Unitech Engineers, Inc., Langhorne, PA, dated July, 1988, Job Number M-213, Plan 1 of 1, as follows to wit:

BEGINNING at a point on the northwesterly right-of-way line of Farm Lane (50 feet wide), said point being North 34 degrees 32 minutes 52 seconds East 630.10 feet from the intersection of the said northwesterly right-of-way line of Farm Lane with the centerline of Highland Avenue (50 feet wide), and said point also being the southeast corner of Lot 1 of the subdivision known as St. Mary's Villa Southern; THENCE, along the easterly line of said Lot 1, to which this Tract is to be combined, North 20 degrees 44 minutes 22 seconds East for a distance of 167.59 feet to a point, the northeast corner of Lot 1 and a new corner of other lands of The Sisters of the Holy Family of Nazareth, also known as St. Mary's Villa Central, Tax Parcel Page 54, Block 26, Parcel 19; THENCE, through the lands of the Grantor along the new line dividing the new Tract #1 from Tract #2, North 86 degrees 18 minutes 00 seconds East for a distance of 50.93 feet to a point on the aforesaid northwesterly right-of-way line of Farm Lane; THENCE, along the said northwesterly line of Farm Lane, South 34 degrees 32 minutes 52 seconds West for a distance of 194.28 feet to a point, the point and place of beginning.

CONTAINING 3885 Square Feet or 0.0892 Acres more or less.

BEING Tax Parcel Page 54, Block 26A, Parcel 6.

TO BE DIVIDED AND COMBINED with other lands of The Sisters of the Holy Family of Nazareth, Tax Parcel Page 54, Block 26, Parcel 19.

ENACTED AND ORDAINED this 13th day of September, A.D. 1988.

BOARD OF COMMISSIONERS
TOWNSHIP OF UPPER DUBLIN

Attest Gregory N. Klemick
Secretary

By [Signature]
President

TOWNSHIP OF UPPER DUBLIN
Montgomery County, Pennsylvania

ORDINANCE NO. 755

AN ORDINANCE OF THE TOWNSHIP OF UPPER DUBLIN
IMPOSING THE FIRST ANNUAL INSTALLMENT OF
SPECIAL ASSESSMENTS ON BENEFITTED PROPERTIES
LOCATED WITHIN THE FORT WASHINGTON TRANSPORTATION
DEVELOPMENT AND BUSINESS IMPROVEMENT DISTRICT
AND AUTHORIZING OTHER NECESSARY AND INCIDENTAL ACTION.

WITNESS:

WHEREAS, The Township of Upper Dublin, Montgomery County, Pennsylvania (the "Township") is a first class township organized and existing within the laws of the Commonwealth of Pennsylvania; and

WHEREAS, the Township duly enacted Ordinance No. 739 on December 8, 1987 (the "Assessment Ordinance") pursuant to the Transportation Partnership Act, approved July 9, 1985, P.L. 187, No. 47, as amended (the "Partnership Act") which established the Fort Washington Transportation Development and Business Improvement District (the "District"), approved certain highway improvements (the "Project") and authorized the imposition of special assessments on property within the District benefitted by the Project; and

WHEREAS, the Township has authorized the issuance of \$650,000 Guaranteed Highway Improvement Revenue Bonds, Series of 1988 (the "Bonds") pursuant to Ordinance No. 752 duly enacted on August 9, 1988 for the purpose of financing Phase I of the Project; and

WHEREAS, the Township now desires to calculate and set the first annual installment of special assessments authorized pursuant to the Assessment Ordinance.

NOW THEREFORE, BE ENACTED AND ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF UPPER DUBLIN, AND IT IS HEREBY ENACTED AND ORDAINED AS FOLLOWS:

Section 1. The Annual Cost of the Project for the calendar year 1989 (as defined in the Assessment Ordinance) shall equal \$155,352.50 as shown on Exhibit A attached hereto and incorporated herein by reference.

Section 2. The Township hereby calculates, sets and declares that the first annual installment of special assessments is as set forth in the schedule attached hereto as Exhibit B and

incorporated herein by reference, identifying the parcel number, name of owner, assessed valuation and assessment for each property within the District.

Section 3. The Township officials are hereby authorized and directed to prepare and mail invoices for the first annual installment of special assessments to each affected property owner. Such invoices shall be deposited in the U.S. Mail no later than October 1, 1988 and payment shall be due no later than December 1, 1988. The adoption of this Ordinance shall constitute the levy of the first annual installment of special assessments for the purposes of calculating any penalty for failure to pay in timely fashion any first annual installment pursuant to applicable law.

Section 4. Section 8 of the Assessment Ordinance is hereby expressly modified and amended to the extent inconsistent with the collection schedule for annual installments described in Section 3 above.

Section 5. This Ordinance shall take effect as soon as all planning activities and approvals for the Project have been completed in accordance with Section 4(e) of the Partnership Act including but not limited to approvals from the Montgomery County Planning Commission and the Delaware Valley Regional Planning Commission.

EXHIBIT A
ANNUAL COSTS OF PROJECT

Interest due on Bonds 3/1/1989	\$ 19,676.25
Interest due on Bonds 9/1/1989	19,676.25
Principal due on Bonds 9/1/1989	115,000.00
Administrative Expenses	<u>1,000.00</u>
Grand Total	\$155,352.50

CERTIFICATE OF TOWNSHIP SECRETARY

The undersigned, Gregory Klemick, Secretary of the Board of Commissioners of the Township of Upper Dublin DOES HEREBY CERTIFY that:

The foregoing is a true and correct copy of an Ordinance of the Township 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 September 13, 1988; 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>
Patrick J. Zollo	YES	James B. Bockius	YES
Harry E. Lenz	YES	Richard R. Rulon	YES
Norton A. Freedman	YES	Charles M. Bolig	YES
Judy Herold	YES		

and that such Ordinance and the votes thereon have been duly recorded in the minutes and the ordinance book of the Township.

I further certify that a brief summary of the Ordinance and a reference to a place within the Township where copies of the proposed Ordinance could be examined was duly advertised on September 1, 1988 in the Ambler Gazette and on September 5, 1988 in the Montgomery County Record, each a newspaper of general circulation in the Township, and that copies of the proposed Ordinance were duly supplied to the above-mentioned newspapers and to the county law library.

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.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Township on this 13TH day of SEPTEMBER, 1988.

Gregory N. Klemick
Secretary

(SEAL)

ORDINANCE No. 756

AN ORDINANCE TO AMEND ORDINANCE No. 738 OF THE UPPER DUBLIN TOWNSHIP CODE, TITLE 7, PUBLIC SAFETY, CHAPTER 9, VEHICLES AND TRAFFIC, ARTICLE 4, SNOW AND ICE EMERGENCY SECTION 4.01, TRAFFIC REGULATIONS, TO DESIGNATE ADDITIONAL SNOW EMERGENCY ROUTES.

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

Section 1: Article 4, Section 4.01, (d) Highways Affected, shall be amended by the addition of the following named streets or portions thereof:

<u>STREET</u>	<u>FROM</u>	<u>TO</u>
Camphill Road	Susquehanna Road	Dreshertown Road
Dillon Road	Susquehanna Road	Welsh Road
Highland Avenue	Camphill Road	Bethlehem Pike
Kimbal Avenue	Welsh Road	North Hills Avenue
Meetinghouse Road	Butler Pike	Limekiln Pike
Morris Road	Whitemarsh Township Line	Whitpain Township Line
North Hills Avenue	Fitzwatertown Road	Abington Township Line
North Hills Avenue	Kimbal Avenue	Fitzwatertown Road
Stout Road	Butler Pike	Tennis Avenue
Tennis Avenue	Bethlehem Pike	Welsh Road

ENACTED AND ORDAINED this 11th day of October, A.D. 1988.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

Attest Gregory N. Klemick Secretary

By [Signature] President

ORDINANCE NO. 757

AN ORDINANCE TO AMEND THE UPPER DUBLIN TOWNSHIP CODE, TITLE 4, FIRE PREVENTION, CHAPTER 1, ARTICLE 3, BURNING OF LEAVES.

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

Section 1: Title 4, Chapter 1, Article 4, Subparagraph F-301.8 which reads:

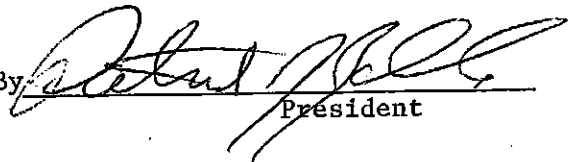
"The burning of leaves on Saturday between sunrise and sunset and on Sunday from twelve noon to sunset shall be permitted at private homes only, provided, however, that because of unusual drought conditions the burning of leaves may be banned throughout the Township by the Fire Marshal."

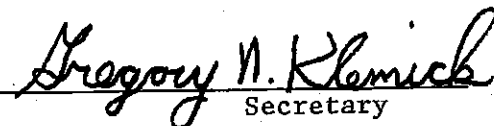
shall be amended to read:

"The burning of leaves, twigs and branches on Saturday between sunrise and sunset and on Sunday from twelve noon to sunset on the first and third weekends of the month only shall be permitted on private residential properties; provided, however, that in the event of unusual drought conditions that such burning may be banned throughout the Township by the Fire Marshal. All fires must be attended."

ENACTED AND ORDAINED this 1st day of November, 1988.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

By 
President

Attest 
Secretary

ORDINANCE No. 758

AN ORDINANCE PROVIDING FOR THE DESIGN, LAYING OUT, CONSTRUCTION AND INSTALLATION OF SANITARY WASTEWATER SEWER FACILITIES IN APPLEWOOD DRIVE, CRESTVIEW DRIVE, LEAH DRIVE, AND IN AND THROUGH CERTAIN PRIVATE PROPERTIES LOCATED ON DRESHERTOWN ROAD. AND PROVIDING FOR THE CONDEMNATION OF RIGHTS OF WAY AND PERMANENT AND TEMPORARY EASEMENTS ACROSS PRIVATE PROPERTY TO ACCOMMODATE SAID SEWERS AND FACILITIES, AND PROVIDING FOR THE PAYMENT OF COSTS OF CONSTRUCTION BY ASSESSMENT BY THE BENEFIT METHOD, AND THE PAYMENT OF AMOUNTS ASSESSED IN INSTALLMENTS AND THE COLLECTION THEREOF, THE LIENING OF PROPERTY SUBJECT TO ASSESSMENT, AND AUTHORIZING OTHER NECESSARY ACTION.

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

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

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

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

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

SECTION I. SANITARY WASTEWATER SEWER FACILITIES

(a) A system of sanitary wastewater sewer facilities shall be constructed and installed in Applewood Drive, Crestview Drive, Leah Drive and certain properties designated on the design plans located on Dreshertown Road, Upper Dublin Township, Montgomery County, Pennsylvania, in accordance with plans to be prepared by an engineering firm to be retained for such purpose by the Board of Commissioners, and shall be interconnected to the existing sanitary wastewater sewer system in place in the Township.

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

SECTION II. ASSESSMENT OF COSTS

(a) The costs of construction and installation of the sewer system, aforesaid, shall be assessed as provided by law upon the several properties benefited, improved and accommodated by the said sewer system. The officers of the Township are authorized and directed to execute and file a petition to the Court of Common Pleas of Montgomery County, Pennsylvania, for the appointment of viewers to assess benefits, as provided by law.

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

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

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

SECTION III. INSTALLMENT PAYMENT PRIVILEGES

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

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

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

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

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

ENACTED AND ORDAINED this 1st day of November 1988.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

By Patrol Jell
President

Attest Gregory N. Klemick
Secretary

ORDINANCE No. 759

AN ORDINANCE TO AMEND THE UPPER DUBLIN TOWNSHIP CODE, TITLE 10, ZONING, ARTICLE 12, "LIM" LIMITED INDUSTRIAL DISTRICT, SECTION 12.01 USE REGULATIONS, H, OFFICE BUILDINGS.

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

Section 1: Article 12, Section 12.01 Use Regulations, Sub-paragraph H, which reads:

"Office Buildings" - shall be permitted in "LIM" Limited Industrial Districts, provided the following provisions are strictly followed and maintained:"

shall be amended to read:

"Office Buildings" - the extent of the use to be as provided at Article 8-B, Section 3 Use Regulations, Paragraph B (OC-Office Center District) shall be permitted in "LIM" Limited Industrial Districts, provided the following provisions are strictly followed and maintained:"

ENACTED AND ORDAINED this 9th day of November A.D. 1988.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

By *Robert J. Bell*
President

Attest *Gregory N. Klemick*
Secretary

ANNUAL BUDGET OF THE TOWNSHIP OF UPPER DUBLIN FOR THE YEAR 1988

ORDINANCE NO. 760

AN ORDINANCE OF UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR THE SPECIFIC PURPOSES OF THE MUNICIPAL GOVERNMENT, HEREINAFTER SET FORTH, DURING 1989.

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

SECTION 1: That for the expenses for the fiscal year 1989 the following amounts are hereby appropriated from the revenues available for the current year for the specific purposes set forth below, which amounts are more fully itemized in the Budget Form.

SUMMARY OF ALL ESTIMATED RECEIPTS

Receipts from Current Tax Levy	\$ 3,184,781
Receipts from Taxes of Prior Years	25,000
Other Revenue Receipts	<u>10,066,037</u>
 TOTAL ESTIMATED RECEIPTS AND CASH	 \$13,275,818

SUMMARY OF ALL APPROPRIATIONS

GENERAL GOVERNMENT	
Administration	\$ 711,031
Treasurer and Tax Collector	12,425
Library	212,000
Municipal Buildings	<u>99,880</u>
 TOTAL	 \$ 1,035,336
 PROTECTION TO PERSONS AND PROPERTY	
Police	\$ 2,093,333
Fire	<u>430,509</u>
 TOTAL	 \$ 2,523,842
 SEWER OPERATION AND TREATMENT	
Operations	\$ 828,993
Treatment	<u>763,930</u>
 TOTAL	 \$ 1,592,923
 PUBLIC HEALTH AND SANITATION	
Health	\$ 19,661
Sanitation	<u>1,482,870</u>
 TOTAL	 \$ 1,502,531

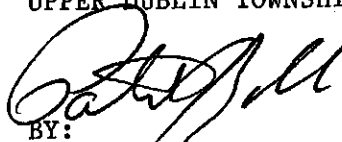
HIGHWAY MAINTENANCE	\$ 1,470,641
DEBT SERVICE	\$ 488,461
CAPITAL PROJECTS	
Sewer	\$ 904,889
Road, Storm Sewer, Equipment and Buildings	2,965,094
Parks and Recreation	<u>40,470</u>
TOTAL	\$ 3,910,453
PARKS AND RECREATION	\$ 489,531
REGULATIONS, PLANNING AND ZONING	\$ 194,552
MISCELLANEOUS	<u>\$ 67,548</u>
TOTAL APPROPRIATIONS	\$13,275,818

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

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

ENACTED AND ORDAINED this 20th day of December 1988.

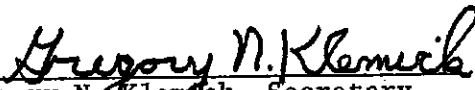
BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP



BY:

Patrick J. Zollo, President

ATTEST:


Gregory N. Klemick, Secretary

AN ORDINANCE OF UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, FIXING THE TAX RATE FOR THE YEAR 1989 FOR GENERAL PURPOSES, THE TAX RATE FOR THE YEAR 1989 FOR DEBT SERVICE, THE TAX RATE FOR THE YEAR 1989 FOR FIRE PROTECTION, THE TAX RATE FOR THE YEAR 1989 FOR PARKS AND RECREATION, THE ASSESSMENT FOR THE YEAR 1989 FOR FIRE HYDRANTS, AND ESTABLISHING DISCOUNTS AND PENALTY THEREFOR.

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

SECTION 1: Tax Rates for General Purposes

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 1989, as follows:

Tax rate for General Purposes, the sum of 18.24 mills on each dollar of assessed valuation, or the sum of 182.4 cents on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

	<u>Mills on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for General Purposes	18.24 mills	182.4 cents

SECTION 2: Tax Rate for Debt Service

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 1989, as follows:

Tax rate for Debt Service, the sum of 6.67 mills on each dollar of assessed valuation, or the sum of 66.7 cents on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

	<u>Mills on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for Debt Service	6.67 mills	66.7 cents

SECTION 3: Tax Rate for Fire Protection

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 1989, as follows:

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

The same being summarized in tabular form as follows:

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

SECTION 4: Tax Rate for Parks and Recreation

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 1989, as follows:

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

The same being summarized in tabular form as follows:

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

SECTION 5: Assessment for Fire Hydrants

That the cost and maintenance of fire hydrants for fire protection, with the Fire and Water District of Upper Dublin Township, established by Ordinance No. 543, is hereby distributed by a special tax for the fiscal year 1989, as follows:

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

The same being summarized in tabular form as follows:

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

SECTION 6: Discounts and Penalty

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

ENACTED AND ORDAINED THIS 20th day of December, 1988.

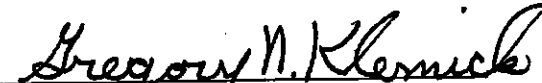
BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP



BY:

Patrick J. Zollo, President

ATTEST:


Gregory N. Klemick, Secretary

ORDINANCE NO. 762

AN ORDINANCE TO AMEND THE UPPER DUBLIN TOWNSHIP CODE, TITLE 2,
ADMINISTRATION, CHAPTER 1, FEES, RATES AND PERMITS, ARTICLE 2,
ADMINISTRATIVE CODE, SECTION 2.01, SEWER CONNECTION FEES,
TO INCREASE SEWER CONNECTION RATES

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

Section 1: Title 2, Chapter 1, Article 2, Section 2.01, Sewer Connection Fees, sub-sections (a) through (e) shall be amended to increase the connection charge from Five Hundred (\$500.00) Dollars to Two Thousand Five Hundred (\$2,500.00) Dollars and 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 Thousand Five Hundred (\$2,500.00) Dollars per dwelling.
- (b) Dwelling unit within a multiple dwelling structure.
 - (1) Duplex: Two Thousand Five Hundred (\$2,500.00) Dollars per dwelling.
 - (2) Semi-detached: Two Thousand Five Hundred (\$2,500.00) Dollars per dwelling.
 - (3) Three bedroom townhouse, apartment unit, or condominium: Two Thousand Five Hundred (\$2,500.00) Dollars per dwelling unit.
 - (4) Two bedroom townhouse, apartment unit, or condominium: Two Thousand Five Hundred (\$2,500.00) Dollars per dwelling unit.
 - (5) One bedroom townhouse, apartment unit, or condominium: Two Thousand Five Hundred (\$2,500.00) Dollars per dwelling unit.
- (c) Dwelling unit within a motel, hotel, or similar structure, Forty (\$40.00) Dollars per unit (with a minimum of Two Thousand Five Hundred (\$2,500.00) Dollars for any such structure).
- (d) A charge of Two Thousand Five Hundred (\$2,500.00) Dollars 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.

$$\frac{\text{Estimated Annual Flow}}{109,500 \text{ gals}} = \text{EDU} \times \$2,500 = \text{Connection Fee}$$

Any fractional EDU shall be rounded off to the next higher whole EDU.

Section 2: Title 2, Chapter 1, Article 2, Section 2.01, Sewer Connection Fees, sub-section (f), shall be amended to increase the connection charge from Two Hundred Fifty (\$250.00) Dollars to One Thousand Two Hundred Fifty (\$1,250.00) Dollars and shall read as follows:

(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 Thousand Two Hundred Fifty (\$1,250.00) Dollars.

Section 3: Provided application for a permit is made within eighteen (18) months of the effective date of this Ordinance, an owner with property located in a development having final plan approval, or within the following projects having preliminary plan approval, shall be compelled to pay the existing Five Hundred (\$500.00) Dollar fee:

Dublin Courts
Bell Hollow Farms
Kingston Estates II
St. Mary's Villa - Northern Parcel
St. Mary's Villa - Southern Parcel

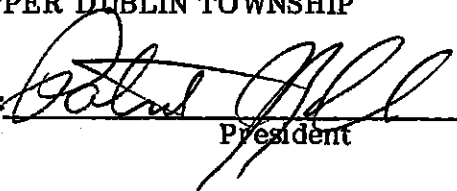
Owners of property compelled to connect to the following new sanitary sewer projects shall also not be affected by this Ordinance and pay only a Five Hundred (\$500.00) Dollar fee, provided application for a permit is made within eighteen (18) months of the effective date of this Ordinance:

Applewood Drive, Crestview Drive, Leah Drive, and certain properties on Dreshertown Road.
Hutchins Drive
Three Tuns II Project - Annasmead Road, Webster Lane, Mildred Lane, and certain properties on Welsh Road.

The effective date of this Ordinance shall be February 14, 1989.

ENACTED AND ORDAINED this 10th day of January , A.D. 1989 .

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

By: 
President

Attest:


Secretary

ORDINANCE No. 763

AN ORDINANCE OF UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, ESTABLISHING THE DATES OF THE REGULAR STATED MEETINGS OF THE COMMISSIONERS OF THE TOWNSHIP OF UPPER DUBLIN DURING THE YEAR 1989.

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

SECTION 1. The regular stated monthly meeting of the Commissioners of the Township of Upper Dublin for the year 1989 shall be held on the second Tuesday of each month unless the same shall be a legal holiday, in which case held on the next regular business day following, at 7:30 p.m., local time.

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

ENACTED AND ORDAINED this 10th day of January, 1989.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

By *Patricia J. Joll*
President

Attest *Gregory N. Klemick*
Secretary

4/4/89

ORDINANCE No. 764

AN ORDINANCE DIRECTING THE WIDENING AND RECONSTRUCTION OF SUSQUEHANNA ROAD, BETWEEN VIRGINIA DRIVE AND MUNDOCK ROAD, A PUBLIC HIGHWAY WITHIN THE TOWNSHIP OF UPPER DUBLIN.

WHEREAS, the Board of Commissioners intends to reconstruct Susquehanna Road between Virginia Drive and Mundock Road by widening and repaving the roadway surface;

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

Section 1: The roadway surface of Susquehanna Road between Virginia Drive and Mundock Road shall be widened and improved, pursuant to a Plan prepared for the Township, which may be inspected at the offices of the Township during normal business hours.

Section 2: The construction of the improvements shall be in accordance with the requirements of the Ordinances, Rules and Regulations of the Township of Upper Dublin and the provisions of the Construction Contract Documents and Plans.

Section 3: Easements for the widening and for purposes of construction as shown on the Plan shall be condemned along Susquehanna Road between Virginia Drive and Mundock Road.

Section 4: The Township Engineer shall have authority to inspect, direct or stop the work done and to accept or reject such work and any materials to be used in the construction of the Improvements.

ENACTED AND ORDAINED this 11th day of April, 1989.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

By Robert Ball
President

Attest

Gregory N. Klemick
Secretary

original map w/
original ordinance
in ordinance
book

ORDINANCE No. 765

AN ORDINANCE OF THE TOWNSHIP OF UPPER DUBLIN PROVIDING FOR THE LAYING OUT, CONDEMNATION OF RIGHTS OF WAY AND CONSTRUCTION OF STORM SEWER FACILITIES ALONG AN ALLEY EXTENDING FROM THE INTERSECTION OF TRINITY AND HIGHLAND AVENUES TO RENFREW AVENUE IN UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA.

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

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

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

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

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

ENACTED AND ORDAINED this 18th day of April, A.D. 1989.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

By *Robert J. Bell*
President

Attest *Gregory N. Klemick*
Secretary

5/1/89

AN ORDINANCE No. 766

AN ORDINANCE TO AMEND THE UPPER DUBLIN TOWNSHIP CODE, TITLE 2, ADMINISTRATION, ARTICLE 9, LAND DEVELOPMENT AND SUBDIVISION, AND ARTICLE 10, ZONING, TO PROVIDE FOR THE IMPOSITION OF FEES FOR THE REVIEW OF LAND DEVELOPMENT AND SUBDIVISION PLANS AND ZONING CHARGES.

WHEREAS, on November 29, 1988, the General Assembly of the Commonwealth of Pennsylvania re-enacted the Pennsylvania Municipalities Planning Code, adopting certain amendments thereto, one of which gives the power to a municipality to establish engineering fees to be charged applicants for reviews of Subdivision and Land Development Plans; and

WHEREAS, The Act permits the fees to be based upon a schedule established by resolution;

NOW, THEREFORE, the Commissioners of Upper Dublin Township hereby ENACT AND ORDAIN as follows:

Section 1: Title 2, Article 9, Land Development and Subdivision, shall be amended by adding a new section to read:

Section 9.02 Engineering Review Fees.

There shall be charges for engineering services, inspections and other duties performed by the Township Engineer in accordance with Resolution adopted by the Township at rates adjusted from time to time.

Section 2: Title 2, Article 10, Zoning, shall be deleted and the following substituted therefor:

Section 10.01 Zoning Charges

(a) Zoning. An applicant for a change of zoning shall make payment of a fee of One Thousand Dollars (\$1,000.00).

(b) Conditional Use Application. An applicant for a conditional use approval shall pay a fee of Five Hundred Dollars (\$500.00).

(c) Zoning Hearing Board. An applicant for a variance or a special exception shall pay the following fees:

- | | |
|---|----------|
| 1. Residential | \$500.00 |
| 2. Commercial or Industrial | 1,500.00 |
| 3. For hearing continued or rescheduled on the request of the applicant | 50.00 |

ENACTED AND ORDAINED this 9th day of May A.D. 1989.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

Attest Gregory N. Klemick
Secretary

By [Signature]
President

ORDINANCE No. 767

AN ORDINANCE TO AMEND ORDINANCE No. 661 OF THE UPPER DUBLIN TOWNSHIP CODE, TITLE 8, STREETS AND HIGHWAYS, CHAPTER 4, OBSTRUCTION WITHIN BOUNDARIES OF TOWNSHIP HIGHWAYS, TO PROVIDE FOR PLACEMENT OF MAIL BOXES.

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

SECTION 1: That Section 1.02, Placement of Mail Boxes, shall be amended to read as follows:

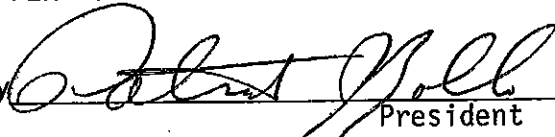
"Section 1.02 Placement of Mail Boxes

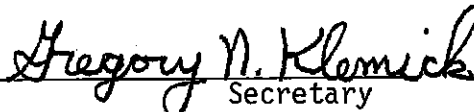
The Township shall not be responsible for the repair or replacement of any mailbox placed within the legal right-of-way of any public highway, road, street, avenue, lane or alley. However, to alleviate the possibility of damage due to snow plowing and vehicular traffic, the following guidelines must be complied with:

Mailboxes must be erected so that the front of curbside boxes be setback twelve (12) inches from the face of the concrete curb. The structure supporting the box must not encroach on this setback distance. Additionally, the bottom of the mailbox must be between forty-two (42) to forty-eight (48) inches above the finished road surface. If placement of a standard (18" long) mailbox, according to these standards, would cause the back of the box to overhang a public sidewalk, the aforementioned setback would be waived. However, the box must then be placed as far as possible from the road without encroaching on the public sidewalk."

ENACTED AND ORDAINED this 9th day of May A.D. 1989.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

By 
President

Attest 
Secretary

**MUNICIPAL SOLID WASTE DISPOSAL
AND JOINT COOPERATION ORDINANCE**

AUTHORIZING AND DIRECTING THE DISPOSAL OF ACCEPTABLE MUNICIPAL WASTE TO THE COUNTY SYSTEM, COMPLIANCE WITH LICENSING RULES AND REGULATIONS, COMPLIANCE WITH CERTAIN COUNTY, MUNICIPAL WASTE AUTHORITY OR MUNICIPAL RULES AND REGULATIONS, ENFORCEMENT OF WASTE FLOW CONTROL, PARTICIPATION IN AN ANNUAL SURVEY, INSURING THAT LOCAL OPERATIONS WILL CONFORM TO SUCH OBLIGATIONS OF THE MUNICIPALITY, AGREEMENT TO ASSIGN ITS RIGHTS UNDER ANY PRIVATE CONTRACTS, PROHIBITING CERTAIN UNLAWFUL CONDUCT, PROVIDING FOR PENALTIES AND REMEDIES FOR SUCH UNLAWFUL CONDUCT, ENTERING INTO AN INTER-MUNICIPAL AGREEMENT AND AGREEING TO TAKE SUCH ACTIONS AS ARE NECESSARY TO COMPLY WITH THE TERMS OF AN INTER-MUNICIPAL AGREEMENT.

WHEREAS, the Solid Waste Management Act of the Commonwealth of Pennsylvania, Act of July 7, 1980, P.L. 380, No. 97, Pa. Stat. Ann. Tit. 35 §6018.101 et seq., (Purdon Supp. 1985) ("Act 97"), was enacted to establish a comprehensive planning and regulatory framework to deal with the storage, collection, transportation, and processing of solid waste, including municipal waste, as defined in Section 103 of Act 97, Pa. Stat. Ann. Tit. 35, §6018.103 (Purdon Supp. 1985); and

WHEREAS, Act 97 made each municipality responsible for the collection, transportation, processing and disposal of municipal waste generated or present within its boundaries and authorized municipalities to contract with any other person or municipality, including a county or an authority, to carry out such responsibilities and authorized municipalities to adopt ordinances, regulations and standards that require disposal of all municipal waste generated within their jurisdiction at a designated facility; and

WHEREAS, Act 97 required the preparation of municipal waste management plans, Pa. Stat. Ann. Tit. 35, §6018.201 (Purdon Supp. 1985); and

WHEREAS, Section 103 of Act 97 gave counties, cities, townships, boroughs and authorities created by such municipalities concurrent responsibility for the planning

and regulation of municipal waste collection, transportation and disposal by defining all such entities as municipalities; and

WHEREAS, in 1982 and 1983, pursuant to the requirements of Act 97, the several municipalities in the County adopted resolutions requesting the County Board of Commissioners ("County Board") to prepare on the municipalities' behalf a comprehensive municipal waste management plan; and

WHEREAS, pursuant to the requests of the various municipalities and the County's independent authority under Act 97, the County Board developed a municipal waste management plan for solid waste disposal (the "Plan") in which the County undertakes to assist such municipalities with the disposal of municipally collected solid waste so as to enable the County and such municipalities to fulfill their responsibilities as set forth in Act 97; and

WHEREAS, the Municipal Waste Planning, Recycling, and Waste Reduction Act of the Commonwealth of Pennsylvania, Act No. 101 of July 28, 1988, P.L. 556 ("Act 101"), was enacted to empower, and assign the duty to, the County to develop municipal waste management plans and otherwise insure adequate capacity for permitted processing and disposal of the municipal waste which is generated within its boundaries and empowers, and assigns the duty to, each municipality other than a county, to assure the proper and adequate transportation, collection and storage of, and adequate capacity for the disposal of, municipal waste generated within its boundaries; and

WHEREAS, Act 101 was also enacted to provide for strategies to encourage recycling and to confer various additional powers upon counties and other municipalities; and

WHEREAS, the County supplemented the Plan and submitted it to the Pennsylvania Department of Environmental Resources ("DER") for technical approval pursuant to Act 97 and Act 101; and

WHEREAS, on January 26, 1989, DER granted technical approval of the Plan;
and

WHEREAS, Act 101 provides that the Plan may serve as the County's basic planning document for municipal waste, pending the later development of a plan in accordance with the provisions of Act 101, upon approval by a majority of the affected municipalities within the County representing a majority of the County population; and

WHEREAS, a majority of the Municipalities including each of the Participating Municipalities (as hereinafter defined) representing a majority of the County's population, have timely adopted resolutions approving the Plan; and

WHEREAS, prompt and effective action to implement the Plan is necessary in order to protect and save the public's health, safety and welfare; and

WHEREAS, the Township of Upper Dublin has authority under the applicable laws to provide for the management of municipal waste within its boundaries as hereinafter provided; and

WHEREAS, the County has enacted an Ordinance (the "County Waste Flow Ordinance") requiring, inter alia, the disposal of all municipal waste generated within the municipalities in Solid Waste Districts One and Two of the County as described in the Plan (the "Municipalities") at the facilities and/or in accordance with the arrangements comprising the Municipal Waste Disposal System for the County (the "County System"), forbidding the collection of municipal waste within Solid Waste Districts One and Two of the County by collectors or transporters of municipal waste not licensed by the County or the Municipal Waste Authority to dispose of waste at the County System, and providing for the County and Municipalities to develop additional necessary rules and regulations concerning solid waste collection, transportation and disposal; and

WHEREAS, the County, in consideration of the needs of such Municipalities, and to implement the provisions of the Plan, plans to enter into an intergovernmental agreement with certain of such Municipalities (the Participating Municipalities") desig-

nated "Inter-Municipal Agreement for the Disposal of Municipal Solid Waste" (the "IMA") providing, among other things, for the delivery of certain Acceptable Waste (as hereinafter defined) from the Participating Municipalities to the County System for disposal; and

WHEREAS, it is intended that the County System shall be available to the Participating Municipalities for the disposal of their Acceptable Waste, whether or not the Facility (as hereinafter defined) is in operation; and

WHEREAS, it is understood that the Municipal Tipping Fees, as provided in the IMA dated as of May 18, 1989, to be charged to the Participating Municipalities and other users of the County System shall be sufficient at least to pay the costs of the County System, including any costs of the financing of the Facility whether or not the Facility is in operation; and

WHEREAS, it is understood that certain risks, including but not limited to the outcome of the pending litigation identified in Appendix A, potential future litigation, and other Uncontrollable Circumstances, may prevent the construction or operation of the Facility, thereby potentially resulting in a significant increase in the Municipal Tipping Fee; and

WHEREAS, each of the Participating Municipalities, after due consideration of both the advantages and risks of the undertaking, and taking into account the long term waste disposal services being provided by the County, regard the commencement of construction of the Facility, and the creation of the financing arrangement contemplated in connection with the Facility which will permit the commencement of such construction, as necessary to the long-term health, safety, and welfare of their communities and have determined that any Municipal Tipping Fees to be charged by the County are or will be reasonable in light of the long term services provided, even if an Uncontrollable Circumstance or other event shall result in a significant increase in the Municipal Tipping Fee; and

WHEREAS, each of the Municipalities has determined that it is appropriate and in its interest to enact this Ordinance (the "Municipal Waste Flow Ordinance") providing for the disposition of municipal waste generated within its jurisdiction through the County System; and

WHEREAS, the Participating Municipalities will have continuing responsibilities for collection and the transportation of such waste to the County System in accordance with Act 97 and Act 101; and

WHEREAS, for all of the reasons herein set forth, it is in the public's interest that this Ordinance be enacted and the County System be established as provided in the County Ordinance; and

WHEREAS, the form of this Ordinance has been approved by the County.

NOW, THEREFORE, it is hereby enacted and ordained by the Township of Upper Dublin (hereinafter referred to as "Municipality") as follows:

Section 1. Definitions. The following terms shall have the following meanings in this Ordinance:

"Acceptable Waste" means Municipal Waste which is collected from the general public, or is otherwise consistent with Section 7701(e)(3)(B) of the Internal Revenue Code of 1986, as amended, which is not Unacceptable Waste.

"Company" means Dravo Energy Resources of Montgomery County, Inc.

"Contractor" means Dravo Operations of Montgomery County, Inc.

"County" means County of Montgomery, Pennsylvania.

"County Ordinance" means an ordinance enacted by the County creating the County System, providing for the licensure of various Persons, regulating waste flow and setting forth certain related provisions.

"County System" or "System" means the County Solid Waste Management and Disposal System created by the County and every aspect thereof including, but not limited to, equipment, transfer and resource recovery facilities, residue disposal sites,

contractual arrangements or other rights, owned, acquired, leased, placed under contract, constructed, or assumed, operated, or to be owned, acquired, leased, placed under contract, constructed, operated, or assumed by the County or any agent, designee or contractor in connection with the Plan.

"Date of County System Operation" means that date on which the County System shall be declared by the County to be ready to commence the disposal of Acceptable Waste on a sustained basis.

"Existing Contract" means any agreement or contract fully executed prior to the effective date of this Ordinance for the collection, disposal or transportation of Municipal Waste generated within this Municipality.

"Facility" means the mass burn resource recovery and electric generating facility, together with appurtenant structures and equipment, to be constructed on a site in Plymouth Township, Montgomery County, Pennsylvania as contemplated by the Facility Agreement.

"Facility Agreement" means the Amended and Restated Facility Agreement among the Company, Contractor, and the Montgomery County Industrial Development Authority, as such may be further amended from time to time.

"Municipal Commitment" shall mean the obligation of each Participating Municipality to deliver, or cause to be delivered, to the County System all of the Residential Component of its Municipally Generated Acceptable Waste, and such other Acceptable Waste as the Participating Municipality and the County may hereafter agree to include in such Municipal Commitment.

"Municipality" means the Township of Upper Dublin, a Township of the First Class located in the County of Montgomery, Commonwealth of Pennsylvania.

"Municipal Waste" means any garbage, refuse, industrial lunchroom or office waste and other material including solid, liquid, semi-solid or contained gaseous

materials, resulting from operation of residential, municipal, commercial, or institutional establishments and from community activities and any sludge not meeting the definition of residual waste or Hazardous Waste in Act 97 and Act 101 from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility.

"Municipal Waste Authority" shall mean The Waste System Authority of Montgomery County created by the County for purposes relating to municipal waste processing and disposal and/or the IMA and the County Waste Flow Ordinance.

"Nonprocessable Waste" means that portion of Acceptable Waste which consists of (a) White Goods (b) automobile tires in quantity, or (c) noncombustible items, stumps, logs, brush and other waste which either (i) weighs in excess of twenty-five (25) pounds or (ii) exceeds one of the following dimensions: four (4) feet in length, four (4) inches in diameter or four (4) inches in thickness.

"Person" means any individual, firm, partnership, corporation, association, institution, cooperative enterprise, trust, municipal authority, federal institution or agency, state institution or agency, municipality, other governmental agency or any other legal entity or any group of such persons whatsoever which is recognized by law as the subject of rights and duties. In any provisions of this Ordinance prescribing a fine, penalty, imprisonment or denial or grant of any license, or any combination of the foregoing, the term "person" shall include the officers and directors of any corporation or other legal entity having officers and directors.

"Plan" means the County-wide municipal waste management plan developed by the County and approved by DER, as such may hereafter be amended or modified in compliance with law.

"Point of Entry Into the County System" means any delivery point within the County System designated by the County for delivery of Municipal Waste.

"Processible Waste" means that portion of Acceptable Waste which is not Nonprocessible Waste.

"Recycling" or "Recycled" means the collection, separation, recovery and sale or reuse of metals, glass, paper, leaf waste, plastics and other materials which would otherwise be disposed or processed as municipal waste or the mechanized separation and treatment of municipal waste (other than through combustion) and creation and recovery of reusable materials other than a fuel for the operation of energy.

"Residential Component" shall mean all Acceptable Waste generated by households within a Participating Municipality, exclusive of multiple family dwellings which are not included in the calculation of the residential component pursuant to regulations of the County.

"Service Agreement" means the Amended and Restated Municipal Solid Waste Disposal Service Agreement by and between the County and Dravo Operations of Montgomery County, Inc., or any successor thereto, as such may be further amended from time to time.

"Source Separation" means the segregation and collection, prior to the Point of Entry into the County System for the purpose of recycling of individual components of Acceptable Waste, such as (without limitation) bottles, cans, and other materials in accordance with Act 101.

"Unacceptable Waste" means (i) explosives, pathological and biological waste, residual waste and Hazardous Waste, radioactive materials, sludges, cesspool or other human waste, human and animal remains, motor vehicles, liquid waste, contained gaseous materials which may pose a hazard to the Facility or the community, hazardous substances as defined in the Federal Comprehensive Environmental Response, Compensation and Liability Act, as it may be amended from time to time hereafter, and any analogous federal, state or local law, ordinance, rule or regulation as may be applicable at the time of delivery of waste to the Facility and commercial waste which is not per-

mitted by law to be treated and disposed of in the Facility; (ii) any item of waste either smoldering or on fire; (iii) construction and demolition debris, ashes, incinerator residue and foundry sand; (iv) wastes in quantities and concentrations which require special handling in their collection and/or processing including medical or other "red bag waste"; and (v) all other items of waste which, at the time of delivery to the Facility, would be likely to pose a threat to health or safety or have been prohibited by any valid and enforceable judicial decision, order or governmental action from being accepted by the Facility.

"White Goods" means refrigerators, washing machines, dryers, window air conditioners, hot water heaters and other major home appliances.

All other capitalized words and phrases shall have the same meanings as set forth in Act 97 or Act 101 as they may hereinafter be amended or supplemented by legislation regarding municipal waste management or planning, or as set forth in the IMA, Facility Agreement, or Service Agreement. To the extent that any definition herein varies from the definition in the IMA, the definition in the IMA shall control.

Section 2. Operation By Licensed Collectors and Transporters.

(a) Licensing. No person who is not duly licensed or deemed to be licensed by the County may collect or transport Municipal Waste located or generated within the Municipality. This waste collection or transportation license shall be a County license issued by the County or the Municipal Waste Authority. Municipality shall administer such license upon request of the County or the Municipal Waste Authority.

(b) Compliance with rules, regulations and ordinances. In carrying on activities related to solid waste collection or transportation within this Municipality, all Municipal Waste collectors and all Municipal Waste transporters shall comply with the County Ordinance, this Ordinance and the other Municipal Waste Flow Ordinances and all rules and regulations pertaining to the collection, transportation and disposal of solid waste as may be hereafter promulgated by the Municipality, or by the Municipal Waste

Authority, or the County. Delivery by such collectors or transporters to the County System of Unacceptable Waste, Nonprocessable Waste (except for White Goods) and waste from unapproved sources is prohibited.

(c) Administration. Licenses hereunder shall be issued and revoked by the County or the Municipal Waste Authority, and administered by them or, at their request, by the Municipality. Any collectors or transporters who fail to comply with the provisions of this Ordinance shall be subject to any applicable sanctions in addition to the revocation of their licenses.

Section 3. Disposal of Municipal Waste.

(a) Delivery to County System. Except as provided in (b) and (c) below, all Acceptable Waste generated within this Municipality shall be delivered to the County System and, all Acceptable Waste collectors and transporters shall deliver to and dispose of all Acceptable Waste collected or generated within Municipality to solid waste facilities designated in the Plan at one or more Points of Entry Into the County System as designated from time to time by the County or the Municipal Waste Authority.

(b) Disposal at Other Sites. Disposal of Municipal Waste collected or generated within Municipality may occur at other sites only as permitted by rule, regulation, ordinance or order duly issued by the County or Municipal Waste Authority or by the written agreement of the County or Municipal Waste Authority and the Municipality.

(c) Recycling. Nothing herein shall be deemed to prohibit Source Separation or Recycling or to affect any sites at which Source Separation or Recycling may take place.

Section 4. Regulations.

(a) Compliance with County Regulations. The collection, transportation and disposal of Municipal Waste present or generated within Municipality shall be subject to such further reasonable rules and regulations as may from time to time be promulgated by the County, including any amendments to the County Waste Flow Ordinance

and to such reasonable rules and regulations as may be adopted by the County or the Municipal Waste Authority including, without limitation, regulations relating to the operation, management, and administration of the County System, applications and standards for licensing, requirements for payment bonds or other payment security, including, but not limited to meeting liability insurance requirements, fees to be charged for such licensing, the terms of licenses, procedures, record keeping, transportation routes, payment for services, billing for shortfalls, sanctions for non-payment, and other matters. To the extent that a Municipality is engaged in the administration of any licenses pursuant to written agreement with the County as required in Section 303(d) of Act 101 and as provided in the County Waste Flow Ordinance, it shall do so in accordance with the foregoing rules and regulations, and in any event, at the direction of the County.

(b) Adoption of Regulations. Rules and regulations adopted by the County or Municipal Waste Authority, for the County System shall be deemed rules and regulations adopted under this Ordinance. Each of the Municipalities shall abide by such rules and regulations and will not adopt any rules and regulations to the contrary.

(c) Consistency of Regulations with Ordinance and Other Laws. No rules or regulations adopted by the Municipality pursuant to this Ordinance shall be in violation of, inconsistent with or less stringent than the provisions of this Ordinance, the other Municipal Waste Flow Ordinances, the County Waste Flow Ordinance, the Plan, the provisions and purposes of Act 97, Act 101, or regulations adopted thereunder, or such other laws, regulations or requirements as may be enacted by the United States of America, the Commonwealth of Pennsylvania, the Pennsylvania Department of Environmental Resources or the Pennsylvania Environmental Quality Board governing municipal waste planning, collection, storage, transportation, processing or disposal.

(d) Enforcement of Waste Flow Control. Enforcement of waste flow control and the terms of and any duties established pursuant to the County Waste Flow Ordinance, the other Municipal Waste Flow Ordinances and this Ordinance will be the

responsibility of the County or the Municipal Waste Authority or the Municipalities at the direction of the County or the Municipal Waste Authority.

Section 5. Annual Survey. An annual survey of all generators of Municipal Waste, and of all Municipal Waste collectors and Municipal Waste transporters, any land-fill operators, any transfer station operators, or any other parties involved in the collection, transportation, processing or disposal of Municipal Waste of the Municipality, shall be conducted by an engineering consultant designated by the County or the Municipal Waste Authority. Such engineering consultant shall estimate based on such survey the amount of each type of Municipal Waste of the Municipality expected to be generated in the following year, after recycling, in total and in each of the following categories:

- (a) municipally collected;
- (b) municipally contracted;
- (c) Municipal Waste disposal arranged for by residents;
- (d) Municipal Waste disposal arranged for by apartment houses, condominium associations and other multi-resident dwellings;
- (e) Municipal Waste disposal arranged for by commercial establishments;
- (f) other.

All persons which are the subject of this survey are required to cooperate in the taking and preparation of the survey.

In connection with the annual survey, pursuant to the IMA, at the beginning of the first operating year and at least 150 days prior to the beginning of each subsequent operating year, the County and the Municipality shall jointly specify the size of the projection of the Municipality's Municipal Commitment for such Operating Year, which projection shall be equal to the amount of the Municipality's Residential Component (as reasonably determined by an engineer retained by the County or Municipal Waste Authority for this purpose, after taking into account any and all information provided by

the Municipality) plus any other amounts agreed upon by the County and the Municipality. This projection will be net of any waste removed as a result of Source Separation. This projection shall be further stated in 12 monthly projections the sum of which shall be equal to the Operating Year projection. This projection shall be adjusted by the County from time to time following consultation with the Municipality, as and when the County determines that such projection was incorrect, and from year to year in accordance with the experience of the previous year and the volume anticipated in the coming year.

At the time that the County and Municipality make the foregoing projection, Municipality shall assist the County in projecting the total amount of Acceptable Waste expected to be generated within the Municipality during the forthcoming operating year.

Based upon the foregoing projections, County shall make projections of total tonnage and projections of monthly tonnage as required pursuant to any applicable disposal agreements, including the Service Agreement with respect to the Facility. The County shall use its best efforts to maximize the tonnage delivered to the Facility up to the maximum capacity of the Facility.

Section 6. Certain Prohibitions and Requirements.

(a) Municipality shall not construct, enlarge, operate or contract for or renew any contract for any facility or hauling to any facility, other than a facility designated by the County pursuant to the IMA or regulations promulgated pursuant to the IMA, for, or enter into or renew any contract for, the treatment, processing and/or disposal of Municipally Generated Acceptable Waste except as shall conform to the County Ordinance and this Ordinance as the County may expressly agree to in writing. In addition, Municipality shall take all such action as may be necessary to insure that all of its obligations will be met once the County System is operational. Municipality shall agree to use its best efforts to assign its rights under any contract concerning the use of any disposal facilities or transfer stations to which it was a party, to the County on the

effective date of the IMA. Any such assigned contract shall become part of the County System; provided, however, with respect to any such contracts for which assignment is not possible, each Participating Municipality shall act at the direction of the County with respect to such contract and such contract shall be deemed to be part of the County System.

(b) No Person shall enter into any contract or conduct any other activity concerning the collection, transportation, processing, or disposal of Municipal Waste in Municipality in contravention of the terms of the County Waste Flow Ordinance, this Ordinance, or any rules and regulations issued thereunder.

(c) Recycling. Nothing contained in this Ordinance shall interfere with the operation of any program for Recycling.

(d) This Ordinance shall be construed consistently with Act 97 and Act 101.

Section 7. Creation of Authority. The County will create a Municipal Waste Authority to administer the terms of the County Waste Flow Ordinance and to operate the County System. This Authority shall be recognized as having the power to act in place of the County, to the extent determined by the County.

Section 8. Unlawful Activities; Nuisance.

(a) Unlawful Conduct. It shall be unlawful for any Person to:

(1) violate, cause or assist in the violation of any provision of this Ordinance, any rule, regulation or order promulgated hereunder, or any rule, regulation or order promulgated by the County or the Municipal Waste Authority consistent with this Ordinance;

(2) transport, process, treat, transfer, or dispose of or cause to be processed, treated, transferred or disposed Municipal Waste generated within the Municipality except as provided for in this Ordinance.

(3) collect or transport Municipal Waste present or generated within the Municipality without a valid license for collection or transportation issued by the County, or the Municipal Waste Authority.

(4) hinder, obstruct, prevent or interfere with the Municipality, the Municipal Waste Authority or the County or their personnel in the performance of any duty under this Ordinance or in the enforcement of this Ordinance;

(5) act in a manner that is contrary to Act 97 or Act 101, regulations promulgated thereunder, the Plan, this Ordinance, the County Ordinance, rules or regulations promulgated under this Ordinance, the County Ordinance or the terms of licenses issued thereunder.

(b) Public Nuisance. Any unlawful conduct set forth in Section 8(a) hereof shall constitute a public nuisance.

Section 9. Penalties. Any Person who engages in unlawful conduct as defined in this Ordinance shall, upon conviction thereof, in a summary proceeding before a district justice, be sentenced to pay a fine of not more than Three Hundred Dollars (\$300) & not less than One Hundred Fifty Dollars (\$150.00), and, in default of payment thereof, shall be committed to the county jail for a period not exceeding thirty days. Each day that there is a violation of this Ordinance shall constitute a separate offense.

Section 10. Revocation of License. Upon finding that any Person has engaged in unlawful conduct as defined in this Ordinance, (a) the Municipal Waste Authority or the County may revoke any license issued to that Person in accordance with Section 2 of this Ordinance and (b) the Municipal Waste Authority or the County may deny any subsequent application by that Person for a license pursuant to Section 2 hereof.

Section 11. Injunctions; Concurrent Remedies.

(a) Restraining Violations. In addition to any other remedy provided in this Ordinance, the Municipality or the County may institute a suit in equity where

unlawful conduct or public nuisance exists as defined in this Ordinance for an injunction to restrain a violation of this Ordinance or rules, regulations, orders or the terms of licenses promulgated or issued pursuant to this Ordinance. In addition to an injunction, the court may impose penalties as authorized by Section 9 hereof.

(b) Concurrent Remedies. The penalties and remedies prescribed by this Ordinance shall be deemed concurrent. The existence or exercise of any remedy shall not prevent the Municipality or the County from exercising any other remedy provided by this Ordinance or otherwise provided at law or equity.

Section 12. Inter-Municipal Agreement.

(a) Entry into IMA. In order to implement the intent and terms of this Ordinance, the Municipality, pursuant to the authority of the Intergovernmental Cooperation Act, Act of July 12, 1972, No. 180, codified at Pa. Stat. Ann. tit. 53, §§481 to 490 (Purdon 1974 and Purdon Supp. 1988) and Article IX, Section 5 of the Constitution of the Commonwealth of Pennsylvania, has determined to enter into the IMA between the Municipality, the County, and other Municipalities within Solid Waste Districts Nos. One and Two of the County, together with such changes consistent with this Ordinance, if any, as may be approved by the officials of the parties executing the same, such execution to be conclusive evidence of such approval.

(b) Terms and Implementation of IMA. As more fully set forth in the IMA and this Ordinance:

(1) Conditions and Terms of IMA. In the IMA:

(i) the County or the Municipal Waste Authority agrees to arrange through the County System for the provision of municipal waste disposal facilities for the economical and environmentally sound disposal of Acceptable Waste generated within the Participating Municipalities, and in the course thereof, to arrange for the construction of a privately owned 1,200 ton per day Facility for the processing or other

disposition of Acceptable Waste generated within the several jurisdictions of the Participating Municipalities.

(ii) the Participating Municipalities state that they have enacted a Municipal Waste Flow Ordinance in a form substantially similar to this Ordinance and assure that the Residential Component of their Acceptable Waste will be delivered to the County System;

(iii) the County or the Municipal Waste Authority agrees (A) to enact or cause to be enacted rules and regulations and (B) to enforce or cause to be enforced this Ordinance and the County Waste Flow Ordinance and the parallel Municipal Waste Flow Ordinances;

(iv) the parties agree to cooperate in the joint enforcement of the IMA and all Ordinances enacted pursuant to the IMA and the Participating Municipalities thereby agree cooperatively to exercise, to delegate to the County or the Municipal Waste Authority, and to allow delegation of such powers, duties and responsibilities as set forth in the IMA.

(2) Duration of Term of the IMA. The term of the IMA shall commence on the closing date for the financing of the Facility and shall terminate on the earlier of the 30th anniversary of such date or at the end of the Operating Year in which all Bonds and any other indebtedness outstanding issued in connection with the Bonds or owed to any Assignee has been paid in full.

(3) Purpose and Objectives of IMA. The purpose of the IMA is to provide a mechanism (i) to finance, to construct and to operate the County System to serve the Municipalities within the County, and (ii) to provide continuing municipal waste planning, as more fully set forth in the recitals to the IMA and this Ordinance.

(4) Manner and Extent of Financing the IMA. During the term of the IMA, Participating Municipalities and other Persons using the County System shall pay to the County on a monthly basis the then current per ton Municipal Tipping Fee plus

any other charges payable, as specified by the County and then in effect, for all tonnage delivered or caused to be delivered to the County System, in accordance with Article III of the IMA.

(c) Execution. Appropriate officers of this Municipality are authorized and directed to execute the IMA on behalf of this Municipality.

(d) Findings Under Intergovernmental Cooperation Act. As required by the Intergovernmental Cooperation Act of July 12, 1972, P.L. 762, No. 180, as amended, the following matters are specifically found and determined: (1) the conditions of agreement are set forth in the IMA; (2) the duration of the term of the agreement is set forth in Section 901 of the IMA; (3) the purpose of the IMA is to cooperate with the County or Municipal Waste Authority and other Participating Municipalities in implementing the Plan; (4) the agreement will be financed through the budgeting and appropriation of funds by Municipality as necessary to meet Municipality's obligations; (5) the organizational structure necessary to implement the agreement is set forth in the IMA with which the current officers of Municipality shall cooperate; (6) the manner in which property, real or personal, shall be acquired, managed, licensed or disposed of is by way of lease or other contract otherwise as set forth in the IMA; and (7) the Agreement contemplates cooperation with County or Municipal Waste Authority, which entities are empowered to enter into contracts for policies of group insurance and employee benefits, including Social Security, for its employees.

Section 13. Construction. The terms and provisions of this Ordinance are to be liberally construed, so as best to achieve and to effectuate the goals and purposes hereof. This Ordinance shall be construed in pari materia with Act 97 and Act 101.

Section 14. Repealer. All provisions of any other ordinance which are inconsistent with the provisions of this Ordinance are hereby repealed.

Section 15. Effective Date. This Ordinance shall become effective immediately, except that Section 3 of this Ordinance shall become effective upon the date of the County's issuance of a notice that the County System has become operational.

Section 16. Compliance with IMA. The Municipality will take such actions as are necessary to comply with the terms of the IMA and to fulfill its obligations thereunder.

Section 17. Severability. The provisions of this Ordinance are severable. If any provision of this Ordinance or its application to any Person or circumstances is held invalid, said invalidity shall not affect any other provision or application of this Ordinance which can be given effect without the invalid provision or application.

ENACTED AND ORDAINED this 9th day of May, 1989.

TOWNSHIP OF UPPER DUBLIN
BOARD OF COMMISSIONERS

Attest: Gregory N. Klemick By: Robert J. Galls
Township Secretary President

APPENDIX A

List of Pending Litigation

Norman A. Klinger v. County of Montgomery, Montgomery County Commissioners and Montgomery County Industrial Authority, Court of Common Pleas of Montgomery County No. 89-03023-Complaint (a) seeking Writ of Mandamus prohibiting the County from entering into amended agreements concerning the Facility, from entering into the Inter-Municipal Agreement and from spending tax dollars in connection with the above and (b) requesting a declaratory judgment that the County may not enter into amended agreements for the Facility, must employ a public bidding process before entering into the Inter-Municipal Agreement and that the Sunshine Act has been violated. The Complaint is premised principally upon the fact that the County did not solicit competitive bids for the project.

2. Norman A. Klinger v. County of Montgomery, Montgomery County Commissioners and Montgomery County Industrial Development Authority, Court of Common Pleas of Montgomery County No. 89-02964 -- Klinger contends that the County should have applied for a special exception for the project and, by not doing so, impaired his rights to due process and equal protection.

3. Environmental Hearing Board No. 87-352-W -- Appeals by an organization of citizens known as TRASH, Ltd. and by the Township of Plymouth from the issuance by DER of the air permit and the solid waste processing permit for the project. Hearings on the cases have been concluded. The cases have been fully briefed. The parties are awaiting an Adjudication by the Board.

4. Environmental Hearing Board No. 89-031-W -- Appeal by TRASH, Ltd. of the extension by DER of the expiration date of the air permit for a four month period, until May 23, 1989.

5. Environmental Hearing Board No. 89-040-W -- Appeal by Plymouth Township from the extension by DER of the air permit until May 23, 1989.

6. Environmental Hearing Board No. 89-039-W -- Appeal by Plymouth Township from the extension by DER of certain conditions in the solid waste permit.

ORDINANCE No. 769

AN ORDINANCE PROVIDING FOR
THE VACATION OF A PORTION OF BROAD STREET,
THE OPENING OF A NEW ROAD IN PLACE OF THE
PORTION OF BROAD STREET TO BE VACATED,
AND THE CONVEYANCE OF THAT PORTION OF
THE BELL TRACT LOCATED BETWEEN
BROAD STREET AS PRESENTLY CONFIGURED
AND THE NEW BROAD STREET (AS DEFINED IN
THIS ORDINANCE) TO WESTRUM LAND DEVELOPMENT CORP.,
A PENNSYLVANIA CORPORATION

WHEREAS, Upper Dublin Township (the "Township") is the owner of all that certain lot and tract of ground, containing approximately fifty-one (51) acres of land, and situated on the north side of Susquehanna Road, bound by Broad Street on the east and Dillon Road on the west, commonly known as the "Bell Tract", as more particularly described in Exhibit "A", attached hereto and made a part hereof; and

WHEREAS, Westrum Land Development Corp. ("Westrum") is the equitable owner of all that certain lot and tract of ground, containing approximately 15 acres, situated at the northeast corner of Broad Street and Susquehanna Road under an Agreement of Sale dated June 5, 1988, as amended August 11, 1988, with Buttonbox Farm Partnership, a Pennsylvania general partnership as Seller (hereinafter referred to as the "Buttonbox Farm Parcel"). The Buttonbox Farm Parcel is more particularly described on Exhibit "B", attached hereto and made a part hereof; and

WHEREAS, Broad Street is a public road located within the Township and has been utilized for public travel and maintained and repaired by the expenditure of Township funds; and

WHEREAS, Broad Street separates the Buttonbox Farm Parcel from the Bell Tract and intersects Susquehanna Road approximately one hundred ninety-four feet (194') south of Pinetown Road; and

WHEREAS, Westrum has presented a Plan of Subdivision, entitled "Buttonbox Farms," prepared by Stout, Tacconelli & Associates, Inc., dated February 8, 1989 ("Preliminary Subdivision Plan") (a true and correct copy of which is attached hereto and made a part hereof as Exhibit "C") to the Township showing the proposed development of the Buttonbox Farm Parcel for the construction and sale of single-family homes and related improvements in accordance with the present A-Residential zoning classification of said parcel; and

WHEREAS, the Township has determined that it is in the best interest of the public to eliminate the jog (i.e., an intersection with offset center lines) where Broad Street and Pinetown Road intersect Susquehanna Road and create inherently dangerous traffic conditions therein; and

WHEREAS, in order to promote and safeguard the public safety and welfare, the Township has decided to vacate a portion of Broad Street as presently configured (the "Broad Street Parcel"); to cause the opening and construction of a new portion of Broad Street in its place (the "New Broad Street"); to relinquish its right, title and interest in that portion of the Bell Tract located between the Broad Street Parcel and the New Broad Street (the "Township Parcel"); to terminate by statutorily established procedures any rights which the public may have in the Broad Street Parcel and the Township Parcel; and to convey the Broad Street Parcel to Westrum by Quitclaim Deed and the Township Parcel to Westrum by Special Warranty Deed; and

WHEREAS, Westrum desires to acquire the Broad Street Parcel and the Township Parcel and to construct the New Broad Street and dedicate the improvements constructed thereon to the Township.

NOW, THEREFORE, it is hereby ORDAINED and ENACTED by the Commissioners of Upper Dublin Township as follows:

1. Pursuant to Section 57005 of the First Class Township Code (53 P.S. §57005), the Broad Street Parcel, as defined in this Ordinance, is hereby vacated; it being

the judgment of the Commissioners that it is necessary to vacate the Broad Street Parcel in order to promote the public safety and welfare and to eliminate the inherently dangerous traffic conditions at the intersection of Broad Street, Pinetown Road and Susquehanna Road. The Broad Street Parcel shall be vacated in its entirety.

2. Pursuant to Section 57005 of the First Class Township Code (53 P.S. §57005), the New Broad Street, as defined in this Ordinance, shall be opened and shall be designed and constructed in such a way as to meet Pinetown Road at Susquehanna Road.

3. Pursuant to Section 56501.II. of the First Class Township Code (53 P.S. §56501.II.), the Commissioners have determined that it is in the best interest of the Township to convey the Township Parcel, as defined in this Ordinance, together with the Broad Street Parcel to Westrum, so that Westrum may construct and dedicate the improvements constructed thereon to the Township. The Commissioners hereby authorize the filing of a Petition, pursuant to the First Class Township Code and the Revised Price Act (20 P.S. §§8301 to 8306) to secure the approval of the Court of Quarter Sessions in the Court of Common Pleas of Montgomery County, to the disposal of the Broad Street Parcel and the Township Parcel free and clear of any public right.

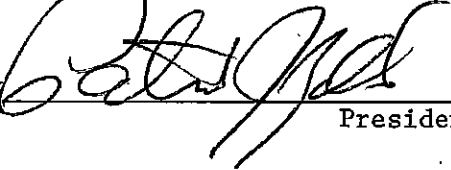
4. The Agreement of Sale attached hereto, pursuant to which the Township agrees to sell and Westrum agrees to buy the Broad Street Parcel and the Township Parcel, is hereby ratified and approved, and the officers of the Township are authorized to execute the aforesaid Agreement and affix the corporate seal thereto after the Court of Common Pleas of Montgomery County gives its approval thereto. Thereafter, the officers of the Township are authorized to execute a Deed for the Broad Street Parcel and a Deed for the Township Parcel conveying, transferring and assigning said parcels to Westrum, its successors and assigns, in accordance with the terms of said Agreement of Sale, and affix the corporate seals to the Deeds and deliver the Deeds to Westrum.

5. All ordinances, resolutions or regulations, or parts thereof, which are inconsistent herewith, are hereby repealed.

6. This Ordinance shall become effective five (5) days after it is enacted and ordained.

ORDAINED AND ENACTED this 17th day of July A.D. 1989.

**BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP**

By  President

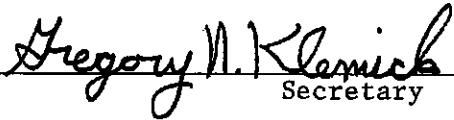
Attest  Secretary

Exhibit A

Township of Upper Dublin vs Ben T. Bell and Dorothy F. Bell, and Notice of said Taking being duly recorded in the Recorder of Deeds Office at Norristown, Montgomery County, in Deed Book 3739 page 518.

THIS DEED is given in consumation of Condemnation Proceedings, as instituted in the Court of Common Pleas of Montgomery County under No. 72-3040 and recorded in Deed Book 3739 page 518.

A PART of the above tract of ground, being fifty (50) Acres thereof, was acquired with Grants-In-Aid assistance provided by Pennsylvania's Land and Water Conservation and Reclamation Fund, Act #443 of 1967 for recreation, conservation and historical purposes.

THAT PORTION of the tract of ground not acquired with Grants-In-Aid assistance is described as follows:

BEGINNING at a spike marking the intersection of the center line of Susquehanna Street Road, (thirty-three feet wide) and the center line of Jarrett Road (thirty-three feet wide) the following four courses/and distances: (1) North forty-three degrees twelve minutes East 240.7 feet to a point; thence (2) to South forty-six degrees fifty-six minutes East 240.7 feet to a point; thence (3) South forty-three degrees twelve minutes West 240.7 feet to a point; thence (4) North forty-six degrees fifty-six minutes West 240.7 feet to the first mentioned point and place of beginning.

CONTAINING 1.33 Acres more or less.

↓
LIBRARY TRACT

BOOK 3745 PG 145

This Indenture

Made the 14th

day of April in the year of our Lord one thousand nine hundred and SEVENTY-TWO (1972) Between BEN T. BELL and DOROTHY F. BELL, his wife, County of Montgomery and State of Pennsylvania;

(hereinafter called the Grantors), of the one part, and UPPER DUBLIN TOWNSHIP, County of Montgomery and State of Pennsylvania;

(hereinafter called the Grantee), of the other part;

Witnesseth, That the said Grantors for and in consideration of the sum of TWO HUNDRED SEVENTY-TWO THOUSAND SIX HUNDRED (\$272,600.00) DOLLARS lawful money of the United States of America, unto them well and truly paid by the said Grantee at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, have granted, bargained, sold, aliened, enfeoffed, released and confirmed, and by these presents do grant, bargain, sell, alien, enfeoff, release and confirm unto the said Grantee, its successors and Assigns,

ALL THAT CERTAIN tract of land, SITUATE in the Township of Upper Dublin, County of Montgomery and State of Pennsylvania, bounded and described in accordance with a survey thereof made on February 26, 1946, by C. Raymond Weir, Registered Surveyor, as follows, to wit:-

BEGINNING at a spike marking the intersection of the center line of Susquehanna Street Road, (thirty-three feet wide) and the center line of Jarrett Road (thirty-three feet wide); thence extending along the said center line of Jarrett Road North forty-three degrees twelve minutes East nineteen hundred and twenty-two and fifty-eight one-hundredths feet to a spike a corner of land of the now or late Estate of John F. Ewer, deceased; thence extending along said land South forty-six degrees fifty-eight minutes East eleven hundred and fifty-six and eighty-six one-hundredths feet to a stone set in the center line of Broad Street (thirty-three feet wide); thence extending along the said center line of Broad Street South forty-three degrees two minutes West nineteen hundred and ninety-one and sixty-six one-hundredths feet to a spike marking the intersection of the said center line of Broad Street and the center line of Susquehanna Street Road; thence extending along the said center line of Susquehanna Street Road North twenty-six degrees seventeen minutes West one hundred and ninety-one and ninety-three one-hundredths feet to a spike; thence still extending along the center line of Susquehanna Street Road North forty-six degrees fifty-six minutes West nine hundred and eighty-one and nine one-hundredths feet to the first mentioned point and place of beginning.

CONTAINING 51.334 acres of land

BEING part of the same premises which Ben T. Bell and Dorothy F. Bell, his wife, by Deed dated August 28, 1958 and recorded in Montgomery County, in Deed Book 2904 page 592 conveyed unto Ben T. Bell and Dorothy F. Bell, with one-half interest in each as Tenants in Common, and not as Tenants by Entireties.

AND FURTHER, Condemnation Proceedings were entered by Declaration of Taking duly had in the Court of Common Pleas of Montgomery County, under No. 72-3040 filed March 21, 1972 in General Docket 162 page 420,

Exhibit B

ALL THAT CERTAIN messuage and tract or piece of land, SITUATE in the Township of Upper Dublin, County of Montgomery and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a corner in the middle of the Susquehanna Street Road, being also a corner of John Eagle's land; thence by the same North thirty-nine degrees and thirty-five minutes East forty perches and eighty-seven hundredths of a perch to a corner of this and land lately conveyed unto Otto Kaiser; thence by the same North forty-nine degrees and fifty minutes West fifty-eight perches and seventy-six hundredths of a perch to a corner stone in the middle of a public road and in a line of Emma Smith's land; thence along the middle of said public road in the line of Smith's land South thirty-nine degrees and fifteen minutes West forty perches and three hundredths of a perch to a corner in the middle of said Susquehanna Street Road; thence along the middle thereof South forty-nine degrees and fifty minutes East fifty-eight perches and five-tenths of a perch to the place of beginning.

AND the above mentioned Susquehanna Street Road, is now more commonly known as Susquehanna Road.

AND the above mentioned Public Road, is now more commonly known as Broad Street.

BEING Parcel Number 54-00-14869-00-8 as set forth in the Montgomery County Board of Assessments Appeals.

UNDER AND SUBJECT to Agreements of Record.

EXHIBIT "C"

**PLAN OF SUBDIVISION OF BUTTONBOX FARMS
PREPARED BY STOUT, TACCONELLI & ASSOCIATES, INC.
DATED FEBRUARY 8, 1989**

ORDINANCE No. 770

AN ORDINANCE TO AMEND THE UPPER DUBLIN TOWNSHIP CODE, TITLE 10, ZONING, BY AMENDING THE ZONING MAP DESIGNATING THE HEREIN DESCRIBED TRACTS OF LAND ON SUSQUEHANNA ROAD BETWEEN THE TWINING VALLEY GOLF COURSE AND THE TRENTON CUT-OFF OF APPROXIMATELY 15.7266 ACRES FROM A-RESIDENTIAL TO MD - MULTI DWELLING DISTRICT AND A TRACT OF APPROXIMATELY .9944 ACRES FROM CR-COMMERCIAL DISTRICT, CLASS I, to MD - MULTI-DWELLING DISTRICT.

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

Section 1: The Zoning Map of the Upper Dublin Zoning Ordinance, as amended, is further amended by designating the following described tract from A-RESIDENTIAL to MD- MULTI-DWELLING DISTRICT.

ALL THAT CERTAIN lot or tract of land situate in Upper Dublin Township, Montgomery County, Pennsylvania, described as follows, to wit:

BEGINNING at a point in the center line of Susquehanna Street Road (thirty-three feet wide) one hundred fifty-seven and ninety-eight one-hundredths feet Southeast of the Southeasterly right of way line of the Pennsylvania Railroad (Trenton cut-off branch), (said point being nine hundred seventy-eight and thirty-two one-hundredths feet measured South forty-eight degrees one minute thirty-six seconds East from a point of intersection of the said center line of Susquehanna Street Road and the center line of Limekiln Turnpike as defined by the old line of Limekiln Turnpike); thence extending along land now or late of William A. Geppert, North sixty-five degrees forty-four minutes twenty-four seconds East two hundred seventy-six and forty-two one-hundredths feet to a corner; thence still along land now or late of Geppert North twenty-nine degrees seventeen minutes fifty seconds West one hundred forty-one and seventy-four one-hundredths feet to a corner; thence along the Southeasterly right of way line of the Pennsylvania Railroad North sixty-seven degrees fifty-four minutes ten seconds East four hundred fifty-nine and thirty-eight one-hundredths feet to a corner; thence continuing along said right of way on a line bearing to the left with a radius of eight thousand six hundred fifty-four and four-tenths feet the arc distance of three hundred thirty-seven and eleven one-hundredths feet to a corner; thence extending South forty-eight degrees forty-one minutes fifty seconds East four hundred seventy-five and ninety-nine one-hundredths feet to a corner; thence extending South forty-two degrees nine minutes eight seconds West one thousand twenty-three feet to a corner in the middle line of Susquehanna Street Road; thence extending along the middle line of Susquehanna Street Road North forty-eight degrees one minute thirty-six seconds West seven hundred ninety-two and sixty-two one-hundredths feet to the first mentioned point and place of beginning.

CONTAINING 15.7266 acres.

BEING ASSESSMENT PARCEL NUMBER 54-00-14830-00-2.

Section 2: The Zoning Map of the Upper Dublin Zoning Ordinance, as amended, is further amended by designating the following described tract from CR-COMMERCIAL DISTRICT, CLASS I, to MULTI-DWELLING DISTRICT.

ALL THAT CERTAIN lot or piece of ground situate in Upper Dublin Township, Montgomery County, Pennsylvania, described according to a resurvey and plan made on May 9, 1946, by George B. Mebus, Registered Professional Engineer, as follows, to wit:

BEGINNING at a point in the center line of Susquehanna Street Road (thirty-three feet wide), a corner of land of the Pennsylvania Railroad Company, said point being at the distance of eight hundred twenty and thirty-four one-hundredths feet measured South forty-eight degrees one minute thirty-six seconds East from a point of intersection of the said center line of Susquehanna Street Road and the center line of Limekiln Turnpike as defined by the old line of Limekiln Turnpike; thence extending along the said land of the Pennsylvania Railroad Company North sixty-six degrees two minutes forty seconds East two hundred seventy-seven and six one-hundredths feet to a point and thence extending still along the same North sixty-seven degrees fifty-four minutes ten seconds East fifty and sixty-two one-hundredths feet to a point; thence through land now or late of Mathias Banhilzer of which this was a part South twenty-nine degrees seventeen minutes fifty seconds East one hundred forty-one and seventy-four one-hundredths feet to a point; thence extending South sixty-five degrees forty-four minutes twenty-four seconds West two hundred seventy-six and forty-two one-hundredths feet to a point in the center line of Susquehanna Street Road and thence extending along the same North forty-eight degrees one minute thirty-six seconds West one hundred fifty-seven and ninety-eight one-hundredths feet to the point and place of beginning.

CONTAINING .9944 acre.

BEING ASSESSMENT PARCEL NUMBER 54-00-14831-00-1.

BEING known as Susquehanna Street Road and Limekiln Pike.

ENACTED AND ORDAINED this 12th day of September A.D. 1989.

BOARD OF COMMISSIONERS
TOWNSHIP OF UPPER DUBLIN

By Robert J. Zoll President

Attest

Gregory N. Klemick
Secretary

ORDINANCE NO. 771

AN ORDINANCE AMENDING TITLE 9, ARTICLE 4, PROVIDING FOR THE REGULATION OF DEVELOPMENT ON RESIDENTIAL PRIVATE STREETS.

The Board of Commissioners of the Township of Upper Dublin hereby ENACTS and ORDAINS, as follows:

Section 1. Article 4 of Title 9 - Land Development and Subdivision, be amended by adding subsection 8 to Sec. 4.01, Streets, to read:

"8. Access to Public and Private Streets:

a. Each and every lot or development, now or hereafter subdivided or erected in the Township, shall abut a public street, in accordance with the standards of this Section.

On a private street, the Board of Commissioners, on a case-by-case basis, may permit the building of a dwelling house or the subdivision of a lot to permit more than one dwelling house, providing the following standards are met:

1. No more than five (5) dwelling houses shall be permitted to be served by the private street.

2. The yard requirements, street frontage and other regulations with respect to lotting meet those requirements established for A-Residential Districts.

3. Except for existing private streets, those constructed shall conform to the minimum design standards set forth by the Township for public residential streets.

4. The private street shall not be dedicated to the Township, nor will the Township assume responsibility for providing the usual services, such as trash collection, snow plowing, road improvements or maintenance. Deed restrictions covering the aforesaid shall be recorded against all involved, with the owners whose lots front on the private street being fully responsible for the maintenance and improvement of the street. Private streets which exceed six hundred (600) feet in length shall have private hydrants installed at such intervals as shall be mandated by the fire marshal for residential streets.

5. If literal compliance of any of the foregoing requirements would be impractical, the Board of Commissioners may modify or adjust such requirements to permit reasonable utilization of property, while at the same time securing substantial conformance with the objectives of this Section."

Section 2. Article 4 of Title 9 - Land Development and Subdivision, be amended by changing Sec. 4.07, Lots, to read:

"Sec. 4.07 Lots on Public and Private Streets

1. Depth. Lots excessively deep in relation to width are to be avoided. A proportion of 2-1/2 to 1 is generally regarded as proper maximum for lots sixty (60) feet or more in width.

2. Width. The minimum width of a lot shall be that width which is measured along the building setback line, in feet specified for the applicable zoning district.

3. Corner Lots. All corner lots shall be a minimum of one and one-half (1-1/2) times the minimum width of the interior lots of the same block, except for lots 40,000 square feet or larger.

4. Frontage. Every lot shall have frontage along with the right-of-way of a public street or a private street.

5. Sidelines. Whenever practicable, the sidelines of a lot shall be set at right angles or radial to the right-of-way line.

6. Lot Numbers. For the purpose of development, each subdivision may have an overall system of lot numbers, the number one (1) being assigned to a lot in the first section to be developed. (Such system of lot numbers shall not be confused with the regular house or building numbering system based on a Township-wide plan.)

7. Building Numbers. House or building numbers shall be assigned by the Township based on an overall street plan. Numbers will be assigned in such a way as to allow for vacant parcels and future development."

ENACTED and ORDAINED this 14th day of November, 1989.

TOWNSHIP OF UPPER DUBLIN
Board of Commissioners

[Seal]

Attest: Hugov N. Klemick
Secretary

By: [Signature]
President

ORDINANCE NO. 772

AN ORDINANCE AMENDING TITLE 10, ARTICLE 4, BY PROVIDING FOR THE REGULATION OF DEVELOPMENT OF RESIDENTIAL PRIVATE STREETS.

The Board of Commissioners of the Township of Upper Dublin hereby ENACTS and ORDAINS, as follows:

Section 1. Article 4 of Title 10 - Zoning, be amended by changing Section 4.15, as follows:

"Sec. 4.15. Access to Public and Private Streets.

No zoning permit shall be issued to construct a structure on any lot unless the lot abuts on a public street or on a private street pursuant to Section 4.18 of this Title; provided, however, a permit may be issued by the Board of Commissioners as a conditional use within the provisions of Article 22 upon the following conditions:

A. There is a direct access from the street to the lot through an open space on the same lot; and

B. Such open space shall be at least twenty-five (25) feet wide and shall extend from the principal structure on the lot to the street; and

C. Such open space shall serve for pedestrian and vehicular traffic by means of an all-weather paved travel lane; and

D. Such open space shall be maintained in a careful and prudent manner; and

E. Such open space shall be available to the construction and use for public utilities, including storm and sanitary sewage facilities; and

F. The interior or lot not abutting the street shall be required to connect to sanitary sewer lines when constructed in the street, and the owner shall agree in writing to be subject, following construction, to an assessment for the cost of the sanitary sewer as assessed by the Township or its Authority on the same basis as the lots abutting the aforesaid open space on the street but limited to a frontage not in excess of the width of a lot as defined for a lot in the zoning district in which the open space is located; and

G. The interior lot shall be at least ten percent (10%) larger than the size required in the zoning district and, in determining the size of the lot, credit shall not be given for the open space between the lot and the streets.

H. Any other conditions deemed necessary by the Board of Commissioners."

Section 2. Article 4 of Title 10 - Zoning be amended by adding a section under "General Zoning Regulations," to read:

"Sec. 4.18. Modification of Lot Area Requirements

a. On a private street, the Board of Commissioners, on a case-by-case basis, may permit the building of a dwelling house or subdivision of a lot to allow more than one dwelling house; provided, the following standards are met:

1. The size of the lot or lots be at least 1½ acres per lot.

2. The yard requirements, street frontage and other regulations with respect to lotting meet the requirements established for A-Residential districts, regardless of the residential district in which the private street is located."

ENACTED and ORDAINED this 14th day of November, 1989.

TOWNSHIP OF UPPER DUBLIN
Board of Commissioners

[Seal]

Attest:

Gregory N. Klemick
Secretary

By:

[Signature]
President

ANNUAL BUDGET OF THE TOWNSHIP OF UPPER DUBLIN FOR THE YEAR 1990

ORDINANCE NO. 773

AN ORDINANCE OF UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR THE SPECIFIC PURPOSES OF THE MUNICIPAL GOVERNMENT, HEREINAFTER SET FORTH, DURING 1990.

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

SECTION 1: That for the expenses for the fiscal year 1990 the following amounts are hereby appropriated from the revenues available for the current year for the specific purposes set forth below, which amounts are more fully itemized in the Budget Form.

SUMMARY OF ALL ESTIMATED RECEIPTS

Receipts from Current Tax Levy	\$ 7,182,413
Receipts from Taxes of Prior Years	15,000
Other Revenue Receipts	<u>7,851,924</u>
TOTAL ESTIMATED RECEIPTS AND CASH	\$15,049,337

SUMMARY OF ALL APPROPRIATIONS

GENERAL GOVERNMENT	
Administration and Finance	\$ 787,735
Treasurer and Tax Collector	12,335
Library	230,081
Municipal Buildings	<u>98,281</u>
TOTAL	\$ 1,128,432
PROTECTION TO PERSONS AND PROPERTY	
Police	\$ 2,176,493
Fire	<u>433,365</u>
TOTAL	\$ 2,609,858
SEWER OPERATION AND TREATMENT	
Operations	\$ 765,635
Treatment	<u>1,033,810</u>
TOTAL	\$ 1,799,445
PUBLIC HEALTH AND SANITATION	
Health	\$ 42,572
Sanitation	<u>1,715,299</u>
TOTAL	\$ 1,757,871

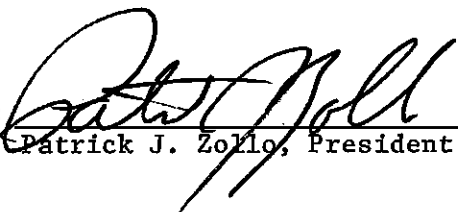
HIGHWAY MAINTENANCE	\$ 1,572,264
DEBT SERVICE	\$ 585,235
CAPITAL PROJECTS	
Sewer	\$ 864,439
Road, Storm Sewer, Equipment and Buildings	2,059,231
Parks and Recreation	<u>1,862,449</u>
TOTAL	\$ 4,786,119
PARKS AND RECREATION	\$ 535,616
REGULATIONS, PLANNING AND ZONING	\$ 247,997
MISCELLANEOUS	<u>\$ 26,500</u>
TOTAL APPROPRIATIONS	\$15,049,337

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

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

ENACTED AND ORDAINED this 12th day of December 1989.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

BY: 
Patrick J. Zollo, President

ATTEST: 
Gregory N. Klenick, Secretary

ORDINANCE NO. 774

AN ORDINANCE OF UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY; PENNSYLVANIA, FIXING THE TAX RATE FOR THE YEAR 1990 FOR GENERAL PURPOSES, THE TAX RATE FOR THE YEAR 1990 FOR DEBT SERVICE, THE TAX RATE FOR THE YEAR 1990 FOR FIRE PROTECTION, THE TAX RATE FOR THE YEAR 1990 FOR PARKS AND RECREATION, THE ASSESSMENT FOR THE YEAR 1990 FOR FIRE HYDRANTS, AND ESTABLISHING DISCOUNTS AND PENALTY THEREFOR.

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

SECTION 1: Tax Rates for General Purposes

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 1990, as follows:

Tax rate for General Purposes, the sum of. 18.24 mills on each dollar of assessed valuation, or the sum of. 182.4 cents on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

	Mills on Each Dollar of Assessed <u>Valuation</u>	Cents on Each One Hundred Dollars of Assessed <u>Valuation</u>
Tax Rate for General Purposes	18.24 mills	182.4 cents

SECTION 2: Tax Rate for Debt Service

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 1990, as follows:

Tax rate for Debt Service, the sum of. 5.17 mills on each dollar of assessed valuation, or the sum of. 51.7 cents on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

	Mills on Each Dollar of Assessed <u>Valuation</u>	Cents on Each One Hundred Dollars of Assessed <u>Valuation</u>
Tax Rate for Debt Service	5.17 mills	51.7 cents

SECTION 3: Tax Rate for Fire Protection

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 1990, as follows:

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

The same being summarized in tabular form as follows:

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

SECTION 4: Tax Rate for Parks and Recreation

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 1990, as follows:

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

The same being summarized in tabular form as follows:

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

SECTION 5: Assessment for Fire Hydrants

That the cost and maintenance of fire hydrants for fire protection, with the Fire and Water District of Upper Dublin Township, established by Ordinance No. 543, is hereby distributed by a special tax for the fiscal year 1990, as follows:

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

The same being summarized in tabular form as follows:

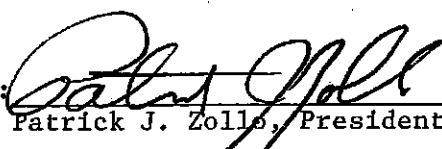
	Mills on Each Dollar of Assessed <u>Valuation</u>	Cents on Each One Hundred Dollars of Assessed <u>Valuation</u>
Special Tax for Fire Hydrants	.35 mills	3.5 cents

SECTION 6: Discounts and Penalty

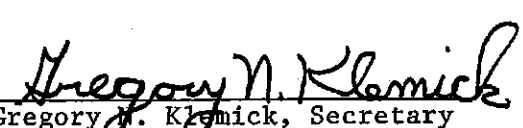
All taxpayers shall be entitled to a discount of two per centum (2%) from the amount of tax levied upon property, upon making payment of amount of such tax within sixty (60) days of the date of the tax notice. All taxpayers who shall fail to make payment of any such taxes charged against them within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

ENACTED AND ORDAINED THIS 12th day of December, 1989.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

BY: 
Patrick J. Zolls, President

ATTEST:


Gregory N. Klemick, Secretary

1/9/89

ORDINANCE No. 775

AN ORDINANCE OF THE TOWNSHIP OF UPPER DUBLIN TO AMEND ORDINANCE No. 717 BY REQUIRING THE LESSOR OF ANY RESIDENTIAL, COMMERCIAL, INDUSTRIAL OR OFFICE RENTAL UNIT TO CERTIFY TO THE TOWNSHIP THE NAMES AND ADDRESSES OF ALL TENANTS ON OR BEFORE JANUARY 31, 1990, AND BY DECEMBER 31 OF EACH SUCCEEDING YEAR.

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

SECTION 1: The following definition shall be added to Section 1 of Ordinance 717 and shall have the following meaning when used herein:

"Lessor" shall mean any individual or individuals, corporation, partnership or other entity which owns, leases or otherwise possesses or controls any real property, condominium unit or rental unit, including residential, commercial, office, institutional, or industrial real property, condominium unit or rental unit, and in turn leases or subleases such real property to any other individual or individuals, corporation, partnership or other entity. For the purposes of this Ordinance "Lessor" shall include any agent, manager, condominium association or other entity which acts on behalf of the owner of the real property, condominium unit or rental unit.

SECTION 2: The following shall be added to Ordinance 717 as Section 4, G:

It shall be the duty of every Lessor to file with Township a list, certified to be true, correct and complete, of the names and addresses of all tenants, lessees, or sublessees of any real property, condominium unit or rental unit, on or before January 31, 1990, and thereafter on or before December 31, 1990, and each December 31st of each succeeding year or within thirty (30) days of the date any change of tenancy of such real property, condominium unit or rental unit.

ENACTED AND ORDAINED this 12th day of December A.D. 1989

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

By Patent Jell President

Attest Gregory N. Klemick Secretary

ORDINANCE NO. 776

AN ORDINANCE TO AMEND THE UPPER DUBLIN TOWNSHIP CODE,
TITLE 5, HEALTH AND SANITATION, AND TITLE 7,
PUBLIC SAFETY, CHAPTER 1, ALARM DEVICES, CHAPTER 2,
ANIMAL CONTROL, CHAPTER 7, SNOW AND ICE, AND
CHAPTER 9, VEHICLES AND TRAFFIC.

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

SECTION 1: Title 5, Chapter 5, Littering, Section 1.15 Violations, which now reads:

"Any person who or which shall violate any of the provisions of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than One Hundred (\$100.00) Dollars or more than One Thousand (\$1,000.00) Dollars for each and every such offense or to imprisonment in the county jail for a period not exceeding thirty (30) days, or both at the discretion of the District Justice, together with the costs of prosecution. All prosecutions for violations of this ordinance shall be by summary proceedings and brought in the name and for the use of the Township of Upper Dublin before a District Justice. Each day of failure to correct a violation, following written notice, shall be considered a separate violation."

shall be amended to read as follows:

"Any person who or which shall violate any of the provisions of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than One Hundred (\$100.00) Dollars or more than Three Hundred (\$300.00) Dollars for each and every such offense or to imprisonment in the county jail for a period not exceeding thirty (30) days, or both at the discretion of the District Justice, together with the costs of prosecution. All prosecutions for violations of this ordinance shall be by summary proceedings and brought in the name and for the use of the Township of Upper Dublin before a District Justice. Each day of failure to correct a violation, following written notice, shall be considered a separate violation."

SECTION 2: Title 7, Chapter 1, Alarm Devices, Section 1.12(b)(2), which now reads:

"Thereafter, it shall be the duty of the police officer to report to the Chief of Police all violations and to deliver to the owner of the house or business involved a notice thereof. The notice shall contain instructions that if the owner will report to the Chief of Police and pay the sum of One Hundred Fifty (\$150.00) Dollars within forty-eight (48) hours after the time of notice of the first offense, that act will save the violator from prosecution and from payment of the fine and costs prescribed in this section. In the event of a second similar offense, the violator shall be given the same option upon the payment of Three Hundred (\$300.00) Dollars and the third violation upon the payment of

Five Hundred (\$500.00) Dollars. For all subsequent violations, the owner shall be liable for prosecution and if found guilty, shall pay a maximum fine of not more than One Thousand (\$1,000.00) Dollars plus costs of prosecution, to be collectible before any District Justice as like fines or penalties are now by law collectible."

shall be amended to read as follows:

"Hereafter, it shall be the duty of the police officer to report to the Chief of Police all violations and to deliver to the owner of the house or business involved a notice thereof. The notice shall contain instructions that if the owner will report to the Chief of Police and pay the sum of Twenty-five (\$25.00) Dollars within forty-eight (48) hours after the time of notice of the first offense, that act will save the violator from prosecution and from payment of the fine and costs prescribed in this section. In the event of a second similar offense, the violator shall be given the same option upon the payment of Fifty (\$50.00) Dollars and the third violation upon the payment of One Hundred (\$100.00) Dollars. For all subsequent violations, the owner shall be liable for prosecution and if found guilty, shall pay a fine of not less than One Hundred (\$100.00) Dollars or more than One Thousand (\$1,000.00) Dollars, plus costs of prosecution, to be collectible before any District Justice as like fines or penalties are now by law collectible."

SECTION 3: Title 7, Chapter 2, Animals, Section 2.07, Penalties, which now reads:

"Any owner, person, firm, association, or corporation, who shall violate or fail to refuse to comply with any provision of this ordinance shall, upon conviction in a summary proceeding before a District Justice of the Township of Upper Dublin, be sentenced to pay a fine to the Township of Upper Dublin of not less than One Hundred (\$100.00) Dollars and not more than One Thousand (\$1,000.00) Dollars plus costs of prosecution, or to undergo imprisonment not exceeding ten (10) days, or both."

shall be amended to read as follows:

(a) Any owner, person, firm, association, or corporation, who shall violate or fail to refuse to comply with any provision of this ordinance shall, upon conviction in a summary proceeding before a District Justice of the Township of Upper Dublin, be sentenced to pay a fine of not less than One Hundred (\$100.00) Dollars and not more than One Thousand (\$1,000.00) Dollars plus costs of prosecution.

(b) For the first offense under this Ordinance, any owner, person, firm, association or corporation can avoid prosecution by reporting to the police station within seventy-two (72) hours after receipt of such notice and paying the sum of Twenty-five (\$25.00) Dollars; for a second offense such prosecution may be avoided by reporting to the police station within seventy-two (72) hours after receipt of such notice and paying the sum of Fifty (\$50.00) Dollars; for a third offense such prosecution may be avoided by reporting to the police station within seventy-two (72) hours after receipt of such notice and paying the sum of One Hundred (\$100.00) Dollars; for a fourth and subsequent offenses, the owner, person, firm, association or corporation shall be prosecuted in accordance with paragraph (a) above.

(c) A new and separate offense shall be deemed to have been committed for each day that any violation of the provisions of this ordinance shall continue to exist."

SECTION 4: Title 7, Chapter 7, Snow and Ice, Section 1.07 Violations, which now reads:

"Any person who shall violate any of the provisions of this ordinance, or who shall fail to comply with the conditions or requirements in accordance with the provisions of this ordinance, shall upon conviction thereof, be liable to pay a fine of not less than One Hundred Fifty (\$150.00) Dollars nor more than One Thousand (\$1,000.00) Dollars; provided, that for a first offense under this ordinance the Chief of Police shall mail to the address of the legal owner of the property involved a notice of such violation, which notice shall contain instructions that the owner may avoid prosecution by payment of the sum of Twenty-five (\$25.00) Dollars for the first offense within seventy-two (72) hours after receipt of such notice; for a second offense such prosecution may be avoided by payment of the sum of Fifty (\$50.00) Dollars within seventy-two (72) hours after receipt of such notice; third and subsequent offenses shall be subject to prosecution in accordance with the terms of this ordinance. A new and separate offense shall be deemed to have been committed for each day that any violation of the provisions of this ordinance shall continue to exist."

shall be amended to read as follows:

(a) Any person who shall violate or fail to refuse to comply with any provision of this ordinance shall, upon conviction in a summary proceeding before a District Justice of the Township of Upper Dublin, be sentenced to pay a fine of not less than One Hundred (\$100.00) Dollars nor more than One Thousand (\$1,000.00) Dollars, plus costs of prosecution.

(b) For the first offense under this ordinance, any person can avoid prosecution by reporting to the police station within seventy-two (72) hours after receipt of such notice and paying the sum of Twenty-five (\$25.00) Dollars; for a second offense such prosecution may be avoided by reporting to the police station within seventy-two (72) hours after receipt of such notice and by paying the sum of Fifty (\$50.00) Dollars; for a third offense such prosecution may be avoided by reporting to the police station within seventy-two (72) hours after receipt of such notice and by paying the sum of One Hundred (\$100.00) Dollars; for a fourth and subsequent offenses the owner shall be prosecuted in accordance with paragraph (a) above.

(c) A new and separate offense shall be deemed to have been committed for each day that any violation of the provisions of this ordinance shall continue to exist."

SECTION 5: Title 7, Chapter 9, Vehicles and Traffic, Section 4.03 Penalty for Parking, which now reads:

"Any owner, lessee or operator of a vehicle parked, abandoned or left upon any Township street or highway in violation of the provisions of Section 4.02, above, shall, upon conviction thereof, be liable to pay a fine of not less than Two Hundred Fifty (\$250.00) Dollars nor more than One Thousand (\$1,000.00) Dollars; provided, that for a first offense under this ordinance the Chief of Police shall deliver to such violator a

notice of such violation, which notice shall contain instructions that the owner may avoid prosecution by payment of the sum of One Hundred (\$100.00) Dollars for the first offense within seventy-two (72) hours after receipt of such notice; and further provided that for a second offense such prosecution may be avoided by payment of the sum of Two Hundred (\$200.00) Dollars within seventy-two (72) hours after receipt of such notice; third and subsequent offenses shall be subject to prosecution in accordance with the terms of this ordinance. A new and separate offense shall be deemed to have been committed for each day that any violation of the provisions of this ordinance shall continue to exist.

shall be amended to read as follows:

"(a) Any owner, lessee or operator who shall violate or fail to refuse to comply with any provision of this ordinance shall, upon conviction in a summary proceeding before a District Justice of the Township of Upper Dublin, be sentenced to pay a fine of not less than One Hundred (\$100.00) Dollars nor more than Three Hundred (\$300.00) Dollars, plus costs of prosecution.

(b) For the first offense under this ordinance, any person can avoid prosecution by reporting to the police station within seventy-two (72) hours after receipt of such notice and paying the sum of Twenty-five (\$25.00) Dollars; for a second offense such prosecution may be avoided by reporting to the police station within seventy-two (72) hours after receipt of such notice and by paying the sum of Fifty (\$50.00) Dollars; for a third offense such prosecution may be avoided by reporting to the police station within seventy-two (72) hours after receipt of such notice and by paying the sum of One Hundred (\$100.00) Dollars; for a fourth and subsequent offenses the owner shall be prosecuted in accordance with paragraph (a) above.

(c) A new and separate offense shall be deemed to have been committed for each day that any violation of the provisions of this ordinance shall continue to exist."

ENACTED AND ORDAINED this 19th day of December, 1989.

BOARD OF COMMISSIONERS
TOWNSHIP OF UPPER DUBLIN

Attest:

Gregory N. Klemich
Secretary

By

[Signature]
President

ORDINANCE No. 777

AN ORDINANCE OF UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, ESTABLISHING THE DATES OF THE REGULAR STATED MEETINGS OF THE COMMISSIONERS OF THE TOWNSHIP OF UPPER DUBLIN DURING THE YEAR 1990.

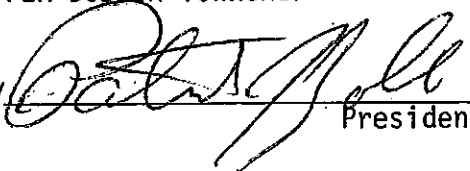
The Board of Commissioners of the Township of Upper Dublin does hereby ENACT AND ORDAIN as follows:

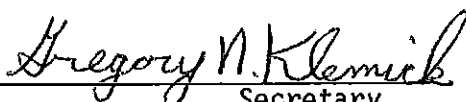
SECTION 1. The regular stated monthly meeting of the Commissioners of the Township of Upper Dublin for the year 1990 shall be held on the second Tuesday of each month unless the same shall be a legal holiday, in which case held on the next regular business day following, at 7:30 p.m., local time.

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

ENACTED AND ORDAINED this 9th day of January, 1989.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

By  President

Attest 
Secretary

ORDINANCE NO. 778

AN ORDINANCE DIRECTING THE REALIGNMENT, WIDENING AND RECONSTRUCTION OF PORTIONS OF PENNSYLVANIA AVENUE AND COMMERCE DRIVE, PUBLIC HIGHWAYS WITHIN THE TOWNSHIP OF UPPER DUBLIN, AND THE INSTALLATION OF NEW CURBS AND A TRAFFIC ISLAND, REPLACEMENT OF CERTAIN CURBS AND TRAFFIC SIGNALS AS REQUIRED, AND LEVYING THE COSTS FOR SUCH IMPROVEMENTS UPON THE ABUTTING PROPERTY OWNERS.

WHEREAS, the Board of Commissioners intends to reconstruct portions of Pennsylvania Avenue and Commerce Drive as described on plans prepared by Czop/Specter, Inc., Engineers and Surveyors, by realigning, widening and repaving the roadway surface and installing new or replacing existing curbs and traffic signals and installing a traffic island; and

WHEREAS, the Board of Commissioners has determined that the cost of the Improvements to be made to such public highways shall be assessed and collected from the owners of the abutting properties.

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

Section 1. Concrete curbs and traffic signals shall be replaced or installed as required on portions of Pennsylvania Avenue and Commerce Drive, pursuant to a Plan prepared for the Township, which may be inspected at the offices of the Township during normal business hours.

Section 2. The roadway surface of portions of Pennsylvania Avenue and Commerce Drive shall be realigned, resurfaced, widened and improved, and a traffic island shall be installed, pursuant to a Plan prepared for the Township, which may be inspected at the offices of the Township during normal business hours.

Section 3. The improvements described in Sections 1 and 2 shall not be commenced until the completion of the obtaining of bids and the award of the contracts.

Section 4. The construction of the improvements shall be in accordance with the requirements of the Ordinances, Rules and Regulations of the Township of Upper Dublin and the provisions of the Construction Contract Documents and the Plans, aforesaid.

Section 5. Easements for realigning and widening and for purposes of construction, as shown on the Plan, shall be condemned along Pennsylvania Avenue and Commerce Drive as required by the Plan design.

Section 6. The Township Engineer shall have authority to inspect, direct or stop the work and to accept or reject such work and any materials to be used in the construction of the Improvements.

Section 7. The costs and expenses incurred in constructing the Improvements shall be assessed against the owners of the abutting properties by Resolution of this Board of Commissioners following completion and acceptance of the work. Payment of assessments shall be enforced by municipal liens, and penalties and interest shall be assessed against those property owners who fail to pay the assessed amount within the time prescribed by such Resolution.

ENACTED and ORDAINED this 13th day of February, 1990.

ATTEST:

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

BY: Gugoy N. Klemick

BY: Robert J. Bell

ORDINANCE NO. 779

AN ORDINANCE AMENDING THE UPPER DUBLIN TOWNSHIP CODE, TITLE 5, HEALTH AND SANITATION, CHAPTER 3, GARBAGE AND REFUSE, BY ADDING A NEW ARTICLE, ARTICLE 3, MANDATORY SEPARATION FOR RECYCLING, TO ESTABLISH A MANDATORY PROGRAM FOR THE SEPARATION OF GLASS, ALUMINUM CANS AND NEWSPAPERS, COLLECTION THEREOF BY THE TOWNSHIP AND TO PROVIDE PENALTIES FOR VIOLATION OF THIS ARTICLE.

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

Section 1. Title 5, Health and Sanitation, Chapter 3, Garbage and Refuse, of the Upper Dublin Township Code is hereby amended by adding a new Article to be Article 3, Mandatory Separation for Recycling, to read as follows:

"ARTICLE 3

MANDATORY SEPARATION FOR RECYCLING

Section 3.01. Legislative Purpose.

In accordance with the provisions of Act No. 101 of 1988, the "Municipal Waste Planning, Recycling and Waste Reduction Act," the Township hereby requires and mandates that all aluminum cans, glass and newspapers, shall be separated from other waste for separate collection for purposes of recycling. All residents shall also separate leaf waste from all other waste collected by the Township for disposal by composting.

Section 3.02. Definitions.

Unless the context clearly indicates otherwise, the following words and phrases used throughout this Article shall have the following meanings:

1. ALUMINUM CANS - All empty beverage and food containers made from aluminum.
2. CLEAN AND UNCONTAMINATED NEWSPAPER - Newspapers which has not been exposed to substances or conditions rendered it unfit for recycling purposes.

3. **COMMERCIAL ESTABLISHMENT** - Those properties used primarily for commercial or industrial purposes and those multiple dwelling residential buildings containing more than four dwelling units.

4. **CORRUGATED PAPER** - Structural paper material with an inner core shaped in rigid parallel furrows and ridges.

5. **GLASS** - All products made from silica or sand, soda ash and limestone (the product may be transparent, translucent, or colored) and may be used as a container for packaging or bottling of various matter and all other material commonly known as glass.

6. **HIGH GRADE OFFICE PAPER** - All white paper, bond paper and computer paper used in commercial, institutional and municipal establishments.

7. **INSTITUTION ESTABLISHMENT** - Facilities that house or serve groups of people such as schools, hospitals, day care centers and nursing homes.

8. **LEAF WASTE** - Leaves and foliage of trees and shrubs and foliar garden residues, but not including grass clippings or tree or shrubbery branches.

9. **NEWSPAPER** - Paper of the type commonly referred to as newsprint and distributed at stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest. Expressly excluded are glossy advertising inserts, often included with newspapers.

10. **PERSON** - Includes a lessee, as well as an owner of a residence, and includes a person, firm or corporation which owns or occupies a residence, commercial or institutional establishment.

11. **RECYCLABLE MATERIALS** - All source-separated materials as identified by this Article in accordance with Section 1501 of Act 101 of 1988, specifically including glass, aluminum cans, newspapers, high grade office paper and corrugated paper.

12. **RESIDENCE** - Any single family or other dwelling with four or less units, from which the Township collects solid waste.

13. **SOLID WASTE** - All garbage and refuse normally placed by a resident for regular collection by the Township. It specifically excludes recyclable materials.

14. **TOWNSHIP** - The Township of Upper Dublin.

Section 3.03. Establishment of Collection Programs.

(1) The Township hereby establishes a mandatory program for the separate collection of aluminum cans, glass, newspapers and leaf waste from all residents in the Township of Upper Dublin, for which garbage and rubbish collection is provided by the Township. Collection thereof shall be made on a regularly scheduled basis, no less than once a month by the Township for recycling purposes. Leaf waste shall be disposed of exclusively by composting.

(2) The Township also establishes a mandatory program for the separation and recycling of aluminum, glass, newspapers, high grade office paper and corrugated paper from all commercial, institutional and municipal establishments in the Township. All such establishments shall make provisions for the separate collection of recyclable materials no less than once per month in accordance with the regulations promulgated hereunder.

Section 3.04. Establishment of Regulations.

(1) The Director of the Public Works Department is hereby authorized and empowered to establish and promulgate regulations setting forth the manner, days and times of collections of recyclable materials and leaf waste, and the bundling, handling, location and time of placement of such materials for collection.

(2) The Director of Public Works is further authorized to establish regulations governing the compliance with this article by all commercial, institutional and municipal establishments.

(3) The regulations promulgated under this Article shall include, but not be limited to: the manner and method of collection; the manner of conducting the public information and education programs and manner of enforcement of this Article.

Section 3.05. Residential Separation, Exceptions.

(1) All persons who are residents of the Township shall separate all aluminum cans, glass and clean and uncontaminated newspaper from all other solid waste produced at their residence, and shall place same for collection by the Township in accordance with the regulations established hereunder. Leaf waste shall be separated and is not to be combined with any other solid waste or recyclable materials.

(2) Use of newspapers on a limited basis for the disposal of other solid waste shall not be construed as a violation of this Article.

(3) The owner of any multi-family rental housing property with four (4) or more units may comply with its responsibilities under this Article by establishing a collection system for recyclable materials at each property. The collection system must include suitable containers for the sorting and collection of recyclable materials, easily accessible locations for the containers and written instructions to all occupants, detailing the use, availability and requirements of the collection system.

(4) The owner or its agent of any multi-family rental housing who complies with this Article shall not be liable for the non-compliance of any individual occupant.

(5) The Township shall collect all leaf waste from all residential properties in the Township from which the Township is presently collecting waste, pursuant to Article 1 of this Chapter. All owners or occupants of such properties shall be required to separate leaf waste from the other waste generated at such properties until collection by the Township, unless such owner or occupant shall have otherwise provided for the composting of such material.

(6) The owner of any multi-family apartment or similar residential establishment shall provide for the collection of all leaf waste from such property in the Township separately from the collection of waste from such property for disposal by composting, unless such owner shall have otherwise provided for the composting of such material. Annually, such owner of any multi-family apartment or similar residential establishment shall provide written documentation to the Township of compliance with this provision. Such documentation shall be pursuant to the regulations promulgated under Section 3.04 of this Article.

Section 3.06. Non-Residential Separation, Exceptions.

(1) Persons shall separate high grade office paper, aluminum, glass, corrugated paper and leaf waste generated at any commercial, municipal or institutional establishment or community activity within the Township and provide for the disposal of such materials by recycling.

(2) The Township shall require a certificate of compliance from all commercial, municipal and institutional establishments, indicating their compliance with this Article. Such certificate shall be pursuant to the regulations promulgated by the Director of the Public Works Department.

Section 3.07. Ownership of Recyclable Materials.

All separate aluminum cans, glass and newspapers placed by the residents for collection by the Township pursuant to this Article and

regulations hereunder shall, from the time of placement, become the property of the Township.

Section 3.08. Collection Prohibited.

It shall be a violation of this Article for any person, firm or corporation, other than the Township or one authorized by the Township, to collect aluminum cans, glass or newspapers placed by a resident for collection by the Township, unless such person, firm or corporation has prior written permission to make such collection. Each unauthorized collection in violation hereof from one or more residences on one calendar day shall constitute a separate and distinct offense.

Section 3.09. Additional Method of Disposal.

Any resident may donate aluminum, glass or newspapers, to any person, firm or corporation, operating not for profit; provided that, the receiving person, firm or corporation, shall not collect such donated recyclable materials from the curb or streetside or other authorized solid waste collection point without prior written permission from the Township to make such collection.

Section 3.10. Severability.

If any sentence, clause, section or part of this Article is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of the Township of Upper Dublin that this ordinance would have been adopted had such unconstitutional, illegal or invalid clause, section or part thereof not been included herein.

Section 3.11. Public Information and Education Program.

(1) At least thirty (30) days prior to the implementation of the mandatory recycling program, the Township shall conduct a public information and education program for the benefit of all residents within the Township concerning the recycling program. Such program shall be conducted in a manner determined by the Township Manager and Director of Public Works, in accordance with Section 1501 of Act 101 of 1988.

(2) Six (6) months following the implementation of the mandatory recycling program, and once every six (6) months after that time, the

Township shall conduct an information and education program concerning the recycling program. Such program may be conducted by mail to all residences, commercial and institutional establishments, by advertisement or by public meeting as determined by the Township Manager and the Director of Public Works.

Section 3.12. Violations and Penalties.

(1) Any person who shall violate the provisions of Section 3.05 or any person, firm or corporation who shall violate the provisions of Section 3.06 hereof, shall receive an official written warning of non-compliance for the first and second offense. Thereafter, all such violations shall be subject to the penalties hereinafter provided.

(2) Except as hereinbefore provided, any person, firm or corporation, who shall violate any of the provisions of this Article shall, upon conviction, be sentenced to pay a fine of not less than Twenty-Five Dollars (\$25.00), nor more than One Thousand Dollars (\$1,000.00), and costs of prosecution for each and every offense or, in default of payment of such fine and costs, to undergo imprisonment for not more than thirty (30) days for each violation.

Section 3.13. Effective Dates.

(1) The effective date for the mandatory recycling by all residences within the Township shall be September 24, 1990.

(2) The effective date for the mandatory separation of recyclable materials by all commercial and institutional establishments within the Township shall be September 1, 1990.

ENACTED and ORDAINED this 13th day of March, 1990.

TOWNSHIP OF UPPER DUBLIN
Board of Commissioners

[Seal]
Attest: Gregory N. Klemich
Secretary

By: [Signature]
President

original map
w/ original
ordinance
in ordinance
book

Ordinance No. 780

AN ORDINANCE OF THE TOWNSHIP OF UPPER DUBLIN PROVIDING FOR THE LAYING OUT, CONDEMNATION OF RIGHTS OF WAY AND CONSTRUCTION OF SANITARY SEWER FACILITIES ON LANDS OF THEODORE AND JET PRASOL AND THOMAS E. TOLL, SR. AND THOMAS E. TOLL, JR. IN UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA.

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

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

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

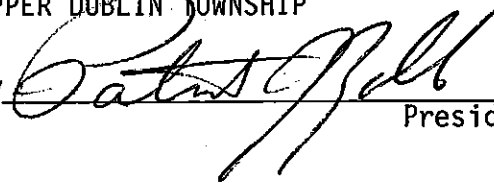
Section 1: A portion of a sanitary sewer line shall be constructed across certain private properties as more particularly described on the plan attached hereto and made a part hereof (the "Plan").

Section 2: The condemnation for the purpose of such sanitary sewer of permanent rights-of-way, 20 feet wide, as shown by the aforesaid Plan, by the filing of a Declaration of Taking, pursuant to the Act of June 22, 1964, P.L. 84, as amended, 26 P.S. Sec. 1-101 et seq., the "Eminent Domain Code," is hereby authorized.

ENACTED AND ORDAINED this 8th day of May, A.D. 1990.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

By


President

Attest


Secretary

ORDINANCE No. 781

AN ORDINANCE TO AMEND THE UPPER DUBLIN TOWNSHIP CODE, TITLE 10, ZONING, BY AMENDING THE ZONING MAP DESIGNATING THE TWO DESCRIBED TRACTS OF LAND OF GENUARDI MARKETS, INC.
(1) 0.6567 ACRES OF LAND FROM "A" RESIDENTIAL TO "SC" SHOPPING CENTER DISTRICT AND
(2) 0.8455 ACRES OF LAND FROM "CR-L" COMMERCIAL TO "SC" SHOPPING CENTER DISTRICT.

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

Section 1: The Zoning Map of the Upper Dublin Zoning Ordinance, as amended, is further amended by designating the following described tract from "A" RESIDENTIAL to "SC" SHOPPING CENTER DISTRICT -

ALL THAT CERTAIN tract or lot of ground situate in Upper Dublin Township, Montgomery County, Pennsylvania, being more fully described as follows:

BEGINNING at a point in the common line dividing land of Genuardi Markets, Inc. from land of Roy V., Jr. and Joy A. Williams, said point being located the following two (2) courses from the point marking the intersection of the title line in the bed of Limekiln Pike, (50 feet wide) with the Southwesterly side of Norristown Road (33 feet wide): (1) along said title line, South $03^{\circ} 37'$ West, 682.89 feet to a point in the Northwest line of land of Roy V., Jr. and Joy A. Williams; (2) along said land, North $44^{\circ} 11'$ East, 163.48 feet; thence, from said beginning point and extending on and through land of Genuardi Markets, Inc., the following two (2) courses: (1) North $03^{\circ} 42' 53''$ East, 253.83 feet to a point; (2) South $88^{\circ} 56'$ East, 225.63 feet to an iron pin, a corner of land of Charles T., Jr. and Therese Scott; thence, along said Scott land and also along land of Roy V., Jr. and Joy A. Williams, South $44^{\circ} 11'$ West, 347.27 feet to the point of beginning.

CONTAINING 0.6567 Acres of land, be the same, more or less.

Section 2: The Zoning Map of the Upper Dublin Zoning Ordinance, as amended, is further amended by designating the following described tract from "CR-L" COMMERCIAL to "SC" SHOPPING CENTER DISTRICT -

ALL THAT CERTAIN tract or lot of ground situate in Upper Dublin Township, Montgomery County, Pennsylvania, being more fully described as follows:

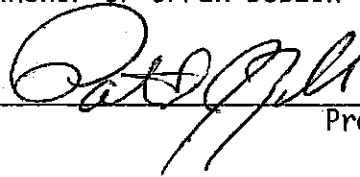
BEGINNING at a point in the title line in the bed of Limekiln Pike, (50 feet wide) said point being located South $03^{\circ} 37'$ West, 275.19 feet as measured along said title line from its point of intersection with the Southwesterly side of Norristown Road (33 feet wide); thence, extending on and through land of Genuardi Markets, Inc. the following

two (2) courses: (1) South 86° 33' East, 106.80 feet to a point;
(2) South 03° 42' 53" West, 283.83 feet to a point in the Northwest
line of land of Roy V., Jr. and Joy A. Williams; thence, along said
land, South 44° 11' West, 163.48 feet to a point in the aforesaid
title line of Limekiln Pike; thence, along said line, North 03° 37'
East, 407.70 feet to the point of beginning.

CONTAINING 0.8455 Acres of land, be the same, more or less.

ENACTED AND ORDAINED this 12th day of June, A.D. 1990.

BOARD OF COMMISSIONERS
TOWNSHIP OF UPPER DUBLIN

By  President

Attest Gregory N. Klemick
Secretary

ORDINANCE NO. 782

AN ORDINANCE AMENDING THE UPPER DUBLIN TOWNSHIP CODE, TITLE 4, FIRE PREVENTION, CHAPTER 1, EXEMPTING TOWNHOUSE STRUCTURES FROM THE MULTI-FAMILY DWELLING SPRINKLER REQUIREMENT.

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

That Title 4, Fire Prevention, Chapter 1 be amended by deleting Section 1002.27 in its entirety and adding the following:

"Section 1002.27. Automatic sprinkler equipment shall be installed and maintained in all multi-family dwellings containing more than three (3) family units, except those structures classified as townhomes or townhouses by the Upper Dublin Township Code (Article 10, Chapter 2, Section 2.01-I(d)(4)). Sprinklers shall be quick response type, meeting the requirements of NFPA 13D. 1984."

Enacted and Ordained this 12th day of June, 1990.

TOWNSHIP OF UPPER DUBLIN
BOARD OF COMMISSIONERS

[Seal]

Attest:

Gregory N. Klennick

By:

Patricia Hall
President

ORDINANCE No. 783

AN ORDINANCE TO AMEND ORDINANCE No. 762 OF THE UPPER DUBLIN TOWNSHIP CODE, TITLE 2, ADMINISTRATION, CHAPTER 1, FEES, RATES AND PERMITS, ARTICLE 2, ADMINISTRATIVE CODE, SECTION 2.01, SEWER CONNECTION FEES, TO INCREASE SEWER CONNECTION RATES.

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

Section 1: Title 2, Chapter 1, Article 2, Section 2.01, Sewer Connection Fees, sub-sections (a) through (e) shall be amended to increase the connection charge from Two Thousand Five Hundred Dollars (\$2,500.00) to Three Thousand Five Hundred Dollars (\$3,500.00) and shall read as follows:

Section 2.01 Sewer Connection Fees

There is hereby imposed upon each owner of property within the Upper Dublin Township Sewer District, which shall be connected 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: Three Thousand Five Hundred Dollars (\$3,500.00) per dwelling.
- (b) Dwelling unit within a multiple dwelling structure:
 - (1) Duplex: Three Thousand Five Hundred Dollars (\$3,500.00) per dwelling.
 - (2) Semi-detached: Three Thousand Five Hundred Dollars (\$3,500.00) per dwelling.
 - (3) Three bedroom townhouse, apartment unit, or condominium: Three Thousand Five Hundred Dollars (\$3,500.00) per dwelling unit.
 - (4) Two bedroom townhouse, apartment unit, or condominium: Three Thousand Five Hundred Dollars (\$3,500.00) per dwelling unit.
 - (5) One bedroom townhouse, apartment unit, or condominium: Three Thousand Five Hundred Dollars (\$3,500.00) per dwelling unit.
- (c) Dwelling unit within a motel, hotel, or similar structure: Fifty-five Dollars (\$55.00) per unit (with a minimum of Three Thousand Five Hundred Dollars (\$3,500.00) for any such structure).
- (d) A charge of Three Thousand Five Hundred Dollars (\$3,500.00) 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:

$$\frac{\text{Estimated Annual Flow}}{109,500 \text{ gals}} = \text{EDU} \times \$3,500 = \text{Connection Fee}$$

Any fractional EDU shall be rounded off to the next higher whole EDU.

Section 2: Title 2, Chapter 1, Article 2, Section 2.01, Sewer Connection Fees, sub-section (f), shall be amended to increase the connection charge from One Thousand Two Hundred Fifty Dollars (\$1,250.00) to One Thousand Seven Hundred Fifty Dollars (\$1,750.00) and shall read as follows:

(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 Thousand Seven Hundred Fifty Dollars (\$1,750.00).

Section 3: The new sanitary sewer projects which shall not be affected by this Ordinance, and who will be required to pay only a Two Thousand Five Hundred Dollars (\$2,500.00) connection fee, provided application for a permit is made within eighteen (18) months of the effective date of this Ordinance, are:

Butler Pike Sanitary Sewer Project
Morris Road Sanitary Sewer Project
Fechtenburg Sanitary Sewer Project
(Norristown Road residents adjacent to Dublin Glen)

All developments with final approval on or before July 10, 1990, shall also be exempt provided application for a permit is made within eighteen (18) months of the effective date of this ordinance.

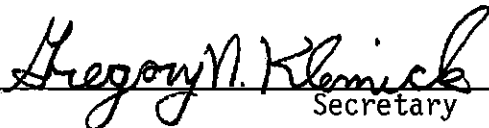
The effective date of this Ordinance shall be July 10, 1990.

ENACTED AND ORDAINED this 10th day of July, A.D. 1990.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

By  President

Attest


Secretary

ORDINANCE NO. 784

AN ORDINANCE VACATING REVERE WAY, A PUBLIC ROAD WITHIN THE TOWNSHIP OF UPPER DUBLIN, MONTGOMERY COUNTY, PENNSYLVANIA.

WHEREAS, in 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 decided to vacate the hereinafter described road; a public hearing has been held on the question 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 the Township of Upper Dublin, 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 a 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 highway 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.

ENACTED and ORDAINED this 14th day of August, A.D. 1990.

TOWNSHIP OF UPPER DUBLIN
Board of Commissioners

Attest:

Gregory N. Klemick
Secretary

By:

Thomas S. Kemp
Vice President

DEED DESCRIPTION

50 FOOT WIDE RIGHT OF WAY TO BE VACATED BY UPPER DUBLIN TOWNSHIP
KNOWN AS REVERE WAY

ALL THAT CERTAIN lot or piece of land designated as "Revere Way - Right of Way to be vacated by Upper Dublin Township" dated June 18, 1990 SITUATE in the Township of Upper Dublin, Montgomery County, Pennsylvania bound and described as follows:

BEGINNING at a point on the Easterly Right of Way line of Lexington Drive (50 feet wide) said point being located the following two (2) courses and distances from the Point of Intersection of the centerline of Lexington Drive with the centerline of Winslow Way (50 feet wide) (1.) North Forty One Degrees Forty Six Minutes Fifty One Seconds East ($N41^{\circ} 46' 51'' E$) Twenty Five and No Hundredths feet (25.00') to a point on the Easterly Right of Way line of Lexington Drive, THENCE along same Easterly Right of Way South Forty Eight Degrees Thirteen Minutes Nine Seconds East (2.) ($S48^{\circ} 13' 09'' e$) Three Hundred Thirty Eight and Sixty Seven One Hundredths feet (338.67') to a point in the Easterly Right of Way of same Lexington Drive, THENCE from said Point of Beginning along the arc of circle curving right having a radius of Twenty Five and No Hundredths feet (25.00') the arc distance of Thirty Nine and Twenty Seven One Hundredths feet (39.27') to a point on the North side of the aforementioned Revere Way, THENCE North Forty One Degrees Forty Six Minutes Fifty One Seconds East ($41^{\circ} 46' 51'' E$) One Hundred Seventy Five and No Hundredths feet (175.00') to a point THENCE South Forty Eight Degrees Thirteen Minutes Nine Seconds East ($S48^{\circ} 13' 09'' E$) Fifty and No Hundredths feet (50.00') to a point on the South side of Revere Way, THENCE South Forty One Degrees Forty Six Minutes Fifty One Seconds West ($S41^{\circ} 46' 51'' W$) One Hundred Seventy Five and No Hundredths feet (175.00') to a point, THENCE along the arc of a circle curving left having a radius of Twenty Five and No Hundredths feet (25.00') the arc distance of Thirty Nine and Twenty Seven One Hundredths feet (39.27') to a point on the Easterly Right of Way line of Lexington Drive, THENCE along same Easterly Right of Way line North Forty Eight Degrees Thirteen Minutes Nine Seconds West ($N48^{\circ} 13' 09'' W$) One Hundred and No Hundredths feet (100.00') to the first mentioned point and place of Beginning.

Intending to describe a Fifty Foot wide Right of Way Parcel to be vacated by Upper Dublin Township known as Revere Way Right of Way. Subject to the utility easement as shown on the previously mentioned plan.

ORDINANCE NO. 785

AN ORDINANCE PROVIDING FOR THE DESIGN, LAYING OUT, CONSTRUCTION AND INSTALLATION OF SANITARY WASTEWATER SEWER FACILITIES IN A PORTION OF MORRIS ROAD WEST OF BUTLER AVENUE, AND PROVIDING FOR THE CONDEMNATION OF RIGHTS OF WAY AND PERMANENT AND TEMPORARY EASEMENTS ACROSS PRIVATE PROPERTY TO ACCOMMODATE SAID SEWERS AND FACILITIES, AND PROVIDING FOR THE PAYMENT OF COSTS OF CONSTRUCTION BY ASSESSMENT BY THE BENEFIT METHOD, AND THE PAYMENT OF AMOUNTS ASSESSED IN INSTALLMENTS AND THE COLLECTION THEREOF, THE LIENING OF PROPERTY SUBJECT TO ASSESSMENT, AND AUTHORIZING OTHER NECESSARY ACTION.

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

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

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

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

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

SECTION I. SANITARY WASTEWATER SEWER FACILITIES

(a) A system of sanitary wastewater sewer facilities shall be constructed and installed in a portion of Morris Road west of Butler Avenue, Upper Dublin Township, Montgomery County, Pennsylvania, in accordance with the plans to be prepared by an engineering firm to be retained for such purpose by the Board of Commissioners, and shall be interconnected to the existing sanitary wastewater sewer system in place in the bed of Morris

Road in the Township of Whitpain.

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

SECTION II. ASSESSMENT OF COSTS

(a) The costs of construction and installation of the sewer system, aforesaid, shall be assessed as provided by the law upon the several properties benefited, improved and accommodated by the said sewer system. The officers of the Township are authorized and directed to execute and file a petition to the Court of Common Pleas of Montgomery County, Pennsylvania, for the appointment of viewers to assess benefits, as provided by law.

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

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

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

SECTION III. INSTALLMENT PAYMENT PRIVILEGES

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

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

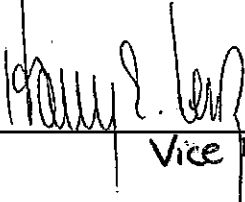
(b) Pay the first installment due on the assessment, together with a one-time charge of Seventy-Five (\$75.00) Dollars additional for preparation and filing of lien documents and satisfaction costs, concurrently with the delivery of the notice of election to pay in installments, aforesaid; and

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

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

ENACTED AND ORDAINED THIS 14th day of August, 1990.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

BY: 
Vice President

Attest:


Secretary

TOWNSHIP OF UPPER DUBLIN
Montgomery County, Pennsylvania

ORDINANCE NO. 786

AUTHORIZING THE INCURRENCE OF NONELECTORAL DEBT OF THE TOWNSHIP BY THE ISSUANCE OF \$1,000,000 AGGREGATE PRINCIPAL AMOUNT GENERAL OBLIGATION BONDS, SERIES OF 1990, FOR THE PURPOSE OF PROVIDING FUNDS FOR AND TOWARD A CAPITAL PROJECT TO BE UNDERTAKEN BY THE TOWNSHIP AND CONSISTING GENERALLY OF THE CONSTRUCTION OF A NEW GOLF COURSE CLUBHOUSE AND RELATED 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; PLEDGING THE FULL FAITH, CREDIT AND TAXING POWER OF THE TOWNSHIP FOR THE PROMPT AND FULL PAYMENT OF THE BONDS; SETTING FORTH THE SUBSTANTIAL FORM OF THE BONDS; SETTING FORTH THE STATED PRINCIPAL MATURITY DATES AND AMOUNTS, INTEREST RATES AND INTEREST PAYMENT DATES, PLACE OF PAYMENT, SINKING FUND PROVISIONS AND OTHER DETAILS OF THE BONDS; PROVIDING FOR THE SALE OF THE BONDS; ACCEPTING A PROPOSAL FOR THE PURCHASE OF THE BONDS; AUTHORIZING THE PROPER TOWNSHIP OFFICERS TO CONTRACT FOR THE SERVICES OF A PAYING AGENT, SINKING FUND DEPOSITORY AND BOND REGISTRAR; AND AUTHORIZING OTHER NECESSARY ACTION.

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

WHEREAS, the Township has determined to undertake a capital project (the "Project") consisting of the construction of a new clubhouse at the Township-owned public golf course and related recreational facilities; and

WHEREAS, the Township has the power and authority under the Local Government Unit Debt Act of the Commonwealth of Pennsylvania, Act 52 of 1978, approved April 28, 1978, as amended

(the "Act") to incur indebtedness and to issue bonds to finance the Project; and

WHEREAS, the Township proposes to issue \$1,000,000 aggregate principal amount of its General Obligation Bonds, Series of 1990 (the "Bonds") for the purpose of financing the Project and the costs and expenses of issuing the Bonds; and

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

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

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

Section 2. Authorization of Issuance of Bonds. The Township shall issue, pursuant to this Ordinance, \$1,000,000 aggregate principal amount General Obligation Bonds, Series of 1990 to finance the costs of the Project authorized in Section 1 hereof.

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

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

for auditing its financial affairs, and to take any and all such further action and to execute and deliver such other documents as may be necessary or proper to comply with all requirements of the Act or to carry out the intent and purpose of this Ordinance.

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

Section 6. Covenant to Pay Debt Service - Pledge of Taxing Power. The Township hereby covenants with the registered owners of the Bonds: (a) that the Township will include in its budget for each year, commencing with the fiscal year ending December 31, 1991, the amount of the debt service on the Bonds which will be payable in each such fiscal year so long as the Bonds shall remain outstanding; (b) that the Township shall appropriate such amounts to the payment of such debt service; and (c) that the Township shall duly and punctually pay or cause to be paid from the sinking fund hereinafter created the principal of the Bonds and the interest thereon on the dates and at the place and in the manner stated in the Bonds according to the true intent and meaning thereof. For such budgeting, appropriation and payment the Township hereby pledges its full faith, credit and taxing power. This covenant shall be specifically enforceable.

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

(FORM OF BOND)

(BOND TEXT - FACE OF BOND)

TOWNSHIP OF UPPER DUBLIN
(Montgomery County, Pennsylvania)

GENERAL OBLIGATION BOND, SERIES OF 1990

No. R- \$ _____

Interest Rate	Maturity Date	Dated Date	CUSIP
		September 1, 1990	

REGISTERED OWNER:

PRINCIPAL SUM: Dollars

The Township of Upper Dublin, Montgomery County, Pennsylvania (the "Township"), a municipal corporation of the Commonwealth of Pennsylvania, for value received, hereby promises to pay to the registered owner hereof on the maturity date set forth above the principal sum set forth above, unless this Bond shall have been called for redemption and payment of the redemption price shall have been duly made or provided for, and to pay interest thereon semiannually on March 1 and September 1 of each year commencing March 1, 1991 (each, an "Interest Payment Date"), at the annual rate specified above, calculated on the basis of a 360-day year of twelve 30-day months until the principal sum is paid or has been provided for. This Bond will bear interest from the most recent Interest Payment Date to which interest has been paid or duly provided for or, if no interest has been paid, from September 1, 1990. The principal of this Bond is payable upon presentation and surrender hereof at the principal corporate trust office of Fidelity Bank, National Association, Philadelphia, Pennsylvania (the "Paying Agent"). Interest on this Bond will be paid on each Interest Payment Date by check or draft mailed to the person in whose name this Bond is registered on the registration books of the Township maintained by the Paying Agent, as bond registrar, at the address appearing thereon at the close of business on the fifteenth (15th) day of the calendar month next preceding such Interest Payment Date (the "Regular Record Date"). Any such interest not so timely paid or duly provided for shall cease to be payable to the person who is the registered owner

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

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

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

TOWNSHIP OF UPPER DUBLIN

BY: (facsimile signature)
President, Board
of Commissioners

Attest: (facsimile signature)
Secretary

(SEAL)

(FORM OF AUTHENTICATION CERTIFICATE)

DATE OF AUTHENTICATION

Authentication Certificate

This Bond is one of the Township of Upper Dublin General Obligation Bonds, Series of 1990, described in the within mentioned Ordinance.

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

FIDELITY BANK, NATIONAL
ASSOCIATION, Paying Agent

By: _____
Authorized Officer

(BOND TEXT - BACK OF BOND)

This Bond is one of a duly authorized issue of General Obligation Bonds, Series of 1990, of the Township in the aggregate principal amount of \$1,000,000 (the "Bonds") issued in fully registered form in the denomination of \$5,000 or any integral multiple thereof, all of like date and tenor, except as to dates of maturity, rates of interest and provisions for redemption, and all issued in accordance with the Local Government Unit Debt Act of the Commonwealth of Pennsylvania, Act 52 of 1978 approved April 28, 1978, as amended (the "Act"), and pursuant to an Ordinance of the Board of Commissioners of the Township duly enacted on August 21, 1990 (the "Ordinance"). The Bonds are issued for the purpose of providing funds for and towards the cost of a capital project described in the Ordinance.

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

The Bonds maturing on and after September 1, 1994 are subject to redemption prior to maturity at the option of the Township, as a whole or from time to time in part within a maturity by lot on September 1, 1993 or on any date thereafter, in either case upon payment of a redemption price of 100% of principal amount, together with accrued interest to the date fixed for redemption.

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

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

With respect to any optional redemption of the Bonds, if at the time of mailing such notice of redemption, the Township

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

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

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

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

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

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

ship, is within every debt and other limit prescribed by the Constitution and the statutes of the Commonwealth of Pennsylvania; that the Township has established a sinking fund for the Bonds and shall deposit therein amounts sufficient to pay the principal of and interest on the Bonds as the same shall become due and payable; and that for the prompt and full payment of all obligations of this Bond, the full faith, credit and taxing power of the Township are hereby irrevocably pledged.

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

ASSIGNMENT AND TRANSFER

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

PLEASE INSERT SOCIAL SECURITY OR OTHER IDENTIFYING NUMBER OF ASSIGNEE

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

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

Dated:

Signature Guaranteed by:

(Bank, Trust Company or Firm)

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

(Authorized Signature)

Section 8. Terms of Bonds. The Bonds shall be issued in fully registered form, in denominations of \$5,000 or integral multiples thereof, shall be dated as of September 1, 1990, shall bear interest from such date payable semiannually on March 1 and September 1 of each year commencing March 1, 1991 (each, an "Interest Payment Date") until maturity or the date fixed for redemp-

tion, at the annual rates and shall mature on September 1 of the years as set forth in the Bond Amortization Schedule attached hereto and made a part hereof.

The principal of the Bonds shall be payable in lawful money of the United States of America upon presentment and surrender thereof at the principal corporate trust office of Fidelity Bank, National Association, Philadelphia, Pennsylvania which is hereby appointed paying agent, registrar and sinking fund depository (the "Paying Agent") for the Bonds. Interest on the Bonds will be paid on each Interest Payment Date by check or draft mailed to the persons in whose names the Bonds are registered at the address appearing thereon at the close of business on the fifteenth (15th) day of the calendar month next preceding such Interest Payment Date.

Section 9. Redemption of Bonds. The Bonds maturing on and after September 1, 1994 shall be subject to redemption prior to maturity at the option of the Township, as a whole or from time to time in part within a maturity by lot on September 1, 1993 or any date thereafter, in either case upon payment of a redemption price of 100% of principal amount, together with accrued interest to the date fixed for redemption.

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

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

tion 13. After due consideration, the Board of Commissioners hereby finds and determines, on the basis of all the information available, that a private sale of the Bonds by negotiation is in the best financial interest of the Township.

Section 11. Creation of and Deposits in Sinking Fund. The Township covenants that it shall hereafter maintain a sinking fund designated "Township of Upper Dublin General Obligation Bonds, Series of 1990 Sinking Fund" (the "Sinking Fund") segregated from all other funds of the Township to be held by the Paying Agent (or such substitute or successor Paying Agent which shall hereafter be appointed in accordance with the provisions of the Act) in the name of the Township, but subject to withdrawal only by the Paying Agent.

The Township covenants and agrees to deposit in the Sinking Fund no later than March 1 and September 1 of each year beginning March 1, 1991 amounts equal to the debt service payable on the Bonds on such dates as set forth in the Bond Amortization Schedule attached hereto, or such greater or lesser amount as at the time shall be sufficient to pay the principal of and interest on the Bonds as they become due on each such date.

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

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

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

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

Section 13. Award and Sale of Bonds. The Bonds are hereby awarded and sold at private sale by invitation to Fidelity Bank, National Association, Philadelphia, Pennsylvania (the "Underwriter"), at a price of \$990,000 in accordance with the other terms and conditions set forth in the proposal of the Underwriter dated August 21, 1990 which is hereby approved and accepted. A Copy of said proposal shall be attached to this Ordinance and lodged with the official minutes of this meeting. The proper officers of this Township are hereby authorized and directed to endorse the acceptance of this Township on said contract and to deliver executed copies thereof to the purchaser.

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

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

Section 16. Federal Tax Covenants. The Township hereby covenants not to take or omit to take any action so as to cause interest on the Bonds to be no longer excluded from gross income for purposes of federal income taxation and to otherwise comply with the requirements of Sections 103 and 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), and all applicable regulations promulgated with respect thereto, throughout the term of the Bonds. The Township further covenants that it will make no investments or other use of the proceeds of the Bonds which would cause the Bonds to be "arbitrage bonds" as defined in Section 148 of the Code. The Township further covenants to comply with the rebate requirements (including the prohibited payment provisions) contained in Section 148(f) of the Code and any regulations promulgated thereunder, to the extent

applicable, and to pay any interest or penalty imposed by the United States for failure to comply with said rebate requirements, to the extent applicable.

The Township hereby represents and warrants, after due investigation and to the best of its knowledge, that: (i) the Township is a governmental unit with general taxing powers; (ii) the Bonds are not "private activity bonds" within the meaning of Section 141 of the Code; (iii) ninety-five percent (95%) or more of the net proceeds of the Bonds are to be used for local governmental activities of the Township; and (iv) the aggregate face amount of all tax-exempt obligations (other than "private activity bonds") issued or to be issued by the Township (and all "subordinate entities" thereof) during the 1990 calendar year including the Bonds, is not reasonably expected to exceed \$5,000,000. The Township hereby authorizes the proper officers of the Township to execute a certificate to that effect at the time of the closing.

The Township hereby further represents and warrants, after due investigation and to the best of its knowledge, that (i) the Bonds are not "private activity bonds" within the meaning of Section 141 of the Code and (ii) the aggregate face amount of "qualified tax-exempt obligations" within the meaning of Section 265(b)(3)(B) of the Code (which includes qualified 501(c)(3) bonds but not any other private activity bonds) issued or to be issued by the Township (and all "subordinate entities" thereof) during the 1990 calendar year, including the Bonds, is not reasonably expected to exceed \$10,000,000. The Township hereby designates the Bonds as a "qualified tax-exempt obligation" within the meaning of Section 265(b)(3)(B) of the Code. The Township hereby authorizes the proper officers of the Township to execute a certificate to that effect at the time of the closing.

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

Section 18. Officers Authorized to Act. For the purpose of expediting the closing and the issuance and delivery of the Bonds, or in the event that the President of the Board of Commissioners or the Secretary of the Township shall be absent or otherwise unavailable for the purpose of executing documents, or for the purpose of taking any other action which they or either

of them may be authorized to take pursuant to this Ordinance, the Vice President of the Board of Commissioners or the Township Treasurer, respectively, are hereby authorized and directed to execute documents, or otherwise to act on behalf of the Township in their stead.

Section 19. Approval of Official Statement. The Preliminary Official Statement dated August 15, 1990, in the form presented to this meeting, is hereby approved and "deemed final" by the Township as of its date for purposes of United States Securities and Exchange Commission Rule 15c2-12. A Final Official Statement, substantially in the form of the Preliminary Official Statement and also containing the final terms of the Bonds, shall be prepared and delivered to the Underwriter within seven (7) business days from the date hereof, and the Township hereby approves the use thereof in connection with the public offering and sale of the Bonds.

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

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

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

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

Section 24. Severability. In case any one or more of the provisions contained in this Ordinance or in any Bond shall

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

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

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

ENACTED AND ORDAINED this 21st day of August, 1990.

BOARD OF COMMISSIONERS
TOWNSHIP OF UPPER DUBLIN

By: 

President, Board of
Commissioners

Attest: 

Secretary

CERTIFICATE OF SECRETARY

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

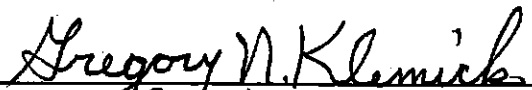
The foregoing Ordinance authorizing \$1,000,000 aggregate principal amount General Obligation Bonds, Series of 1990 of the Township was duly moved and seconded and enacted by a majority vote of all the Board of Commissioners of said Township at a duly called and convened public meeting of said Board held on August 21, 1990; that public notice of said meeting was given as required by law; that the roll of the Board of Commissioners was called and such Commissioners voted or were absent as follows:

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

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

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

WITNESS my hand and seal of the Township this 21st day of August, 1990.

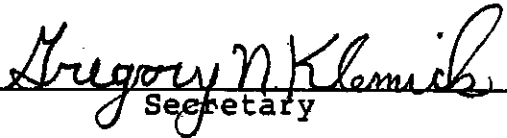

Secretary

(TOWNSHIP SEAL)

SUPPLEMENTAL CERTIFICATE

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

WITNESS my hand and seal of the Township this 19th day of September, 1990.


Secretary

(Seal)

TOWNSHIP OF UPPER DUBLIN

Ordinance No. 786

BOND AMORTIZATION SCHEDULE

<u>Date</u>	<u>Principal</u>	<u>Annual Rate</u>	<u>Interest</u>	<u>Total Debt Service and Sinking Fund Deposit</u>
9/01/1990	-	-	-	-
3/01/1991	-	-	\$ 31,235.00	\$ 31,235.00
9/01/1991	\$ 75,000.00	5.800%	31,235.00	106,235.00
3/01/1992	-	-	29,060.00	29,060.00
9/01/1992	80,000.00	5.900%	29,060.00	109,060.00
3/01/1993	-	-	26,700.00	26,700.00
9/01/1993	85,000.00	6.000%	26,700.00	111,700.00
3/01/1994	-	-	24,150.00	24,150.00
9/01/1994	90,000.00	6.100%	24,150.00	114,150.00
3/01/1995	-	-	21,405.00	21,405.00
9/01/1995	95,000.00	6.200%	21,405.00	116,405.00
3/01/1996	-	-	18,460.00	18,460.00
9/01/1996	100,000.00	6.250%	18,460.00	118,460.00
3/01/1997	-	-	15,335.00	15,335.00
9/01/1997	110,000.00	6.300%	15,335.00	125,335.00
3/01/1998	-	-	11,870.00	11,870.00
9/01/1998	115,000.00	6.400%	11,870.00	126,870.00
3/01/1999	-	-	8,190.00	8,190.00
9/01/1999	120,000.00	6.500%	8,190.00	128,190.00
3/01/2000	-	-	4,290.00	4,290.00
9/01/2000	130,000.00	6.600%	4,290.00	134,290.00
TOTAL	\$ 1,000,000.00		\$ 381,390.00	\$ 1,381,390.00

ORDINANCE No. 787

AN ORDINANCE TO AMEND THE UPPER DUBLIN TOWNSHIP CODE, TITLE 10, ZONING, BY AMENDING THE ZONING MAP DESIGNATING 35.4 ACRES OF THE LOKEY COMPANIES FOR LAND ADJACENT TO AND PARALLEL WITH THE PENNSYLVANIA TURNPIKE, WITH ROAD FRONTAGE ON SUSQUEHANNA AND DRESHERTOWN ROADS, FROM "A" RESIDENTIAL/"CR-L" COMMERCIAL/RETAIL DISTRICT TO "MD" MULTI-DWELLING DISTRICT.

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

Section 1: The Zoning Map of the Upper Dublin Zoning Ordinance, as amended, is further amended by designating the following described tracts from "A" RESIDENTIAL/"CR-L" COMMERCIAL/RETAIL DISTRICT to "MD" MULTI-DWELLING DISTRICT -

A. ALL THAT CERTAIN lot or piece of ground SITUATE in Upper Dublin Township, Montgomery County, Pennsylvania, as shown on a plan prepared by George B. Mebus, Inc. Consulting Engineers, dated December 24, 1975, and last revised April 5, 1978, and more fully described as follows, to wit:

BEGINNING at a rear corner of Parcel 2, shown on a subdivision plan of property made for Harriet and Charles R. Horner, Jr., said point being at the distance of 516.65 feet measured South 49 degrees 58 minutes 20 seconds East along the Northeasterly line of Parcel 2 from a point on the Southeasterly side of Dreshertown Road (55 feet wide), last mentioned point being at the distance of 474.76 feet measured North 40 degrees 01 minute 40 seconds East from a point of intersection which the said side of Dreshertown Road produced makes with the center line of Limekiln Pike (55 feet wide); thence from the place of beginning North 74 degrees 54 minutes 00 seconds East 895.64 feet to a point; thence North 15 degrees 51 minutes 00 seconds West 71.28 feet to a point; thence North 82 degrees 39 minutes 00 seconds East 354.26 feet to a point; thence South 32 degrees 34 minutes 00 seconds East 228.32 feet to a point; thence South 60 degrees 52 minutes 00 seconds West 140.06 feet to a point; thence South 30 degrees 02 minutes 00 seconds West 336.10 feet to a point; thence South 69 degrees 14 minutes 00 seconds West 279.35 feet to a point; thence South 52 degrees 52 minutes 00 seconds West 116.04 feet to a point; thence South 81 degrees 54 minutes 00 seconds West 900.34 feet to a point; thence South 65 degrees 08 minutes 00 seconds West 114.11 feet to a point, a corner of Parcel 2; thence along the Northeasterly line of Parcel 2 North 16 degrees 38 minutes 20 seconds West 247.96 feet to the first mentioned point and place of BEGINNING.

CONTAINING 493,138+ square feet.

B. ALL THAT CERTAIN lot or piece of ground, Situate in Upper Dublin Township, Montgomery County, Pennsylvania, and described according to a Subdivision Plan made for Tori Ilyse Company by Charles E. Shoemaker, Inc., Engineers and Surveyors, dated March 24, 1987, and last revised June 22, 1987, as follows, to wit:

BEGINNING at a point of intersection of the Northwesterly side of Pennsylvania Turnpike Route #276 with the title line in the bed of Susquehanna Road; thence extending North 5 degrees 21 minutes West 00 seconds West along the bed of Limekiln Pike 89.00 feet to a point; thence extending the following fourteen (14) courses and distances to wit: (1) North 70 degrees 19 minutes 00 seconds East 250.31 feet to a point; (2) North 22 degrees 31 minutes 00 seconds West 171 feet to a point; (3) North 70 degrees 19 minutes 00 seconds East 5.31 feet to a point; (4) North 32 degrees 05 minutes 00 seconds East 119.65 feet to a point; (5) North 75 degrees 03 minutes 00 seconds East 189.57 feet to a point; (6) North 65 degrees 08 minutes 00 seconds East 249.95 feet to a point; (7) North 81 degrees 51 minutes 00 seconds East 900.34 feet to a point; (8) North 52 degrees 52 minutes 00 seconds East 116.04 feet to a point; (9) North 69 degrees 14 minutes 00 seconds East 279.35 feet to a point; (10) North 30 degrees 02 minutes 00 seconds East 336.10 to a point; (11) North 60 degrees 52 minutes 00 seconds East 140.06 feet to a point; (12) North 32 degrees 34 minutes 00 seconds West 228.32 feet to a point; (13) North 49 degrees 05 minutes 00 seconds East 448.44 feet to a point; and (14) South 39 degrees 49 minutes 00 seconds East 549.63 feet to a point on the Northwesterly side of Pennsylvania Turnpike Route #276; thence extending along same the Northwesterly side of Pennsylvania Turnpike Route #276 on the arc of a circle curving to the right having a radius of 11395.15 feet and the arc distance of 1904.90 feet to a point; thence extending South 64 degrees 14 minutes 32 seconds West still along the Pennsylvania Turnpike Route #276 1025.91 feet to the first mentioned point and place of beginning.

BEING 21.516 Acres.

C. ALL THAT CERTAIN parcel of land SITUATE in Upper Dublin Township, Montgomery County, Pennsylvania, and described according to a plan thereof made by G.D. Houtman and Son, Civil Engineers and Land Surveyors dated May 18, 1955, as follows, to wit:

BEGINNING at a point on the Southeasterly side of Dreshertown Road (formerly Horsham Road) forty-one and five tenths feet wide at the distance of 440 feet measured on a bearing of North 40 degrees, 10 minutes East along the said side of Dreshertown Road from a point a corner of land of Loretta Restiluta; thence extending from said point of beginning North 40 degrees 10 minutes East along the said side of Dreshertown Road 260 feet to a point; thence extending South 49 degrees 50 minutes East crossing a certain proposed 40 feet

wide easement for drainage, sewers and stream straightening 707.87 feet to a point in line of land of the said Loretta Restiluta; thence extending South 76 degrees 30 minutes West along the said Restiluta's land recrossing the aforesaid proposed 40 feet wide easement 322.75 feet to a point; thence extending North 49 degrees 50 minutes West 516.65 feet to the first mentioned point and place of beginning.

BEING Parcel as shown on the above mentioned plan.

FOLIO No. 54-00-05173-00-2.

ENACTED AND ORDAINED this 11th day of September A.D. 1990.

BOARD OF COMMISSIONERS
TOWNSHIP OF UPPER DUBLIN

By *Robert J. Ball* President

Attest *Gregory N. Klemick*
Secretary

ORDINANCE No. 788

AN ORDINANCE TO AMEND THE UPPER DUBLIN TOWNSHIP CODE, TITLE 10, ZONING, BY AMENDING THE ZONING MAP DESIGNATING A PARCEL OF APPROXIMATELY 29 ACRES AT THE SOUTHEAST CORNER OF BUTLER PIKE AND WELSH ROAD FROM A-RESIDENTIAL DISTRICT TO "MD" - MULTI-DWELLING DISTRICT.

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

Section 1: The Zoning Map of the Upper Dublin Zoning Ordinance, as amended, is further amended by designating the following described parcels from A-RESIDENTIAL DISTRICT to "MD" - MULTI-DWELLING DISTRICT -

PARCEL 1: ALL THAT CERTAIN tract or parcel of ground situate in Upper Dublin Township, Montgomery County, Pennsylvania being shown as Parcel 1 on a Topographical Survey Plan prepared for Samuel E. Colavita by Stout, Tacconelli & Associates, Inc., dated August 27, 1987, and being more fully described as follows:

BEGINNING at a point on the Southwest sideline of Welsh Road (L.R. 198) (70 feet wide) (as widened to 50 feet along the Southwest side thereof) said point being the following two (2) courses from a point marking the intersection of the title line of Welsh Road, aforesaid, with the title line of Butler Pike, (L.R. 46119) (50 feet wide) (as widened to 30 feet along the Southeast side thereof): (1) extending along the said title line of Welsh Road, South 45 degrees 21 minutes 10 seconds East, 111.60 feet to a point; (2) leaving the bed of Welsh Road, aforesaid, South 43 degrees 57 minutes 30 seconds West, 50.00 feet to the point of beginning; thence, from said beginning point and extending along the Northwest line of lands of Acme Market, Inc. South 43 degrees 57 minutes 30 seconds West, 1255.94 feet to a point on the Northeast sideline of Norristown Road, (L.R. 46073) (60 feet wide); thence, extending along the said sideline the following two courses: (1) North 87 degrees 29 minutes 33 seconds West, 113.40 feet to an angle point; (2) North 89 degrees 02 minutes 18 seconds West, 135.41 feet to a point, in the Southeast line of lands of James C. Jr. and Mary Elizabeth Craig; thence, extending along said Craig lands the following three (3) courses: (1) North 00 degrees 57 minutes 42 seconds East, 195.69 feet to an angle point; (2) North 00 degrees 12 minutes 58 seconds West, 363.38 feet to an angle point; (3) North 33 degrees 27 minutes 29 seconds West, 33.67 feet to a point, in the

Southeast line of lands of Parcel 3; thence, extending along the said Parcel 3 lands, the following three (3) courses: (1) North 59 degrees 06 minutes 21 seconds East, 207.06 feet to a point; (2) North 45 degrees 00 minutes 00 seconds West, 219.49 feet to a point, in the centerline of a 50 foot wide right-of-way; (3) extending along the said right-of-way centerline, South 45 degrees 00 minutes 00 seconds West, 172.84 feet to a point in the Northeast line of lands of Charles J. and Anna C. Christie; thence, extending along the said Christie lands the following two (2) courses: (1) North 20 degrees 27 minutes 17 seconds West, 79.70 feet to an angle point; (2) North 28 degrees 44 minutes 17 seconds West, 243.42 feet to a point on the Southeast sideline of Butler Pike, aforesaid; thence, extending along the said sideline, and crossing over a 50 foot wide right-of-way, North 43 degrees 38 minutes 30 seconds East, 887.41 feet to a point on the Southwest sideline of Welsh Road, aforesaid; thence, extending along the said sideline South 45 degrees 21 minutes 10 seconds East, 1081.32 feet to the point of beginning.

CONTAINING 26.1462 Acres of Land, be the same, more or less.

PARCEL 2: ALL THAT CERTAIN tract or parcel of ground situate in Upper Dublin Township, Montgomery County, Pennsylvania being shown as Parcel 2 on a Topographical Survey Plan prepared for Samuel E. Colavita by Stout, Tacconelli & Associates, Inc., dated August 27, 1987, and being more fully described as follows:

BEGINNING at a point in the centerline of a 50 foot wide right-of-way, said point being located the following three (3) courses from a point marking the intersection of the title line of Butler Pike (L.R. 46119) (50 feet wide) (as widened to 30 feet along the Southeast side thereof), with the title line of Welsh Road (L.R. 198) (70 feet wide) (as widened to 50 feet along the Southwest side thereof): (1) South 43 degrees 48 minutes 30 seconds West, 576.26 feet to a point; (2) extending along the centerline of a 50 foot wide right-of-way, South 45 degrees 00 minutes 00 seconds East, 344.74 feet to an angle point; (3) South 45 degrees 00 minutes 00 seconds West, 25.00 feet to the point of beginning; thence, extending on and through the lands of Parcel 1, the following three (3) courses: (1) South 45 degrees 00 minutes 00 seconds East, 281.00 feet to a point; (2) South 45 degrees 00 minutes 00 seconds West, 120 feet to a point; (3) North 45 degrees 00 minutes 00 seconds West, 281.00 feet to a point in the centerline of a 50 foot wide right-of-way, aforesaid; thence, extending along the said centerline North 45 degrees 00 minutes 00 seconds East, 120.00 feet to the point of beginning.

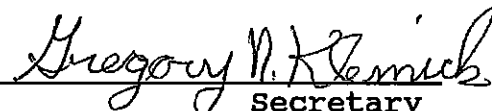
CONTAINING 0.7741+ Acres of Land, be the same, more or less.

ENACTED AND ORDAINED this 13th day of November, A.D. 1990.

BOARD OF COMMISSIONERS
TOWNSHIP OF UPPER DUBLIN

By  President

Attest


Secretary

ORDINANCE No. 789

AN ORDINANCE TO AMEND THE UPPER DUBLIN TOWNSHIP CODE, TITLE 9, LAND DEVELOPMENT AND SUBDIVISION, AND TITLE 10, ZONING, TO CHANGE THE PARKING REGULATIONS FOR COMMERCIAL AND RETAIL USES.

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

SECTION 1: That Title 9, Land Development and Subdivision, Chapter 1, Article 2, Definitions, Item 49, which reads:

Gross-Floor Area: The total area included within the exterior walls of a building, exclusive of open courts.

shall be amended to read:

"49. Gross Floor Area: The total floor area measured to the outside of the exterior walls of a building, exclusive of open courts."

SECTION 2: That Title 10, Chapter 1, Zoning, Article 9, Off-Street Parking and Loading, Section 9.00, Required Off-Street Parking Facilities, shall be amended as follows:

(a) That Paragraph 3 (a) which reads:

Retail Store or Shop: One (1) parking space for every one hundred (100) square feet of store sales floor space.

shall be amended to read:

Retail Store or Shop: One (1) parking space for every two hundred (200) square feet of gross floor area.

(b) That Paragraph 3 (b) which reads:

Department Store or Supermarket: One (1) parking space for every fifty (50) square feet of store sales floor space.

shall be amended to read:

Department Store or Supermarket: One (1) parking space for every two hundred (200) square feet of gross floor area.

SECTION 3: That Title 10, Chapter 1, Article 2, Definitions, shall be amended by the addition of the following:

"AAD. Gross Floor Area: The total floor area measured to the outside of the exterior walls of a building, exclusive of open courts."

ENACTED AND ORDAINED this 13th day of November 1990.

BOARD OF COMMISSIONERS
TOWNSHIP OF UPPER DUBLIN

BY *Patricia Bell*
President

Attest *Gregory N. Klemick*
Secretary

ORDINANCE NO. 790

AN ORDINANCE OF THE TOWNSHIP OF UPPER DUBLIN WIDENING THE RIGHT-OF-WAY ALONG TWINING ROAD NORTHEAST OF SUSQUEHANNA ROAD, FOR A DISTANCE OF APPROXIMATELY 2215 FEET ALONG THE PROPERTY OWNED BY UPPER DUBLIN TOWNSHIP KNOWN AS TWINING VALLEY GOLF COURSE.

WHEREAS, The cartway of a certain portion of Twining Road was widened in 1983 in accordance with plans titled "Twining Road", prepared for Upper Dublin Township by Bernard Specter & Assoc., Inc., plan no. 101-135 dated March 1, 1983; and

WHEREAS, it was not deemed necessary at the time the said cartway was widened to concurrently widen the right-of-way because it was located along the real property known as Twining Valley Golf Club which was owned by Upper Dublin Township; and

WHEREAS, Philadelphia Suburban Water Company is desirous of installing a new water main along Twining Road in order to provide better service to Upper Dublin's property known as Twining Valley Golf Course but in accordance with its standard procedure, requests that the installation be made in the legal right-of-way; and

WHEREAS, the right-of-way along the golf course is not wide enough to permit said installation without encroaching on the cartway; and

WHEREAS, it appears to be beneficial both to Philadelphia Suburban Water Company and the Township for the water main to be installed in the legal right-of-way.

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

Section 1. The existing legal right-of-way along that portion of Twining Road which abuts Twining Valley Golf Course, shall be widened in accordance with the plans titled "Twining Road", prepared for Upper Dublin Township by Bernard Specter & Assoc., Inc., Plan No. 101-135, dated March 1, 1983, latest revision dated October 1, 1990.

Section 2. That in accordance with said plan, the required right-of-way along the northwest side Twining Road will be 30-feet from the centerline of Twining Road over the lands known as Twining Valley Golf

Club now and previously owned by the Township of Upper
Dublin.

ENACTED and ORDAINED this 13th day of November, 1990

BOARD OF COMMISSIONERS
TOWNSHIP OF UPPER DUBLIN

By *Robert J. Hall* President

Attest *Gregory N. Klemick*
Secretary

ORDINANCE No. 291

AN ORDINANCE OF THE TOWNSHIP OF UPPER DUBLIN, MONTGOMERY COUNTY, PENNSYLVANIA, PROVIDING FOR A MUNICIPAL POLICE COOPERATIVE AGREEMENT.

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

SECTION 1: There is hereby adopted an agreement for intergovernmental cooperation known as the "Municipal Police Cooperative Agreement," hereinafter referred to as the "Agreement."

SECTION 2: The purposes and objectives of the Agreement are as follows:

- (a) to enhance the coordination of drug investigations in the Montgomery County area;
- (b) to provide for mutual police aid across jurisdictional lines to enable police to more effectively enforce the provisions of narcotics and illegal drug laws and thereby to preserve the safety and welfare of the entire area; and
- (c) to have available for use throughout the territorial limits of all municipalities signing the mutual agreement, the services of police employed by any and all of the said municipalities, under the conditions set forth and in compliance with the Municipal Police Jurisdiction Act, 42 Pa. C.S.A. Sec. 8953;

SECTION 4: The Agreement shall be subject to all the conditions and terms specified and set forth in the "Municipal Police Cooperative Agreement" which is attached hereto, and incorporated by reference herein which include the manner and extent of financing the agreement, the organizational structure necessary to implement the agreement, the powers and scope of authority delegated in the agreement, and the manner in which property, real or personal, shall be acquired, managed or disposed of.

SECTION 5: The duration of the Agreement shall be indefinite, subject to termination by any municipality as provided in the Agreement.

ENACTED AND ORDAINED this 13th day of November, 1990.

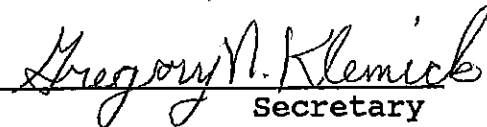
TOWNSHIP OF UPPER DUBLIN

By



President
Board of Commissioners

Attest



Secretary

ORDINANCE No. 791

AN ORDINANCE OF THE TOWNSHIP OF UPPER DUBLIN, MONTGOMERY COUNTY, PENNSYLVANIA, ADOPTING A MUNICIPAL DRUG TASK FORCE AGREEMENT WITH THE OFFICE OF ATTORNEY GENERAL OF THE COMMONWEALTH OF PENNSYLVANIA TO ENFORCE NARCOTICS AND ILLEGAL DRUG LAWS AND THEREBY TO PRESERVE THE SAFETY AND WELFARE OF THE COMMUNITY.

PREAMBLE

The Township of Upper Dublin, Montgomery County, Pennsylvania, acting pursuant to the Intergovernmental Cooperation Act, Act of July 12, 1972, No. 180 (53 P.S. Sec. 481, et seq.) hereby enacts this ordinance adopting a Municipal Drug Task Force Agreement (hereinafter referred to as "Agreement") with the Office of the Attorney General of the Commonwealth of Pennsylvania to enforce narcotics and illegal drug laws and thereby to preserve the safety and welfare of the community.

BE IT ORDAINED by the Commissioners of Upper Dublin Township, in Montgomery County, Pennsylvania, as follows:

SECTION 1: The Township of Upper Dublin has evidenced its intent to participate in the Municipal Drug Task Force activities in cooperation with the Commonwealth's Office of Attorney General designed to interdict the illegal use and trafficking of narcotics and other illegal drugs within its municipal boundaries as well as within the boundaries of nearby communities.

SECTION 2: This Agreement may include intergovernmental cooperative activities with adjacent and nearby municipal governments as part of a regional effort to interdict illegal drug activities.

SECTION 3: The Township of Upper Dublin shall utilize the services of its police force, both full time as well as part-time, under the conditions set forth in the Agreement and in compliance with the Municipal Police Jurisdiction Act, 42 Pa. C.S.A. Sec. 8953.

SECTION 4: The Township of Upper Dublin shall establish, pursuant to the terms of the Agreement which is attached hereto and incorporated as a part of this ordinance, appropriate procedures to comply with all relevant provisions of the Agreement and relevant regulations, direction, and guidance from the Office of the Attorney General.

SECTION 5: The term of the Agreement shall commence on November 13, 1990, and may be terminated at any time upon thirty (30) days written notice.

SECTION 6: The purpose and objectives of the Agreement include region-wide coordination of municipal police activities in

an effort to combat illegal narcotics and drug trafficking.

SECTION 7: The Agreement shall be financed with the assistance of funds supplied by the Office of the Attorney General of the Commonwealth of Pennsylvania.

SECTION 8: The organizational structure necessary to implement the terms of this Agreement shall be covered by directives, procedures, and guidance from the Office of the Attorney General and other area police departments.

SECTION 9: All property, real or personal, acquired, managed, or disposed of pursuant to this Agreement shall be in accordance with both the terms of the Agreement as well as the directives, procedures, and guidance of the Office of the Attorney General.

SECTION 10: The municipality shall retain responsibility for the management, control, and direction of its employees with assistance, financial or otherwise, from the Office of the Attorney General.

SECTION 11: The effective date of this ordinance shall be the 13th day of November, 1990.

ENACTED AND ORDAINED this 13th day of November, 1990.

TOWNSHIP OF UPPER DUBLIN

By *Robert Ball*
President,
Board of Commissioners

Attest *Gregory N. Klemick*
Secretary

ANNUAL BUDGET OF THE TOWNSHIP OF UPPER DUBLIN FOR THE YEAR 1991

ORDINANCE NO. 793

AN ORDINANCE OF UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR THE SPECIFIC PURPOSES OF THE MUNICIPAL GOVERNMENT, HEREINAFTER SET FORTH, DURING 1991.

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

SECTION 1: That for the expenses for the fiscal year 1991 the following amounts are hereby appropriated from the revenues available for the current year for the specific purposes set forth below, which amounts are more fully itemized in the Budget Form.

SUMMARY OF ALL ESTIMATED RECEIPTS

Receipts from Current Tax Levy	\$ 7,047,918
Receipts from Taxes of Prior Years	10,000
Other Revenue Receipts	<u>4,895,193</u>
TOTAL ESTIMATED RECEIPTS AND CASH	\$11,953,111

SUMMARY OF ALL APPROPRIATIONS

GENERAL GOVERNMENT	\$ 818,866
Administration and Finance	7,224
Treasurer and Tax Collector	240,040
Library	125,562
Municipal Buildings	<u>125,562</u>
TOTAL	\$ 1,191,692
PROTECTION TO PERSONS AND PROPERTY	\$ 2,344,069
Police	453,654
Fire	<u>453,654</u>
TOTAL	\$ 2,797,723
SEWER OPERATION AND TREATMENT	\$ 800,202
Operations	1,070,498
Treatment	<u>1,070,498</u>
TOTAL	\$ 1,870,700
PUBLIC HEALTH AND SANITATION	\$ 47,642
Health	1,675,677
Sanitation	<u>1,675,677</u>
TOTAL	\$ 1,723,319

HIGHWAY MAINTENANCE	\$ 1,490,999
DEBT SERVICE	\$ 618,495
CAPITAL PROJECTS	\$ 673,674
Sewer	725,905
Road, Storm Sewer, Equipment and Buildings	43,071
Parks and Recreation	
TOTAL	\$ 1,442,650
PARKS AND RECREATION	\$ 579,645
REGULATIONS, PLANNING AND ZONING	\$ 211,388
MISCELLANEOUS	\$ 26,500
TOTAL APPROPRIATIONS	\$11,953,111

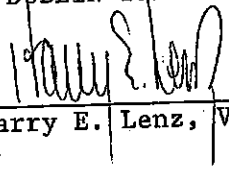
SECTION 2: An estimate of the specific items making up the amounts appropriated to the respective departments is on file in the office of the Township of Upper Dublin, Montgomery County, Pennsylvania.

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

ENACTED AND ORDAINED this 11th day of December 1990.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

BY:


Harry E. Lenz, Vice President

ATTEST:


Gregory N. Klemick, Secretary

AN ORDINANCE OF UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, FIXING THE TAX RATE FOR THE YEAR 1991 FOR GENERAL PURPOSES, THE TAX RATE FOR THE YEAR 1991 FOR DEBT SERVICE, THE TAX RATE FOR THE YEAR 1991 FOR FIRE PROTECTION, THE TAX RATE FOR THE YEAR 1991 FOR PARKS AND RECREATION, THE ASSESSMENT FOR THE YEAR 1991 FOR FIRE HYDRANTS, AND ESTABLISHING DISCOUNTS AND PENALTY THEREFOR.

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

SECTION 1: Tax Rates for General Purposes

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 1991, as follows:

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

The same being summarized in tabular form as follows:

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

SECTION 2: Tax Rate for Debt Service

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 1991, as follows:

Tax rate for Debt Service, the sum of. 5.17 mills
 on each dollar of assessed valuation, or the sum of. 51.7 cents
 on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

	Mills on Each Dollar of Assessed <u>Valuation</u>	Cents on Each One Hundred Dollars of Assessed <u>Valuation</u>
Tax Rate for Debt Service	5.17 mills	51.7 cents

SECTION 3: Tax Rate for Fire Protection

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 1991, as follows:

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

The same being summarized in tabular form as follows:

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

SECTION 4: Tax Rate for Parks and Recreation

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 1991, as follows:

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

The same being summarized in tabular form as follows:

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

SECTION 5: Assessment for Fire Hydrants

That the cost and maintenance of fire hydrants for fire protection, with the Fire and Water District of Upper Dublin Township, established by Ordinance No. 543, is hereby distributed by a special tax for the fiscal year 1991, as follows:

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

The same being summarized in tabular form as follows:

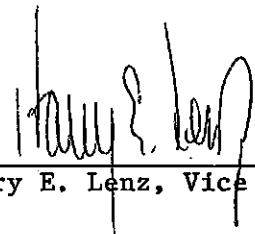
	<u>Mills on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Special Tax for Fire Hydrants	.35 mills	3.5 cents

SECTION 6: Discounts and Penalty

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

ENACTED AND ORDAINED THIS 11th day of December, 1990.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

BY: 
Harry E. Lenz, Vice President

ATTEST:


Gregory N. Klemick, Secretary

H

ORDINANCE No. 795

AN ORDINANCE TO AMEND THE UPPER DUBLIN TOWNSHIP CODE, TITLE 10, ZONING, BY AMENDING THE ZONING MAP DESIGNATING TWO LOTS COMPRISING 1.13 ACRES, LOCATED AT 435 AND 437 PENNSYLVANIA AVENUE FROM A-RESIDENTIAL TO COMMERCIAL, CLASS I DISTRICT.

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

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

A. ALL THAT CERTAIN lot or piece of ground situate in the Township of Upper Dublin, County of Montgomery and State of Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point in the center line of Township Line Road (forty-feet wide) at the distance of one hundred seventy-five and one-tenths feet Southeast from the intersection of the said center line of Township Line Road with the center line of Summit Avenue (fifty feet wide), a corner of this and land now or late of Enos Rich; thence extending along said land North forty-five degrees forty-five minutes East two hundred eighty-three and forty-six one-hundredths feet to a point a corner; thence South forty-five degrees fourteen minutes thirty seconds East one hundred eighty-one and seventy-six one-hundredths feet more or less to a point a corner; thence South forty-four degrees forty-five minutes West two hundred eighty-three and thirty-eight one-hundredths feet partly along land of Russell Hunt, to the center of Township Line Road aforesaid; and thence extending along the center line of said Road North forty-five degrees fifteen minutes West one hundred eighty-one and seventy-six one-hundredths feet more or less to the point and place of beginning.

EXCEPTING AND RESERVING THEREOUT AND THEREFROM ALL THAT CERTAIN LOT or tract of land situate in the Township of Upper Dublin, County of Montgomery and State of Pennsylvania, being more particularly bounded and described according to a survey made thereof by C. Raymond Weir, Registered Surveyor, July 27, 1937, as follows:

BEGINNING at a point in the center line of Township Line Road (forty feet wide) at the distance of one hundred eighty-nine and one-tenth feet Southeast from the intersection of the said center line of Township Line Road and the center line of Summit Avenue (fifty feet wide), a corner of this and other land of Frank A. Peirce; thence extending along land of Frank A. Peirce, of which this was formerly a part, the three following courses and distances: North forty-five degrees forty-five minutes East one hundred twenty-one and fifty-four one-hundredths feet to an iron pin; thence along the arc of a circle bearing to the right with a radius of thirty feet, the arc distance of forty-six and six-tenths feet to an iron pin; thence South forty-five degrees fifteen minutes East one hundred thirty-five and ninety-nine one-hundredths feet to an iron pin set in line of land of Edwin E. Baynon, et ux; thence extending along said land of Edwin E. Baynon, et ux, South forty-four degrees forty-five minutes West one hundred fifty-one feet to the center line of Township Line Road aforesaid, thence extending along said center line of Township Line Road North forty-five degrees fifteen minutes West one hundred sixty-eight and eleven one-hundredths feet to the point and place of beginning.

AND, ALSO, ALL THAT CERTAIN lot or piece of land, situate in the Township of Upper Dublin, County of Montgomery and State of Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point in line of land of George Fad and Karl O. Liebold, being a corner of land now or late of Edwin E. Baynon which said point of beginning is located as follows: Beginning at a corner marking the intersection of the center line of Summit Avenue (fifty feet wide) with the center line of Township Line (forty feet wide) and thence South forty-five degrees fifteen minutes East three hundred fifty-seven and twenty-one one-hundredths feet to a point a corner and extending along the line dividing the property of George Fad and Karl O. Liebold and land now or late of Edwin Baynon (now George Hunt) North forty-four degrees forty-five minutes East two hundred sixty-three and thirty-eight one-hundredths feet to the point of beginning aforesaid, and from said point of beginning extending along lands of George Fad and Karl O. Liebold North forty-four degrees forty-five minutes East along the line of land of Fad & Liebold twenty feet to a point a corner; and thence South forty-five degrees fourteen minutes thirty seconds East three hundred seventy feet to a point a corner in line of land now or late of Frank Peirce; and along the same South forty-four degrees forty-five minutes West twenty feet to a point a corner; thence along the line of land now or late of George C. Read, et ux, Warren Wiley and George Hunt, North forty-five degrees fourteen minutes thirty seconds West three hundred seventy feet to the point and place of

beginning.

BUT ALSO INCLUDING 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 Anthony Cimino, said point being at the distance of 40.52 feet measured South 45 degrees 15 minutes East from a point of tangent, said point of tangent being at the arc distance of 46.6 feet measured by a line extending in a Northeast, East and Southeasterly direction and curving to the right with a radius of 30 feet from a point of curve, said point being at the distance of 121.54 feet measured North 45 degrees 45 minutes East from a point on the center line of Pennsylvania Avenue (40 feet wide), said point being at the distance of 189.1 feet measured South 45 degrees 15 minutes East along the center line of Pennsylvania Avenue from the intersection which the center line of Pennsylvania Avenue makes with the center line of Summit Avenue (50 feet wide); thence from the place of beginning and along the Northeasterly line of land of Anthony Cimino and passing through an existing garage, South 45 degrees 15 minutes East 95.54 feet to a point, the Eastern corner of land of Anthony Cimino; thence South 44 degrees 45 minutes West 10.94 feet to a point; thence through land of Anthony Cimino and along the Southeasterly side of the garage, North 40 degrees 55 minutes 31 seconds West 57.88 feet to a point; thence still through land of Anthony Cimino, North 33 degrees 53 minutes 19 seconds West 38.51 feet to a point, the place of beginning.

ALL COMPRISING Parcel Number 54-00-13405-00-5 as set forth in the Montgomery County Board of Assessments Appeals.

AND EXCEPTING AND RESERVING THEREOUT AND THEREFROM that portion of the third above described premises which has since been duly conveyed by the said Daniel R. Hettler, Jr. and Emma J. Hettler, his wife, to F. A. Peirce, Inc. (a Pennsylvania Corporation), as set forth in Deed recorded as aforesaid in Deed Book 3518 page 99 &c., and being more fully bounded and described, as follows, viz:

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

BEGINNING at a point in the Northeasterly line of land of Daniel R., Jr., and Emma J. Hettler, said point being at the distance of Three Hundred Eighty-one and seventy-six one-hundredths feet measured South 45 degrees 14 minutes 30 seconds East along the said line from a rear corner, said rear corner being at the distance of Two Hundred Eighty-three and forty-six one-hundredths feet along the Northwesterly line of

land of Daniel R., Jr. and Emma J. Hettler, North 45 degrees 45 minutes East from a point on the center line of Pennsylvania Avenue (forty feet wide) said last mentioned point being at the distance of One Hundred seventy-five and one-tenth feet measured South 45 degrees 15 minutes East from a point of intersection which the said center line of Pennsylvania Avenue makes with the center line of Summit Avenue (Fifty feet wide); thence from the place of beginning and along the Northeasterly line of land of Daniel R., Jr., and Emma J. Hettler, South 45 degrees 14 minutes 30 seconds East One Hundred Seventy feet to a point; thence South 44 degrees 45 minutes West Twenty feet to a point; thence along the rear line of lots fronting on Pennsylvania Avenue, North 45 degrees 14 minutes 30 seconds West One Hundred Seventy feet to a point; thence through land of Daniel R., Jr. and Emma J. Hettler, of which this is a part, North 44 degrees 45 minutes East Twenty feet to a point, the place of beginning.

ALL THAT CERTAIN lot or tract of land with the buildings and improvements thereon erected, situate in the Township of Upper Dublin, County of Montgomery and State of Pennsylvania, being more particularly bounded and described according to a survey made thereof by C. Raymond Weir, Registered Surveyor, July 27, 1937, as follows:

BEGINNING at a point in the center line of Pennsylvania Avenue (formerly Township Line Road) (40 feet wide) at the distance of 189.1 feet Southeastwardly from the intersection of the said center line of Pennsylvania Avenue (formerly Township Line Road) and the center line of Summit Avenue (45 feet wide) a corner of this and other land of Frank A. Peirce; thence extending along land of Frank A. Peirce, of which this was formerly a part, the three following courses and distances: North 45 degrees 45 minutes East 121.54 feet to an iron pin; thence along the arc of a circle curving to the right having a radius of 30 feet the arc distance of 46.6 feet to an iron pin; thence South 45 degrees 15 minutes East 135.99 feet to an iron pin set in line of land now or late of Edwin E. Baynon, et ux; thence extending along said land now or late of Edwin E. Baynon, et ux, South 44 degrees 45 minutes West 151 feet to the center line of Pennsylvania Avenue (formerly Township Line Road) aforesaid; thence extending along said center line of Pennsylvania Avenue (formerly Township Line Road) North 45 degrees 15 minutes West 168.11 feet to the point and place of beginning.

BEING ASSESSMENT PARCEL NUMBER 54-00-13402-00-8.

BEING 437 Pennsylvania Avenue.

ENACTED AND ORDAINED this 11th day of December, A.D. 1990.

BOARD OF COMMISSIONERS
TOWNSHIP OF UPPER DUBLIN

By *Robert Bell* President

Attest *Gregory N. Klemick*
Secretary

ORDINANCE No. 796

AN ORDINANCE OF UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, ESTABLISHING THE DATES OF THE REGULAR STATED MEETINGS OF THE COMMISSIONERS OF THE TOWNSHIP OF UPPER DUBLIN DURING THE YEAR 1991.

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

SECTION 1: The regular stated monthly meeting of the Commissioners of the Township of Upper Dublin for the year 1991 shall be held on the second Tuesday of each month unless the same shall be a legal holiday, in which case held on the next regular business day following, at 7:30 p.m., local time.

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

ENACTED AND ORDAINED this 11th day of December, A.D. 1990.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

By *Robert Bell*
President

Attest *Gregory N. Klemick*
Secretary

ORDINANCE No. 797

AN ORDINANCE TO AMEND THE UPPER DUBLIN TOWNSHIP CODE, TITLE 2, CHAPTER 1, FEES, RATES AND PERMITS, ARTICLE 2, ADMINISTRATIVE CODE, TO AMEND SEWER RENTAL RATES.

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

SECTION 1: That Section 2.02 of Title 2, Chapter 1, Article 2, be deleted and the following substituted therefor:

Section 2.02 Sewer Rental Rates

- (a) Commencing January 1, 1991, the annual sewer rental for properties served by the Township Sewer System shall be assessed as follows:
 - (1) Annual Service Charge: Ninety Dollars (\$90.00) per property. A property for this purpose shall be a single family dwelling, each unit of a multi-family dwelling (excepting rooming houses where each tenant occupies only one or two rooms using common facilities), each individual apartment or condominium in a residential complex, each commercial establishment, whether standing alone or in a shopping center or similar grouping of buildings, each institution, each industrial or office building.
 - (2) Usage Rate: Two Dollars and Thirty Cents (\$2.30) per one thousand (1,000) gallons of water usage; provided, however, credit of five percent (5%) of actual consumption shall be given to all residential users.
- (b) Those properties served by the sewer system but with non-metered private wells shall pay an annual rental of Two Hundred Eighty-five (\$285.00)

ENACTED AND ORDAINED this 11th day of December, A.D. 1990.

BOARD OF COMMISSIONERS
TOWNSHIP OF UPPER DUBLIN

By *Patricia Bell* President

Attest *Gregory N. Klemick*
Secretary

ORDINANCE No. 798

AN ORDINANCE TO AMEND THE UPPER DUBLIN TOWNSHIP CODE, TITLE 10, ZONING, BY AMENDING THE ZONING MAP DESIGNATING A PARCEL OF APPROXIMATELY 7,370 SQUARE FEET (.17 ACRES), LOCATED AT THE NORTHEAST CORNER OF BETHLEHEM PIKE AND LOCH ALSH AVENUE FROM C-RESIDENTIAL DISTRICT TO "CR-L" COMMERCIAL-RETAIL DISTRICT.

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

Section 1: The Zoning Map of the Upper Dublin Zoning Ordinance, as amended, is further amended by designating the following described parcel from C-RESIDENTIAL DISTRICT to "CR-L" - COMMERCIAL-RETAIL DISTRICT:

ALL THAT CERTAIN parcel of land situate in the Township of Upper Dublin, County of Montgomery and Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a point on the northerly sideline of Loch Alsh Avenue, 50 feet wide; said point being at the distance of 132 feet, more or less, from the point of tangency of a radius round corner; said last mentioned point being at the arc distance of 28.91 feet, measured along the arc of a circle curving to the left, having a radius of 20.00 feet from the point of curvature on the easterly sideline of Bethlehem Pike, 60 feet wide; thence from said point of BEGINNING in and through lands of the said Joseph L. Ammendola and along the present Zoning Division Line, dividing Class "L" - Commercial District to the west, from Class "C" Residential District to the east, said line being 150 feet from and parallel to the easterly sideline of Bethlehem Pike, 60 feet wide, and in a northwesterly direction, 161 feet, more or less, to a point in line of lands, now or formerly, of Crane's Tavern, Inc.; thence along the said lands of Crane's Tavern, Inc. in a northeasterly direction 57 feet, more or less, to a point, a corner; thence along other lands of Joseph L. Ammendola South 3 degrees 23 minutes 30 seconds West 164.0 feet to a point, a corner on the aforementioned northerly right-of-way line of Loch Alsh Avenue; thence along the said right-of-way line of Loch Alsh Avenue in a northwesterly direction 37 feet, more or less, to the first mentioned point and place of BEGINNING.

ENACTED AND ORDAINED this 8th day of January, A.D. 1991.

BOARD OF COMMISSIONERS
TOWNSHIP OF UPPER DUBLIN

By [Signature]
President

Attest [Signature]
Secretary

ORDINANCE NO. 799

AN ORDINANCE TO AMEND THE UPPER DUBLIN TOWNSHIP CODE, TITLE 10 ZONING, ARTICLE 8-A, MD - MULTI-DWELLING DISTRICT, SECTION 2, GENERAL REQUIREMENTS BY ADDING A NEW PARAGRAPH E, DECKS .

The Commissioners of Upper Dublin Township do ENACT AND ORDAIN as follows:

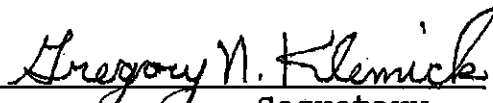
Section 1: Title 10, Article 8-A, MD - Multi-Dwelling District, shall be amended by the addition of a new Paragraph E to Section 2, General Requirements, as follows:

"E. Decks. A deck, constructed of wood, may be erected within the rear yard of a residential building provided, it shall not be more than 20 feet in depth from the rear most portion of the principal dwelling and must be at least five (5) feet from the rear property line. Decks may not be enclosed either on the sides or by a roof, and shall be built at ground level. Should the slope of the rear yard be such that the first floor is above ground level, a deck may be constructed at that level provided the space beneath is not enclosed."

ENACTED AND ORDAINED this 8th day of January, 1994.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

By: 
President

Attest: 
Secretary