Code of Ordinances
of the
Township of East Coventry

DISCLAIMER

The electronic version of the Township of East Coventry Code of Ordinances is not the document of issue and the Township of East Coventry's printed and published Code remains the primary source and document of issue for all purposes. In the event of a conflict between the electronic version of the Code of Ordinances and the official printed Township of East Coventry Code of Ordinances, the official printed Code of Ordinances shall govern. Copies of the official Township of East Coventry Code of Ordinances may be purchased from the Township. The user is advised that there may be amendments to the Code of Ordinances which have been enacted after the last revision date of the electronic version of the Code of Ordinances.

Keystate Publishers, Inc. makes no warranty, express or implied, with respect to the accuracy or completeness of the electronic version of the Code of Ordinances or the capability of the electronic version of the Code of Ordinances, and all liability with respect thereto is expressly disclaimed. The service and system is furnished by KPI on an "as is", as available basis. All warranties of merchantability and fitness for a particular purpose are expressly disclaimed. No representation or demonstration shall constitute a warranty of the electronic version of the Code of Ordinances unless expressly incorporated into an agreement between the parties.

CODE OF ORDINANCES

of the

TOWNSHIP OF EAST COVENTRY

Published by Authority of the Township

Code originally published by:

PENNS VALLEY PUBLISHERS

(A Division of Fry Communications, Inc.)
Mechanicsburg, Pennsylvania

Code supplemented and revised through April 12, 2010, by:

KEYSTATE PUBLISHERS, INC.
Shippensburg, PA 17257

Code originally completed as of November 2, 1987
by PENNS VALLEY PUBLISHERS

Revised as of:
11/2/1987
4/4/1988
11/20/1989
8/6/1990
12/17/1990
3/4/1991
4/6/1992
1/25/1993
12/20/1993
7/18/1994
8/21/1995
12/26/1995
10/21/1996
1/25/1999
8/2/2001
12/31/2002
12/1/2003
7/19/2004

Code revised and supplemented by Keystate Publishers, Inc., through:

June 6, 2005
September 19, 2005
December 19, 2005
March 19, 2007
November 5, 2007
April 14, 2008
July 14, 2008
October 13, 2008
December 8, 2008
February 9, 2009
April 13, 2009
July 13, 2009
September 14, 2009
October 12, 2009
December 14, 2009
March 8, 2010
April 12, 2010

CONTENTS

Township Officials. v
Foreword vii
Adopting Ordinance. ix
Fee Resolution. xiii

Chapter 1 . . . . . Administration and Government 1
Chapter 2 . . . . . Animals 13
Chapter 3 . . . . . Bicycles. 15
Chapter 4 . . . . . Buildings 17
Chapter 5 . . . . . Code Enforcement. 19
Chapter 6 . . . . . Conduct 39
Chapter 7 . . . . . Fire Prevention and Fire Protection 45
Chapter 8 . . . . . Flood Plain Regulations 47
Chapter 9 . . . . . Grading and Excavating. 49
Chapter 10. . . . . Health and Safety 51
Chapter 11. . . . . Housing 59
Chapter 12. . . . . Libraries 61
Chapter 13. . . . . Licenses, Permits and General Business Regulations. 63
Chapter 14. . . . . Mobile Homes and Mobile Home Parks. 73
Chapter 15. . . . . Motor Vehicles and Traffic. 83
Chapter 16. . . . . Parks and Recreation. 103
Chapter 17. . . . . Planned Residential Development 109
Chapter 18. . . . . Sewers and Sewage Disposal. 111
Chapter 19. . . . . Signs and Billboards. 113
Chapter 20. . . . . Solid Waste 115
Chapter 21. . . . . Streets and Sidewalks 117
Chapter 22. . . . . Subdivision and Land Development. 127
Chapter 23. . . . . Swimming Pools. 169
Chapter 24. . . . . Taxation, Special 171
Chapter 25. . . . . Trees 181
Chapter 26. . . . . Water 183
Chapter 27. . . . . Zoning. 185

Appendix:

A. . . . . Annexation of Territory A-3
B. . . . . Bond Issues and Loans A-5
C. . . . . Franchises and Services A-7
D. . . . . Governmental and Intergovernmental Affairs. A-9
E. . . . . Plan Approval A-11
F. . . . . Public Property A-13
G. . . . . Sewers. A-15
H. . . . . Streets and Sidewalks A-17
I. . . . . Water A-19
J. . . . . Zoning; Prior Ordinances. A-21

Key to the Disposition of All Ordinances

Index

OFFICIALS

of the

TOWNSHIP OF EAST COVENTRY

County of Chester

Pennsylvania

ELECTED OFFICIALS

Manager	-	Bernard A. Rodgers
		<u>Board of Supervisors</u>
Chairman	-	Timothy Roland
Vice Chairman	-	Ray Kolb
	-	W. Atlee Rinehart
	-	Mariea Geho
	-	Michael Albert Moyer
Tax Collector	-	Melissa King

APPOINTED OFFICIALS

Secretary	-	Bernard A. Rodgers
Treasurer	-	Bernard A. Rodgers
Zoning Officer	-	Building Inspection Underwriters, Inc.
Building Inspector	-	Building Inspection Underwriters, Inc.
Solicitor	-	Wisler Pearlstine, LLP
Engineer	-	ARRO Consulting, Inc.

FOREWORD

History

This comprises the codification of the Ordinances of the Township of East Coventry. East Coventry Township was originally settled in 1717 and was incorporated as a Township in 1844 from parts of North Coventry Township.

The Code of Ordinances of the Township of East Coventry was prepared by Penns Valley Publishers and adopted by the Board of Supervisors on November 3, 1986 by Ordinance number 49.

Organization

The code contains four parts which are (1) the valid current ordinances of the Township contained in chapters 1 through 27, (2) the appendix which lists by abstracted title all ordinances of a temporary or "one time" nature, (3) the key to the disposition of each ordinance ever enacted by the Township of East Coventry, and (4) the index which is an alphabetical arrangement of subjects.

In the code, each chapter is separated by a divider tab, and specific ordinances can be located by subject on the contents page at the beginning of each chapter. The index may also be used to search for a subject when one is looking for general information on a particular subject, or if it is not known in which chapter the subject might be found. The appendix consists of several general categories containing a chronological listing of short subject descriptions along with a reference to the original ordinance and its date of enactment if known.

The key to disposition indicates what action has been taken by the codifiers and the Board of Supervisors with regard to every ordinance ever enacted. An ordinance has either been (1) specifically repealed, (2) superseded by another ordinance, (3) is located in a chapter of the code book, or (4) is located in the appendix. The key is a cross reference to the original ordinance books of the Township, and to the location within the code of each ordinance by number.

ORDINANCE NO. 49

An Ordinance adopting the Code of Ordinances of the Township East Coventry.

The Township hereby ordains:

Section 1. Adoption. The "Code of Ordinances, East Coventry Township," as prepared and published for the said Township by Penns Valley Publishers, Harrisburg, Pennsylvania, is hereby adopted as a consolidation, codification and revision of the ordinances of the Township. Chapters 1 through 27 thereof contain the text of the body of all general administrative and penal ordinances of the Township organized as follows:

Chapter 1. . . . . Administration and Government
Chapter 5. . . . . Code Enforcement
Chapter 6. . . . . Conduct
Chapter 10. . . . . Health and Safety
Chapter 13. . . . . Licenses, Permits and General Business Regulations
Chapter 14. . . . . Mobile Homes and Mobile Home Parks
Chapter 15. . . . . Motor Vehicles and Traffic
Chapter 16. . . . . Parks and Recreation
Chapter 21. . . . . Streets and Sidewalks
Chapter 22. . . . . Subdivision and Land Development
Chapter 24. . . . . Taxation, Special
Chapter 27. . . . . Zoning

Appendix:

D. . . . . Governmental and Intergovernmental Affairs
E. . . . . Plan Approval
F. . . . . Public Property
H. . . . . Streets and Sidewalks

Key to the Disposition of All Ordinances

The Appendix of the volume lists, by subject matter, in chronological order, the titles (or an abstract of title) of enactments of special nature or of historical interest, for the complete text of which the official records of the Township shall be authoritative.

Section 2. Citation and Effective Date. The codification referred to in section 1 of this ordinance shall be known and cited officially as the "Township of East Coventry Code of Ordinances", and all future ordinances shall make reference thereto. This ordinance shall become effective immediately upon publication of notice of final enactment as required by law.

Section 3. Saving Clause. The provisions of the Township of East Coventry Code of Ordinances, so far as they are the same as those ordinances and regulations in force immediately prior to the adoption of said Code, are intended as a continuation of such ordinances and regulations and

not as a new enactment. The provisions of the Township of East Coventry Code of Ordinances shall not affect any suit or prosecution pending or to be instituted to enforce any of the prior ordinances or regulations.

Section 4. Consolidation, Codification and Revision. As a necessary part of codification, the following provisions are hereby consolidated and revised as indicated:

A. Consolidations

Chapter, Part, Section	Subject	Ordinance No.
15, Complete	Motor Vehicles	21, 22, 24B, 25, 33, 33A, 40, 42

B. Revisions

Chapter, Part, Section	Subject	Ordinance No.
5, Part 1, §§101-105	BOCA Building Code	30, 38
10, Part 2, §§201-215	Property Maintenance	3
24, Part 1, §§101-105	Per Capita Tax	8
24, Part 2, §§201-214	Tax on Real Property Transfers	9

Section 5. New Enactments, Amendments and Repeals. As a necessary part of codification, the following ordinances are hereby enacted, amended and repealed as summarized by short title:

A. New Enactments

Chapter,Part,Section	Short Title
1, Part 1, §101	Planning Commission
1, Part 2, §221	Definitions for Social Security
1, Part 3, §§301-303	Firemen's Relief Association
15, Complete	Motor Vehicles

B. Amendments

Chapter, Section	Subject	Ord.
1, §102	Powers and Duties of Planning Commission	7
13, §104	License Fee for Soliciting and Peddling	28
14, §105	Mobile Home Parks, Applications; Permit Fee	14
22, §§501,502,603	Subdivision; Permit Fees; Penalties	11

C. Repeals

Ord. No.	Short Title
5	Obnoxious Uses
7, §§5, 6	Creation of Township Planning Commission
12	Community Sewage Systems
26	Control of Dogs

Section 6. Procedural Changes. The following minor procedural changes have been made to existing Township ordinances:

A. grammatical and spelling errors have been corrected where necessary;

B. minor changes have been made to correct obsolete terms and usages;

C. the penalty sections have been revised where necessary to comply with the Crimes Code or the Motor Vehicle Code.

Section 7. Amending the Code of Ordinances. The procedure for amending the Code of Ordinances shall include the citation of the Chapter, Part, Section and Subsection to be amended, revised, repealed or added as follows:

A. Amendment or Revision - "Chapter _____, Part _____, Section _____, Subsection _____ is hereby amended [revised] to read as follows..."

B. Additions - "Chapter _____, Part _____, Section _____, Subsection _____ is hereby amended by the addition of the following..."

C. Repeal - "Chapter _____, Part _____, Section _____, Subsection _____ is hereby repealed in its entirety."

Section 8. Responsibility for Code of Ordinances. It shall be the responsibility of the Township Secretary to maintain an up-to-date certified copy of the code of ordinances. This copy shall be the official copy of the Township's Code of Ordinances and shall be available for public inspection.

Section 9. Penalties. It shall be unlawful for anyone to change, alter, or tamper with the code of ordinances in any manner which will intentionally misrepresent the laws of the Township. Whosoever shall violate this section shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars ($300.00); and/or to imprisonment for a term not to exceed ninety (90) days.

Section 10. Severability of Parts of Codification. It is hereby declared to be the intention of Board of Supervisors that the chapters, parts, sections, paragraphs, sentences, clauses and phrases of this codification are severable. If any section, paragraph, sentence, clause or phrase of this code is declared unconstitutional, illegal or otherwise invalid by the judgment or decree of a court of competent jurisdiction, that invalidity shall not affect any of the remaining chapters, parts, sections, paragraphs, sentences, clauses or phrases of this codification.

Section 11. Effective Date. This ordinance shall be effective five (5) days after its adoption.

ENACTED AND ORDAINED this 3rd day of November, 1986

TOWNSHIP OF EAST COVENTRY

By: /s/ Robert J. Megay
Chairman, Board of Supervisors

ATTEST:

/s/ Ronald F. Elliott

/s/ Debra Whitehawk
Secretary

/s/ Douglas E. Kulp

SCHEDULE OF FEES AND COSTS

PUBLIC SERVICE FEES

1.	Copies (per 8 1/2" x 11" sheet)	$ .30
2.	Copies plot from subdivision plan (per 11" x 17" sheet)	$ 1.00
3.	Zoning Ordinance	$ 25.00
	Zoning Ordinance - Mailed	$ 28.00
4.	Subdivision and Land Development Ordinance	$ 8.00
	Subdivision and Land Development Ordinance - Mailed	$ 11.00
5.	Copy of any other ordinance (up to 5 pages)	$ 1.50
	Copy of any other ordinance (6 or more pages) per copy	$ .30
6.	Copy of section of Zoning Ordinance or Subdivision and Land Development Ordinance (up to 5 pages)	$ 1.50
	Copy of section of Zoning Ordinance or Subdivision and Land Development Ordinance (6 or more pages) per copy	$ .30
7.	Township Map (11" x 17")	$ 2.00
8.	Fax Services	
	a. Transmit - 1st page	$ 3.00
	Each additional page	$ 1.00
	b. Receive - 1st page	$ 1.00
	Each additional page	$ .50
9.	False Alarms	
	a. Police Department responds	$ 25.00
	b. Fire Department responds	$ 50.00
	c. Police and Fire Departments respond	$ 75.00
10.	Copy of accident report or Police report	$ 10.00
11.	Soliciting Permit	$ 10.00
12.	Mobilhome Park	
	a. License Application Fee	$100.00
	b. License Renewal Fee	$ 50.00
13.	Towpath Park Pavilion (Donation - Reservation)	
	a. Monday - Friday until 3:30 p.m.	$ 1.00
	b. After 3:30 p.m. and weekends	$ 25.00
	Meeting Room - Reservation	
	Monday through Saturday until 11 p.m.	$ 25.00

BUILDING PERMIT AND INSPECTION FEES

1.	Residential	
	a. New single family dwelling unit,	$ 35.00
	multiple unit, or similar residential	$ 0.15
	structure including double wide and modular	per sq. ft. of living space
	b. Basement and/or garage	$.075 per sq. ft.
	c. Shed (with or without footings) 280 sq. ft. or smaller	$ 50.00
	Shed (with or without footings) over 280 sq. ft.	$ 75.00
	d. Deck and/or garage up to 120 sq. ft.	$ 25.00
	Deck and/or garage over 120 sq. ft.	$ 50.00

2. Commercial, Industrial, Non-Residential

a. New construction	$250.00 plus $ 0.15 per sq. ft.
b. Additions and/or alterations	$250.00 plus $ 0.15 per sq. ft.

3. Agricultural

a. Farm buildings, barn, animal shed, and similar structures pertaining to the farming industry	$ 50.00

4. Miscellaneous

a. Swimming pools - above ground greater than 10' circumference)	$ 25.00
b. Swimming pools - inground	$100.00
c. Demolition permit	$ 50.00
d. Microwave antennae/TV satellite dish permit	$ 30.00
e. Mobilehome - to place on lot	$ 30.00
f. Driveway permit and inspection	$ 30.00
g. Road occupancy permit - in accordance with fees by PennDOT	

5. Sign Permit

a. Up to 30 sq. ft.	$ 25.00
b. Over 30 sq. ft.	$ 50.00

6. Home Occupation - Use Permit

a. Permit for residential business, home occupation, commercial business, industrial business, or for any business granted by variance or special exception	$ 35.00

7. Use and Occupancy Permit

a. Permit of use and occupancy for all new construction, additions, alterations: residential, commercial, industrial, and non-residential	$ 35.00

SUBDIVISION AND LAND DEVELOPMENT FEES AND COSTS (Per Part 5 of the East Coventry Township Subdivision Ordinance of 1965, as amended [Chapter 22] [the "Subdivision Ordinance"])

1. Application Filing Fees (Per §501 of Chapter 22)

A. 2 lots, residential or agricultural		$100.00
B. 3 or more lots, residential or agricultural, on existing streets	plus	$150.00 $ 5.00 per lot
C. 3 or more lots, residential or agricultural, requiring new street(s)	plus	$300.00 $ 5.00 per lot

D. 2 lots, nonresidential/nonagricultural	$250.00
E. 3 or more lots, nonresidential/nonagricultural, with or without new street(s)	$500.00 plus $ 5.00 per lot
F. All land development plans	$500.00 plus $ 5.00 per lot

2. Review Fees (Per §502 of the Subdivision Ordinance [Chapter 22])

A. Review and report by Township Engineer	Actual cost to the Township in accordance with the annual fee and cost schedule of the Township Engineer approved and accepted by the Board of Supervisors and in effect at the time the services are rendered
B. Review and report by Township Solicitor	Actual cost to the Township in accordance with the annual fee and cost terms and conditions of the Township Solicitor approved and accepted by the Board of Supervisors and in effect at the time the services are rendered

C. Review and report by other consultant(s) — Actual cost to the Township in accordance with the fee and cost terms and conditions of the other consultant(s) approved accepted by the Board of Supervisors and in effect at the time the services are rendered

D. Escrow for Review Fees(*)

(1) 2 lots with existing road frontage, normal or slight erosion/sedimentation control, and no stormwater problems	$ 300.00
(2) 2 to 4 lots with existing road widening normal or slight erosion/sedimentation control, and no major stormwater problems	$ 300.00
(3) 5 to 10 lots with erosion/sedimentation control, stormwater management, with or without existing road widening, new road(s), or other other major physical construction	$ 500.00
(4) Over 10 lots with or without roads, storm drainage, utilities, detention basins, erosion/sedimentation control, or phased construction	$1,000.00
(5) All land development plans	$ 500.00

(*) These are the initial amounts to be deposited with the Township for purposes of reimbursing itself or paying review fees in accordance with §502 of Chapter 22. The respective initial deposit shall be made, together with the the applicable application filing fee, at the time the subdivision and/or land development application is filed. Per §502(3)(E) of Chapter 22, additional deposits may be required by the Township, from time to time, if the balance of the escrow account falls below twenty-five (25%) percent of the amount of the initial deposit.

3. Inspection Fees (Per §503 of Chapter 22)

A. Inspection by Township Engineer — Actual cost to the Township in accordance with the annual fee and cost schedule of the Township Engineer approved and

	accepted by the Board of Supervisors and in effect at the time the services are rendered
B. Other Consultant(s)	Actual cost to the Township in accordance with the fee and cost terms and conditions of the other consultant(s) approved and accepted by the Board of Supervisors and in effect at the time the services are rendered
C. Escrow for Inspection Fees(*)	
(1) Projects estimated to cost $100,000.00 or less	8% of the estimated cost
(2) Projects estimated to cost over $100,000.00	7% of the estimated cost

(*) These are the initial amounts to be deposited with the Township for the purposes of reimbursing itself inspection fees in accordance with §503 of Chapter 22. The respective initial deposit shall be made at the same time that the subdivider or developer posts or otherwise provides the Township with financial security to guarantee the completion of the required and/or proposed improvements in the subdivision or land development. Per §503(3)(E) of Chapter 22, additional deposits may be required by the Township, from time to time, if the balance of the escrow account falls below that amount reasonably estimated by the Township Engineer as necessary to reimburse the Township for remaining inspection fees.

4. Materials Test Cost (Per §§504 and 506 of Chapter 22)	
A. Material tests determined by the Board of Supervisors	Actual cost to the Township
B. Escrow for material test costs(*)	110% of the amount of material tests costs reasonably estimated by the Township

Engineer or such lesser amount as may be directed by the Board of Supervisors

(*) This is the initial amount to be deposited with the Township for purposes of reimbursing itself or paying material test costs pursuant to §506 of Chapter 22. The initial deposit shall be made within 10 days of the date of the Township's notice to the subdivider or developer to make the deposit, or at such later date as may be specified in the notice. Per §506 of Chapter 22, additional deposits may be required by the Township, from time to time, if the balance of the escrow account falls below 25% of the amount of the initial deposit.

5. Other Fees and Costs (Per §§505 and 506 of Chapter 22)

A. All fees and costs incurred by the Township in and for the preparation, recording and/or filing of any subdivision/land development improvements agreement, improvement guaranty,maintenance bond, escrow agreement, deed of dedication and/or such other instrument as may be deemed necessary or desirable by the Board of Supervisors in connection with the review, approval, inspection, construction and/or completion of the subdivision or land development, plans therefor, applications for approval thereof, and/or improvements required or proposed therein. — Actual cost to the Township

B. Escrow for other fees and costs(*) — 110% of the amount of other fees and costs as reasonably estimated by the Township Engineer or such other lesser amount as may be directed by the Board of Supervisors

(*) This is an initial amount to be deposited with the Township for purposes of reimbursing itself or paying the other fees and costs in accordance with §506 of the subdivision ordinance [Chapter 22]. The initial deposit shall be made within 10 days of the date of the Township's notice to the subdivider or land developer to make the deposit or at such later date as may be specified in the notice. Per §506(4) of the subdivision ordinance [Chapter 22], additional deposits may be required by the Township, from time to time, if the balance of the escrow account falls below 25% of the amount of the initial deposit.

ZONING FEES AND COSTS (Per §§1306 and 1501(3) of the East Coventry Township Zoning Ordinance of 1985, as amended [the "Zoning Ordinance"] [Chapter 27])

1. Zoning Hearing Board - Appeals and applications - Filing Fees

A. Substantive challenge to the validity of the Zoning Ordinance [Chapter 27] or other land use ordinance of the Township	
(1) Residential, agricultural or other noncommerical or nonindustrial	$1,500.00
(2) Commercial or industrial	$2,000.00
B. Challenge to the validity of the Zoning Ordinance [Chapter 27] or other land use ordinance of the Township raising procedural questions or alleged defects in the process of enactment or adoption	$1,000.00
C. Appeal from determination of Zoning Officer	
(1) Residential, agricultural or other noncommercial or nonindustrial	$ 500.00
(2) Commercial or industrial	$ 750.00
D. Application for special exception	
(1) Residential, agricultural or other noncommercial or nonindustrial	$ 500.00
(2) Commercial or industrial	$ 750.00
E, Application for variance	
(1) Residential, agricultural or other noncommercial or nonindustrial	$ 500.00
(2) Commercial or industrial	$ 750.00

2. Board of Supervisors - Applications and Petitions - Filing Fees

A. Application for a curative amendment to Zoning Ordinance [Chapter 27]	
(1) Residential, agricultural or other noncommercial or nonindustrial	$1,500.00
(2) Commercial or industrial	$2,000.00
B. Petition for amendment to Zoning Ordinance [Chapter 27] (including zoning map)	
(1) Residential, agricultural or other noncommercial or industrial	$1,000.00
(2) Commercial or industrial	$1,500.00

3. The filing fees prescribed in paragraphs (1) and (2) shall be paid to the Township at the time the appeal, application or petition is filed.

4. The filing fees prescribed in paragraph (1) for appeals and applications to the Zoning Hearing Board shall be an initial deposit to cover the cost of the following with respect to hearings before the Zoning Hearing Board upon the appeal or application:

A. Compensation for the secretary and members of the Zoning Hearing Board;

B. Notice and advertising cost;

C. Necessary administrative overhead connected with the hearing; and,

D. Fifty (50%) percent of the appearance fee for the stenographer (court reporter).

5. Unless and to the extent otherwise provided by law, the fees prescribed in paragraph (2) for the filing of applications and petitions to the Board of Supervisors shall be an initial deposit to cover the following costs and fees:

A. Any and all costs and fees incurred by the Township in connection with the processing, hearing, review and determination of the application or petition, including, without limitation, hearing notice and advertising costs, necessary administrative overhead, and the entire appearance fee of the stenographer (court reporter) at the hearing upon the application or petition;

B. The cost of the original transcript of the hearing proceedings before the Board of Supervisors upon the application or petition; and,

C. The cost of one (1) copy of the transcript of the hearing proceedings before the Board of Supervisors upon the application or petition for use by the Board of Supervisors.

6. In the event the filing fees prescribed in paragraphs (1) and (2) do not cover the respective costs and fees set forth in paragraphs (4) or (5), the appellant, applicant or petitioner shall be responsible for payment of the excess costs and fees, and shall pay the amount of the excess to the Township within thirty (30) days from the date of the Township's invoice for the excess. In the event that the filing fees prescribed in paragraphs (1) or (2) exceed the respective costs and fees set forth in paragraphs (4) or (5), the Township shall refund the amount of the excess to the appellant, applicant or petitioner.

7. Transcripts of hearing proceedings:

A. The cost of the original transcript of the hearing proceedings upon an appeal or application before the Zoning Hearing Board under paragraph (1) shall be paid by the Zoning Hearing Board, if the Board orders the transcript. However, in the case of an appeal from the decision of the Zoning Hearing Board, the person appealing the decision shall pay the cost of the original transcript. In all other cases, the person requesting the original transcript shall bear the cost thereof. The cost of any copy of the transcript shall be paid by the person requesting the copy.

B. If the appeallant or applicant before the Zoning Hearing Board is the person responsible for payment of the cost of the original or any copy of the transcript under subparagraph (A) and is entitled to a refund of filing fees under paragraph (6), the cost of the original or copy of the transcript shall be deducted from the amount of the refund and balance, if any, of the refund shall be remitted to the appeallant or applicant.

C. The cost of the original and one (1) copy of the transcript of the hearing proceedings upon an application or petition before the Board of Supervisors under paragraph (2) shall be paid by the applicant or petitioner pursuant to paragraph (5) or paragraph (6). The cost of any other copy of the transcript shall be paid by the person requesting the other copy. If the applicant or petitioner is the person requesting the other copy of the transcript and is entitled to a refund of filing fees under paragraph (6), the cost of the other copy shall be deducted from the amount of the refund and the balance, if any, of the refund shall be remitted to the applicant or petitioner.

(Res. 4/6/1992)

CHAPTER 1

ADMINISTRATION AND GOVERNMENT

Part 1

Planning Commission

§101. Creation and Membership
§102. Powers and Duties

Part 2

Retirement Benefits

A. Pennsylvania Municipal Retirement System (PMRS)-Municipal Employees

§201. Improvement of Benefits
§202. Membership
§203. Credit for Prior Service
§204. Payments
§205. Benefits
§206. Authorization
§207. Certified Copies; Effective Date

B. Pennsylvania Municipal Retirement System (PMRS)-Police officers

§211. Adoption
§212. Membership
§213. Credit for Prior Service
§214. Payment
§215. Benefits
§216. Authorization
§217. Certified Copies; Effective Date

C. Federal Social Security Program

§221. Joinder
§222. Payment to Contribution Fund
§223. Duties
§224. Commencement

Part 3

Firemen's Relief Association

§301. Recognition of Firemen's Relief Association
§302. Certification to Auditor General
§303. Annual Appropriation

Part 4

Township officials

§401. Compensation of Board of Supervisors

Part 5

Historical Commission

§501. Definitions
§502. Creation and Purpose of Historical Commission
§503. Membership
§504. Appointment; Term; Vacancy
§505. Organization; Meetings; Conduct of Business
§506. Powers and Duties
§507. Assistance

Part 6

Volunteer Fire Department

§601. Designation of Official Volunteer Fire Department
§602. Entitlement to Workers' Compensation Benefits
§603. Duties and Activities
§604. Special Fire Police

Part 7

Township Manager

§701. Creation of office
§702. Appointment
§703. Qualifications
§704. Bond
§705. Compensation
§706. Powers' and Duties
§707. Relationship to Board of Supervisors
§708. Disability or Absence of the Township Manager
§709. Removal
§710. Right to Amend or Repeal This Part

Part 8

Appointment of Elected Tax Collector as Delinquent Tax Collector

§801. Appointment
§802. Powers of Delinquent Tax Collector

Part 9

Delaware Valley Workers' Compensation Trust

§901. Definitions
§902. Delaware Valley Workers' Compensation Trust Agreement
§903. Purpose of Township Participation in Trust
§904. Delegation of Authority to Pay Claims
§905. Commonwealth Approval of Trust
§906. Responsibility of Trust to Pay Claims
§907. Conditions to Township Participation in Trust
§908. Term of Township Participation in Trust; Withdrawal from Trust
§909. Organizational Structure of Trust
§910. Source of Funds to Create and Operate Trust
§911. Group Insurance and Employee Benefits
§912. Effective Date of Township Participation in Trust
§913. Township Appropriations for Contributions and Assessments
§914. Further Conditions to Township Participation in Trust
§915. Authority for Part

Part 10

Police

§1001. Warrantless Arrest Guidelines

Part 11

Parks, Recreation and Conservation Committee

§1101. Establishment
§1102. Duties
§1103. Membership; Compensation; Vacancies
§1104. Officers; Rules and Regulations; Meetings
§1105. Acceptance of Grants, Gifts, Etc.; Entering into Contracts and Incurring Obligations
§1106. Disbursal of Funds
§1107. Reports; Fiscal Year
§1108. Powers and Responsibilities

Part 1

Planning Commission

§101. Creation and Membership.

1. Pursuant to the provisions contained in the Pennsylvania Municipalities Planning Code and in order to carry the said provisions into effect, there is hereby created in the Township a Planning Commission which shall have all the powers and duties conferred upon it by law and any other powers vested in it by law or ordinance.

2. The Township Planning Commission shall consist of five (5) members who shall be appointed by the Board of Supervisors and shall serve without compensation, except that they shall be reimbursed for expenses incurred in carrying out their commission duties.

(Ord. 7, 1/8/1962, §§1, 2; as amended by Ord. 49, 11/3/1986)

§102. Powers and Duties.

1. The Township Planning Commission shall make an annual report to the Board of Supervisors showing their transactions and recommendations. They may employ planning technicians and other persons whose salaries and wages together with other necessary expenses of the Commission shall be provided for, at the discretion of the Board of Supervisors, by proper appropriations and resolutions. The Commission may also receive and expend for the purposes of its planning work, any gifts, grants and appropriations of money from any other source, including Commonwealth, Federal or local funds, and may contract with governmental or private agencies or individuals with respect thereto.

2. The Planning Commission shall maintain and keep on file records of its action. All records and files of the planning agency shall be in the possession of the Board of Supervisors.

The Planning Commission shall have the power and duty to make, adopt and maintain a comprehensive plan for the physical development of the Township and the surrounding territory. Said comprehensive plan shall include among other things:

A. A statement of objectives of the Township concerning its future development;

B. A plan for land use which may include the amount, intensity and character of proposed future land uses;

C. A plan for movement of people and goods;

D. A plan for community facilities and utilities;

E. A map or statement indicating the relationship of the Township and its proposed development to adjacent municipalities and areas; and

F. Long-range fiscal plans for carrying out the planned objectives. In the preparation of the comprehensive plan the Commission should study population trends, existing land use, the economic base, traffic, existing thoroughfare system, and other factors related to

(1, §102, cont'd)

the development of the community. The purpose of the comprehensive plan should be to accomplish a coordinated and harmonious development of the community and its environs in accordance with present and future needs. The Commission would have the continuing responsibility for maintaining the comprehensive plan in an up-to-date condition, and in so doing would review and make recommendations to the Board of Supervisors on all ordinances which pertain to the physical development of the Township.

4. The Planning Commission shall at the request of the Board of Supervisors have the power and shall be required to:

A. Make recommendations to the Board of Supervisors concerning the adoption or amendment of an official map;

B. Prepare and present to the Board of Supervisors of the Township a zoning ordinance, and make recommendations to the Board of Supervisors on proposed amendments to it as set forth in this act;

C. Prepare, recommend and administer subdivision and land development, planned residential development regulations, as set forth in this act;

D. Prepare and present to the Board of Supervisors of the Township a building code and a housing code and make recommendations concerning proposed amendments thereto;

E. Do such other act or make such studies as may be necessary to fulfill the duties and obligations imposed by this act;

F. Prepare and present to the Board of Supervisors of the Township an environmental study;

G. Submit to the appointing authority of the Township a recommended capital improvements program;

H. Promote public interest in, and understanding of, the comprehensive plan and planning;

I. Make recommendations to governmental, civic and private agencies and individuals as to the effectiveness of the proposals of such agencies and individuals;

J. Hold public hearings and meetings;

K. Require from other departments and agencies of the Township such available information as relates to the work of the planning agency;

L. In the performance of its functions, enter upon any land to make examinations and surveys with the consent of the owner;

M. Prepare and present to the Board of Supervisors a study regarding the feasibility and practicability of using renewable energy sources in specific areas within the Township.

5. In the performance of its powers and duties, any act or recommendation of the Planning Commission which involves engineering consideration, shall be subject to review and comments of the engineer, which shall be incorporated and separately set forth in any report, written act or recommendation of the Planning Commission.

(Ord. 7, 1/8/1962, §§3, 4; as amended by Ord. 49, 11/3/1986)

Part 2

Retirement Benefits

A. Pennsylvania Municipal Retirement System (PMRS) - Municipal Employees

§201. Improvement of Benefits. The Township of East Coventry, being a member municipality of the Pennsylvania Retirement System, hereby elects to improve its member benefits in that system for municipal employees of the Township, (as designated in §202), as authorized by Article IV of the Pennsylvania Municipal Retirement Law, Act 15 of 1974, as amended; and hereby agrees to be bound by all the requirements and provisions of said Article and the Law, as the case may be, and to assume all obligations, financial and otherwise, placed upon member municipalities by said Law and amendments thereto, as the case may be. All references hereafter in this Subpart 2A shall be based upon benefits negotiated between the Pennsylvania Municipal Retirement Board and the Township under the provisions of said Article IV. (Ord. 70, 3/4/1991, §2)

§202. Membership. Membership in the Pennsylvania Municipal Retirement System shall be mandatory for all permanent municipal employees of the Township of East Coventry. Membership for elected officials and employees hired on a temporary or seasonal basis is prohibited, as is membership for individuals paid only a fee basis. Individual membership shall be effective as of the date the Township entered the Pennsylvania Municipal Retirement System or upon the individual's date of hire as a permanent municipal employee of the Township, whichever is more recent. (Ord. 70, 3/4/1991, §2)

§203. Credit for Prior Service.

1. Credit for prior service for original employees is granted for each year or partial year thereof that each such member was employed by the Township of East Coventry from original date of hire as a permanent municipal employee of the Township. Benefits provided to members under the East Coventry Township Municipal Employee Pension Plan Agreement, dated March 4, 1991, between the Township and the Pennsylvania Municipal Retirement Board, shall accrue based on all credited service granted and earned in accordance with this Section.

2. The Township hereby assumes all liability for any unfundedness created due to the acceptance of the benefit structure outlined in the said East Coventry Township Municipal Employee Pension Plan Agreement.

(Ord. 70, 3/4/1991, §2)

§204. Payments. Payment for any obligation established by the adoption of this Subpart 2A and the East Coventry Township Municipal Employee Pension Plan Agreement, dated March 4, 1991, between the Township and the Pennsylvania Municipal Retirement Board, shall be made by the Township in accordance with the Pennsylvania Municipal Retirement Law, Act 15 of 1974, as amended, and the Municipal Pension Plan Funding Standard and Recovery Act, Act 205 of 1984, as amended. (Ord. 70, 3/4/1991, §2)

(1, §205)

§205. Benefits. As part of this Subpart 2A, the Township of East Coventry agrees that the Pennsylvania Municipal Retirement System shall provide the benefits set forth in the East Coventry Township Municipal Employee Pension Plan Agreement, dated March 4, 1991, between the Township and the Pennsylvania Municipal Retirement Board. The passage and adoption of this Subpart 2A by the Township is an official acceptance and approval of the said Agreement and the financial obligations resulting from the administration of said benefit package. The Chairman of the Board of Supervisors and the Secretary of the Township be and are hereby authorized and directed, for and on behalf of the Township, to execute, seal, attest and deliver said Agreement. (Ord. 70, 3/4/1991, §2)

§206. Authorization. The Township of East Coventry intends this Subpart 2A, and the ordinance enacting the same, to be the complete authorization of the pension plan for municipal employees of the Township, as set forth in the East Coventry Township Municipal Employee Pension Plan Agreement, dated March 4, 1991, between the Township and the Pennsylvania Municipal Retirement Board; and therefore, specifically repeals Ordinance 41, enacted February 4, 1985. (Ord. 70, 3/4/1991, §2)

§207. Certified Copies; Effective Date. A duly certified copy of this Subpart 2A, and the ordinance enacting the same, and a duly certified copy of the East Coventry Township Municipal Employee Pension Plan Agreement, dated March 4, 1991, between the Township and the Pennsylvania Municipal Retirement Board, shall be filed with the Pennsylvania Municipal Retirement System. Membership for municipal employees of the Township (as designated in §202) in the Pennsylvania Municipal Retirement System shall be effective the first day of January, 1985, with the improved plan structure, as reflected in the said East Coventry Township Municipal Employee Pension Plan Agreement, dated March 4,1 991, effective the first day of January, 1991. (Ord. 70, 3/4/1991, §2)

B. Pennsylvania Municipal Retirement System (PMRS) - Police Officers

§211. Adoption. The Township of East Coventry hereby elects, under Article IV of the Pennsylvania Municipal Retirement Law, Act 15 of 1974, as amended, to enroll its police officers (as designated in §212) in the Pennsylvania Municipal Retirement System established by the said Law, with the express purpose of having the Pennsylvania Municipal Retirement System administer the pension plan established for the police officers of the Township. The Township hereby agrees to be bound by all of the requirements and provisions of said Article and the Law, as the case may be, and to assume all obligations, financial and otherwise, placed upon member municipalities by said Law and amendments thereto, as the case may be. All references hereafter in this Subpart 2B shall be based upon benefits negotiated between the Pennsylvania Municipal Retirement Board and the Township under the provisions of said Article IV. (Ord. 69, 3/4/1991, §2)

§212. Membership. Membership in the Pennsylvania Municipal Retirement System shall be mandatory for all full-time police officers of the Township of East Coventry. Individual membership shall be effective as of the date the Township entered the Pennsylvania Municipal Retirement System or upon the expiration of the individual's probationary status, whichever is more recent. (Ord. 69, 3/4/1991, §2)

§213. Credit for Prior Service.

1. Credit for prior service for original employees is granted for each year or partial year thereof that each such member was employed by the Township of East Coventry from original date of hire or upon the expiration of the member's probationary status, whichever is later, as a full-time police officer of the Township. Benefits provided to members under the East Coventry Township Police Pension Plan Agreement, dated March 4, 1991, between the Township and the Pennsylvania Municipal Retirement Board, shall accrue based on all credited service granted and earned in accordance with this Section.

2. The Township hereby assumes all liability for any unfundedness created due to the acceptance of the benefit structure outlined in the said East Coventry Township Police Pension Plan Agreement.

(Ord. 69, 3/4/1991, §2)

§214. Payment. Payment for any obligation established by the adoption of this Subpart 2B and the East Coventry Township Police Pension Plan Agreement, dated March 4, 1991, between the Township and the Pennsylvania Municipal Retirement Board, shall be made by the Township in accordance with the Pennsylvania Municipal Retirement Law, Act 15 of 1974, as amended, and the Municipal Pension Plan Funding Standard and Recovery Act, Act 205 of 1984, as amended. (Ord. 69, 3/4/1991, §2)

§215. Benefits. As part of this Subpart 2B, the Township of East Coventry agrees that the Pennsylvania Municipal Retirement System shall provide the benefits set forth in the East Coventry Township Police Pension Plan Agreement, dated March 4, 1991, between the Township and the Pennsylvania Municipal Retirement Board. The passage and adoption of this Subpart 2B by the Township is an official acceptance and approval of the

(1, §215, cont'd)

said Agreement and the financial obligations resulting from the administration of said benefit package. The Chairman of the Board of Supervisors and the Secretary of the Township be and are hereby authorized and directed, for and on behalf of the Township, to execute, seal, attest and deliver [the] Agreement. (Ord. 69, 3/4/1991, §2)

§216. Authorization. The Township of East Coventry intends this Subpart 2B, and the ordinance enacting the same, to be the complete authorization of the pension plan for police officers of the Township as set forth in the East Coventry Township Police Pension Plan Agreement, dated March 4, 1991, between the Township and the Pennsylvania Municipal Retirement Board. (Ord. 69, 3/4/1991, §2)

§217. Certified Copies; Effective Date. A duly certified copy of this Subpart 2B, and the ordinance enacting the same, and a duly certified copy of the East Coventry Township Police Pension Plan Agreement, dated March 4, 1991, between the Township and the Pennsylvania Municipal Retirement System, shall be filed with the Pennsylvania Municipal Retirement System. Membership for police officers of the Township (as designated in §212) in the Pennsylvania Municipal Retirement System shall be effective the first day of January, 1991. (Ord. 69, 3/4/1991, §2)

C. Federal Social Security Program

§221. Definitions.

ENABLING ACT - the Act of January 5, 1952, P.L. (1951) 1833, 65 P.S. §201, as such Act has been or may, from time to time, be amended.

STATE AGENCY - the Secretary of the Department of Labor and Industry of the Commonwealth of Pennsylvania or such other entity as may be constituted, from time to time, under law as such State Agency.

(Added by Ord. 49, 11/3/1986)

§222. Joinder. The Township of East Coventry hereby elects to become a participant in the Social Security Program established by the Social Security Act of 1951; as amended, and does hereby agree to be bound by all the requirements and provisions of the said Social Security Act.

The Township further elects that the proper officers be authorized to execute and deliver to the State Agency the Plan and Agreement required under the provisions of the Social Security Act and said Enabling Act to extend coverage to the employees and officers of this Township.

(Ord. 34, 2/19/1979)

§223. Payment to Contribution Fund. The Treasurer of this Township is hereby authorized, to make all required payments into the Contribution Fund established by said Enabling Act and to establish such system of payroll deductions from wages of employees and officers as may be necessary to their coverage under the Social Security Program.

The Board of Supervisors of this Township shall appropriate from the proper fund or funds of the Township the amounts necessary to pay into the Contribution Fund as provided in the Enabling Act and in accordance with the plan and agreements.

(Ord. 34, 2/19/1979)

§224. Duties. The proper officers of this Township shall do all things necessary to the continued implementation of said Social Security Program in accordance with the provisions contained in the plan and agreement and the said laws. (Ord. 34, 2/19/1979)

§225. Commencement. Participation in the Social Security Program by this Township shall commence as of the 1st day of April, 1979. (Ord. 34, 2/19/1979)

Part 3

Firemen's Relief Association

§301. Recognition of Firemen's Relief Association.

1. The following association is hereby recognized as actively engaged in providing fire protection and/or emergency services in the Township of East Coventry.

A. The Ridge Fire Company Relief Association.

The above named association has been formed for the benefit of its members and their families in case of death, sickness, temporary or permanent disability or accident suffered in the line of duty.

2. The above named association of the Township of East Coventry is designated the proper association to receive such funds as are due and payable to the Township Treasurer by the Treasurer of the State of Pennsylvania from the tax on premiums from foreign fire insurance companies.

(Ord. 49, 11/3/1986)

§302. Certification to Auditor General. The Board of Supervisors shall annually certify to the Auditor General of the Commonwealth, the name of the active association and the percentage of service they contribute to the protection of the Township. Such certification shall be on forms prescribed by the Auditor General. (Ord. 49, 11/3/1986)

§303. Annual Appropriation. There is annually appropriated from the Township Treasury all such sums of money that may hereafter be paid into the Township Treasury by the Treasurer of the State of Pennsylvania on account of taxes paid on premiums of foreign fire insurance companies in pursuance of 1984 Act of December 18, No. 205, §§701 et seq. as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania. Such monies received by the Township Treasurer from the State Treasurer shall be distributed to the duly recognized association within sixty (60) days of receipt. The funds shall be distributed on the basis of the percentage of service established in the certification to the Auditor General and with other provisions of the Act. (Ord. 49, 11/3/1986)

(1, §401)

Part 4

Township Officials

§401. Compensation of Board of Supervisors.

1. Each Supervisor of East Coventry Township elected or appointed to the office of Supervisor shall receive the following compensation as Supervisor:

A. Each Supervisor elected or appointed to the office of Supervisor on or after November 5, 1985, for a term beginning prior to January 1, 1996, shall receive compensation at the rate of one hundred twenty-five dollars ($125.00) for each month during the term of office, provided that the total of such compensation shall not exceed one thousand five hundred dollars ($1,500.00) per calendar year.

B. Each Supervisor elected or appointed to the office of Supervisor for a term beginning on or after January 1, 1996, shall receive compensation at the rate of one hundred fifty-six dollars and twenty-five cents ($156.25) for each month during the term of office, provided that the total of such compensation shall not exceed one thousand eight hundred seventy-five dollars ($1,875.00) per calendar year.

2. The monthly compensation provided under this Section shall be payable in the month to which it relates.

(Ord. 89, 12/26/1995, §1)

(1, §501)

Part 5

Historical Commission

§501. Definitions. The following words and phrases, when used in this Part, shall have the meanings given in this Section unless the context clearly indicates otherwise:

BOARD OF SUPERVISORS - the Board of Supervisors of the Township.

HISTORICAL COMMISSION or COMMISSION - the East Coventry Township Historical Commission established and created under and by this Part.

HISTORIC DISTRICT ACT - the Act of June 13, 1961, P.L. 282, No. 167, as amended, 53 P.S. §8001 et seq.

NATIONAL HISTORIC PRESERVATION ACT - the National Historic Preservation Act of 1966, as amended, 16 U.S.C. §§470-470w-6.

PLANNING COMMISSION - the Planning Commission of the Township.

SUNSHINE ACT - the Act of July 3, 1986, P.L. 388, No. 84, as amended, 65 P.S. §271 et seq.

TOWNSHIP - the Township of East Coventry, Chester County, Pennsylvania.

(Ord. 79, 4/4/1994)

§502. Creation and Purpose of Historical Commission.

1. There is hereby created and established in the Township a commission to be known as the "East Coventry Township Historical Commission."

2. The purpose of the Historical Commission is to serve, under and in accordance with the provisions of this Part, as an advisory body and resource to the Board of Supervisors, the Planning Commission, other agencies and officials of the Township, the citizens of the Township and such other persons as the Board of Supervisors may direct, for advice and information on historic preservation and restoration.

(Ord. 79, 4/4/1994)

§503. Membership.

1. The Historical Commission shall be composed of not less than seven (7) nor more than fifteen (15) members.

2. All members of the Historical Commission shall be, at the time of appointment and at all times while serving as members of the Commission, residents of the Township.

3. At least one (1) member of the Historical Commission shall be, at the time of appointment and at all times while serving as a member of the Commission, also a member of the Planning Commission.

4. All members of the Historical Commission shall serve without compensation, but, when authorized by the Board of Supervisors, may be reimbursed reasonable expenses necessary to perform the duties and exercise the powers of the Commission.

(Ord. 79, 4/4/1994)

§504. Appointment; Term; Vacancy.

1. All members of the Historical Commission shall be appointed by the Board of Supervisors.

2. Except for the initial term of the members of the Historical Commission first appointed under this Part, the term of each member of the Commission shall be for three (3) years or until his or her successor is appointed and qualified. The terms of the members of the Historical Commission first appointed under this Part shall be: two (2) members for one (1) year each; two (2) members for two (2) years each; and the remaining members for three (3) years each.

3. Members of the Historical Commission may succeed themselves. There shall be no limitation on the number of successive terms a resident may serve as a member of the Commission.

4. The Chairperson of the Historical Commission shall promptly notify the Board of Supervisors concerning any vacancies in the Commission. Any such vacancy shall be filled by the Board of Supervisors for the unexpired term.

5. At the request of the Board of Supervisors, the Historical Commission shall make recommendations to the Board of Supervisors for appointments to fill vacancies in the Commission.

(Ord. 79, 4/4/1994)

§505. Organization; Meetings; Conduct of Business.

1. The Historical Commission first appointed shall meet and organize at a public meeting of the Commission held within thirty (30) days after its appointment. Thereafter, the Commission shall meet and organize at a public meeting of the Commission held during the month of January of each year. At each such organization meeting, the Commission shall elect, from among its members, a Chairperson, a Vice Chairperson, a Secretary, and such other officer or officers as it may deem necessary. Each officer shall serve for a period of one (1) year or until his or her successor is elected and qualified. Officers may succeed themselves.

2. The Historical Commission shall hold such regular and special meetings, including work sessions and executive sessions, as necessary to perform its duties, exercise its powers and otherwise conduct such business as may properly come before it. The Commission shall keep and maintain minutes and other records of all its meetings and other activities. All meetings of the Commission, including the giving of meeting notices, conduct of meetings, actions taken at meetings, recording of votes and keeping of meeting minutes, shall be in accordance with applicable provisions of the Sunshine Act and other law.

3. All meetings of the Historical Commission shall be held in the Township Building, provided that a meeting of the Commission may be held elsewhere with the approval of the Board of Supervisors. The times of Commission meetings shall be as the Commission deems appropriate.

4. A majority of the members of the Historical Commission shall constitute a quorum. Any action to be taken at any meeting of the Commission shall require the affirmative vote of the majority of the members of the Commission present at the meeting.

(1, §505(5))

5. The Historical Commission may make and alter rules and regulations to govern its procedures, including rules and regulations necessary for the conduct of its meetings and the maintenance of order. All such rules and regulations shall be consistent with the ordinances of the Township and other law.

6. The Historical Commission, from time to time as it deems necessary, may establish and appoint members to one (1) or more committees for purposes of assisting the Commission with research, providing the commission expertise and performing such other duties and functions as may be assigned by the Commission. At least one (1) member of any such committee shall be, at the times of appointment and at all times while serving as a member of the committee, also a member of the Historical Commission. The chairperson of any such committee shall be also a member of the Commission at all times while serving as chairperson. The prior approval of the Board of Supervisors shall be required for the establishment of and appointment of members to any such committee, whose members include, or will include, one (1) or more persons not also members of the Historical Commission.

7. The Historical Commission shall maintain and keep on file full records of its actions. All records and files of the Commission shall be (i) kept and maintained in the Township Building or such other place as may be approved by the Board of Supervisors, (ii) available for public inspection and copying at reasonable times, (iii) in the possession of the Board of Supervisors, and (iv) the property of the Township.

8. The Historical Commision shall annually prepare and submit to the Board of Supervisors, by March 1 of each year, a written report of its activities for the prior calendar year.

(Ord. 79, 4/4/1994)

§506. Powers and Duties. The Historical Commission shall, at the request of the Board of Supervisors, have the power and duty to do the following which shall be in addition to such other powers and duties set forth in the Part or otherwise provided by law:

A. Identify in the Township significant architectural and historical resources, related natural sites and landscape features that preserve the integrity of such resources and sites; and develop and maintain a detailed inventory and map or maps of such resources, sites and features, including information thereof or related thereto appropriately classified. Such information shall include, but shall not be limited to, documentary evidence, illustrations, photographs and other appropriate materials.

B. Create an awareness of the history of the Township from the time of the native Americans to the present day, including the cultural, agricultural, business, educational and religious endeavors of all persons who lived and/or worked in the Township throughout its history.

C. Research and record the history of the Township and serve as an advisory resource for owners of historic resources in the Township involved with the preservation and/or restoration of such resources.

(1, §506(D))

D. Prepare and submit reports to or for the Board of Supervisors as may be necessary or appropriate or as may be requested from time to time by the Board of Supervisors. Such reports shall be in addition to the annual written report to be prepared and submitted by the Historical Commission to the Board of Supervisors under §505(8) of this Part.

E. Cooperate with and advise the Board of Supervisors, the Planning Commission and all other Township agencies and officials, Township citizens and such other persons as the Board of Supervisors may direct, in regard to the preservation and restoration of significant historical structures, sites and natural features, including the review of zoning, subdivision and/or land development proposals, and building and demolition permit applications, which proposals and applications have potential to impact on historic resources.

F. Consider, promote and, with the approval of the Board of Supervisors, apply for technical and financial assistance from all appropriate local, County, State, Federal and other agencies, for the preservation and/or restoration within the Township of significant architectural and historical sites, related natural sites and landscape features that preserve the integrity of such sites; and report to the Board of Supervisors all actions related to any of the foregoing.

G. Prepare and submit a yearly budget to the Board of Supervisors during the regular Township budget process for sums deemed necessary by the Historical Commission to perform its duties and exercise its powers.

H. In conjunction and cooperation with the Board of Supervisors, the Planning Commission and other appropriate public or private groups, to study the feasibility of creating historic districts in the Township pursuant to the Historic District Act.

I. Cooperate with the Board of Supervisors, the Planning Commission and all other Township agencies and officials regarding the possible acquisition and use of significant historic structures and sites, including conducting research and proposing the nomination of properties in the Township to the National Register of Historic Places in accordance with the provisions of the National Historic Preservation Act.

J. Hold public hearings and meetings.

K. Perform such other duties and take such other actions as may be directed by the Board of Supervisors.

(Ord. 79, 4/4/1994)

§507. Assistance. In order to perform its duties and exercise its powers, the Historical Commission may, with the consent of the Board of Supervisors, accept and utilize any funds, personnel or other assistance made available by Chester County, the Commonwealth or the Federal governments or any of their agencies, or from private sources. The Board of Supervisors, in accordance with applicable procedures of the Township and/or other law, may enter into agreements or contracts regarding the acceptance or utilization of such funds, personnel or other assistance by or for the Commission.

(Ord. 79, 4/4/1994)

(1, §601)

Part 6

Volunteer Fire Department

§601. Designation of Official Volunteer Fire Department. The Ridge Fire Company, hereinafter the "volunteer fire department," is hereby recognized and designated as the official volunteer fire department of the Township of East Coventry, Chester County, Pennsylvania. (Ord. 84, 11/7/1994, §1)

§602. Entitlement to Workers' Compensation Benefits. Members of the volunteer fire department, including any paid fireman who is a member of the volunteer fire department and performs the services of a volunteer fireman during off-duty hours, shall be entitled to receive workers' compensation in case of injuries received:

A. While actively engaged as a fireman.

B. While going to or returning from a fire which the volunteer fire department attended, including travel from and the direct return to a fireman's home, place of business or other place where he shall have been when he received the call or alarm.

C. While participating in instruction fire drills in which the volunteer fire department shall have participated.

D. While repairing or doing other work about or on the fire apparatus or buildings and grounds of the volunteer fire department upon the authorization of the chief of the volunteer fire department or other person in charge.

E. While answering any emergency calls for any purpose.

F. While riding upon the fire apparatus which is owned or used by the volunteer fire department.

G. While performing any other duties of such volunteer fire department as authorized by the Township.

H. While performing duties imposed by §15 of the Act of April 27, 1927, P.L. 465, No. 299, as amended, 35 P.S. §1235, known as the "Fire and Panic Act," together with all amendments and supplements thereto and any new statutes substituted therefor as may be in force at the time of application under this Part.

(Ord. 84, 11/7/1994, §1)

§603. Duties and Activities. The volunteer fire department and its membership are authorized by the Board of Supervisors to perform or engage in the following in addition to their normal firefighting, rescue and emergency medical duties and activities:

A. Participation in drills, practices, training sessions and pre-fire planning activities authorized by the chief of the volunteer fire department and supervised by a qualified instructor, or a volunteer fire department officer.

(1, §603)

B. Participation in community celebrations, ceremonial observances and funerals for deceased firefighters or other public figures where such attendance is deemed appropriate by the chief of the volunteer fire department.

C. Preparation of the fire station or other Township or school district buildings for use as a distribution center or polling place for the primary and general elections.

D. Preparation for and responsible participation in parades, providing that attendance has the prior approval of the volunteer fire department, although participation in such activities in other municipalities must have prior approval of the Board of Supervisors of the Township.

E. Participation in any public service functions performed for the welfare of the community, including the recovery of animals, as long as these activities are responsibly supervised and are sanctioned by the volunteer fire department.

F. Participation in public safety activities undertaken by the volunteer fire department members for purpose of rendering care to the injured, preventing loss of life, providing comfort and security to victims and limiting or preventing damage to or loss of property, as circumstances may dictate.

G. The rendering of assistance to police officers where such aid is specifically requested or is done without request to protect the public welfare from imminent danger.

H. Participation in fire prevention activities, post-fire investigations, bomb searches, evacuation drills and fire lane enforcement.

I. Participation in public programs to promote health and safety, to enlist new members, or solicit community support or conduct fund raising activities so long as (i) no compensation is paid to any member of the fire department while engaged in the fund raising activity, (ii) one hundred (100) percent of the proceeds go to the volunteer fire department, and (iii) each such activity is sanctioned by the volunteer fire department.

J. Participation in maintenance and remodeling work on volunteer fire department vehicles, buildings, grounds or equipment.

K. Participation in programs designed to promote the efficient operation of the volunteer services as may, from time to time, be assigned by the Board of Supervisors of the Township and the officers of the volunteer fire department, and as may be defined within the constitution and by-laws of the volunteer fire department, copies of which, with all amendments, shall be filed with the Township Secretary.

(Ord. 84, 11/7/1994, §)

§604. Special Fire Police.

1. Members of the volunteer fire department, who have been nominated and confirmed as special fire police under and in accordance with the

(1, §604(1), cont'd)

provisions of the Act of June 18, 1941, P.L. 137, as amended, 35 P.S. §1201 et seq., shall have the following powers and duties as may be provided by said Act, in addition to such other or further powers and duties as may be provided said Act or other law, as said Act and other law, and the powers and duties provided thereby, may be amended, supplemented or replaced at the time of application under this Part:

A. Regulate and otherwise control traffic and keep crowds under control at or in the vicinity of any fire at which the volunteer fire department is in attendance, and exercise such other police powers as are necessary in order to facilitate and prevent interference with the work of firemen extinguishing the fire.

B. Regulate and otherwise control traffic and keep crowds under control at or in the vicinity of any function, event or parade conducted by, or under the auspices of, the volunteer fire department, any other volunteer fire company or an organization other than a volunteer fire company; provided, that:

(1) The request to exercise and perform such powers and duties is (i) made by the governing body of the municipality in which the function, event or parade is conducted in the Township, and (ii) approved by the Board of Supervisors of the Township and the captain of the special fire police prior to the exercise or performance of the powers and duties.

(2) No compensation is paid to any member of the special fire police while engaged in the exercise or performance of such powers and duties.

(3) All proceeds from the exercise and performance of such powers and duties go entirely to the special fire police general fund and/or the volunteer fire department.

C. Regulate and otherwise control traffic and keep crowds under control when and to the extent required by accidents, floods and other emergencies; subject, however, to prior approval of the captain of the special fire police. Such powers and duties may be exercised and performed (i) without prior request of the governing body of the municipality in which the powers or duties are exercised or performed, and (ii) until the arrival of proper State or municipal police authority until the emergency no longer exists.

2. All powers and duties of special fire police provided or referred to in this Section shall be exercised or performed in accordance with said Act of June 18, 1941, P.L. 137, as amended, or other applicable law. Under no circumstances shall this Section be construed to grant special fire police the right and/or power to use firearms or other weapons in the exercise or performance of any special fire police powers or duties.

3. Members of the volunteer fire department, who have been nominated and confirmed as special fire police under and in accordance with the provisions of said Act of June 18, 1941, P.L. 137, as amended, shall be entitled to workers' compensation in case of injuries received while actively exercising or performing any powers or duties provided or referred to in this Section.

(Ord. 84, 11/7/1994, §1)

Part 7

Township Manager

§701. Creation of Office. The Office of Township Manager of East Coventry Township is hereby created, pursuant to the authority of §1301 of Article XIII of the Second Class Township Code, as reenacted and amended, 53 P.S. §66301. The individual occupying the office of Township Manager shall be referred to as the "Manager." As provided by said §1301, the person appointed to the office of Township Manager shall serve at the pleasure of the Board of Supervisors. (Ord. 93, 1/20/1997, §1)

§702. Appointment. The office of Township Manager shall be filled by one (1) person appointed to said office by a majority vote of all members of the Board of Supervisors. The Manager shall serve in accordance with the provisions of this Part and with such other terms and conditions as may be established from time to time by the Board of Supervisors. (Ord. 93, 1/20/1997, §1)

§703. Qualifications. The person appointed Manager shall be chosen on the basis of the person's executive and administrative abilities and experience and/or training in municipal government. The Manager need not be a resident of the Township. The Manager shall have no personal interest, direct or indirect, in contracts with the Township. (Ord. 93, 1/20/1997, §1)

§704. Bond. Before entering upon the duties of Manager, the person appointed Manager shall give a bond to the Township, with sufficient surety, as approved by the Board of Supervisors, in such amount as the Board, by resolution, shall establish from time to time, conditioned upon the faithful performance of the Manager's duties. The premium for said bond shall be paid by the Township. (Ord. 93, 1/20/1997, §1)

§705. Compensation. The salary of the Manager shall be fixed by the Board of Supervisors by resolution and shall be paid out of the general fund of the Township. (Ord. 93, 1/20/1997, §1)

§706. Powers and Duties.

1. The Manager shall be the chief administrative officer of the Township and shall be responsible to the Board of Supervisors, as a whole, for the proper and efficient administration of the business and affairs of the Township. The powers and duties of administration of all Township business shall be vested in the Manager, unless expressly imposed or conferred by statute upon other Township officers, or otherwise. Until such time as a person is appointed as Manager, the duties herein delegated to the Manager are expressly reserved to the Board of Supervisors.

(1, §706(2))

2. Subject to recall by the Board of Supervisors, the powers and duties of the Manager shall include the following:

A. Supervise and be responsible for the activities of all Township departments and employees of the Township in accordance with the rules and regulations as are or may hereinafter be established.

B. Hire Township employees after determining that all legal requirements have been met and after conferring with and obtaining approval of the Board of Supervisors; and, subject to review by the Board of Supervisors and in accordance with law and Township policy, initiate disciplinary actions against any Township employee.

C. Prepare and submit to the Board of Supervisors a recommended budget for the ensuing fiscal year in sufficient time so that said Board may review, amend and/or adopt the budget prior to the close of the current fiscal year. The recommended budget shall be accompanied by narrative setting forth a summary of projected revenues and proposed expenditures, together with such supporting data as may be required to enable the Board of Supervisors to decide upon and adopt the necessary taxation and appropriate legislation. Upon adoption of the budget by the Board of Supervisors, the Manager shall be responsible for the efficient administration thereof so that the various appropriations are not exceeded, except as may be authorized by the Board according to law.

D. In conjunction with the preparation of the yearly budget, develop long-range fiscal plans for the Township, such plans to be presented annually to the Board of Supervisors for its review and consideration.

E. Research the availability of grants or other funding on behalf of the Township and develop and process grant applications in conjunction therewith.

F. Hold such other Township offices and head such Township departments as the Board of Supervisors may, from time to time, direct.

G. Attend all meetings of the Board of Supervisors and its committees with the right to take part in the discussions. The Manager shall receive notice of all special meetings of the Board of Supervisors and its committees. The foregoing provisions of this subsection shall be subject to the right of the Board of Supervisors, for good cause, to exclude the Manager from any such meetings and/or not give notice to the Manager of any such special meetings.

H. Prepare the agenda for each meeting of the Board of Supervisors and supply facts pertinent thereto.

I. Keep the Board of Supervisors informed as to the conduct of Township affairs, submit monthly reports on the condition of the Township finances and such other reports as the Board of Supervisors may request and make such recommendations to the Board of Supervisors as the Manager deems advisable.

J. Submit to the Board of Supervisors, as soon as possible after the close of the fiscal year, a complete report on the finances and the activities of the Township for the preceding year.

K. See that the provisions of all franchises, leases, permits and privileges granted by the Township are observed.

L. Employ, by and with approval of the Board of Supervisors, experts and consultants to perform work and to advise in connection with any of the functions of the Township.

M. Attend, by and with the approval of the Board of Supervisors, to the letting of contracts in due form of law and supervise the performance and faithful execution of the same, except insofar, as such duties are expressly imposed by statute upon some other Township officer.

N. See that all money owed the Township is promptly paid and that proper proceedings are taken for the security and collection of all Township claims.

O. Be the purchasing officer of the Township, purchase in accordance with the provisions of the Second Class Township Code and/or such other applicable law, all supplies and equipment for the agencies, boards, departments and other offices of the Township; provided, that all capital expenditures shall be subject to prior approval of the Board of Supervisors, keep an account of all purchases and, from time to time or when directed by the Board of Supervisors, make a full written report thereof to the Board and issue rules and regulations, subject to the approval of the Board of Supervisors, governing the procurement of all Township supplies and equipment.

P. Receive all complaints regarding Township services, investigate and dispose of such complaints personally or through an officer designated by the Manager and report thereon to the Board of Supervisors.

Q. Perform research and investigation into the administrative and governmental functions of Townships, make recommendations to the Board of Supervisors of appropriate ordinances to be adopted affecting the health, safety, welfare and administration of the Township and establish and maintain appropriate filing systems and efficient administrative procedures for the conduct of Township business.

R. Perform such other duties as may be required by the Board of Supervisors, not inconsistent with the Second Class Township Code or other statutes, and/or with ordinances or adopted policies of the Township.

(Ord. 93, 1/20/1997, §1)

§707. Relationship to Board of Supervisors.

1. It is the intent of this Part that the Board of Supervisors act as a body in its dealing with the Manager. It is contrary to the spirit of this Part for individual members of the Board of Supervisors, or for committees of the Board, to interfere with the Manager, or any subordinate of the Manager, in the performance of the duties of the Manager or subordinate.

2. Except for purposes of obtaining information and/or in situations where the Board, in its sole discretion, deems it necessary and appropriate for the general welfare of the Township, the Board and each Supervisor shall deal with administrative matters solely through the Manager. However, nothing in this Section, or otherwise in this Part, shall prevent the Board from establishing a committee of its own members to review the operation and needs of Township departments or from assigning its members to liaison relationships with boards, commissions, departments and other agencies of the Township.

(Ord. 93, 1/20/1997, §1)

§708. Disability or Absence of the Township Manager.

1. The Manager may designate, in writing, a qualified employee to serve as acting Township Manager during the temporary absence or disability of the Manager. The Board, by a majority vote, may at any time revoke such designation and appoint a qualified person to serve as acting Township Manager.

2. Duties of the Manager not specifically delegated to the acting Township Manager shall be reserved to and performed by the Board of Supervisors.

3. During any absence of the Manager for which an acting Township Manager has not been designated, the normal operating duties and functions of the Township shall be performed by the appropriate department heads of the various Township departments.

(Ord. 93, 1/20/1997, §10

§709. Removal. The Manager shall serve at the pleasure of the Board of Supervisors and shall be subject to removal at any time by the Board by majority vote of all members thereof. (Ord. 93, 1/20/1997, §1)

§710. Right to Amend or Repeal this Part. The Board of Supervisors reserves the right, at any time and from time to time by ordinance, in its sole and absolute discretion, to amend, otherwise modify and/or repeal this Part and any provision thereof. (Ord. 93, 1/20/1997, §1)

(1, §801)

Part 8

Appointment of Elected Tax Collector as Delinquent Tax Collector

§801. Appointment. Pursuant to §26.1 of the Local Tax Collection Law, Act of May 25, 1945, P.L. 1050, No. 394, as added by Act of December 20, 2000, P.L. 735, No. 104, 72 P.S. §5511.26a, the elected tax collector of East Coventry Township is hereby appointed as the delinquent tax collector. (Ord. 111, 12/31/2001, §1)

§802. Powers of Delinquent Tax Collector. The delinquent tax collector shall have the same powers, rights, privileges, duties and obligations as are set forth in §686 of the Public School Code of 1949, Act of March 10, 1949, P.L. 30, No. 14, as amended, 24 P.S. §6-686. (Ord. 111, 12/31/2001, §2)

Part 9

Delaware Valley Workers' Compensation Trust

§901. Definitions. The following words and phrases, when used in this Part, shall have the meanings given in this Section unless the context clearly indicates otherwise:

BOARD OF SUPERVISORS - the Board of Supervisors of the Township.

DELAWARE VALLEY WORKERS' COMPENSATION TRUST AGREEMENT - the Agreement, attached hereto as Exhibit "A,"* providing for the participation of the Township in the Delaware Valley Workers' Compensation Trust.

PENNSYLVANIA INTERGOVERNMENTAL COOPERATION LAW - subchapter A of Chapter 23 of the General Local Government Code, 53 Pa.C.S. §2301 et seq. (providing for intergovernmental cooperation).

PENNSYLVANIA OCCUPATIONAL DISEASE ACT - the Act of June 21, 1939, P.L. 566, as amended, 77 P.S. §1201 et seq., called "The Pennsylvania Occupational Disease Act."

PENNSYLVANIA WORKERS' COMPENSATION ACT - the Act of June 2, 1915, P.L. 736, as amended, 77 P.S. §1 et seq., called the "Workers' Compensation Act."

TOWNSHIP - the Township of East Coventry, Chester County, Pennsylvania.

TOWNSHIP OFFICES - the offices of the Township at 855 Ellis Woods Road, Pottstown, Pennsylvania 19465, or such other location as the Board of Supervisors may designate from time to time or at any time.

TRUST - the Delaware Valley Workers' Compensation Trust.

(Ord. 120, 11/3/2003, §1)

§902. Delaware Valley Workers' Compensation Trust Agreement. The Board of Supervisors is hereby authorized to execute, on behalf of the Township, the Delaware Valley Workers' Compensation Trust Agreement. The Agreement is on file for inspection and review at the Township offices. This Agreement may be amended after the enactment of this Part to conform to any requirements imposed by the Commonwealth of Pennsylvania and any of its agencies, including the Department of Labor and Industry, Bureau of Workers' Compensation. (Ord. 120, 11/3/2003, §1)

§903. Purpose of Township Participation in Trust. The participation of the Township in the Delaware Valley Workers' Compensation Trust is authorized for the purposes of enabling the Township to reduce the cost or workers'

---

*Editor's Note: Exhibit "A" is on file at the Township office.

compensation claims through its participation in a group self-insurance fund. (Ord. 120, 11/3/2003, §1)

§904. Delegation of Authority to Pay Claims. The Township delegates to the Delaware Valley Workers' Compensation Trust the authority to pay workers' compensation benefits on behalf of the Township in accordance with the Pennsylvania Workers' Compensation Act and the Pennsylvania Occupational Disease Act. (Ord. 120, 11/3/2003, §1)

§905. Commonwealth Approval of Trust. The Commonwealth of Pennsylvania Department of Labor and Industry, Bureau of Workers' Compensation, has approved the issuance of a permit to the Delaware Valley Workers' Compensation Trust to operate as a group self-insurance fund subject to certain conditions. (Ord. 120, 11/3/2003, §1)

§906. Responsibility of Trust to Pay Claims. As an approved self-insurance fund, the Delaware Valley Workers' Compensation Trust will be responsible for the payment of workers' compensation claims on behalf of all Trust participants. (Ord. 120, 11/3/2003, §1)

§907. Conditions to Township Participation in Trust. As set forth in the Delaware Valley Workers' Compensation Trust Agreement, the following conditions, among others, apply to the participation of the Township in the Delaware Valley Workers' Compensation Trust:

A. The Trust shall consist of at least five (5) homogeneous municipal participants organized as local government agencies under Pennsylvania law.

B. Each participant shall satisfy all eligibility and admission requirements for membership in the Trust.

C. Each participant shall pledge and agree to appropriate funds to pay all its annual contributions and assessments which are required for the creation of a fund maintained at a level sufficient to pay all workers' compensation claims and related expense incurred by the Trust participants.

D. Each participant shall agree to jointly and severally assume and discharge the workers' compensation liabilities of each and every other participant in accordance with the Delaware Valley Workers' Compensation Trust Agreement when required to do so by the Department of Labor and Industry, Bureau of Workers' Compensation.

E. Each participant shall institute all safety regulations, loss prevention measures or risk management procedures as may be required for the purpose of minimizing or eliminating workplace risks to its employees.

F. Each participant shall cooperate fully with the Trust's service and fiscal agents, attorneys, claims adjusters and any agents or

employees of the Trust with respect to the investigation, defense and settlement of claims.

G. Each participant shall designate a person to be responsible for all contacts with the Trust.

H. Each participant shall provide any information to the administrator or Board of Trustees of the Trust as may be required to effect the purposes and objectives of the Trust.

I. Each participant shall comply with all applicable statutes and regulations governing the payment of workers' compensation claims including, but not limited to, the Pennsylvania Workers' Compensation Act and any regulations promulgated thereunder.

(Ord. 120, 11/3/2003, §1)

§908. Term of Township Participation in Trust; Withdrawal From Trust. The Township agrees to participate in the Delaware Valley Workers' Compensation Trust for a minimum period of two (2) years, subject to the terms and conditions of the Delaware Valley Workers' Compensation Trust Agreement. After the expiration of that minimum two (2) year period, each participant, including the Township, may withdraw under the following conditions, subject to the right of arbitration as provided in the Delaware Valley Workers' Compensation Trust Agreement:

A. An opinion is rendered by the Trust certified actuary that the withdrawal will not result in the number of participants falling below the minimum required to assure the fiscal and actuarial soundness of the Trust itself.

B. The withdrawing participant is not then in default of its obligation to pay premises, contributions or assessments.

C. The withdrawing participant shall pay the full amount of a termination contribution or any additional assessments as determined by the Board of Trustees of the Trust in accordance with the Trust Agreement and By-Laws of the Trust.

D. The Board of Trustees of the Trust shall have received a certification from the Trust actuary that the withdrawal of the participant will no impair the actuarial soundness of the Trust and, if any municipal debt has been incurred by the participants to finance any portion of the Trust reserves, an opinion is obtained from bond counsel that such withdrawal will not adversely affect the tax-empt status of any interest paid and any debt incurred by the participants, or any legal entity created for the purpose of incurring such debt. As used herein, the term "debt" includes any municipal bonds, certificates, letters of credit or other instruments of municipal indebtedness.

(Ord. 120, 11/3/2003, §1)

§909. Organizational Structure of Trust. The organizational structure of the Delaware Valley Workers' Compensation Trust shall consist of a Board of Trustees, an administrator, a claims administrator/loss control consultant and various service agents appointed by the Board of Trustees in accordance with the Delaware Valley Workers' Compensation Trust Agreement and any by-laws adopted thereto. (Ord. 120, 11/3/2003, §1)

§910. Source of Funds to Create and Operate Trust. As set forth in the Delaware Valley Workers' Compensation Trust Agreement, the funds required for the creation and operation of the Delaware Valley Workers' Compensation Trust shall be provided by the participating municipalities through annual appropriations. (Ord. 120, 11/3/2003, §1)

§911. Group Insurance and Employee Benefits. The Delaware Valley Workers' Compensation Trust is empowered to enter into contracts for policies of group insurance and employee benefits, including Social Security, for any of its employees. (Ord. 120, 11/3/2003, §1)

§912. Effective Date of Township Participation in Trust. The participation of the Township in the Delaware Valley Workers' Compensation Trust shall be effective as of January 1, 2003, or thereafter, as shall be approved by the Board of Trustees of the Trust, but in no event later than May 1, 2003, at 12:00 a.m. (Ord. 120, 11/3/2003, §1)

§913. Township Appropriations for Contributions and Assessments. All contributions and assessments paid by the Township in connection with its participation in the Delaware Valley Workers' Compensation Trust shall be made with funds appropriated by the Township for those purposes. (Ord. 120, 11/3/2003, §1)

§914. Further Conditions to Township Participation in Trust. As a condition of participating in the Delaware Valley Workers' Compensation Trust, the Township agrees to:

A. Pay all annual contributions and assessments as may be required by the Board of Trustees of the Trust.

B. Appoint a representative to sit on the Board of Trustees of the Trust and designate a contact person for the purpose of communicating with the Trust or representatives of the Trust.

C. Not withdraw from the Trust for a period of two (2) years following its admission to the Trust, subject to the terms and conditions of the Delaware Valley Workers' Compensation Trust Agreement.

D. Withdraw from the Trust only upon satisfaction of the conditions set forth in the Delaware Valley Workers' Compensation Trust Agreement.

(1, §914(E))

E. Perform all covenants contained in the Delaware Valley Workers' Compensation Trust Agreement and delegate to the Board of Trustees of the Trust the powers and authorities enumerated in that Agreement.

F. Comply with all the conditions set forth in the Delaware Valley Workers' Compensation Trust Agreement governing the handling and payment of claims, including the defense and settlement thereof.

G. Appropriate the funds needed to pay all contributions and assessments as may be required by the Board of Trustees of the Trust in accordance with the Delaware Valley Workers' Compensation Trust Agreement.

H. Cooperate with the Trust, its agents or employees, and provide the Trust with all information it needs for the operation of the Trust, including any underwriting or claims data which it may be requested by the Board of Trustees of the Trust or its designee.

(Ord. 120, 11/3/2003, §1)

§915. Authority for Part. This Part is enacted pursuant the Pennsylvania Intergovernmental Cooperation Law. (Ord. 120, 11/3/2003, §1)

Part 10

Police

§1001. Warrantless Arrest Guidelines.

1. Each police officer employed by East Coventry Township, when making an arrest without warrant upon probable cause for certain summary offenses as authorized by Section 8902(a) of the Judicial Code, 42 Pa.C.S. §8902(a), shall follow the procedures set forth in Rule 441 of the Pennsylvania Rules of Criminal Procedure (relating to arrest without warrant in summary cases), and any East Coventry Township Police Department procedures, now or hereafter established, relating to warrantless arrest upon probable cause for a summary offense.

2. The procedures provided in Subsection 1 shall constitute the promulgated guidelines required by Section 8902(b) of the Judicial Code, 42 Pa.C.S. §8902(b), to be followed by a police officer employed by East Coventry Township in making a warrantless arrest under Section 8902(a) of the Judicial Code, 42 Pa.C.S. §8902(a).

3. The procedures referenced in Subsection 1 shall include such procedures with all amendments and supplements thereto and any new procedures substituted for the same, as in force at the time of application under this Section.

(Ord. 137, 6/5/2006, §1)

Part 11

Parks, Recreation and Conservation Committee

§1101. Establishment. Pursuant to §2204 of the Act of May 1, 1933 (P.L. 103, No. 69), reenacted and amended November 9, 1995 (P.L. 350, No. 60), as amended, 53 P.S. §65101 et seq. (the Second Class Township Code), there is hereby established in the Township a parks, recreation and conservation board, to be known as the East Coventry Township Parks, Recreation and Conservation Committee (hereinafter referred to as the "Committee"). (Ord. 157, 7/13/2009, §I)

§1102. Duties. The Committee shall serve in an advisory capacity and as a resource to the Board of Supervisors on matters pertaining to parks, recreation, and conservation and shall conduct park, recreation and conservation programs within the Township, subject to the approval of the Board of Supervisors. (Ord. 157, 7/13/2009, §I)

§1103. Membership; Compensation; Vacancies. The Committee shall be composed of five (5) members, to be appointed by the Board of Supervisors. Committee members shall serve for terms of five (5) years or until their successors are appointed, except that the members first appointed shall be so appointed that the term of not more than two (2) members shall expire annually thereafter. Members of such Board shall serve without compensation, but, when authorized by the Board of Supervisors, may be reimbursed reasonable expenses, upon submission of a voucher, necessary to perform the duties and responsibilities of membership. All persons appointed shall serve their full term unless voluntarily resigned or removed by the Board of Supervisors for dereliction or neglect of duty. A vacancy on the Board occurring other than by expiration of term shall be for the unexpired term and shall be filled in the same manner as an original appointment. (Ord. 157, 7/13/2009, §I)

§1104. Officers; Rules and Regulations; Meetings. Members of the Committee shall elect a chairman and secretary and select all other necessary officers to serve for a period of one (1) year. The Committee may adopt rules and regulations for the conduct of all business within its jurisdiction and exercise powers and responsibilities concerning parks, recreation and conservation as may be delegated to it by the Board of Supervisors. The Committee shall, from time to time, recommend to the Board of Supervisors rules governing the operation and conduct of park, recreation and conservation facilities operated by the Committee. The Board shall hold regular meetings at such times and places as it may designate and shall keep minutes of all meetings and provide a copy of same to the Board of Supervisors by providing a copy to the Township Secretary. (Ord. 157, 7/13/2009, §I)

§1105. Acceptance of Grants, Gifts, Etc.; Entering into Contracts and Incurring Obligations. A grant, gift, bequest or donation of services, equipment, real estate or money from any individual or group, to be used as

specified by the donor or by the terms of the acceptance may be accepted with the approval of the Board of Supervisors. The Committee shall not enter into any contract or incur any obligation binding upon the Township. (Ord. 157, 7/13/2009, §I)

§1106. Disbursal of Funds. Funds appropriated by the Board of Supervisors and budgeted for park, recreation and conservation programs to be administered by the Committee shall be disbursed by the fiscal disbursing officer of the Township, upon recommendations made by the Committee and approved by the Township Manager and Board of Supervisors and within the budget appropriations made. Funds received by the Committee from sources other than budget appropriations shall be deposited with the Township and shall be disbursed as the above budget funds are disbursed, except that funds received by gift, bequest or otherwise shall be disbursed in accordance with the terms of such gift or bequest or the terms of the acceptance thereof. If there are no such terms specified, disbursement shall only be made upon the approval of the Board of Supervisors. (Ord. 157, 7/13/2009, §I)

§1107. Reports; Fiscal Year. The Committee shall annually prepare and submit a written report to the Board of Supervisors by March 1 of each year of its activities for the prior calendar year, including an analysis of the adequacy and effectiveness of park, recreation and conservation areas, facilities and programs. The fiscal year of the Committee shall conform to that of the Township. (Ord. 157, 7/13/2009, §I)

§1108. Powers and Responsibilities. The powers and responsibilities of the Committee as are now or may hereafter be provided by statute of the Commonwealth or by ordinance of the Township, relating to the development and operation of recreation systems, parks, playgrounds, open space and conservation are hereby vested in the Committee, to be exercised by it, subject to any and all restrictions contained in such statutes and ordinances and more specifically as follows:

A. Make recommendations to the Board of Supervisors concerning the supervision, regulation and rules for the use of park, recreation and conservation areas within the Township.

B. Make recommendations to the Board of Supervisors concerning the use and condition of park, recreation and conservation lands in the Township.

C. Make recommendations to the Board of Supervisors concerning the acquisition of additional land and/or facilities for parks, recreation and conservation measures.

D. Conduct periodic inspections and surveys of the park, recreation and conservation lands to assess its condition and need for improvements, maintenance and repair.

E. Make recommendations to the Board of Supervisors regarding the maintenance, use and improvements to existing park, recreation and conservation lands.

F. Make recommendations to the Board of Supervisors for the creation of new park, recreation and conservation programs.

G. Make recommendations and periodically review Township ordinance provisions that relate to the conservation of open space, development of recreation areas and management of those areas.

H. Make recommendations to the Board of Supervisors for a multi-year financial plan for the Township's park, recreation and conservation system.

I. Act as a public forum for residents to address concerns over park, recreation and conservation activities/facilities and open space and conservation concerns.

(Ord. 157, 7/13/2009, §I)

CHAPTER 2

ANIMALS

(Reserved to accommodate future ordinances)

CHAPTER 3

BICYCLES

(Reserved to accommodate future ordinances)

CHAPTER 4

BUILDINGS

Part 1

Building Numbers

§101. Definitions
§102. Building Numbering System
§103. Notification of Assignment and Reassignment of Numbers; Responsibility to Place and Maintain Numbers
§104. Placement and Maintenance of Numbers
§105. Penalties for Violations

Part 1

Building Numbering

§101. Definitions. For purposes of this Part, the following words and phrases shall have the meanings indicated:

BUILDING - any man-made structure which is permanently located on the land and used or intended for supporting or sheltering any use or occupancy. "Building" shall not include any accessory building located upon a lot where there is also a principal building.

ACCESSORY BUILDING - a building the entire use of which is customarily incidental and subordinate to that of the principal building and which is located on the same lot as the principal building.

PRINCIPAL BUILDING - a building in which is conducted the principal use of the lot on which the building is located.

PERSON - a natural person, corporation, partnership, and association.

PLACE - with respect to the placement of numbers required under this Part, shall mean affix to, paint upon or carve into.

POSTAL NUMBERING SYSTEM - the postal numbering system data base and related grid maps and other materials, prepared by COMPUDRAFT, Glenmoore, Pennsylvania, as such data base and related maps and other materials shall be maintained in accordance with this Part, with all amendments and supplements thereto, as shall be in effect at the time of application under this Part.

STREET - a public (dedicated) or private right-of-way serving as a means of vehicular and pedestrian travel and furnishing access to more than one (1) lot. "Street" includes thoroughfare, avenue, boulevard, court, drive, expressway, highway, lane, alley, service street, marginal access street, road and similar terms.

TOWNSHIP - the Township of East Coventry, Chester County, Pennsylvania.

(Ord. 56, 9/11/1989, §101)

§102. Building Numbering System. The postal numbering system is hereby approved and adopted as the system for the numbering of buildings in the Township and for the assignment and reassignment from time to time, of numbers to such buildings under this Part. The postal numbering system shall be maintained current by the Township Secretary by the addition of new buildings as constructed. (Ord. 56, 9/11/1989, §102)

§103. Notification of Assignment and Reassignment of Numbers; Responsibility to Place and Maintain Numbers. The Township Secretary shall notify, in writing, the owner of every building in the Township of the number or new number assigned or reassigned, from time to time, to the building in accordance with the postal numbering system. Within the ninety (90) day period immediately following the date of the notice, the owner shall cause the assigned or reassigned number to be placed as required by this Part. Owners, lessees, and occupants of a building, the principal use of which is a place of worship, shall not be required to comply, for and during the time that such principal use continues, with the number placement and maintenance requirements set forth in this Section and in

(4, §103, cont'd)

other provisions of this Part. (Ord. 56, 9/11/1989, §103)

§104. Placement and Maintenance of Numbers. The number or new numbers assigned or reassigned to a building under this Part shall be placed and thereafter constantly maintained in accordance with the following requirements:

1. The number shall be placed upon the front of the building or upon a permanent standard, base or support between the building and the street upon which the building fronts. The number shall also be placed upon any mailbox serving the building.

2. Each digit of the number shall be at least three (3") inches high, shall be of a color in contrast to its immediate background, shall be legible, and shall be visible from the opposite side of the street upon which the building fronts.

(Ord. 56, 9/11/1989, §104)

§105. Penalties for Violations. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to a fine not exceeding six hundred ($600.00) dollars and costs of prosecution, and/or to imprisonment in the Chester County jail for a period not exceeding thirty (30) days. Each thirty (30) day period that a violation of any provision of this Part continues shall constitute a separate offense. (Ord. 56, 9/11/1989, §105)

CHAPTER 5

CODE ENFORCEMENT

Part 1

Building Codes

§101. Adoption of BOCA Code/1996
§102. Adoption of Plumbing Code
§103. Adoption of Property Maintenance Code
§104. Adoption of Mechanical Code
§105. Adoption of Electrical Code
§106. Establishment of Office of Code Enforcement Official
§107. Duties of Code Enforcement Officer
§108. Right of Entry
§109. Definition
§110. Fire Limits Established
§111. Amendments to Building Codes
§112. Interpretation

Part 2

Uniform Construction Code

§201. Purpose
§202. Definitions
§203. Election to Administer and Enforce Construction Code Act and Regulations
§204. Building Code
§205. Methods of Administration and Enforcement
§206. Board of Appeals
§207. Existing Ordinances, Regulations and Policies
§208. Fees

Part 1

Building Codes

§101. Adoption of BOCA Code/1996. There is hereby adopted by the Township of East Coventry for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location, lighting and ventilation and maintenance of buildings and structures, including permits and penalties, that certain building code known as BOCA National Building Code, hereinafter called the "BOCA Code/1996," the whole thereof, save and except such portions as are hereinafter deleted, modified or amended. Copies of said code have been and are now on file in the office of the Township Code Enforcement Official. Said code is hereby adopted and incorporated as fully as if set out at length herein and from the date on which this Section shall take effect the provisions of said code shall be controlling in the construction and/or alterations of buildings and structures contained within the corporate limits of the Township of East Coventry. (Ord. 96, 8/3/1998, §1)

§102. Adoption of Plumbing Code. There is hereby adopted by the Township of East Coventry for the purpose of establishing the minimum regulations governing design, installation and construction of plumbing systems by providing reasonable safeguards for sanitation to protect the public health against the hazards of inadequate, defective or unsanitary plumbing installations, that certain building code known as the International Plumbing Code/1995, hereinafter called the "Plumbing Code," and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended. Copies of said code have been and are now on file in the office of the Township Code Enforcement Official. Said code is hereby adopted and incorporated as fully as if set out at length herein and from the date on which this Section shall take effect the provisions of said code shall be controlling in the construction and/or alteration of buildings and structures contained within the corporate limits of the Township of East Coventry. (Ord. 96, 8/3/1998, §1)

§103. Adoption of Property Maintenance Code. There is hereby adopted by the Township of East Coventry for the purpose of establishing the minimum regulations governing the conditions and maintenance of all property, buildings and structures by providing the standards for supplied utilities and facilities and other physical things and conditions essential to insure that structures are safe, sanitary and fit for occupation and use in the condemnation of buildings and structures, that building code known as the 2006 International Property Maintenance Code, hereinafter called the "Property Maintenance Code," the whole thereof, save and accept such portions as are hereinafter deleted, modified or amended. Copies of said code have been and are now on file in the office of the Township Code Enforcement Official. Said code is hereby adopted and incorporated as fully as if set out at length herein and from the date on which this Section shall take effect the provisions of said code shall be controlling in the maintenance of buildings and structures therein contained within the corporate limits of the Township of East Coventry. (Ord. 96, 8/3/1998, §1; as amended by Ord. 159, 8/10/2009, §I)

§104. Adoption of Mechanical Code. There is hereby adopted by the Township of East Coventry for the purpose of establishing the minimum regulations governing the design, installation and construction of mechanical systems by providing reasonable safeguards to protect the public health and safety against the hazards of inadequate, defective or unsafe mechanical systems and installations, that certain building code known as the International Mechanical Code/1996, hereinafter called the "Mechanical Code," and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended. Copies of said code have been and are now on file in the office of the Township Code Enforcement Official. Said code is hereby adopted and incorporated as fully as if set out at length herein and from the date on which this Section shall take effect the provisions of said code shall be controlling in the construction and/or alteration of buildings and structures therein contained within the corporate limits of the Township of East Coventry. (Ord. 96, 8/3/1998, §1)

§105. Adoption of Electrical Code. There is hereby adopted by the Township of East Coventry for the purpose of establishing the minimum regulations governing the design, installation and construction of electrical systems by providing reasonable safeguards to protect the public health and safety against the hazards of inadequate, defective or unsafe electrical systems and installations, that certain building code known as the National Electrical Code/1996, hereinafter called the "Electrical Code," and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended. Copies of said code have been and are now on file in the office of the Township Code Enforcement Official. Said code is hereby adopted and incorporated as fully as if set out at length herein and from the date on which this Section shall take effect the provisions of said code shall be controlling in the construction and/or alteration of buildings and structures therein contained within the corporate limits of the Township of East Coventry. (Ord. 96, 8/3/1998, §1)

§106. Establishment of Office of Code Enforcement Official. The office of Code Enforcement official is hereby created and the executive official in charge shall be known as the "Code Enforcement Officer." He shall be a BOCA Certified Combination Commercial Inspector and certified by the Council of American Building officials in the legal, technical and administrative aspects of code enforcement, shall be appointed by the Board of Supervisors and shall serve at the pleasure of the Board of Supervisors for an indefinite term of office. The Code Enforcement officer is hereby charged with administering and enforcing the terms and conditions of the BOCA Code/1996, the Plumbing Code, the Property Maintenance Code, the Mechanical Code and the Electrical Code, all of which are hereinafter referred to as the "Building Codes." The Code Enforcement Officer shall not have any interest whatsoever, directly or indirectly, in the sale or manufacture of any material, process or device entering into or used in or in connection with building construction, alterations, removal and/or demolition. (Ord. 96, 8/3/1998, §1)

§107. Duties of Code Enforcement Officer.

1. The Code Enforcement Officer shall devote his time to the duties of the office of Code Enforcement Official and any other office or position that he may hold under the government of the Township of East Coventry. He shall receive applications required by any or all of the building codes adopted in this Part, issue permits and furnish the prescribed certificates. He shall examine premises for which permits shall have been issued and shall make necessary inspections to ascertain that the provisions of the law and of the said building codes have been complied with and that construction shall be executed safely He shall enforce the provisions of the said building codes. He shall, when requested by proper authority or when the public interest so requires, make investigations in connection with the matters referred to in the said building codes and render written reports on the same. To enforce compliance with the law and with the said building codes, to remove illegal or unsafe construction or to require adequate exit facilities in buildings and structures, he shall issue such orders as may be necessary.

2. Inspections required by the provisions of the building codes adopted in this Part shall be made by the Code Enforcement Officer or by "other authorized and qualified individuals" with approval of the Code Enforcement Officer. The Code Enforcement Officer may accept reports of inspectors of recognized inspection services, after investigation of their qualifications and reliability. No certificate called for by any provision of said building codes shall be issued on any such report unless such report is approved by the Code Enforcement Officer.

3. The Code Enforcement Officer shall keep comprehensive records of applications made, of permits issued, of certificates issued, of inspections made, of reports rendered and of notices and orders issued. He shall retain on file copies of required plans and all documents relating to building work for as long as any part of the building or structure to which they relate is incomplete of a certificate of occupancy has not been issued.

4. All such records shall be opened to public inspection for good and sufficient reasons at the state office hours, but shall not be removed from the office of the Code Enforcement Officer without his written consent.

5. The Code Enforcement Officer shall make written report to the Board of Supervisors once each month, or more often if requested, including statements of permits and certificates issued and orders promulgated.

(Ord. 96, 8/3/1998, §1

§108. Right of Entry. The Code Enforcement Officer, in the discharge of his official duties and upon proper identification, shall have authority, after proper notice, to enter any building, structure or premises in the Township at any reasonable hours. (Ord. 96, 8/3/1998, §1)

§109. Definition. Wherever the word "jurisdiction" is used in any of the building codes adopted in this Part, it shall be held to mean the Township of East Coventry. (Ord. 96, 8/3/1998, §1)

§110. Fire Limits Established. The fire limits of the Township of East Coventry are hereby established as the entire area encompassed within the boundaries of the Township and shall be known as "Fire District No. 1." (Ord. 96, 8/3/1998, §1)

§111. Amendments to Building Codes. The building codes adopted in this Part (being the BOCA Code/1996, the Plumbing Code, the Property Maintenance Code, the Mechanical Code and the Electrical Code) are hereby amended and changed in the following respects:

A. Certain References and Short Titles. In all relevant Sections the jurisdiction shall be the Township of East Coventry, Chester County, Pennsylvania, and the specific code shall be known and may be cited as the "BOCA Code/1996 of East Coventry Township," the "Plumbing Code of East Coventry Township," the "Property Maintenance Code of East Coventry Township," the "Mechanical Code of East Coventry Township," or the "Electrical Code of East Coventry Township" as the case may be.

B. Fee Schedules. A fee for each plan examination, permit application and/or building inspection, under or pursuant to any or all of the building codes, shall be provided by and in accordance with a schedule of fees/costs as may be adopted and approved by the Board of Supervisors subject to amendment from time to time.

C. Violation Penalties. Any breach of any of the building codes for failure to comply with any of the requirements thereof or the erection, construction, alteration or repair of a building or structure not in conformity with the approved plan, directive of the Code Enforcement Officer or a permit issued pursuant to any of the building codes shall constitute a violation of the building codes and any person, individual, corporation, partnership, association, organization or other entity who shall be found guilty of a violation thereof, shall be subject to a fine not to exceed one thousand dollars ($1,000.00) and not less than fifty dollars ($50.00) for each such violation. Each day that a violation continues shall be deemed a separate offense.

D. Stop Work Order. Any person who shall continue to work, in or about a structure, after having been served with a stop work order, except such work as that person is directed to perform to remove a violation, shall be liable to a fine of not less than fifty dollars ($50.00) nor more than one thousand dollars ($1,000.00).

E. Board of Appeals. Any reference to the "board of appeals" which shall appear in any of the building codes shall be specifically a reference to the Board of Supervisors of the Township of East Coventry

which shall constitute the Board of Appeals. Any terms or conditions with regard to membership of the board, qualifications, alternate members, chairman, disqualification of members, secretary or compensation shall be deleted from the building codes and shall be governed by the composition and status of and the procedures established by the Board of Supervisors under and by the Second Class Township Code of the Commonwealth of Pennsylvania.

F. Floodplain Construction and Development. The following Chapter is added to the BOCA Code/1996:

Chapter 35

Construction and Development in Designated Floodplain Districts

Section 3500.0 - General

§3500.1. Scope. The provisions of this Chapter shall govern all construction and development within designated floodplain districts.

§3500.2. Performance Standards. The provisions of this Chapter shall be the minimum standards for construction and development within designated floodplain districts and shall not supersede, but shall be in addition to applicable provisions of other Chapters of this Code and of other lawfully adopted statutes, ordinances, rules and regulations. Except as may be otherwise specifically provided in this Chapter, the interpretation of the provisions of this Chapter is intended to be such that whenever the provisions contained herein are at variance with applicable provisions of other Chapters of this Code or of other lawfully adopted statutes, ordinances, rules and regulations, the most restrictive provisions shall govern.

Section 3501.0 - Definitions

§3501.1. Application of Terms. The terms defined in this Section, together with the general definitions set forth in Chapter 2 of this Code, shall be used to interpret the provisions of this Chapter. In the event that the meanings of terms defined herein are at variance with those set forth in Chapter 2 of this Code, the meanings contained in this Section shall control.

§3501.2. Definitions. Unless otherwise expressly stated, the following terms, for the purposes of this Chapter, shall have the meanings indicated:

ACCESSORY USE OR STRUCTURE - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure. [Ord. 141]

ASCE 24 or ASCE 24-98 - a standard developed by the American Society of Civil Engineers for flood-resistant design and construction of structures located in flood hazard areas. See the definition of “Uniform Construction Code (UCC).” “ASCE 24-98" is the 1998 edition of the ASCE 24 standard. [Ord. 141]

BASEMENT - any area of the building having its floor subgrade (below ground level) on all sides.

BUILDING - a combination of materials to form a permanent structure having walls and a roof. The term includes, without limitation, all manufactured homes and trailers to be used for human habitation. [Ord. 141]

CODE ENFORCEMENT OFFICER - the person appointed and authorized by the Board of Supervisors of East Coventry Township to administer and enforce the provisions of this Chapter. [Ord. 141]

COMPLETELY DRY SPACE - a space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

CONSTRUCTION - the construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building, structure, including the placement of mobile homes.

DESIGNATED FLOODPLAIN DISTRICTS - those floodplain districts specifically designated in the Zoning Ordinance. [Ord. 141]

DEVELOPMENT - any man-made change to improved or unimproved real estate, including but not limited to: the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land. [Ord. 141]

ESSENTIALLY DRY SPACE - a space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

FEMA - the Federal Emergency Management Agency. [Ord. 141]

FLOOD - a temporary inundation of normally dry land areas. [Ord. 141]

FLOODPLAIN AREA - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source. [Ord. 141]

FLOODPROOFING - any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY - the area of a designated floodplain district required to carry and discharge flood waters of a given magnitude. For the purposes of this Chapter, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

HISTORIC STRUCTURE - any structure that is:

(1) Listed individually on the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of

a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.

(3) Individually listed on a State inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior.

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(a) By an approved State program as determined by the Secretary of the Interior.

(b) Directly by the Secretary of the Interior in states without approved programs.

IBC - the International Building Code. See the definition of "Uniform Construction Code (UCC)." [Ord. 141]

IDENTIFIED FLOODPLAIN AREA - the floodplain area specifically identified in the Zoning Ordinance as being inundated by the one hundred (100) year flood. [Ord. 141]

IFGC - the International Fuel Gas Code. See the definition of "Uniform Construction Code (UCC)." [Ord. 141]

IRC or INTERNATIONAL RESIDENTIAL CODE - the International Residential Code for One- and Two-Family Dwellings. See the definition of "Uniform Construction Code (UCC)." [Ord. 141]

LAND DEVELOPMENT - Any of the following activities:

(1) The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:

(a) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or

(b) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

(2) A subdivision of land.

[Ord. 141]

LOWEST FLOOR - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this Code.

MANUFACTURED HOME - a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recre-

ational and other similar vehicles which are placed on a site for more than one hundred eighty (180) consecutive days. [Ord. 141]

MANUFACTURED HOME PARK - a parcel of land under single ownership, which has been planned and improved for the placement of two (2) or more manufactured homes for non-transient use. [Ord. 141]

MINOR REPAIR - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repair include any addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical, or other work affecting public health or general safety. [Ord. 141]

MOBILE HOME - a transportable, single-family dwelling intended for permanent occupancy, office or place of assembly, contained in one (1) or more sections, built on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used with or without a permanent foundation. The term does not include recreational vehicles or travel trailers. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than one hundred eighty (180) consecutive days.

MOBILE HOME PARK - a parcel of land under single ownership which has been planned and improved for the placement of two (2) or more mobile homes for nontransient use.

NEW CONSTRUCTION - structures for which the start of construction commenced on or after February 17, 1982, and includes any subsequent improvements thereto. [Ord. 141]

OBSTRUCTIONS - any wall, dam, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuses, fill, structure or matter in, along, across or projecting into any channel, watercourse or designated floodplain district which may impede, retard or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same downstream to the damage of life and property.

ONE HUNDRED (100) YEAR FLOOD - a flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a one (1) percent chance of occurring each year, although the flood may occur in any year).

PERSON - an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties. [Ord. 141]

RECREATIONAL VEHICLE - a vehicle which is:

(1) Built on a single chassis.

(2) Four hundred (400) square feet or less when measured at the largest horizontal projection.

(3) Designed to be self-propelled or permanently towable by a light duty truck.

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

REGULATORY FLOOD ELEVATION - the one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1½) feet.

REPETITIVE LOSS - flood related damages sustained by a structure on two separate occasions during a ten (10) year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds twenty-five (25) percent of the market value of the structure before the damages occurred. [Ord. 141]

SPECIAL PERMIT - a special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located entirely or partially within a designated floodplain district. [Ord. 141]

STREET - any way used or intended to be used by vehicular traffic or pedestrians, whether public or private, including without limitation, a street, avenue, boulevard, road, highway, freeway, parkway, lane, alley and viaduct.

STRUCTURE - anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, manufactured homes, and other similar items. This term includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land. [Ord. 141]

SUBDIVISION - the division or redivision of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. [Ord. 141]

SUBSTANTIAL ADDITIONS TO MANUFACTURED HOME PARKS - any repair, reconstruction, or improvement of an existing manufactured home park or manufactured home subdivision, where such repair, reconstruction, or improvement of the streets, utilities, and pads will equal or exceed fifty (50) percent of the value of the streets, utilities and pads before the repair, reconstruction, or improvement is started. [Ord. 141]

SUBSTANTIAL DAMAGE - damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT -

(5, §111(F), cont'd)

(1) Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the start of construction of the improvement.

(2) Substantial improvement includes any repair, restoration or other improvement to structures which have incurred substantial damage or repetitive loss regardless of the actual repair, restoration or other improvement work performed. [Ord. 141]

(3) Substantial improvement, however, does not include either:

(a) Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which project is the minimum necessary to assure safe living conditions.

(b) Any alteration of a historic structure, provided that the alteration will not preclude the continued designation of the structure as a historic structure.

UNIFORM CONSTRUCTION CODE (UCC) -

(1) The statewide building code, established under and by the Pennsylvania Construction Code Act, Act of November 10, 1999, P.L. 491, No. 45, as amended, 35 P.S. §7210.101 et seq., and the regulations of the Department of Labor and Industry of the Commonwealth of Pennsylvania (L&I) at 43 Pa.Code Chapters 401-405, as amended, and applicable to new construction in all municipalities whether administered by the municipality, a third party or L&I.

(2) East Coventry Township has elected to administer the UCC pursuant to Part 2 of Chapter 5 of the Township of East Coventry Code of Ordinances.

(3) Applicable to residential and commercial buildings, the building code adopted, by reference, various codes, including portions of the International Residential Code for One-and Two-Family Dwellings (IRC), the International Building Code (IBC), and the International Fuel Gas Code (IFGC), as the standards for floodplain construction within the Commonwealth.

(4) The IBC incorporates by reference various standards including ASCE 24, a standard developed by the American Society of Civil Engineers providing minimum requirements for flood-resistant design and construction of structures located in flood hazard areas.

(5) For purposes of coordination with the UCC, references in this Chapter are made specifically to various sections and appendices of the IRC, the IBC, the IFGC, the ASCE 24, and/or the L&I regulations at 43 Pa.Code Chapters 401-405, as amended, notwithstanding that certain of the cited sections or appendices may not have been adopted as part of the UCC but shall nevertheless apply under this Chapter.

[Ord. 141]

ZONING ORDINANCE - The East Coventry Township Zoning Ordinance of 2005, as amended, as codified at Chapter 27 of the Township of East Coventry Code of Ordinances. [Ord. 141]

Section 3502.0 - Elevation Standards

§3502.1. Residential Structures. Within any designated floodplain district, the lowest floor (including basement) of any new residential structure or of any substantial improvement to a residential structure shall be at least one and one-half (1½) feet above the one hundred (100) year flood elevation. In complying with such requirement, the design and construction standards and specifications, contained in the 2003 IBC (Sec. 1603.1.6, 1612.4, and 3403.1), the 2003 IRC (Sec. R323.1.4, R323.2.1 and R323.2.2), ASCE 24-98 (Sec. 2.4 and 2.5, and Chap. 5), and 34 Pa.Code (Chapters 401-405, as amended), shall be utilized. [Ord. 141]

§3502.2. Nonresidential Structures.

1. Within any designed floodplain district, the lowest floor (including basement) of any new nonresidential structure or of any substantial improvement to a nonresidential structure shall be at least one and one-half (1½) feet above the one hundred (100) year flood elevation or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.

2. Any structure, or part thereof, which will not be completely or adequately elevated, shall be designed and constructed to be completely or essentially dry in accordance with the standards contained in the publication entitled "Floodproofing Regulations" (U.S. Army Corps of Engineers, June, 1972) for that type of construction.

3. In complying with the above requirements of this subsection, the design and construction standards and specifications, contained in the 2003 IBC (Sec. 1603.1.2, 1603.1.6, 1605.2.2, 1612.4, 1612.5.1 and 3403.1), ASCE 24-98 (Sec. 2.4 and Chap. 7), and 34 Pa.Code (Chapters 401-405, as amended), shall be utilized. [Ord. 141]

§3502.3. Fully Enclosed Area Below Lowest Floor. Except as hereinafter provided, fully enclosed areas below the lowest floor (including basement) of any residential or nonresidential structure, which areas are subject to flooding, shall be prohibited. Fully enclosed areas below the lowest floor of any residential or nonresidential structure, which areas are subject to flooding and usable solely for parking of vehicles, building access or storage in an area other than a basement, shall be permitted provided such areas are designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement either must be certified as meeting this requirement by a registered professional engineer or architect, or must meet or exceed the following minimum criteria: (i) a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided; (ii) the bottom of all openings shall be no higher than one (1) foot above ground; and (iii) openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic

entry and exit of floodwaters. Consideration shall also be given to the requirements of 34 Pa.Code (Chapters 401-405, as amended), the 2003 IRC (Secs. R323.1.4 and R323.2.2), and the 2003 IBC (Secs. 1203.3, 1203.3.1, 1203.3.2.5, 1612.4 and 1612.5) in the development and preparation of any such design. [Ord. 141]

Section 3503.0 - Design and Construction Standards

§3503.1. Drainage Facilities. Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall incur drainage at all points along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

§3503.2. Sanitary Sewer Facilities. All new or replacement sanitary sewer facilities and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

§3503.3. Water Facilities. All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system and be located and constructed to minimize or eliminate flood damages.

§3503.4. Streets. The finished elevation of proposed new streets shall be no more than one (1) foot below the regulatory flood elevation.

§3503.5. Utilities. All utilities such as gas lines, electrical and telephone systems should be located, elevated (where possible) and constructed to minimize the change of impairment during a flood.

§3503.6. Fill. If fill is used, it shall:

1. Extend laterally at least fifteen (15) feet beyond the building line from all points;

2. Consist of soil or small rock materials only (sanitary landfills shall not be permitted);

3. Be compacted to provide the necessary permeability and resistance to erosion, scouring or settling;

4. Be no steeper than one (1) vertical to two (2) horizontal, unless substantiated data, justifying steeper slopes are submitted to, and approved by, the Building Official; and,

5. Be used to the extent to which it does not adversely affect adjacent properties.

6. Be used to the extent to which it does not adversely affect adjacent properties. The provisions contained in the 2003 IBC (Secs. 1801.1 and 1803.4) shall be utilized. [Ord. 141]

§3503.7. Placement of Buildings and Structures. All buildings and structures shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow of water. In so doing, consideration shall be given to their effect upon the flow and height of flood waters.

§3503.8. Anchoring.

1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or other movement thus reducing the threat to life and property and decreasing the possibility of the blockage of bridge openings and other restricted sections of the watercourse.

2. All air ducts, large pipes and storage tanks located at or below the Regulatory Flood Elevation shall be firmly anchored in accordance with accepted engineering practices to prevent flotation.

3. In complying with the above requirements of this subsection, the design and construction requirements, as provided in the UCC referenced in 34 Pa.Code (Chapters 401-405, as amended), as well as those contained in the 2003 IBC (Secs. 1605.2.2, 1605.3.1.2 and 1612.4, and Appendix G Sec. G501.3), the 2003 IRC (Secs. R301.1 and R323.1.1), and ASCE 24-98 (Sec. 5.6), shall be utilized. [Ord. 141]

§3503.9. Floors, Walls and Ceilings.

1. Where located at or below the Regulatory Flood Elevation:

a. Wood flooring shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without incurring structural damage to the building.

b. Plywood shall be of an "exterior" or "marine" grade and of a water-resistant of waterproof variety.

c. Walls and ceilings in nonresidential structures shall have sufficient wet strength and be so installed as to survive inundation.

d. Window frames, door frames, door jambs and other components shall be of metal or other water-resistant material.

2. In complying with the above requirements of this subsection, the provisions of the UCC, referenced in 34 Pa.Code (Chapters 401-405, as amended), and the provisions contained in the 2003 IBC (Secs. 801.1.3, 1403.2, 1403.4, 1403.6 and 1404.2), the 2003 IRC (Secs. R323.1.7 and R502.3), and ASCE 24-98 (Chapter 6), shall be utilized.

[Ord. 141]

§3503.10. Electrical Systems.

1. All electric water heaters, electric furnaces, electric air conditioning and ventilating systems and other electrical equipment or apparatus shall be permitted only at elevations above the regulatory flood elevation.

2. No electrical distribution panels shall be allowed at an elevation less than three (3) feet above the level of the one hundred (100) year flood elevation.

3. Separate electrical circuits shall serve lower levels and shall be dropped from above.

4. In complying with the above requirements of this subsection, the provisions of the UCC, referenced in 34 Pa.Code (Chapters 401-405, as amended), and the provisions contained in the 2003 IBC (Sec. 1612.4), the 2003 IRC (Sec. R323.1.5), the 2003 IFGC (Sec. 301.11), and ASCE 24-98 (Chapter 8), shall be utilized. [Ord. 141]

§3503.11. Plumbing.

1. Water heaters, furnaces and other mechanical equipment or apparatus shall be permitted only at elevations above the regulatory flood elevation. In complying with such requirement, the provisions of the UCC, referenced in 34 Pa.Code (Chapters 401-405, as amended), and provisions contained in the 2003 IBC (Sec. 1612.4), the 2003 IRC (Sec. R323.1.5), the 2003 IFGC (Sec. 301.11) and ASCE 24-98 (Chapter 8), shall be utilized. [Ord. 141]

2. No part of any onsite sewage disposal system shall be constructed within any designated floodplain district.

3. Water supply systems and sanitary sewage systems shall be designed to preclude infiltration of flood waters into the systems and discharges from the system into flood waters.

4. All gas and oil supply systems shall be designed to preclude the infiltration of flood waters into the systems and discharges from the systems into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

5. In complying with the above requirements of this subsection, the design and construction provisions of the UCC and 34 Pa.Code (Chapters 401-405, as amended), as well as those contained in the 2003 IBC (Appendix G Secs. G401.3 and G401.4), the 2003 IRC (Sec. 323.1.6), and ASCE 24-98 (Sec. 8.3), and the provisions of FEMA Publication No. 348, "Protecting Building Utilities From Flood Damages," and the 2006 International Private Sewage Disposal Code (Chapter 3) shall be utilized. All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters. [Ord. 141]

§3503.12. Paints and Adhesives.

1. Where located at or below the Regulatory Flood Elevation:

a. Adhesives shall have a bonding strength that is unaffected by inundation (i.e., "marine" or water-resistant quality).

b. All wooden components, such as doors, trim and cabinets, shall be sealed with a "marine" or water-resistant quality or similar product.

c. Paints or other finishes shall be capable of surviving inundation (i.e., "marine" or water-resistant quality).

2. In complying with the above requirements of this subsection, the standards and specifications, contained in 34 Pa.Code (Chapters 401-

405, as amended), the 2003 IBC (Secs. 801.1.3 and 1403.7, and Appendix G) and the 2003 IRC (Sec. R323.1.7), shall be utilized.

[Ord. 141]

§3503.13. Storage. All materials that are buoyant, flammable, explosive, or in time of flooding, possibly injurious to human, animal or plant life and not listed in §406.1.A of the Zoning Ordinance shall be stored at or above the regulatory flood elevation and/or floodproofed to the maximum extent possible. [Ord. 141]

§3503.14. Uniform Construction Code Coordination. The standards and specifications contained in 34 Pa.Code (Chapters 401-405, as amended), together with but not limited to the provisions set forth below (whether or not such provisions have been adopted as part of the UCC), shall apply to the above and other sections, subsections, paragraphs and other provisions of this Chapter to the extent that they are more restrictive than and/or supplement the requirements provided in other sections, subsections, paragraphs and/or other provisions of this Chapter:

1. The following provisions of the International Building Code (IBC) 2003 or the latest edition thereof: Sections. 801, 1202, 1403, 1603, 1605, 1612 and 3402, and Appendix G.

2. The following provisions of the International Residential Code (IRC) 2003 or the latest edition thereof: Sections R104, R105, R109 and R323, and Appendix E and Appendix J.

[Ord. 141]

Section 3504.0

Special Flood Damage Control Provisions for Mobile Homes and Mobile Home Parks and Manufactured Homes and Manufactured Home Parks

§3504.1. Application.

1. The provisions contained in this Section shall apply to mobile homes, mobile home parks, manufactured homes, and manufactured home parks in designated floodplain districts, and shall be in addition to other applicable provisions of this Chapter.

2. Except as may be determined otherwise by the Code Enforcement Officer, all provisions of this Section as well as other provisions of this Chapter, which expressly apply to mobile homes and/or mobile home parks, shall also apply to manufactured homes and/or manufactured home parks, and all provisions of this Section as well as other provisions of this Chapter, which expressly apply to manufactured homes and/or manufactured home parks shall also apply to mobile homes and/or mobile home parks.

[Ord. 141]

§3504.2. Anchoring. All mobile homes and any additions thereto shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the American National Standards Institute and National Fire Protection Association Standards Institute and National Fire Protection

Association Standards as specified in the Standard for the Installation of Mobile Homes Including Mobile Home Park Requirements (NFPA zn, SolA1974 (ANSI A119.3-1975)) as amended for Mobil Homes in Hurricane Zones or other appropriate standards such as the following:

1. Over-the-top ties shall be provided at each of the four (4) corners of the mobile home with two (2) additional ties per side at intermediate locations for units fifty (50) feet or more in length and one (1) additional tie per side for units less than fifty (50) feet in length.

2. Frame ties shall be provided at each corner of the mobile home with five (5) additional ties per side at intermediate locations for units fifty (50) feet or more in length and four (4) additional ties per side for units less than fifty (50) feet in length.

3. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds per square inch.

§3504.3. Elevation. All mobile homes and any additions thereto shall also be placed on a permanent foundation and elevated in accordance with the following requirements.

1. The stands or lots shall be elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the elevation of the regulatory flood;

2. Adequate surface drainage is provided;

3. Adequate access for a hauler is provided; and,

4. Where pilings are used for elevation, the lots shall be large enough to permit steps, piling foundations shall be placed in stable soil no more than ten (10) feet apart, reinforcement shall be provided for pilings that will extend for six (6) feet or more above the ground level.

§3504.4. Evacuation Plan. An evacuation plan for mobile home parks, indicating alternate vehicular access and escape routes, shall be filed with the Building Official.

§3504.5. Prohibition in Floodway. No mobile homes or mobile home parks shall be placed in any designated floodway district or area.

§3504.6. Installation of Manufactured Homes. Installation of manufactured homes shall be done in accordance with the manufacturer's installation instructions as provided by the manufacturer. Where the applicant cannot provide such instructions, the requirements of following shall apply: (i) Appendix E of the 2003 IRC or the Permanent Foundations Guide for Manufactured Housing, 1996 or latest edition thereof, prepared for the U.S. Department of Housing and Urban Development; and (ii) 34 Pa.Code Chapters 401-405, as amended. In the event of a conflict between or among the provisions of the requirements cited in foregoing clauses (i) and (ii), the provisions which impose the greater requirements shall prevail and control. [Ord. 141]

§3504.7. Additional Anchoring Requirements. Where appropriate and/or applicable manufacturer's standards for anchoring cannot be provided or have not been established for the proposed installation of a mobile home or manufactured home, consideration shall be given to the installation requirements of the following: (i) the 2003 IBC (Appendix G Sec. G501.1-G501.3), or latest edition thereof; (ii) the 2003 IRC (Secs. R102.7.1, R105.3.1.1, R323.2 and R323.3, and Appendix E Secs. AE101, AE604 and AE605), or latest edition thereof; and (iii) 34 Pa.Code Chapter 401-405, as amended. In the event of a conflict between or among the provisions of this subsection and §3504.2 (providing for anchoring), the provisions which impose the greater requirements shall prevail and control. [Ord. 141]

Section 3505.0

Existing Structures In Designated Floodplain Districts

§3505.1. Application. Structures lawfully existing in any designated floodplain district prior to the enactment of this Chapter, but which are no in compliance with the provisions of this Chapter, may continue to remain subject to the provisions of this Section.

§3505.2. Offsetting Flood Height Effects. Existing structures located in a designated Floodway District or area shall not be expanded or enlarged, unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying improvements.

§3505.3. Alterations Under Fifty (50) Percent. Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

§3505.4. Alterations of or Greater Than Fifty (50) Percent. Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall be undertaken only in full compliance with the provisions of this Chapter. Any such modification, alteration, reconstruction or improvement shall also address the requirements of 34 Pa.Code (Chapters 401-405, as amended), the 2003 IBC (Secs. 1612.4 and 3403.1), and the 2003 IRC (Secs. R105.3.1.1 and R323.1.4). [Ord. 141]

§3505.5. Repetitive Loss. Any modification, alteration, reconstruction or improvement of any kind that meets the definition of "repetitive loss" shall be undertaken only in full compliance with the provisions of this Chapter. [Ord. 141]

§3505.6. Additional Requirements. The requirements of 34 Pa.Code (Chapters 401-405, as amended) and the 2003 IRC (Secs. R102.7.1, R105.3.1 and R105.3.1.1, and Appendices E and J), or latest edition thereof, and the 2003 IBC (Secs. 101.3 and 3403.1, and Appendix G), or latest edition thereof, shall also be utilized in conjunction with the other provisions of this Section.

Section 3506.0 - Variances

§3506.1. General. If compliance with the elevation or flood-proofing requirements stated in this Chapter would result in an exceptional hardship for a prospective builder, developer or land owner, the Board of Supervisors may, upon written application, grant relief from the strict application of the requirements, in accordance with the terms of this Section.

§3506.2. Standards for Review. Requests for variances to the strict application of the elevation or floodproofing requirements of this Chapter may be granted by the Board of Supervisors in accordance with the following standards:

1. No variances shall be granted for any construction, development, use or activity within any designated Floodway District or area that would cause any increase in the one hundred (100) year elevation.

2. No variances shall be granted unless all structures proposed thereby shall be designed and constructed so as to have the capability of resisting the hydrostatic and hydrodynamic loads and pressures and the effects of buoyancy of the one hundred (100) year flood.

3. Except for a possible modification of the freeboard requirement involved, no variance shall be granted to or from any requirements pertaining specifically to types of development, obstructions or activities regulated under the provisions of §406 of the Zoning Ordinance ("Special Provisions for Certain Types of Development Within Floodplain Districts"), including, without limitation, those types of development, activities and obstructions requiring a special permit. [Ord. 141]

4. In reviewing any requests for a variance, the Board of Supervisors shall consider, but not be limited to, the following:

a. That there is good and sufficient cause for the variance;

b. That the failure to grant the variance will result in exceptional hardship to the applicant; and,

c. That the granting of the variance will not result in any unacceptable or prohibited increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with any other applicable local or State ordinances and regulations.

5. If granted, the variance shall involve only the least modification of the requirement in question necessary to provide relief.

6. In granting any variance, the Board of Supervisors may attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety and welfare and to achieve the objectives of this Chapter.

§3506.3. Notification. Whenever a variance is granted, the Board of Supervisors shall notify the applicant in writing that:

1. The granting of the variance may result in increased premium rates for flood insurance; and,

2. Such variance may increase risks to life and property.

§3506.4. Records. A complete record of all variance requests, decisions thereon and related actions shall be maintained by the Board of Supervisors. In addition, a report of all variances granted during the year shall be included in the annual report of the Township to the Federal Insurance Administration.

Section 3507.0 - Supplementary Administrative Provisions

§3507.1. General. In addition to the permit application requirements and procedures set forth in Chapter 1 of this Code, all proposed construction and development within a designated floodplain district shall comply with the permit application and procedures set forth in this Section.

§3507.2. Additional Documentation and Information. The following specific documents and information shall be included as part of the application for a permit to allow construction or development in a designated floodplain district:

1. A plan of the entire site, drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:

a. North arrow, scale and date;

b. A location map showing the vicinity in which the proposed activity or development is to be located within the Township;

c. Topography based upon the North American Vertical Datum of 1988, showing existing and proposed contours at intervals of two (2) feet; [Ord. 141]

d. All property and lot lines, including dimensions and the size of the site expressed in acres or square feet;

e. The location of all existing streets, drives and other accessways with information concerning widths, pavement types and construction and elevations;

f. The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities and any other natural or manmade features affecting, or affected by, the proposed activity or development;

g. The location of the floodplain district boundary line, floodway line if available, information and spot elevations concerning the one hundred (100) year flood elevations and information concerning the flow of water, including direction and velocities;

h. A general plan of the entire site accurately showing the location of all proposed buildings, structures and any other improvements, including the location of any existing or proposed subdivision and land development in order to assure that:

(1) All such proposals are consistent with the need to minimize flood damage;

(5, §111(F), cont'd)

(2) All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and,

(3) Adequate drainage provided so as to reduce exposure to flood hazards.

2. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:

a. Detailed architectural or engineering drawings, including building size, floor plans, sections and exterior building elevations as appropriate;

b. The proposed lowest floor elevations of any building based upon the North American Vertical Datum of 1988; [Ord. 141]

c. Complete information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one hundred (100) year flood;

d. Detailed information concerning any proposed flood proofing measures;

e. Cross-section drawings for all proposed streets, drives and other accessways and parking areas showing all rights-of-way and pavement widths;

f. Profile drawings for all proposed streets, drives and vehicular accessways, including existing and proposed grades;

g. Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems and any other utilities and facilities; and,

h. Soil types.

3. The following data and documentation:

a. A document, certified by a registered professional engineer or architect, which states that the proposed construction has been adequately designed to withstand the one hundred (100) year flood elevation, pressures, velocities, impact and uplift forces and other hydrostatic, hydrodynamic and buoyancy factors associated with the one hundred (100) year flood. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or development.

b. Detailed information needed to determine compliance §3503.13 ("Storage") of this Chapter and §406.1 ("Development Which May Endanger Human Life") of the Zoning Ordinance, including:

(1) The amount, location and purpose of any materials or substances referred to in §3503.13 of this Chapter or §406.1 of the Zoning Ordinance, which materials or substances are intended to be used, produced, stored or otherwise maintained on the site.

(2) For any proposed structure regulated under §406.1 of the Zoning Ordinance, a description of the safeguards incorporated into the design of the structure to prevent leaks

or spills of the materials or substances referred to in §406.1 of the Zoning Ordinance.

[Ord. 141]

c. The appropriate component of the "Planning Module for Land Development" of the Pennsylvania Department of Environmental Protection.

d. Where any excavation or grading is proposed, a plan meeting the requirements of the Pennsylvania Department of Environmental Protection to implement and maintain erosion and sedimentation control.

§3507.3. Review by Chester County Conservation District. A copy of all application and plans for construction and development in any designated floodplain district to be considered for approval shall be submitted by the Building Official to the Chester County Conservation District for review and comment prior to the issuance of a permit.

§3507.4. Review by Others. A copy of all plans and applications for any proposed construction or development in any designated floodplain district to be considered for approval may be submitted by the Building Official to any other appropriate agencies and/or individuals such as, without limitation, the Township Planning Commission and the Township Engineer for review and comment.

§3507.5. Other Permit Issuance Requirements. Prior to the issuance of any permit, the Building Official shall review the application for such permit to determine that all other necessary governmental permits have been obtained, such as those required by State and Federal laws, including, without limitation, the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. (1965) §1535, as amended, the Dam Safety and Encroachments Act, Act of November 25, 1978, P.L. §1575, as amended, and the Federal Water Pollution Control Act Amendments of 1972, §404, 33 U.S.C. §1334. No permit shall be issued until such determination has been made.

§3507.6. Additional Requirements and Procedures for the Application and Issuance of Special Permits.

1. In addition to other permit application and issuance requirements of this Section, the following information and documentation shall be required in applying for any special permit required by the Township Zoning Ordinance to allow activities, uses, construction, construction and development in a designated floodplain district:

a. Certification from the applicant that the site upon which the activity or development is proposed is an existing and single parcel, owned by the applicant or the client he represents;

b. Certification from a registered professional engineer, architect or landscape architect that the proposed construction has been adequately designed to protect against damage from the one hundred (100) year flood;

c. A statement, certified by a registered professional engineer, architect, landscape architect or other qualified person,

(5, §111(F), cont'd)

which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a one hundred (100) year flood, including a statement concerning the effects such pollution may have on human life;

d. A statement, certified by a registered professional engineer or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on one hundred (100) year flood elevations and flows;

e. A statement, certified by a registered professional engineer, architect or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the one hundred (100) year flood elevation and the effects such materials and debris may have on one hundred (100) year flood elevations and flows; and,

f. An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a one hundred (100) year flood.

2. Upon filing of an application for a special permit with the Township, the following procedures shall apply in addition to all other applicable permit procedures:

a. Within three (3) working days following filing of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the Chester County Planning Commission by registered or certified mail for its review and recommendation. Copies of the application shall also be forwarded to the Township Planning Commission and Township Engineer for review and comment.

b. If the application is incomplete, the Building Official shall notify the applicant, in writing, stating in what respects the application is deficient.

c. If the Township, by and through the Building Official, decides to disapprove the application, the Building Official shall notify the applicant, in writing, of the reasons for the disapproval.

d. If the Township, by and through the Building Official, approves the application, it shall file written notification thereof, together with the application and all pertinent information with the Pennsylvania Department of Community and Economic Development, by registered mail, within five (5) working days after the date of approval.

e. Before issuing the special permit, the Building Official shall allow the Pennsylvania Department of Community and Economic Development thirty (30) days, after the receipt by the Department of the written notification of approval, to review the application and the decision made by the Township by and through it Building Official.

f. If the Township does not receive any communication from the Pennsylvania Department of Community and Economic Development

during the thirty (30) day review period, the Building Official may issue the special permit to the applicant.

g. If the Pennsylvania Department of Community and Economic Development should decide to disapprove the application, it shall notify the Township and the applicant, in writing, of the reasons for the disapproval and the Building Official shall not issue the special permit.

3. In addition to any other applicable requirements, the following provisions shall also apply to the activities requiring a special permit. If there is any conflict between any of the following requirements and any otherwise applicable provision, the more restrictive provision shall apply:

a. No application for a special permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:

(1) Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located and constructed so that:

(a) The structure shall survive inundation by waters of the one hundred (100) year flood without any lateral movement or damage to either the structure itself or to any of its equipment or contents below the one hundred (100) year flood elevation;

(b) The lowest floor (including basement) elevation shall be at least at the regulatory flood elevation; and,

(c) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the one hundred (100) year flood.

(2) Prevent any significant possibility of pollution, increased flood levels, flows or debris endangering life and property.

b. All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations and the like shall be submitted in sufficient detail to allow a thorough technical review by the Building Official, Township Engineer and other appropriate governmental officials and agencies and by the Pennsylvania Department of Community and Economic Development.

Section 3508.0 - Warning and Disclaimer of Liability

§3508.1. Warning. The degree of flood protection sought by the provisions of this Chapter is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur in rare occasions. Flood heights may be

increased by manmade or natural causes such as ice jams and bridge openings restricted by debris. The provisions of this Chapter do not imply that areas outside the designated floodplain districts or that construction, development or other land uses permitted within such district, will be free from flooding or flood damages. In furtherance, and not in limitation of the foregoing sentence, East Coventry Township hereby gives notice:

(i) That the one hundred (100) year and five hundred (500) year floodplain boundaries and the base (one hundred (100) year) flood elevations of properties along the Schuylkill River in the vicinity of Bethel Church Road, Old Schuykill Road, Pennsylvania Route 724 and Anderson Road have been reduced in the Flood Insurance Study and accompanying maps prepared for East Coventry Township by the Federal Insurance Administration, dated November 20, 1996, from the boundaries and elevations set forth in the previous study, dated August 17, 1982;

(ii) That the Township appealed said reduction to the Federal Emergency Management Agency (FEMA), believing the reduction to be incorrect;

(iii) That FEMA denied the appeal; and,

(iv) That the Township, notwithstanding the said reduction in floodplain boundaries and flood elevations and the said denial of its appeal, continues to believe that any construction, development or other uses on or of said properties may be subject to flooding and/or flood damages.

§3508.2. Disclaimer of Liability. This Chapter shall not create liability on the part of East Coventry Township, the Building Officer or any other officer or employee thereof, for any flood damages that may result from reliance on the provisions of this Chapter or on any administrative decision lawfully made hereunder.

(Ord. 96, 8/3/1998, §1; as amended by Ord. 141, 3/19/2007, §1)

§112. Interpretation. In interpreting any of the provisions of the building codes adopted in this Part, the following shall govern:

A. None of said building codes shall supersede any provision of any law of the Commonwealth of Pennsylvania or of any regulation promulgated by any department or agency of the Commonwealth by authority of law, where such law or regulation is in conflict with or identical to a provision of any of said building codes; provided, however, that any provision of the said building codes which is stricter than or in addition to any State law or regulation governing a particular subject or activity shall be in effect and shall be enforced within the Township of East Coventry, subject to the penalties prescribed in said building codes adopted in this Part for a violation of said building codes.

B. Mention in or regulation by the building codes adopted in this Part of any specific use of property, or of any business or industry, shall not in itself, authorize such use of property or the establishment of or the carrying on of such business or industry in the Township. It is hereby declared the intent of the Board of Supervisors that permitted

or prohibited uses of the land and buildings within the Township shall be governed by the Zoning Ordinance [Chapter 27] of the Township and its amendments and supplements.

(Ord. 96, 8/3/1998, §1)

Part 2

Uniform Construction Code

§201. Purpose of Part. It is the intent and purpose of this Part to (i) promote the general health, safety and welfare of the citizens of East Coventry Township, and (ii) conform to the requirements of the Pennsylvania Construction Code Act, Act of November 10, 1999, P.L. 491, No. 45, as amended, 35 P.S. §§7210.101-7210.1103, and the regulations promulgated thereunder by the Department of Labor and Industry of the Commonwealth of Pennsylvania, applicable to municipalities elected to administer and enforce the building code provisions of such Act and regulations. (Ord. 127, 6/28/2004)

§202. Definitions. The following words and phrases, when used in this Part, shall have the meanings given in this Section unless the context clearly indicates otherwise:

BOARD OF SUPERVISORS - the Board of Supervisors of the Township, being the governing body of the Township.

CONSTRUCTION CODE ACT - the Pennsylvania Construction Code Act, Act of November 10, 1999, P.L. 491, No. 45, as amended, 35 P.S. §§7210.101-7210.1103, as such act may be further amended from time to time.

CONSTRUCTION CODE ACT AND REGULATIONS - the Construction Code and Regulations, including the Uniform Construction Code.

L & I DEPARTMENT - the Department of Labor and Industry of the Commonwealth of Pennsylvania.

PART 1 - Part 1, entitled "Building Codes," of this Chapter 5 of the Township of East Coventry Code of Ordinances.

REGULATIONS - the regulations promulgated by the L&I Department under the Construction Code Act, as such regulations may be amended from time to time.

TOWNSHIP - the Township of East Coventry Township, Chester County, Pennsylvania.

UNIFORM CONSTRUCTION CODE - the Uniform Construction Code as contained in the Regulations at 34 Pa. Code, Chapters 401-405, as such code may be amended from time to time.

(Ord. 127, 6/28/2004)

§203. Election to Administer and Enforce Construction Code Act and Regulations. The Township hereby elects to administer and enforce the provisions of the Construction Code Act and Regulations within the Township. (Ord. 127, 6/28/2004)

§204. Building Code. The Uniform Construction Code is hereby adopted and incorporated herein by reference as the municipal building code of the Township. Subject to the provisions of §207, the Uniform Construction Code shall replace the provisions of Part 1 as the municipal building code of the Township. (Ord. 127, 6/28/2004)

§205. Methods of Administration and Enforcement. Administration and enforcement of the Construction Code Act and Regulations within the Township shall be undertaken in any one or more of the following ways as determined by the Board of Supervisors, from time to time, by resolution:

A. By the designation of an employee of the Township as the municipal code official to act on behalf of the Township.

B. By the retention of one or more construction code officials or third-party agencies to act on behalf of the Township.

C. By agreement with one or more other municipalities for the joint administration and enforcement of the Construction Code Act and Regulations through an intermunicipal agreement.

D. By entering into a contract with another municipality for the administration and enforcement of the Construction Code Act and Regulations through an intermuniciapl agreement.

E. By entering into an agreement with the L&I Department for plan review, inspections and enforcement of structures other than one-family or two-family dwelling units and utility and miscellaneous use structures.

(Ord. 127, 6/28/2004)

§206. Board of Appeals. A Board of Appeals shall be established by resolution of the Board of Supervisors in conformity with the requirements of the relevant provisions of the Construction Code Act and Regulations and for the purposes set forth therein. If at any time the administration and enforcement of the Construction Code Act and Regulations are undertaken jointly with one or more other municipalities, the Board of Appeals shall be established by joint action of the Township and the other participating municipalities. (Ord. 127, 6/28/2004)

§207. Existing Ordinances, Regulations and Policies.

1. The provisions of all building code ordinances of the Township including, but not limited to, the provisions of Part 1, or portions thereof, which were enacted by the Board of Supervisors on or before July 1, 1999, which are in effect as of the effective date of this Part, and whose requirements equal or exceed the minimum requirements of the Construction Code Act and Regulations, shall continue in full force and effect until such time as such provisions fail to equal or exceed the minimum requirements of the Construction Code Act and Regulations.

(5, §207(2))

2. The provisions of all building code ordinances of the Township including, but not limited to, to the provisions of Part 1, or portions thereof, which were enacted by the Board of Supervisors, which are in effect as of the effective date of this Part, and whose requirements are less than the minimum requirements of the Construction Code Act and Regulations, are hereby amended to conform with the comparable provisions of the Construction Code Act and Regulations.

3. The provisions of all relevant ordinances, regulations and policies of the Township including, but not limited to, the provisions of Part 1, which are in effect as of the effective date of this Part and which are not governed by the Construction Code Act and Regulations, shall remain in full force and effect.

(Ord. 127, 6/28/2004)

§208. Fees. Fees assessable by the Township for the administration and enforcement of the Construction Code Act and Regulations undertaken pursuant to this Part and the Construction Code Act and Regulations shall be established by the Board of Supervisors by resolution, from time to time. The Board of Supervisors, by such resolution, may also establish (i) required time periods for the payment of the fees, including time periods for payment of fees for plan review, inspection and other activities related to the Uniform Construction Code, and (ii) a fee refund policy. (Ord. 127, 6/28/2004)

CHAPTER 6

CONDUCT

Part 1

Curfew

§101. Short Title
§102. Definitions
§103. Curfew for Minors; Liability of Parents
§104. Exceptions
§105. Arrest Without Warrant
§106. Penalties
§107. Certification of Case to Court

Part 2

Disturbing the Peace

§201. Disturbing the Peace Defined
§202. Penalties

Part 1

Curfew

§101. Short Title. This Part shall be known and may be cited as the "East Coventry Township Curfew Ordinance." (Ord. 35, 10/15/1979, §1)

§102. Definitions. For the purposes of this Part, the following terms, phrases, words and forms thereof, shall have the meanings or interpretations given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular, words used in the singular include the plural, words used in the male gender include the female, and words used in the female gender include the male. The word "shall" is to be construed to indicate mandatory, not merely directory, action or inaction.

BOARD - the Board of Supervisors of the Township.

MINOR - any individual under the age of eighteen (18) years.

PARENT - any person having legal custody, whether permanent or temporary, of a minor as (i) a natural or adoptive parent, or (ii) a legal guardian of the person of the minor, or (iii) a person standing in loco parentis, or (iv) a person to whom legal custody has been given by order of Court.

PUBLIC PLACE - any street, highway, alley, park, sidewalk, shopping center, or other places in the Township open to use by the public.

TIMES OF DAY OR NIGHT - the prevailing standard of time, whether Eastern Standard Time or Eastern Daylight Saving Time, generally observed at that hour by the public in the Township.

TOWNSHIP - the Township of East Coventry, Chester County, Pennsylvania.

(Ord. 35, 10/15/1979, §2)

§103. Curfew for Minors; Liability of Parents. Except as otherwise provided by §104 of this Chapter, it shall be unlawful:

1. For a minor to be, or to remain, in or upon a public place at any time between the hours of 10:00 p.m. and 5:30 a.m.

2. For a parent to permit a minor to be, or to remain, in or upon a public place at any time between the hours of 10:00 p.m. and 5:30 a.m.

(Ord. 35, 10/15/1979, §3)

§104. Exceptions. In the following cases, it shall not be a violation of the provisions of §103 of this Chapter for a minor to be, or to remain, or to be permitted to be or to remain, in or upon a public place at any time between the hours of 10:00 p.m. and 5:30 a.m.:

1. when the minor is accompanied by his parent.

2. when the minor is engaged in employment or is in transit to or from his place of employment.

(6, §104, cont'd)

3. when the minor is returning home, by a direct route, from, and within thirty (30) minutes of the termination of, a school activity or an activity of a religious or other voluntary association, which he attended or in which he participated.

4. When the minor is seeking or providing aid in an emergency situation concerning imminent danger to life or property or both.

The burden of proving the applicability of one or more of the exceptions set forth above shall be upon the minor, parent or other person asserting the applicability of such exception.

(Ord. 35, 10/15/1979, §4)

§105. Arrest Without Warrant. Each and every police officer of the Township is hereby authorized and directed to arrest without warrant any person violating the provisions of §103 of this Chapter. If the person so arrested is a minor, the parent of said minor shall be notified of the apprehension and the whereabouts of the minor; and said minor shall be released to his parent upon the promise of the parent to secure or compel the obedience of the minor to the provisions of §103, subsection 1 of this Chapter, unless detention of the minor is otherwise warranted or required under law governing the detention of juveniles. In the event that the parent does not promise to secure or compel the obedience of the minor to the provisions of §103, subsection 1, the minor shall be detained in accordance with the law governing the detention of juveniles. (Ord. 35, 10/15/1979, §5)

§106. Penalties. Any person, firm or corporation who shall violate any provision of this Part 1 shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars ($300.00); and/or to imprisonment for a term not to exceed thirty (30) days. (Ord. 35, 10/15/1979, §6; as amended by Ord. 49, 11/3/1986)

§107. Certification of Case to Court. Each District Justice for the Township shall, upon the arrest of a minor for violating the provisions of §103, subsection 1, of this Chapter, or upon the consideration and determination of said violation, inquire into the facts of the arrest and/or violation, together with the conditions and circumstances under which the arrest and/or violation occurred; and where it shall appear that the minor is habitually disobedient or beyond the control of his parents or other lawful authority, or that the minor deports himself so as to injure or endanger the health, safety, morals or general welfare of himself or others, the District Justice shall certify the case to the Court of Common Pleas of Chester County for proceedings in accordance with the juvenile law in such cases. In so certifying the case, the District Justice shall charge the minor with having violated the provisions of §103, subsection 1, of this Chapter and shall indicate whether any fine and costs levied upon the minor for such violation have been paid. (Ord. 35, 10/15/1979, §7)

(6, §201)

Part 2

Disturbing the Peace

§201. Disturbing the Peace Defined. Disturbing the peace within the limits of the Township of East Coventry shall consist of and is hereby defined as any act, word or conduct tending to cause a disturbance of the peace and good order of the Township, or causing or tending to cause any danger, discomfort, or annoyance to the inhabitants thereof or users of the Township highways and shall also include loafing, quarreling, fighting, drunkenness, vagrancy, begging, the making of loud, boisterous and unseemly noises, profanity, or indecent language, reckless or careless driving, or any other use of vehicles by the owners or occupants thereof as shall endanger the safety or interfere with the comfort and convenience of persons using or residing on the thoroughfares or highways of the Township or to the annoyance of the peaceable residents thereof. (Ord. 1, 2/1/1954, §1)

§202. Penalties. Any person, firm or corporation who shall violate any provision of this Part 2 shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars ($300.00); and/or to imprisonment for a term not to exceed thirty (30) days. (Ord. 1, 2/1/1954, §2; as amended by Ord. 49, 11/3/1986)

CHAPTER 7

FIRE PREVENTION AND FIRE PROTECTION

(Reserved to accommodate future ordinances)

CHAPTER 8

FLOOD PLAINS

(Reserved to accommodate future ordinances)

CHAPTER 9

GRADING AND EXCAVATING

Part 1

Stormwater Management

A. General Provisions

§101. Goals
§102. Purposes
§103. Authority
§104. Applicability
§105. Compatibility with other Ordinance Requirements
§106. Waiver

B. Definitions

§111. General
§112. Specific Definitions

C. Comprehensive Stormwater Management Standards

§121. Standards for Permanent Stormwater Management
§122. Standards During Land Disturbance
§123. Special Stormwater Management Districts
§124. Selection of Stormwater Best Management Approaches and Practices

D. Comprehensive Stormwater Management Procedures

§131. Comprehensive Stormwater Management Plan Requirement
§132. Comprehensive Stormwater Management Plan Related to Subdivision or Land Development
§133. Comprehensive Stormwater Management Plan Related to Building Construction
§134. Stormwater Management Plan Content

E. Maintenance and Inspection of Permanent Stormwater Management Facilities

§141. Maintenance Responsibilities
§142. Need for Corrective Measures
§143. Inspections of Land Disturbances Related to Subdivision or Land Development
§144. Land Disturbances Not Related to Subdivision or Land Development
§145. Fees Associated with Inspections

F. Fees and Costs

§151. Comprehensive Stormwater Management Plan Approval and Other Fees and Costs

G. Prohibited Discharges and Connections; Erosion and Sediment Controls; Post-Construction Stormwater Runoff Controls

§161. Application of Provisions of Subpart
§162. Definitions
§163. Prohibited Discharges
§164. Prohibited Connections
§165. Erosion and Sediment Control
§166. Post-Construction Runoff Control Requirements

H. Enforcement, Violations and Penalties

§171. General
§172. Public Nuisance
§173. Enforcement
§174. Suspension and Revocation of Permits and Approvals
§175. Non-Compliance with Approved Comprehensive Stormwater Management Plan and/or Maintenance Plan
§176. Penalties

Part 1

Stormwater Management

A. General Provisions.

§101. Goals.

1. The negative impacts of development with inadequately managed stormwater include, but are not limited to, altered hydrology, lowering of the groundwater table, physical stream impacts, and biological impacts.

2. It is the goal of the Township to protect the health, safety and general welfare of the Township residents by protecting the surface and groundwaters of the Township through effective stormwater management and control of sedimentation and erosion, as provided in this Part.

(Ord. 103, 10/6/2000, §1)

§102. Purposes. The purposes of comprehensive stormwater management in the Township under and by the regulations of this Part are:

A. To maintain the predevelopment water balance in watersheds and subwatersheds containing first-order and other especially sensitive streams in the Township, and to work to restore natural hydrologic regimes wherever possible throughout the stream system.

B. To maintain the predevelopment volume of groundwater recharge related to stormwater.

C. To prevent increase in surface runoff volumes, predevelopment to postdevelopment, which could cause worsening flooding downstream in the watershed, enlarging floodplains, eroding stream banks and creating other flood-related health-welfare-property losses, and to work to reduce runoff volumes to natural levels.

D. To maintain predevelopment peak rates of discharge, site-by-site, so as not to worsen flooding at adjacent downstream sites, and to work to restore peak runoff rates to predevelopment conditions or to natural levels which existed under full forestation.

E. To manage stormwater through approaches and practices which require a minimum of structures and which rely on natural processes to the maximum.

F. To address certain requirements of the MS4 NPDES Stormwater Regulations. [Ord. 143]

(Ord. 103, 10/6/2000, §1; as amended by Ord. 143, 11/5/2007, §1)

§103. Authority. The Township is empowered to regulate land use activities that affect stormwater runoff by authority of the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as reenacted and amended, 53 P.S. §10101 et seq., the Stormwater Management Act, Act of October 4, 1978, No. 167, as amended, 32 P.S. §680.1 et seq., and/or The Second Class Township Code. The Township, as the owner and/or operator of an MS4 under Phase II of the NPDES Stormwater Program of the

Environmental Protection Agency, is also empowered to regulate stormwater by authority of the Clean Streams Law, Act of June 22, 1937, P.L. 1987, as amended, 35 P.S. §691.1 et seq., and the Clean Water Act. (Ord. 103, 10/6/2000, §1; as amended by Ord. 143, 11/5/2007, §1.A)

§104. Applicability.

1. The regulations of this Part shall apply to:

A. All activities governed by the Subdivision and Land Development Ordinance [Chapter 22].

B. Construction of separate or additional impervious or semipervious surfaces such as, but not limited to, buildings, driveways, parking lots, additions to buildings.

C. Any construction changing the characteristics of the predevelopment land condition.

D. Other earthmoving activities.

E. Outdoor storage.

F. All other land disturbances.

2. No land or waterway shall be used or modified, no earth shall be disturbed, stripped or moved, no structure shall be built, no other impervious surface or semi-impervious surface shall be built or extended, without full compliance with the terms of this Part and other applicable regulations.

(Ord. 103, 10/6/2000, §1)

§105. Compatibility with Other Ordinance Requirements. Approvals issued and/or actions taken pursuant to this Part do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act or ordinance. To the extent that this Part is more rigorous in terms of the standards and design criteria for stormwater management, the specific stormwater management standards and design criteria contained in this Part are to be followed. (Ord. 103, 10/6/2000, §1)

§106. Waiver. The provisions of Chapter 9 (Grading and Excavating), Part 1 (Stormwater Management), shall be waiveable, as deemed necessary or desirable, by the East Coventry Township Board of Supervisors upon consideration of a written request for waivers citing the specific Section or Sections requested to be waived and reasons for the request for relief. (Ord. 103, 10/6/2000; as added by Ord. 146, 7/14/2008, §I)

B. Definitions.

§111. General.

1. The captions used in this Part are for convenience only and shall not control or affect the meaning or construction of any or the provisions of this Part.

2. Subject to additional or other definitions contained in subsequent subparts of this Part, which are applicable to specific provisions of this Part, the words and phrases defined in this subpart, when used in this Part whether with initial capitalization, full capitalization or otherwise, shall be construed throughout this Part to have, unless otherwise expressly stated or where the context clearly indicates otherwise, the meanings given them in this subpart. [Ord. 143]

3. The present tense of any word or phrase used in this Part includes the future, the singular number includes the plural and the plural the singular; and the masculine gender includes the feminine and neuter.

4. See the Subdivision and Land Development Ordinance [Chapter 22] for additional applicable definitions of words and phrases used in this Part. In the event of any inconsistency between a definition of a word or phrase appearing in this subpart or other subparts of this Part and a definition of the same word or phrase appearing in the Subdivision and Land Development Ordinance [Chapter 22], the definition appearing in this subpart or other subparts of this Part shall control. [Ord. 143]

5. Whenever appearing in this Part, the word "used" includes the words "designed, arranged or intended to be used"; the words "shall" and "will" are always mandatory; the words "may" and "should" are always permissible; the words "person," "applicant," "developer," "landowner" and "owner" include a corporation, unincorporated association, partnership or other legal entity, as well as an individual; the word "building" includes a structure and shall be construed as if followed by the phrase "or part thereof"; and the words and phrases "such as," "including," "e.g.," and the like are intended to introduce matters which are illustrative of the meaning of the sentence, clause or phrase in which such words or phrases appear without limiting or derogating from the general application of the sentence, clause or phrase in which such words or phrases appear.

6. Unless specifically provided otherwise herein, any reference in this Part to any other ordinance of the Township, to any Federal or State law or statute, to any regulation, study, map, survey, publication or other matter issued or prepared by the Board of Supervisors, or any officer or official thereof, and/or by any Federal or State public body or a public officer or official thereof shall include such other ordinance, law, statute, regulation, study, map, survey, publication or other matter, with all amendments and supplements thereto, and any new ordinance, law, statute, regulation, study, map, survey, publication or other matter substituted for the same, as in force at the time of application under this Part.

7. Unless specifically provided otherwise herein, any reference in this Part to any governmental agency, department, board, commission or other public body, or to any public officer or other public official, shall include an entity or official which or who succeeds to substantially the same functions as those performed by such public body or official at the time of application under this Part.

(Ord. 103, 10/6/2000, §1; as amended by Ord. 143, 11/5/2007, §1.B)

§112. Specific Definitions.

ACCELERATED EROSION - the removal of the soil mantle through the combined action of earthwork activities and natural processes at a rate greater than would occur from natural processes alone. For purposes of Subpart G, "accelerated erosion" shall have the meaning specifically given such phrase in §162. [Ord. 143]

AGRICULTURE/AGRICULTURAL OPERATION - farming and other activities related to the cultivation of soil, production of crops and/or the raising of livestock. Includes, without limitation, mushroom growing and nursery and sod operations.

ALLUVIAL SOIL - consisting of or formed from upland material deposited by flowing water and showing little or no weathering and alteration of the original material by soils-forming processes.

ANTECEDENT CONDITIONS - the specified characteristics of the land surface (e.g., vegetative cover) prior to a proposed disturbance or prior to a rainfall event (e.g., amount of moisture in the soil); form the basis for calculating increases in runoff attributable to the disturbance or storm which must be controlled.

APPLICANT - a landowner or developer, including his heirs, successors and assigns, who has filed an application for a land disturbance permit under this Part.

BERM - well compacted earthen ridge, a mound of earth or the act of pushing earth into a mound to help channel surface water away from a site.

BEST MANAGEMENT PRACTICE (BMP) - structural or nonstructural devices or other methods that temporarily store or treat stormwater runoff to reduce flooding, remove pollutants, provide for infiltration and offer environmental amenities. For purposes of Subpart G, "Best Management Practice (BMP)" shall have the meaning specifically given to the phrase, "BMP (Best Management Practice)," in §162. For purposes of Subpart H, "Best Management Practice (BMP)" shall also have the meaning specifically given to the phrase, "BMP (Best Management Practice)," in §162. [Ord. 143]

BOARD OF SUPERVISORS - the Board of Supervisors of the Township.

CFS - cubic feet per second.

CISTERN - reservoir or tank for storing water.

CLEAN WATER ACT - the Federal Water Pollution Control Act (commonly known as the "Clean Water Act"), 33 U.S.C. §1251 et seq. [Ord. 143]

COMPREHENSIVE PLAN - the Comprehensive Plan of the Township adopted by the Board of Supervisors under and pursuant to the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as re-enacted and amended, 53 P.S. §10101 et seq.

COMMONWEALTH - Commonwealth of Pennsylvania. [Ord. 143]

CULVERT - a pipe, conduit or similar structure, including appurtenant works which conveys a stream or drainage flow under a roadway.

DBH - the diameter of a tree at breast height, usually measured at three

and one-half (3.5) feet from the ground surface.

DESIGN STORM - the magnitude of precipitation from a storm event measured in probability of occurrence or frequency (e.g., fifty (50) year storm) and duration (e.g., twenty-four (24) hour) and used in computing stormwater management control systems.

DETENTION BASIN - this term shall have the same meaning as found in the Zoning Ordinance [Chapter 27]. [Ord. 156]

DIVERSION TERRACE - channel or ditch, together with a ridge, constructed across a sloping land surface on the contour or with predetermined grades to intercept and divert surface runoff before it gains sufficient volume and velocity to create harmful erosion.

DRAINAGE EASEMENT - a right-of-way across private land providing for either the unimpeded surface flow or the installation and maintenance of storm sewers to facilitate the flow of water within which the owner shall erect no permanent structures, but may use the land in any other way not inconsistent with the grantee’s right or other applicable regulations.

EARTHMOVING - a land disturbance not primarily associated with increases in impervious surface, excluding agricultural activities.

ENERGY DISSIPATER - a concrete or stone structure designed to reduce the velocity and kinetic energy of a concentrated flow of water.

EROSION - the wearing away of soil by action of wind, water or other geologic processes. For purposes of Subpart G, “erosion” shall have the meaning specifically given such word in §162. [Ord. 143]

GROUND STABILIZATION FABRIC - a permeable plastic material designed to prevent upward or downward movement of soil particles or other solids while allowing vertical water movement. (Trade names include Mirafi 500, Bidim, Typar and Supac.)

GROUNDWATER RECHARGE - replenishment of geologic aquifers and rock or soil interstices which have the capacity to store water. For purposes of Subpart G, “groundwater recharge” shall have the meaning specifically given such phrase in §162. [Ord. 143]

GROUNDWATER SUPPLY - a supply of water which is drawn from the groundwater by wells or springs.

GROUNDWATER TABLE - the depth at which saturation occurs within the ground.

HYDROLOGY - the science of the water cycle, describing the properties, distribution and effects of water on the earth’s surface, in the soil and underlying rocks and in the atmosphere.

IMPERVIOUS SURFACE/COVER - a constructed material which is impenetrable to the passage of water or other liquids under normal conditions and thus produces stormwater runoff from incident rainfall.

INFILTRATION STRUCTURE - a structure designed to store and recharge rain water into the soil mantle and underlying aquifers, e.g., recharge beds, infiltration trenches, seepage pits.

LAND DISTURBANCE - any activity which causes land to be exposed to erosion, including clearing, grading, filling and any other activity, excepting agricultural activities resulting in the movement of earth or

stripping of vegetative cover; includes, without limitation, earthmoving. For purposes of Subpart G, "land disturbance" shall have the same meaning specifically given to the phrase "earth disturbance activity" in §162. [Ord. 143]

MS4 - Municipal Separate Storm Sewer System. [Ord. 143]

NPDES - National Pollution Discharge Elimination System, the federal government system for issuance of permits under the Clean Water Act, which is delegated to PADEP in the Commonwealth.

NURSERY - tract of land on which trees and plants are raised and stored for transplanting or sale.

PADEP - the Department of Environmental Protection of the Commonwealth of Pennsylvania.

PEAK RATE OF DISCHARGE - the maximum rate of flow of water (usually expressed in cfs) at a given point in a flow channel.

PERVIOUS MATERIAL - loose stone, gravel, porous pavement or other materials, which permit a high rate of vertical transmission of water.

RELEASE RATE - the percentage of the predevelopment peak rate of runoff from a development site to which the postdevelopment peak rate of runoff must be controlled to protect downstream areas.

RETAINING WALL - a stabilized structure of stone, concrete or treated wood designed to prevent the erosion or collapse of a soil cut or fill.

RETENTION BASIN - this term shall have the same meaning as found in the Zoning Ordinance [Chapter 27]. [Ord. 156]

ROOT MAT - the surface and subsurface network of roots which support a tree.

RUNOFF - that portion of incident rainfall, which does not infiltrate into the soil mantle and subsequently flows over the land surface.

RUNOFF COEFFICIENT - a term which describes the relative amount of incident rainfall which can be expected to become surface runoff within a given drainage area.

SCS - Soil Conservation Service, United States Department of Agriculture.

SECOND CLASS TOWNSHIP CODE - the Second Class Township Code, Act of May 1, 1933, P.L. 103, No. 69, as re-enacted and amended, 53 P.S. §65101 et seq.

SEDIMENT - particulate material, both mineral and organic, that has been eroded from the soil mantle, suspended and transported in stormwater and deposited in surface depressions or stream channels.

SEDIMENT BASIN - a retention or detention basin located and designed to retain sediment and other stormwater transported material by reducing the velocity of stormwater.

SEEPAGE PIT - a broad area of excavated earth, lined with filter fabric and filled with loose stone, or similar materials, to which surface water is directed for infiltration into the soil mantle.

SEEPAGE TRENCH - a linear excavation of the earth, lined with filter fabric and filled with loose stone or similar materials, to which surface

water is directed for infiltration into the soil mantle.

SEMI-IMPERVIOUS MATERIAL - partially restricting the rate of vertical water flow through the material.

SEPARATE STORM SEWER SYSTEM - a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains) primarily used for collecting and conveying stormwater runoff. [Ord. 143]

SOIL COVER COMPLEX METHOD - a mathematical method of runoff computation, developed by the SCS, which is based upon combinations of soil series and land cover used to estimate relative hydrologic response from a drainage area, called a curve number (CN).

SPRING - a surface discharge of groundwater, usually a constant flow from a rock fissure or seep.

STABILIZATION - the prevention of soil erosion by surface runoff or wind through the establishment of a vegetative cover or structural measures. Examples include, but are not limited to, straw mulch with temporary or permanent vegetation, wood chips and stone or gravel ground cover.

STORM SEWER - a pipe or conduit that carries intercepted surface runoff from streets, buildings or other impervious surfaces.

STORMWATER - incident rainfall, which is conveyed from land surfaces into surface swales, streams and rivers. For purposes of Subpart G, “stormwater” shall have the meaning specifically given such word in §162. [Ord. 143]

STORMWATER MANAGEMENT - a combination of controls and measures designed to regulate the quantity and quality of stormwater runoff from a development while promoting the protection and conservation of groundwater and groundwater discharge.

SUBAREA - the smallest unit watershed drainage area defined for hydrologic analysis.

SUBDIVISION AND LAND DEVELOPMENT - the East Coventry Township Subdivision and Land Development Ordinance, being Chapter 22 of the Code of Ordinances of East Coventry Township, as amended from time to time. [Ord. 156]

SWALE - a depression or surface flow pathway which collects or conveys surface water runoff during periods of runoff.

TOWNSHIP - the Township of East Coventry Township, Chester County, Pennsylvania.

TOWNSHIP ENGINEER - duly appointed employee or independent consultant providing engineering services for the Township.

TOWNSHIP PLANNING COMMISSION - the Planning Commission of the Township.

TR-55 - Urban Hydrology for Small Watersheds, Technical Release No. 55 (U.S. Department of Agriculture, Natural Resources Conservation Service (Soil Conservation Service)).

TREATMENT TRAIN - a series of stormwater management measures with separate functions (quality control, infiltration, detention and thermal control) that supplement each other.

UNDERSTORY BRUSH - shrubs, small trees, vines and other plants.

UNSTABILIZED EARTH - soil subject to erosion due to lack of surface vegetation or inherent nature of soil structure.

WATER QUALITY - those characteristics of water that relate to the chemical, physical, biological or radiological integrity of water.

WATERSHED - the land surface or drainage area that contributes stormwater runoff to a single point.

ZONING OFFICER - the zoning officer, the zoning or building inspector, the code enforcement officer or other similar official of the Township having jurisdiction to receive and review applications for building permits.

ZONING ORDINANCE - the East Coventry Township Zoning Ordinance, being Chapter 27 of the Code of Ordinances of East Coventry Township, as amended from time to time. [Ord. 156]

(Ord. 103, 10/6/2000, §1; as amended by Ord. 143, 11/5/2007, §1.B; and by Ord. 156, 7/13/2009, §§I–III)

C. Comprehensive Stormwater Management Standards.

§121. Standards for Permanent Stormwater Management.

1. The following land disturbances shall comply with the provisions of this Section and with other provisions of this Part applicable to such disturbances: [Ord. 112]

A. All minor and major subdivisions and land developments where land disturbance exceeds twenty thousand (20,000) square feet.

B. An impervious cover addition to an existing developed property which exceeds two thousand (2,000) square feet, excepting paving of existing stone drives.

C. A semi-impervious cover addition (lattice blocks) to an existing developed property which exceeds two thousand (2,000) square feet on slopes greater than eight (8) percent, excepting paving of existing stone drives.

D. A temporary (less than one (1) year) storage of impervious or pervious material (rock, soil, etc.) on an existing developed property where ground contact coverage exceeds five thousand (5,000) square feet or where the material is placed on slopes exceeding ten (10) percent, on alluvial soils or on a drainageway.

E. Construction of a single-family dwelling on a single undeveloped lot in either of the following two (2) cases where the land disturbance resulting from such construction exceeds two thousand (2,000) square feet: (i) the lot was not part of an approved subdivision and/or land development plan for which stormwater management was previously addressed and approved; or (ii) the lot was part of an approved subdivision and/or land development plan, for which stormwater management was previously addressed and approved, but the land disturbance, at least to the extent resulting from the construction of the single-family dwelling on the lot, was not specifically addressed by the approved stormwater management on the previously approved subdivision and/or land development plan. [Ord. 112]

2. Permanent Stormwater Management Standards.

A. Standard 1. After installation of impervious cover, there shall be no increase in the volume of stormwater runoff being discharged for up to the two (2) year frequency rainfall, predevelopment to post-development. If the Township Engineer determines that such standard is not achievable on the site (all or part), based on existing soil, bedrock, water table or other conditions on the parcel, Standard 3 provisions shall apply, unless the land disturbance is covered by Standard 4 in which case the Standard 4 provisions shall apply. For preliminary design purposes, this volume may be initially estimated at a depth of two and one-half (2.5) inches per unit area of new impervious surface. [Ord. 112]

B. Standard 2. After installation of impervious cover and assuming full compliance with Standard 1, the peak rate of stormwater discharges from the site for all design storms up to and including a one hundred (100) year frequency rainfall shall not exceed the peak discharges from the site of the same storms before disturbance. Design storms include: (i) two (2) year, twenty-four (24) hour storm; (ii) five (5) year, twenty-four (24) hour storm; (iii) ten (10) year, twenty-four (24) hour storm; (iv) twenty-five (25) year, twenty-four (24) hour storm; (v) fifty (50) year, twenty-four (24) hour storm; and (vi) one hundred (100) year, twenty-four (24) hour storm.

C. Standard 3. If the volume standard set forth in Standard 1 cannot be achieved, then the peak rate standards shall be modified so that postdevelopment peak rate discharges from the site for all storms up to a ten (10) year storm, inclusive, must be equal to or less than seventy-five (75) percent of the respective peak rates for these storms, predevelopment. The provisions of this Standard shall not apply to a land disturbance covered by Standard 4. [Ord. 112]

D. Standard 4. For a land disturbance resulting from the construction of a single-family dwelling on a single undeveloped lot covered by §121(1)(E) above, a detention basin shall be installed on the lot. The basin shall meet the minimum design and other criteria as shall be established from time to time by resolution of the Board of Supervisors. [Ord. 112]

E. Standard 5. Under certain conditions, the Township, upon recommendation by the Township Engineer, may impose the following additional restrictions on stormwater discharges:

(1) Peak discharge may be further restricted when it can be shown that a probable risk to downstream structures or unique natural areas exists or that existing severe flooding problems could be further aggravated.

(2) Measures shall be imposed to protect against ground or surface water pollution where the type of business activity may result in significant nonpoint source pollution or where the nature of the soils or bedrock underlying a stormwater management structure constitutes substantial risk of contamination, such as might be the case in limestone formations. Special provisions to be followed in these cases shall be provided by the Township Engineer.

3. Stormwater Management Calculation Methods. In establishing the antecedent conditions for calculating runoff prior to land disturbance, the following assumptions shall apply:

A. Average antecedent moisture conditions.

B. A Type II distribution storm as contained in TR-55.

C. Woodland shall be used as the prior condition for those portions of the site having deciduous trees of greater than six (6)

inches caliper DBH (at three and one-half (3.5) feet above the ground surface) or where such trees existed within three (3) years of application or evergreens having a height of twelve (12) feet or greater.

D. In all plans and designs for stormwater management systems and facilities submitted to the Township for review, stormwater peak discharge and runoff shall be determined through the use of the Soil Cover Complex Method as set forth in TR-55, with specific attention given to antecedent moisture conditions, flood routing and peak discharge specifications included therein and in the Hydrology National Engineering Handbook, §4, (United States Department of Agriculture, Natural Resources Conservation Service (Soil Conservation Service)). Note that use of TR-55 with many of the natural system-based approaches and practices recommended by this Part require that calculations be performed on a detailed small subarea basis. The Township may permit the use of the Rational method for the calculation of runoff on land developments of twenty (20) acres or less and for the design of storm structures. In calculating runoff after development, those areas covered by concrete lattice blocks on a base which can infiltrate water into the ground, porous pavement areas on a base which can infiltrate water into the ground and roof areas which drain to properly designed and installed underground storage/groundwater infiltration beds shall be considered adequate to infiltrate any increased runoff from a two (2) year storm.

4. Retention Systems.

A. Infiltration devices shall be selected based on suitability of soils and site conditions. Measures may include porous pavement with underground infiltration beds, vegetated infiltration beds, swales and trenches or other seepage structures as proposed in the Pennsylvania Handbook of Best Management Practices for Developing Areas (1998) and related references prepared by the United States Environmental Protection Agency, the Washington Metropolitan Council of Governments, the SCS, the PADEP or other guidance documents.

B. Soil infiltration tests shall be performed for all proposed stormwater infiltration areas. These tests shall include evaluation of selected soil horizons by deep pits and percolation measurements. Testing shall be reviewed and approved by the Township Engineer. The soil infiltration rate determined by these tests shall be used in the proposed design of the stormwater infiltration area. If the infiltration method (groundwater recharge) is not satisfactory, then other detention/retention methods may be used.

C. The lowest elevation of the infiltration area shall be at least two (2) feet above the seasonal high water table and bedrock, except in the case of limestone formations, in which case the distance shall be five (5) feet.

D. All roof drains shall discharge to groundwater infiltration (recharge) systems, with leaf traps and cleanouts provided to prevent clogging by vegetation.

E. All groundwater infiltration (recharge) systems shall have appropriate positive overflow controls to prevent storage within one (1) foot of the finished surface or grade.

F. All groundwater infiltration (recharge) systems shall have the following setbacks:

(1) Twenty-five (25) feet from all residential structures.

(2) Twenty-five (25) feet from all property lines.

(3) Fifty (50) feet from any component of an onlot septic system.

(4) One hundred (100) feet from any well.

G. All groundwater infiltration (recharge) systems shall be designed to infiltrate the stored volume within forty-eight (48) hours.

H. If and when a retention basin is utilized to meet stormwater facility requirements, it shall be equipped with management practices that reduce the potential for unauthorized entry and use of the pond by the general public. Preference shall be given to split rail fences equipped with mesh wire or other such practices that are both functional and attractive. A securable gate shall be provided to allow for periodic maintenance equipment/vehicle access. Any fence or barrier around a retention basin shall be no less than forty-two (42) inches in height or as otherwise required by local building codes or ordinances. [Ord. 156]

5. Collection, Conveyance and Detention Systems.

A. Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall ensure proper drainage at all points along streets, provide positive drainage away form buildings and subsurface sewage disposal systems. The Board of Supervisors may require a primary underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods.

B. The drainage systems indicated on the plan shall be consistent with State law and local and regional drainage plans, shall consider the future use of areas upstream as shown in the comprehensive plan and shall be designed in accordance with the following:

(1) The drainage systems indicated on the plan shall be designed to:

(a) Permit unimpeded flow of natural water courses.

(b) Maintain a constant velocity of flow.

(c) Ensure adequate drainage of all low points along the line of streets.

(d) Intercept stormwater runoff along streets at intervals related to the extent and grade of the area drained.

(e) Provide positive drainage away from onsite sewage disposal facilities.

(f) Prevent sediment from leaving the site.

(2) Storm drainage facilities shall be designed to meet the following criteria:

(a) Stormwater piping and inlet systems shall be designed for a storm of twenty-five (25) year frequency.

(b) Culverts crossing roadways and driveways shall be designed for a storm of fifty (50) year frequency.

(c) All detention structures and any drainage systems serving low points of roadways, open water courses and swales shall be designed for a storm of one hundred (100) year frequency.

(d) Where a subdivision or land development is traversed by a drainage way, channel, stream or other water course, there shall be provided a drainage easement conforming substantially with the high water line of such water course attributable to a flood of one hundred (100) year frequency, in order to preserve the unimpeded flow of natural drainage and to provide for future possible widening, deepening, relocating, improving or protecting of such drainage facilities. Any changes in the existing drainage shall be subject to the approval of the Township Engineer and PADEP. In no case shall the easement be less than twenty (20) feet in width.

(3) Where existing storm sewers are reasonably accessible, proposed subdivisions and land developments may be required by the Board of Supervisors to connect therewith upon recommendation of the Township Engineer and Township Planning Commission.

(4) In the design of storm drainage facilities, special consideration shall be given to avoidance of problems which may arise from the concentration of stormwater runoff and to the solution of existing problems. The concentration or increase of stormwater runoff onto adjacent properties shall be prohibited.

(a) Computations shall be determined within the plan which include predevelopment and postdevelopment flow for two (2), five (5), ten (10), twenty-five (25), fifty (50) and one hundred (100) year storm frequencies.

(b) Where storm drainage facilities are required, the plan shall include the analysis and calculations used to justify all pipe sizes, but in no instance less than fifteen (15) inches, locations of inlets and gradients showing the

formula, coefficient of runoff intensity and drainage area for each calculation.

(5) The grading of driveway entrances shall be so designed that normal stormwater flow along the street gutter or roadside ditch shall not be interrupted thereby and that stormwater runoff from driveways shall not be discharged directly into the cartway.

(6) Manholes. Approved manholes shall not be more than three hundred (300) feet apart where pipe sizes are twenty-four (24) inches or less and not more than four hundred fifty (450) feet apart where pipe sizes are more than twenty-four (24) inches. Where approved by the Township Engineer, inlets or catch basins may serve a dual function for manholes. Manholes shall also be provided when the alignment of storm sewer changes more than thirty (30) degrees horizontal.

(7) Changes in Direction of Alignment or Profile Where Manholes Are Not Provided. Special sections of ten (10) feet to fifteen (15) feet radii shall be installed where abrupt changes occur in the alignment or profile of pipe where manholes are not required.

(8) Inlets. Type C inlets or Type M inlets (Pennsylvania Department of Transportation standards) or four (4) foot special inlets shall be used on streets having gradients of five (5) percent or less and double mouth inlets and six (6) foot special inlets shall be used on streets having gradients in excess of five (5) percent. Inlets at street intersections shall be placed on the tangent and not on the radius portion of curbs.

(9) Pipe. Pipe material may be concrete or smooth bore high density polyethylene at the discretion of the Township Engineer.

(10) Outfalls. All outfalls of storm drains shall be provided with energy dissipaters approved by the Township Engineer.

(11) Location. When installed within a street or cul-de-sac right-of-way, storm drains shall be in place prior to paving. Discharge points shall be approved by the Township Engineer and shall be shown on the approved final plan. All permanent storm-water basins shall be located on one (1) lot. All other permanent stormwater facilities including, but not limited to, pipes, inlets, drainage swales and headwalls shall be located in/on legally described easements.

(12) Gradient. Minimum gradient shall be one-half (0.5) percent, subject to review by the Township Engineer. The Board of Supervisors may increase or decrease the size of pipe and/or gradient upon the recommendation of the Township Engineer.

(13) If and when a detention basin is utilized to meet stormwater facility requirements, it shall be equipped with management practices that reduce the potential for unauthorized entry and use of the pond by the general public. Preference shall

be given to split rail fences equipped with mesh wire or other such practices that are both functional and attractive. A securable gate shall be provided to allow for periodic maintenance equipment/vehicle access. Any fence or barrier around a retention basin shall be no less than forty-two (42) inches in height or as otherwise required by local building codes or ordinances. [Ord. 156]

(Ord. 103, 10/6/2000, §1; as amended by Ord. 112, 3/18/2002, §1; and by Ord. 156, 7/13/2009, §§IV, V)

§122. Standards During Land Disturbance.

1. During the period of land disturbance, when significant sediment can be contained in runoff, this runoff shall be controlled prior to entering any proposed infiltration area.

2. Peak discharges and discharge volumes from the site shall comply with the appropriate sections above, with the following additions:

A. For purposes of calculating required detention storage during land disturbance, peak discharges and discharge volumes shall be calculated based upon the runoff coefficients for bare soils during the maximum period and extent of disturbance. Controls shall insure that the difference in volumes and rates of peak discharge before disturbance and during shall not exceed those peak discharges and discharge volumes Noted in §121, above. It shall be understood that detention storage during the period of land disturbance and prior to establishment of permanent cover might require additional facilities on a temporary basis. Such measures shall be located so as to preserve the natural soil infiltration capacities of the planned infiltration bed areas.

B. Wherever soils, topography, cut and fill or grading requirements or other conditions suggest substantial erosion potential during land disturbance, the Township, as recommended by the Township Engineer, may require that the entire volume of all storms up to a two (2) year storm from the disturbed areas be retained on site and that special sediment trapping facilities (e.g., check dams) be installed. Stormwater volume from storms having a frequency of occurrence greater than a two (2) year frequency shall be detained in accordance with the Chester County Soil Conservation Service regulations.

3. Sediment in runoff water shall be trapped in accordance with criteria of the Chester County Conservation District and PADEP, and removed

[Text continued on following page.]

through means approved by the Township Engineer to assure proper functioning and adequate capacity in the basins or traps.

4. Procedures shall be established for protecting soils or geologic structures which have water supply potential from contamination by surface water or other disruption by construction activity.

5. The smallest practical area of land shall be exposed at any one (1) time during development or construction.

6. When land is exposed during development or construction, the exposure shall be limited to the shortest practical period.

7. Temporary ditches, dikes, vegetation and/or mulching shall be used to protect critical areas exposed during development or construction.

8. Permanent vegetation and erosion control structures shall be installed as soon as practicable during construction activities.

9. Wherever feasible, natural vegetation shall be retained and protected and natural grade alterations kept to a minimum.

10. Grass seed shall be applied to topsoil, which is to be stockpiled for more than thirty (30) days, in order to prevent erosion and sedimentation.

11. Responsibilities.

A. Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the person, corporation or other entity causing such sedimentation to remove it from all adjoining surfaces, drainage systems and water courses and to repair any damages at his or its expense as quickly as possible.

B. It is the responsibility of any person, corporation or other entity, doing any act on or across a communal stream, water course or swale or upon a floodplain or right-of-way thereof, to maintain as nearly as possible to its present state the water course, swale, floodplain or right-of-way during the pendency of the activity, and to return it to its original or better condition after such activity is completed. State and Federal permits may be required for stream crossings or alterations.

C. Maintenance of drainage facilities or watercourses originating on private property shall be the responsibility of the owner of the private property to its point of open discharge at the property line or at a communal watercourse within the property.

D. No person, corporation or other entity shall impede the flow of, alter or construct a structure within, deposit any material or thing within or commit any act which will affect normal or flood flow of any communal stream or water course without having obtained prior approval from the Township and/or other governmental agency having jurisdiction.

§123. Special Stormwater Management Districts.

1. This Section shall apply to subdivisions of land for which applications for approval of are filed with the Township after the effective date of this Part.

2. The Riparian Buffer Area (RBA).

A. Permitted Uses in the RBA. This area may be included in net density calculations with uses permitted in the Zoning Ordinance [Chapter 27].

B. Uniform Standards for the RBA.

(1) A fifteen (15) foot setback zone (Zone 1) of no disturbance except for restoration shall be maintained along perennial streams and bodies of water, starting measured from the top of the bank of the water body.

(2) A thirty-five (35) foot managed buffer zone (Zone 2) shall be maintained outside of Zone 1.

(3) "High quality waters" and "exceptional quality waters," designated under the Chapter 93 of the rules and regulations of PADEP, shall be subject to the provisions of the PADEP *Special Protection Waters Implementation Handbook* and its amendments.

3. Hydrologic Management Areas (HMAs). HMAs are:

A. Water-related land areas consisting of (i) wetlands; (ii) floodplain areas; and (iii) "high quality waters" and "exceptional value waters" designated under the Chapter 93 of the rules and regulations of PADEP.

B. Access easements along storm sewers, floodplains and watercourses.

(Ord. 103, 10/6/2000, §1)

§124. Selection of Stormwater Best Management Approaches and Practices. Optimal stormwater management, which comprehensively achieves quantity standards at least cost will vary from site to site and with different uses. Although stormwater plans themselves will be different, the process or procedure for determining what to use where and under what conditions does have a structure. A comprehensive stormwater management procedure has been defined in the *Comprehensive Stormwater Management Procedure Handbook*. A procedure application report similar to that, which is included in that handbook, must be submitted as part of the comprehensive stormwater management plan in order to demonstrate that the procedure has been properly applied and followed. (Ord. 103, 10/6/2000, §1)

D. Comprehensive Stormwater Management Procedures.

§131. Comprehensive Stormwater Management Plan Requirement. As part of all applications for subdivision or land development plans and building permits, except those exempted under §121, a comprehensive stormwater management plan is required and must be reviewed by the Township Engineer. The Township Engineer shall either recommend approval or rejection of the plan to the Board of Supervisors and to the Township Planning Commission, if applicable. The comprehensive stormwater management plan shall include the documentation required by §§132 and 133 of this Part. The plan shall be submitted to the Chester County Conservation District for its review and indication of adequacy or permit issuance. (Ord. 103, 10/6/2000, §1)

§132. Comprehensive Stormwater Management Plan Related to Subdivision or Land Development.

1. The comprehensive stormwater management plan shall demonstrate that all land disturbance activities related to the subdivision or land development comply with the performance standards set forth in Part 1C of this Part.

2. The comprehensive stormwater management plan shall contain all of the information required by §134 below. The applicant and/or his engineer shall confer with the Township Engineer prior to the preparation of a comprehensive stormwater management plan.

3. The comprehensive stormwater management plan shall be reviewed by the Township Engineer, who shall submit a report thereon to the Township Planning Commission within the time limitations, if any, set forth within the Subdivision and Land Development Ordinance [Chapter 22).

4. If, in the Township Engineer's view, the comprehensive stormwater management plan as submitted satisfies all requirements of this Part, he shall recommend its approval to the Board of Supervisors and to the Township Planning Commission, if applicable. The Board of Supervisors and the Township Planning Commission shall consider that recommendation, together with the results of their own reviews and the comments of any other reviewing body.

5. If the Township Engineer determines that the comprehensive stormwater management plan fails to satisfy all requirements of this Part, he shall comment on the adequacy of the plan as submitted and so indicate in his report to the Township Planning Commission and Board of Supervisors. In the Township Engineer's rejection report he shall specify those items not in compliance with this Part.

6. The Board of Supervisors may approve the comprehensive stormwater management plan with conditions to be addressed as part of the final subdivision or land development application. The applicant, in writing, prior to conditional approval shall agree to such conditions. If the applicant does not accept these conditions, then the Board of Supervisors shall deny approval of the subdivision or land development application. In no event shall any subdivision or land development application be approved without compliance with this Part.

7. As part of any final subdivision or land development plan, the applicant shall submit:

A. All construction specifications for stormwater management facilities as outlined in this Part and as further specified by the Township Engineer.

B. Detailed documents necessary to comply with the maintenance requirements of Part 1E.

C. Such other information which is directly related to stormwater detention/retention as is deemed necessary by the Township Engineer for explanation of the comprehensive stormwater management and maintenance plan.

8. Where the final comprehensive stormwater management plan submission does not comply with the performance standards set forth in Part 1C of this Part, or other applicable requirements of this Part, such failure to comply shall be considered grounds for denial of the final subdivision or land development application.

(Ord. 103, 10/6/2000, §1)

§133. Comprehensive Stormwater Management Plan Related to Building Construction.

1. Where individual onlot land disturbance activities have been addressed, approved and noted as such in an applicant's comprehensive stormwater management plan related to a subdivision or land development, applications for building permits for each individual lot in the subdivision or land development shall reference such approval. In the foregoing cases, it shall not be necessary for the applicant to resubmit a comprehensive stormwater management plan concurrent with applications for building permits; provided, that the proposed grading of the lot and the locations of houses, driveways and stormwater management facilities of any type are not changed.

2. In all other cases, or in cases where an applicant subject to subsection (1), above, wishes to alter grading, building locations or the onlot stormwater management system, the applicant shall submit a comprehensive stormwater management plan. This plan shall accompany the application for a building permit and shall demonstrate that all land disturbance activities related to the building construction shall comply with the performance standards in Parts 1C and 1D and any other applicable provisions of this Part.

3. The applicant and/or his engineer shall confer with the Township Engineer prior to the preparation of a comprehensive stormwater management plan to determine the scope and detail of the submission.

4. The applicant's comprehensive stormwater management plan shall be reviewed by the Township Engineer, who shall approve or disapprove of the plan and submit a report thereon to the applicant and the Township within thirty (30) days of submission of the plan. [Ord. 156]

5. Where revisions to the plan are necessary in order to meet the performance standards set forth in Part 1C and the requirements of Part 1D, the applicant shall discuss the contents of the report with the Township Engineer. All necessary revisions shall be effected and submitted to the Township Engineer.

6. Within fourteen (14) days after receipt of the applicant's revisions, the Township Engineer shall review the revisions and submit a supplementary report to the applicant and the Township approving or disapproving of the plan. [Ord. 156]

7. If the final comprehensive stormwater management plan is not in compliance with the performance standards set forth in Part 1C, failure to so comply shall be considered grounds for denial of the building permit.

8. All developed building lots, subdivisions and land developments approved by the Board of Supervisors prior to the effective date of this Part shall not be subject to the requirements of this Section; provided, that a stormwater management plan was submitted and approved by the Township for such lots, subdivisions or land developments prior to the effective date of this Part; and, further provided, that the work to be performed under the applications for building permits for such lots or for property subject of such subdivisions or land developments is covered by and in accordance with such approved stormwater management plan applicable to the lot, subdivision or land development.

(Ord. 103, 10/6/2000, §1; as amended by Ord. 156, 7/13/2009, §§VI, VII)

§134. Stormwater Management Plan Content.

1. Except as may be modified for activities in §133, the comprehensive stormwater management plan required by §131 shall consist of two (2) parts:

A. A map or maps describing the topography of the area, the proposed alternation to the area, the proposed erosion and sedimentation control measures and facilities and the proposed permanent stormwater control measures and facilities.

B. A narrative report describing the project and its compliance with applicable Sections of Part 1C, giving the purpose and the engineering assumptions and calculations for control measures and facilities.

2. The following elements shall be included in the map and narrative portions of the plan (except where already prepared as part of the preliminary subdivision or land development plan required by the Subdivision and Land Development Ordinance [Chapter 22]).

A. A narrative summary of the project, including:

(1) General description of the project.

(2) General description of accelerated erosion control.

(3) General description of sedimentation control.

(4) General description of stormwater management, both during and after construction.

(5) The date the project is to begin and the expected date when final stabilization will be completed.

B. Mapping of various physical features of the project area at a scale of one (1) inch equals fifty (50) feet maximum, both existing and proposed, including:

(1) The location of the project relative to roads, municipal boundaries and other identifiable landmarks.

(2) Property lines of proposed project area.

(3) Contour lines at vertical intervals of not more than 2 feet for land with average natural slope of four (4) percent or less, and at vertical intervals of not more than five (5) feet for land with average natural slope exceeding four (4) percent (including the location and elevation to which contour lines refer).

(4) Acreage or square footage of the project.

(5) Wetlands (both State and Federal jurisdiction), streams, lakes ponds, or other bodies of water within the subject property or within fifty (50) feet of any boundary of the property, and intermittent streams and natural drainageways.

(6) Other significant natural features, including existing drainage swales, tree masses and areas of trees and shrubs to be protected during construction.

(7) Proposed location of underground utilities, sewer and/or water lines.

(8) Scale of map and north arrow.

(9) Roads and easements.

C. Mapping of the soils and underlying geology of the project area, including:

(1) Soil types, including depth, slope, texture and structure.

(2) Hydrologic soil group classifications and soil rated permeabilities in inches per hour.

(3) Soil constraints, including depth to bedrock, depth to seasonal high water table.

(4) Geologic formations underlying the project area and extending fifty (50) feet beyond all property boundaries.

(5) Description of aquifer characteristics of formations, with highlights of special formations such as limestone.

D. A map of proposed alterations to the project area, including:

(1) Changes to land surface and vegetative cover, including zones of disturbance, zones of non-disturbance.

(2) Areas of cuts.

(3) Areas of fill.

(4) Structures, roads, paved areas and buildings.

(5) Proposed stormwater control provisions, both nonstructural and structural facilities.

(6) Finished one (1) foot contours at intervals.

E. Calculations and description of the amount of runoff from the project area and the upstream watershed area, in accordance with the terms of §121 of this Part, including:

(1) Method of calculation and figures used (including square footage of impervious surfaces of buildings, driveways, parking areas, etc.).

(2) Factors considered.

F. The time schedule for land disturbance activities including:

(1) Cover removal, including all cuts and fills.

(2) Installation of erosion and sediment control facilities and practices.

(3) Installation of improvements, including streets, storm sewers, underground utilities, sewer and water lines, buildings, driveways, parking areas, recreational facilities and other structures.

(4) Program of operations to convert erosion and sedimentation controls to permanent stormwater management facilities, including a chart of the relative time sequence of activities.

G. Temporary control measures and facilities for use during land disturbance, in both map and narrative form including:

(1) Purpose.

(2) Temporary facilities or other soil stabilization measures to protect existing trees and shrubs from land disturbance activities.

(3) Types, locations and dimensioned details of erosion and sedimentation control measures and facilities.

(4) Design considerations and calculations of control measures and facilities.

(5) Facilities to prevent tracking of mud by construction vehicles onto existing roadways.

H. The comprehensive stormwater management procedure report shall be prepared in accordance with the comprehensive stormwater management procedure handbook.

I. Permanent stormwater management program (indicating, as appropriate, measures for groundwater recharge) and facilities for site restoration and long-term protection, in both map and narrative form, including:

(1) Purpose and relationship to the objectives of this Part.

(2) Establishment of permanent vegetation or other soil stabilization measures.

(3) Installation of infiltration facilities, rooftop storage, cisterns, seepage pits, french drains, etc., to serve individual buildings.

(4) Types, locations and dimensioned details of facilities for stormwater detention and conveyance and for groundwater recharge.

(5) Design considerations and calculations supporting the stormwater management program.

(6) Location of drainage easements.

J. A narrative description of the maintenance procedures for both temporary and permanent control facilities, including:

(1) The methods and frequency of removing and disposing of sedimentation and other materials collected in control facilities, both during and upon completion of the project.

(2) The methods and frequency of maintaining all other control facilities, as necessary.

(3) That the maintenance of individual or onlot stormwater facilities shall be the responsibility of the property owner.

The description will result in a maintenance plan, to be signed by the applicant and to include the Township Engineer letter of recommendation to the Board of Supervisors and Township Planning Commission as provided under Part 1E, below.

K. Location, typical cross section and profile of all temporary and permanent erosion, sedimentation and surface water runoff control measures, including diversion and control, open drains and tile fields, proposed duration of such measures where temporary and supporting data assuring compliance with the current erosion control standards and specifications of the SCS, as adopted for use by the Chester County Conservation District.

L. The qualified individual preparing the plan shall certify on the drawing that the erosion, sedimentation control and water management controls meet the requirements of the Chester County Conservation District water management criteria. The applicant shall certify that all clearing, grading, movement of topsoil, construction and development shall be done in strict accordance with the plan.

M. The stormwater management plan and calculations shall be signed and sealed by a Professional Engineer registered in the Commonwealth of Pennsylvania. [Ord. 156]

(Ord. 103, 10/6/2000, §1; as amended by Ord. 156, 7/13/2009, §VIII)

E. Maintenance and Inspection of Permanent Stormwater Management Facilities.

§141. Maintenance Responsibilities.

1. General.

A. The owner of stormwater management facilities shall be responsible for their proper maintenance during and after development. A maintenance plan shall be prepared for review and recommendation to the Board of Supervisors and Planning Commission by the Township Engineer and shall be executed and signed by the applicant and the applicant's engineer who prepared the plan.

B. Where appropriate, maintenance responsibilities shall be included as deed restrictions on individual lots. All deeds shall incorporate these specified maintenance responsibilities, making responsibilities for stormwater management measures explicit to individual owner(s).

C. On or before completion of subdivision or land development improvements for a tract: (i) the permanent stormwater management system for the tract shall be fully installed and functional in accordance with the Township approved comprehensive stormwater management plan; (ii) temporary sediment trapping facilities in detention/retention basins, upon inspection and acceptance by the Township Engineer, shall be converted into permanent stormwater management basins; and (iii) additional facilities designed to serve more than an individual lot shall begin operation. All such work shall be as specified in the Township approved comprehensive stormwater management plan.

2. Individual Lot Stormwater Facilities. The maintenance of stormwater management facilities and systems that are located on an individual lot is the responsibility of the owner of the lot to maintain. As with nonindividual lot situations, a comprehensive stormwater management plan shall be prepared, including a maintenance plan, which shall include:

A. Any obligations concerning perpetuation of natural drainage or infiltration facilities and/or the maintenance of facilities constructed by the individual lot owner under terms of his building permit (e.g., berms, cisterns, down spout connections, and seepage pits).

B. Assurances that no action will be taken by the occupant to disrupt or in any way impair the effectiveness of any stormwater management system.

C. A description of the maintenance procedures for both temporary and permanent control facilities and systems on the lot, as provided in §134(2)(J), above, which shall also be set forth in deed restrictions binding on the lot owner and his successors in interest.

3. Failure of any person, individual lot owner or private entity to properly maintain any stormwater management facility shall be construed to be a violation of this Part, is hereby declared to be a public nuisance and

shall be subject to fines authorized under the Second Class Township Code and applicable ordinances.

(Ord. 103, 10/6/2000, §1)

§142. Need For Corrective Measures. If the Township determines at any time that stipulated permanent stormwater management facilities have been eliminated, altered or improperly maintained, the owner shall be advised of corrective measures required by the Township Engineer and the period of time for correction set by the Township Engineer. If such corrective measures are not taken by the owner, the Township, at its option, may cause the work to be done and lien all costs including, but not limited to, legal, engineering, labor, materials and equipment against the property for undertaking and accomplishing the corrective measures. (Ord. 103, 10/6/2000, §1)

§143. Inspections of Land Disturbances Related to Subdivision or Land Development. All land disturbance work related to a subdivision or land development shall be inspected as provided for in the Subdivision and Land Development Ordinance [Chapter 22]. (Ord. 103, 10/6/2000, §1)

§144. Land Disturbance Not Related to Subdivision or Land Development. The timing and frequency of inspections of land disturbance activities not related to the subdivision/land development process shall be as determined by the Township Engineer. No land disturbance activities shall occur prior to final approval of the comprehensive stormwater management plan by the Township Engineer. (Ord. 103, 10/6/2000, §1; as amended by Ord. 156, 7/13/2009, §IX)

§145. Fees Associated with Inspections. Inspection fees for activities associated with §§143 and 144 shall be paid according to the provisions of the East Coventry Township Fee Schedule as adopted and as may be amended from time to time. (Ord. 103, 10/6/2000, §1)

F. Fees and Costs.

§151. Comprehensive Stormwater Management Plan Approval and Other Fees and Costs.

1. Land Disturbance Related to Subdivision or Land Development. All fees and escrow deposits incident to the review of and the decision whether to approve a comprehensive stormwater management plan and maintenance plan and the review and inspection of the work thereunder, where the land disturbance activities are to be undertaken as part of a subdivision or land development, shall be as established and paid under or pursuant to the Subdivision and Land Development Ordinance [Chapter 22].

2. Other Land Disturbance Activities.

A. Planning Phase.

(1) All parties submitting a comprehensive stormwater management plan and maintenance plan for land disturbances not related to a subdivision or land development shall agree, in writing, to post an escrow to reimburse the Township for all costs of administration and review of the plan by the Township staff, Township Engineer and Township Solicitor. Funds shall be deposited with the Township in an amount as specified by resolution of the Board of Supervisors for each project.

(2) Excluding fixed administrative costs, the applicant shall be charged only for time actually expended and detailed in bills from the Township Engineer and the Township Solicitor. Any unexpended balance of the deposit shall be returned to the applicant following approval of the comprehensive stormwater management plan and maintenance plan.

(3) If at any time the actual time required of either the Township Engineer or the Township Solicitor to review the comprehensive stormwater management plan and maintenance plan will exceed the deposited amount, the Township shall render to the applicant a preliminary estimate of time to be expended and shall require an additional deposit to complete reviews. Such required additional amounts must be deposited with the Township prior to approval of the plan.

(4) Township approval of the comprehensive stormwater management plan and maintenance plan shall only occur after the applicant has paid in full all costs due the Township.

B. Implementation Phase Fees and Costs.

(1) The Township Engineer, Township Solicitor and other required consultants shall provide an estimate of their inspection, engineering and legal fees and costs for and incident to the implementation of the comprehensive stormwater management plan. The applicant shall escrow this estimated sum with the Township. The Township shall use the escrow account to pay the inspection,

engineering and legal invoices submitted by the Township consultants during the implementation phase of the comprehensive stormwater management plan.

(2) Should the applicant's escrow account fall below ten (10) percent of the original escrow amount, the applicant shall replenish the escrow account equal to an amount necessary to complete the work as estimated by the Township Engineer, the Township Solicitor and other consultant.

(Ord. 103, 10/6/2000, §1)

G. Prohibited Discharges and Connections; Erosion and Sediment Controls; Post-Construction Stormwater Runoff Controls.

§161. Application of Provisions of Subpart. In the event of any conflict between the provisions of this subpart and other provisions of this Part with respect to any subject matter of this subpart, the provisions of this subpart shall supersede and control.

(Ord. 143, 11/5/2007, §1.C)

§162. Definitions.

The following words and phrases, when used in this subpart whether with initial capitalization, full capitalization or otherwise, shall be construed throughout this subpart to have, unless otherwise expressly stated or where the context clearly indicates otherwise, the meanings given them in this Section:

ACCELERATED EROSION - the removal of the surface of the land through the combined action of human activities and the natural processes, at a rate greater than would occur because of the natural process alone.

BMP (BEST MANAGEMENT PRACTICE) - activities, facilities, designs, measures or procedures used to manage stormwater impacts from regulated earth disturbance activities, to meet State water quality requirements, to promote groundwater recharge and to otherwise meet the purposes of this Part. BMPs include, but are not limited to, infiltration, filter strips, low impact design, bioretention, wet ponds, permeable paving, grassed swales, forested buffers, sand filters and detention basins.

CONSERVATION DISTRICT – the Chester County Conservation District.

DEVELOPMENT - see “earth disturbance activity.” The term includes redevelopment.

EARTH DISTURBANCE ACTIVITY - a construction or other human activity which disturbs the surface of the land including, but not limited to, clearing and grubbing, grading, excavations, embankments, road maintenance, building construction and the moving, depositing, stockpiling, or storing of soil, rock or earth materials.

EROSION - the process by which the surface of the land, including channels, is worn away by water, wind, or chemical action.

EROSION AND SEDIMENT CONTROL PLAN - a plan for a project site which identifies BMPs to minimize accelerated erosion and sedimentation.

GROUNDWATER RECHARGE - replenishment of existing natural underground water supplies.

POINT SOURCE - any discernible, confined and discrete conveyance including, but not limited to, any pipe, ditch, channel, tunnel, or conduit from which stormwater is or may be discharged, as defined in PADEP regulations at 25 Pa.Code §92.1.

PROJECT SITE - the specific area of land where any regulated earth disturbance activities in the Township are planned, conducted, or maintained.

REDEVELOPMENT - earth disturbance activities on land, which has been previously disturbed or developed.

REGULATED EARTH DISTURBANCE ACTIVITY - earth disturbance activity one acre or more with a point source discharge to surface waters of the Commonwealth or the separate storm sewer system of the Township, or five (5) acres or more regardless of the planned runoff. This includes earth disturbance on any portion, part, or during any stage, of a larger common plan of development. This only includes road maintenance activities involving twenty-five (25) acres or more of earth disturbance.

ROAD MAINTENANCE - earth disturbance activities within the existing road cross-section, such as grading and repairing existing unpaved road surfaces, cutting road banks, cleaning or clearing drainage ditches and other similar activities.

STATE WATER QUALITY REQUIREMENTS - as defined under PADEP regulations, for the protection of “designated uses” and “existing uses” (see 25 Pa.Code, Chapters 93 and 96), including:

(1) Each stream segment in Pennsylvania has a “designated use,” such as “cold water fishes” or “potable water supply,” which are listed in 25 Pa.Code, Chapter 93. These uses must be protected and maintained as provided under PADEP regulations.

(2) “Existing uses” are those uses attained in the water body on or after November 28, 1975, regardless whether they have been “designated” in Chapter 93. Regulated earth disturbance activities must be designed to protect and maintain existing uses and maintain the level of water quality necessary to protect those uses in all streams, and to protect and maintain water quality in special protection streams.

(3) Water quality involves the chemical, biological and physical characteristics of surface water bodies. After regulated earth disturbance activities are complete, these characteristics can be impacted by addition of pollutants such as sediment, and changes in habitat through increased flow volumes and/or rates as a result of changes in land surface area from those activities. Therefore, to prevent these impacts, permanent discharges to surface waters must be managed to protect the stream bank, streambed and structural integrity of the waterway.

STORMWATER - the surface runoff generated by precipitation reaching the ground surface.

SURFACE WATERS OF THE COMMONWEALTH - any and all rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and all other bodies or channels of conveyance of surface water, or parts thereof, whether natural or artificial, within or on the boundaries of the Commonwealth.

WATERCOURSE - a channel or conveyance of surface water, such as a stream or creek, having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

WATERS OF THE COMMONWEALTH - any and all rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and all other bodies or channels

of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of the Commonwealth.

(Ord. 143, 11/5/2007, §1.C)

§163. Prohibited Discharges.

1. No person within the Township shall allow, or cause to allow, discharges into the separate storm sewer system of the Township, which discharges are not composed entirely of stormwater, except (A) as provided in subsection .2 below, and (B) discharges allowed under a state or federal permit.

2. Subject to subsections .3 through .5 below, discharges, which may be allowed, based upon a finding by the Township that the particular discharge does not significantly contribute to pollution to, are:

A. Discharges from fire fighting activities.

B. Potable water sources including dechlorinated water line and fire hydrant flushings.

C. Irrigation drainage.

D. Routine external building washdown (which does not use detergents or other compounds).

E. Air conditioning condensate.

F. Water from individual residential car washing.

G. Springs.

H. Water from crawl space pumps.

I. Uncontaminated water from foundation or from footing drains.

J. Flows from riparian habitats and wetlands.

K. Lawn watering.

L. Pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used.

M. Dechlorinated swimming pool discharges.

N. Uncontaminated groundwater.

3. In the event that the Township determines that any of the discharges identified in subsection .2 above significantly contribute to pollution of waters of the Commonwealth, or is so notified by PADEP, the Township will notify the responsible person to cease the discharge.

4. Upon notice provided by the Township under subsection .3 above, the discharger will have a reasonable time, as determined by the Township, to cease the discharge consistent with the degree of pollution caused by the discharge.

5. Nothing in this Section shall affect the responsibilities of a discharger under State law.

(Ord. 143, 11/5/2007, §1.C)

§164. Prohibited Connections.

The following connections are prohibited, except to the extent related to discharges allowed as provided in §163.2:

A. Any drain or conveyance, whether on the surface or subsurface, which allows any nonstormwater discharge including sewage, process wastewater, and wash water, to enter the separate storm sewer system of the Township, and any connections to the storm drain system from indoor drains and sinks.

B. Any drain or conveyance connected from a commercial or industrial land use to the separate storm sewer system of the Township, which has not been documented in plans, maps, or equivalent records, and approved by the Township.

(Ord. 143, 11/5/2007, §1.C)

§165. Erosion and Sediment Control.

1. No regulated earth disturbance activity within the Township shall commence until approval by the Township of an erosion and sediment control plan for construction activities.

2. PADEP has regulations that require an erosion and sediment control plan for any earth disturbance activity of 5,000 square feet or more, under 25 Pa.Code §102.4(b).

3. In addition, under 25 Pa.Code, Chapter 92, a PADEP "NPDES construction activities" permit is required for any regulated earth disturbance activity.

4. Evidence of any necessary permit or permits, for any regulated earth disturbance activity, from the appropriate PADEP regional office or Conservation District must be provided to the Township. The issuance of an NPDES construction permit (or permit coverage under the statewide general permit (PAG-2)) shall satisfy the requirements of subsection .1 above.

(Ord. 143, 11/5/2007, §1.C)

§166. Post-Construction Runoff Control Requirements.

1. No regulated earth disturbance activity within the Township shall commence until approval by the Township of a plan, which demonstrates compliance with State water quality requirements after construction is complete.

2. The BMPs shall be designed, implemented and maintained to meet State water quality requirements, and any other more stringent requirements as determined by the Township.

3. To control post-construction stormwater impacts from any regulated earth disturbance activity, state water quality requirements can be met by BMPs, including site design, which provide for replication of pre-construction stormwater infiltration and runoff conditions, so that post-construction stormwater discharges do not degrade the physical, chemical or biological characteristics of the receiving waters. As described in the PADEP Comprehensive Stormwater Management Policy (#392-0300-002, September 28,

2002), this may be achieved by the following:

A. Infiltration. Replication of preconstruction stormwater infiltration conditions.

B. Treatment. Use of water quality treatment BMPs to ensure filtering out of chemical and physical pollutants from the stormwater runoff.

C. Streambank and Streambed Protection. Management of volume and rate of postconstruction stormwater discharges to prevent physical degradation of receiving waters (e.g., from scouring and erosion).

4. PADEP has regulations that require municipalities to ensure design, implementation and maintenance of BMPs that control runoff from new development and redevelopment after any regulated earth disturbance activity is complete. These requirements include the need to implement postconstruction stormwater BMPs with assurance of longterm operations and maintenance of those BMPs.

5. Evidence of any necessary permit or permit for any regulated earth disturbance activity from the appropriate PADEP regional office or Conservation District must be provided to the Township. The issuance of an NPDES construction permit (or permit coverage under the statewide general permit (PAG-2) shall satisfy the requirements of subsection .1 above.

(Ord. 143, 11/5/2007, §1.C)

H. Enforcement, Violations and Penalties.

§171. General.

1. The provisions of this subpart shall not be in limitation of, but shall be in addition to such other or further remedies or enforcement actions as may be available to the Township, under other provisions of this Part, under other law or in equity, for any actions or inactions which are in violation of any provisions of this Part.

2. Nothing in this subpart or in any other provision of this Part shall be deemed to preclude the Township, for any actions or inactions which are in violation of any provision of this Part, from pursuing, concurrently, the remedies and enforcement actions provided in this subpart, and/or such other or further remedies or enforcement actions as may be available to the Township under other provisions of this Part, under other law, or in equity.

3. The provisions of this subpart shall not be in limitation of, but shall be in addition to such other or further remedies or enforcement actions as may be available to any governmental entity, other than the Township, having jurisdiction, under any applicable local, state or federal law, or in equity, for any actions or inactions which are in violation of any provision of this Part.

4. The following words and phrases, when used in this subpart whether with initial capitalization, full capitalization or otherwise, shall be construed throughout this subpart to have the same meanings given such words and phrases in §162: “BMP”; “Development”; and “Regulated Earth Disturbance Activity.”

(Ord. 143, 11/5/2007, §1.D)

§172. Public Nuisance.

1. The violation of any provision of this Part is hereby deemed and declared a public nuisance.

2. Each day that a violation of any provision of this Part continues shall constitute a separate violation.

(Ord. 143, 11/5/2007, §1.D)

§173. Enforcement.

1. Whenever the Township finds that a person has violated a prohibition or failed to meet a requirement of this Part, the Township may order compliance by written notice to the responsible person. Such notice may require without limitation:

A. The performance of monitoring, analyses, and reporting.

B. The elimination of prohibited discharges.

C. Cessation of any violating discharges, practices, or operations.

D. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property.

E. Payment of a fine to cover administrative and remediation

costs.

F. The implementation of stormwater BMPs.

G. Operation and maintenance of stormwater BMPs.

2. Such written notice shall set forth the nature of the violation or violations and specify a time limit for correction of the violation or violations. The notice may further advise that, if applicable, should the violator fail to take the required action within the specified deadline, the work will be done by the Township or its designee and the expense thereof shall be charged to the violator.

3. Failure to comply within the time specified in the written notice shall also subject such person to the penalty provisions of this subpart.

4. The remedies and enforcement actions provided the Township in this Section, whenever the Township finds that a person has violated a prohibition or failed to meet a requirement of this Part, shall be in addition to such other or further remedies or enforcement actions available to the Township in accordance with §171.1 and .2 above.

(Ord. 143, 11/5/2007, §1.D)

§174. Suspension and Revocation of Permits and Approvals.

1. Any building, land development or other permit or approval for any regulated earth disturbance activity issued by the Township may be suspended or revoked by the Board of Supervisors or its designee for:

A. Noncompliance with or failure to implement any provision of the permit;

B. A violation of any provision of this Part; and/or

C. The creation of any condition or the commission of any act during construction or development which constitutes or creates a hazard or nuisance, pollution or which endangers the life or property of others.

2. The right of the Board of Supervisors to suspend or revoke a permit or approval for the any or all of the events, as provided in subsection .1 above, shall be in addition to such other or further remedies or enforcement actions available to the Township in accordance with §171.1 and .2 above.

(Ord. 143, 11/5/2007, §1.D)

§175. Noncompliance with Approved Comprehensive Stormwater Management Plan and/or Maintenance Plan.

1. Any activity conducted pursuant to a comprehensive stormwater management plan and/or maintenance plan approved by the Township shall be performed in strict compliance with the provisions of the approved plan. Violations shall be treated in the following manner:

A. Any noncompliance with the provisions of the approved comprehensive stormwater management plan and/or maintenance plan that is identified by the Township Engineer or his designee in the course of inspections as specified in this Part shall be remedied by the appli-

cant/owner according to the provisions of this Part.

B. If at any time work does not conform to the approved comprehensive stormwater management plan and/or maintenance plan, including all conditions and specifications and modifications thereof, a written notice to comply shall be given to the applicant/owner. Such notice shall set forth the nature of corrections required and the time within which corrections shall be made. Upon failure to comply within the time specified, the applicant/owner shall be considered in violation of this Part, and the Township shall issue a cease and desist order on all work on the site, including any building or other construction, until corrections are made. If corrections are not undertaken within a specified time or the applicant/owner violates the cease and desist order the stormwater work shall be completed by the Township in accordance with the approved plan and the costs charged to the applicant/owner. Such costs shall be determined by the quotations or competitive bids obtained by the Township in accordance with the Second Class Township Code.

2. The right of the Township to treat violations of an approved comprehensive stormwater management plan and/or maintenance plan, as provided in subsection .1 above, shall be in addition to such other or further remedies or enforcement actions available to the Township in accordance with §171.1 and .2 above.

(Ord. 143, 11/5/2007, §1.D)

§176. Penalties.

1. Any person violating any provision of this Part shall be guilty of a summary offense, and upon conviction shall be subject to a fine of not more than one thousand dollars ($1,000.00) (or such other maximum fine as then may be provided or permitted by applicable law) for each violation, recoverable with costs. Upon default in payment of the fine and costs, such person shall be subject to imprisonment for a term of not more than ninety (90) days (or such other maximum term of imprisonment as then may be provided or permitted by applicable law for conviction of a summary offense). Each day, or portion thereof, in which a violation is found to exist, and each provision of this Part, which is found to have been violated, shall constitute a separate offense, and penalties shall be cumulative.

2. In addition, the Township may institute injunctive, mandamus or any other action or proceeding at law or in equity for the enforcement of this Part. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

3. The remedies and enforcement actions provided the Township in this section, for a violation or enforcement of this Part, shall be in addition to such other or further remedies or enforcement actions available to the Township in accordance with §171.1 and .2 above.

(Ord. 143, 11/5/2007, §1.D)

CHAPTER 10

HEALTH AND SAFETY

Part 1

Excavations

§101. Definitions
§102. Restrictions
§103. Extensions
§104. Notice
§105. Township May do Work
§106. Penalties

Part 2

Property Maintenance

§201. Preface
§202. Authority
§203. Definitions
§204. Application
§205. Buildings and Structures
§206. Yards, Open Lots, Parking Areas
§207. Infestation, Prevention and Correction
§208. Miscellaneous Provisions
§209. Responsibilities of Occupants
§210. Responsibilities of Owners
§211. Notice of Violation
§212. Compliance
§213. Penalties
§214. Owners Severally Responsible
§215. Inspection

Part 3

False Alarms

§301. Definitions
§302. Charges for False Alarms
§303. Penalty for Failure to Pay False Alarm Charge

Part 1

Excavations

§101. Definitions. Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

BUILDING INSPECTOR - person appointed by the Board of Supervisors of East Coventry Township to enforce all laws relating to construction, alteration, removal and demolition of buildings and structures.

DEEP HOLE - any hole, three feet (3') or more in depth, which has been dug for the purpose of conducting soil tests.

OWNER - any person, corporation, partnership or other entity, vested with the ownership, legal or equitable, or any agent or independent contractor acting on behalf of such a person, corporation, partnership or other entity, of any property located in the Township.

TOWNSHIP - East Coventry Township, Chester County, Pennsylvania.

(Ord. 29, 5/19/1975, §1)

§102. Restrictions. It shall be unlawful for any owner of real property within East Coventry Township to permit or to cause to be permitted a deep hole to exist on said property for a period of more than five (5) days, and such conduct shall constitute a nuisance, except as said period may be extended as provided in this Chapter. (Ord. 29, 5/19/1975, §2)

§103. Extensions. In the event the real or equitable owner of the property on which a deep hole has been dug wishes to have the hole remain open for any reason beyond the five (5) day period as set forth in §102, he shall make written application to the Building Inspector stating the reason why said owner desires the hole to remain open. Upon said written application, the Building Inspector may, at his discretion, permit the hole to remain open and can require the landowner to take whatever precautions he feels are reasonably necessary to insure the safety of the general public. (Ord. 29, 5/19/1975, §3)

§104. Notice. Upon a determination by the Building Inspector that a deep hole has been in existence on property for a period in excess of the five (5) day period specified in this Chapter, or any extension as provided in §103 hereof, the Building Inspector shall give written notice by certified mail to the owner to fill said deep hole, within a period of five (5) days after the date of said notice. (Ord. 29, 5/19/1975, §4)

§105. Township May do Work. If, after giving notice as required by this Part, said deep hole has not been filled, the Building Inspector shall be empowered to enter upon the property and take such action as is necessary to fill said deep hole. The cost of the filling of said deep hole shall be collectible in any summary proceedings initiated pursuant to this Chapter, or in the manner provided for the collection of municipal claims, or by an action of assumpsit without the filing of a claim. (Ord. 29, 5/19/1975, §5)

(10, §106)

§106. Penalties. Any person, firm or corporation who shall violate any provision of this Part 1 shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars ($300.00); and/or to imprisonment for a term not to exceed thirty (30) days. Every day that a violation of this Part 1 continues shall constitute a separate offense. (Ord. 29, 5/19/1975, §6; as amended by Ord. 49, 11/3/1986)

(10, §201)

Part 2

Property Maintenance

§201. Preface. Recognizing the need within the Township to establish certain minimum health and safety requirements for those buildings, structures, or properties which are used or associated with human occupancy; this ordinance hereby establishes standards which the Board of Supervisors considers to be fair and effective in meeting those minimum requirements. (Ord. 3, 8/1/1955; as revised by Ord. 49, 11/3/1986)

§202. Authority. This Part, and the objectives leading to its enactment, are authorized by the following provisions of the Second Class Township Code, to wit: 53 PS §65761 (Supp.). (Ord. 3, 8/1/1955; as revised by Ord. 49, 11/3/1986)

§203. Definitions.

BUILDING - a roofed structure, enclosed by one or more walls, for the shelter, housing, storage or enclosure of persons, goods, materials, equipment or animals.

COURT - an open and unoccupied space on a lot enclosed on at least three (3) sides by the walls of a building.

GARBAGE - putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

INFESTATION - the presence of insects, rodents, vermin and/or other pests.

LOT - plot, tracts, premises or parcel of land, with or without improvements thereto.

OWNER - any person or persons, jointly or severally, firm, corporation or other entity which, either by conveyance or inheritance or otherwise, is vested with the title to a lot and/or improvements thereto or who retains the exclusive control of such a lot and/or improvements thereto in his capacity as a legal representative, such as an administrator, trustee, executor, etc.

REFUSE - all putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, dead animals and market and industrial wastes.

UNOCCUPIED HAZARD - any building, or part thereof, or manmade structure, which remains unoccupied for a period of more than six (6) months, with either doors, windows, or other openings broken, removed, boarded or sealed up, or any building under construction upon which little or no construction work has been performed for a period of more than six (6) months.

YARD - any open space on the same lot with a building and, for the most part unobstructed from the ground up.

(Ord. 3, 8/1/1955; as revised by Ord. 49, 11/3/1986)

(10, §204)

§204. Application. The provisions of this Part shall supplement local laws, ordinances or regulations existing in the Township or those of the Commonwealth of Pennsylvania. Where a provision of this Part is found to be in conflict with any provision of a local law, ordinance, code or regulations or those of the Commonwealth of Pennsylvania, the provisions which is more restrictive or which establishes the higher standard shall prevail. (Ord. 3, 8/1/1955; as revised by Ord. 49, 11/3/1986)

§205. Buildings and Structures.

1. No owner of any building or structure shall fail to take steps and perform such maintenance thereto, as may be required from time to time, to ensure the property is safe, sound, sanitary and secure and does not present a health and/or safety hazard to surrounding properties and to the general populace.

2. No owner of any unoccupied building or structure shall fail to take such steps as may be required to insure that these are securely closed so as to prohibit and deter entry thereto and to insure that no health and/or safety hazard, or threat thereof, is precipitated due to a lack of maintenance or due to neglect.

3. Owners of any and all unoccupied buildings and/or structures which, through neglect, have deteriorated to the point of being classified as unoccupied hazards, and therefore constitute a severe health and/or safety hazard, shall, upon direction of the Board of Supervisors, remove, or cause the removal of, the building and/or structure.

(Ord. 3, 8/1/1955; as revised by Ord. 49, 11/3/1986)

§206. Yards, Open Lots, Parking Areas. No person shall permit:

1. Fences and/or minor structures to be constructed and maintained so as to present a safety or health hazard to persons and/or property;

2. the development of accumulation of hazards, rodent harborage and/or infestation upon yards, courts, lots;

3. objectionable materials to accumulate and to be blown about the surrounding neighborhood;

4. wells, cesspools, cisterns, sedimentation ponds, stormwater management impoundment ponds and/or ponds of a similar nature to remain open without adequate fencing or barricades to prevent access thereto by the general public;

5. the accumulation of heavy undergrowth and/or vegetation which would impair the health and/or safety of the neighborhood; nor shall they permit any trees, plants or shrubbery, or any portion thereof, to grow on their property and which constitute a safety hazard to pedestrian and/or vehicular traffic.

(Ord. 3, 8/1/1955; as revised by Ord. 49, 11/3/1986)

§207. Infestation, Prevention and Correction.

1. Grounds, buildings and structures shall be maintained free of insect, vermin and rodent harborage and infestation.

2. Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse.

3. Where there exists rodent and vermin infestation, corrective measures shall be undertaken by the property owner and/or occupant to alleviate the existing problem(s), to include screening, extermination and/or garbage and refuse control. Methods employed for extermination shall conform with generally accepted practices.

(Ord. 3, 8/1/1955; as revised by Ord. 49, 11/3/1986)

§208. Miscellaneous Provisions. No person shall permit:

1. Roof, surface and/or sanitary drainage to create a safety and/or health hazard to persons and/or property by reason of inadequate and/or improper construction, or maintenance or manner of discharge;

2. roof gutters, drains, or any other system designed and constructed to transport stormwater, to be discharged into any sanitary sewage system and/or any part thereof;

3. any refrigerator, freezer and/or other similar storage chest to be discarded, abandoned or stored in any place or location which is accessible to the general public without first completely removing any and all locking devices and/or doors.

(Ord. 3, 8/1/1955; as revised by Ord. 49, 11/3/1986)

§209. Responsibilities of Occupants. Any occupant of a premises shall be responsible for compliance with the provisions of this Part with respect to the maintenance of that part of the premises which he occupies and/or controls in a safe, sound and/or sanitary condition pursuant to the terms of the contract/agreement under which he exercises occupancy and/or control thereof. (Ord. 3, 8/1/1955; as revised by Ord. 49, 11/3/1986)

§210. Responsibilities of Owners.

1. Owner of premises shall comply with the provisions of this Part as well as operators and occupants, regardless of any agreements between owners and operators or occupants as to which party shall assume such responsibility.

2. In instances where an occupant is responsible, or shares responsibility with an owner, for the existence of one (1) or more violations of this Part, said occupant shall be deemed responsible and treated as if an owner within the true intent and meaning of this Part.

(Ord. 3, 8/1/1955; as revised by Ord. 49, 11/3/1986)

§211. Notice of Violation. Upon failure to comply with any terms or conditions of this Chapter, the owner and/or occupant shall be notified by the Board of Supervisors or its authorized representative, by certified mail, or through personal service, of said violation or violations. Such notification shall be in writing and shall identify the premises and shall cite the specific violation or violations; shall direct the owner and/or occupant to correct the deficiency and/or deficiencies within a period of thirty (30) days from the receipt of such notice and shall inform the owner

(10, §211, cont'd)

and/or occupant of the fines and penalties which would accrue for the failure to comply. The notice shall also advise that, in lieu of or in addition to fines and penalties, and subsequent to the thirty (30) day period for voluntary compliance, the Township may itself correct the deficiencies or contract for the correction thereof and assess the cost thereof as a lien against the premises and/or recover the expenses so incurred in a manner as prescribed by law. In the event the owner and/or occupant cannot be ascertained or is not able to be located, a notice, containing the above required information in summary form, shall be published once in each of two (2) consecutive weeks in a newspaper of general circulation in the Township, advising of the existence of the violation and requiring correction thereof, in accordance with the terms and conditions herein established; detailed notice thereof shall be posted on the subject premises and at the Township Building. (Ord. 3, 8/1/1955; as revised by Ord. 49, 11/3/1986)

§212. Compliance. The owner and/or occupant shall have thirty (30) days from the receipt of a notice of violation or, alternatively, from the date of the second appearance of the published notice of violation, to correct any and all stipulated deficiencies. Extensions to the thirty (30) day period in which deficiencies must be corrected may be granted by the Township upon demonstration by the owner and/or occupant that such an extension thereto is warranted and justified. Failure to comply shall constitute a violation of this Part. A conviction of an owner and/or occupant shall not ban further prosecutions for noncompliance with this Part subsequent to such conviction. (Ord. 3, 8/1/1955; as revised by Ord. 47, 11/3/1986)

§213. Penalties. Any person, firm or corporation who shall violate any provision of this Chapter shall, upon conviction thereof, be sentenced to pay a fine not exceeding three hundred dollars ($300.00), together with costs of prosecution, or to imprisonment for a term not to exceed thirty (30) days. Each day a conviction in violation of this Chapter exists beyond the thirty (30) day voluntary compliance period shall constitute a separate violation of this Chapter. (Ord. 3, 8/1/1955; as revised by Ord. 47, 11/3/1986)

§214. Owners Severally Responsible. If the premises are owned by more than one (1) owner, each owner shall severally be subject to prosecution for the violation of this Part. (Ord. 3, 8/1/1955; as revised by Ord. 47, 11/3/1986)

§215. Inspection. The Board of Supervisors may, or may cause, through an authorized representative of the Township, entry onto premises for the purpose of inspection of any and all premises, properties, buildings and/or structures located within the Township for ascertaining the existence of violations. (Ord. 3, 8/1/1955; as revised by Ord. 49, 11/3/1986)

Part 3

False Alarms

§301. Definitions. Unless the context specifically and clearly indicates otherwise, the following words and phrases, as used in this Part, shall have the meanings indicated:

ALARM - an audible or visible signal emitted, transmitted or otherwise produced by an alarm device indicating that a crime, fire or other emergency situation warranting immediate action by the police department or fire company has occurred or is in the process of occurring. This definition shall include, but shall not be limited to, telephone warning messages transmitted by alarm devices to the dispatcher.

ALARM DEVICE - an electrical, electronic or mechanical device designed to automatically (a) emit, transmit or otherwise produce an alarm by wire, telephone, radio, or other means to a person who is instructed to notify the dispatcher, the police department and/or the fire company of the alarm, and/or (b) activate a bell, light or other sound or light producing device to be heard or seen outside a building intended to alert the police department, the fire company or others to the existence of a crime, fire or other emergency situation warranting immediate action by the police department or the fire company.

DISPATCHER - the Pottstown Police Dispatch Center and the Chester County Emergency Services Center, or either of them.

FALSE ALARM - an alarm to which the police department or the fire company, or both, responds resulting from the activation of an alarm device when a crime, fire or other emergency situation warranting immediate action by the police department and/or the fire company has not in fact occurred.

FIRE COMPANY - the Ridge Fire Company and all members thereof, including, without limitation, rescue personnel.

PERSON - an individual, corporation, partnership, incorporated or unincorporated association, or other similar entity.

POLICE DEPARTMENT - the Police Department of the Township and all members thereof.

TOWNSHIP - East Coventry Township, Chester County, Pennsylvania, and its duly elected and authorized officials, officers, agents, servants and employees.

(Ord. 61, 10/1/1990, §1)

§302. Charges for False Alarms.

1. For the purpose of defraying a portion of the cost to the Township, the police department and/or the fire company in responding to false alarms, any person, who owns or occupies any property within the Township from which a false alarm emanates for any reason, shall pay to the Township a charge for each such false alarm in accordance with the following schedule:

A. False alarms to which the police department only responds: twenty-five dollars ($25.00) per false alarm.

(10, §302(1), cont'd)

B. False alarms to which the fire company only responds: fifty dollars ($50.00) per false alarm.

C. False alarms to which the police department and the fire company respond: seventy-five dollars ($75.00) per false alarm, being the total of twenty-five dollars ($25.00) for the police department response and fifty dollars ($50.00) for the fire company response.

2. When a false alarm occurs, the Township shall, within thirty (30) days from the date on which the false alarm occurs, notify the person who owns or occupies the property from which the false alarm emanated that the false alarm occurred and that a false alarm charge, and the amount thereof, in accordance with §302(1) is due. Such notice shall be in writing and mailed to the property owner or occupant at the last known address thereof by regular first-class mail, postage prepaid. Failure of the Township to mail the notice of assessment of the false alarm charge within thirty (30) days from the date on which the false alarm occurred shall preclude the Township from assessing a false alarm charge for that particular false alarm.

3. A false alarm charge assessed in accordance with §302(1) and (2) shall be due and payable at the office of the Township thirty (30) days from the date of the mailing of the notice of assessment of the false alarm charge.

4. The failure of a person to pay, in full and on or before the due date, a false alarm charge assessed against such person under and in accordance with this Section, shall subject such person to the penalties under §303 of this Part.

5. Any false alarm charge assessed and collected by the Township under and in accordance with this Section, upon a response by the police department to a false alarm, shall be paid into the general fund of the Township. Any false alarm charge assessed and collected by the Township under and in accordance with this Section, upon a response by the fire company to a false alarm, shall be paid to the fire company less any costs, expenses, and fees incurred by the Township in assessing and collecting the fire alarm charge.

(Ord. 61, 10/1/1990, §1)

§303. Penalty for Failure to Pay False Alarm Charge.

1. Any person who fails to pay a false alarm charge assessed against such person in the full amount and on or before the due date, as provided under and by §302 of this Part, shall be in violation of this Part and, upon conviction thereof, shall be sentenced to pay a fine or penalty of not more than one thousand dollars ($1,000.00) collectible before any District Justice as like fines or penalties are now by law collectible, and on default of the payment of the fine or penalty imposed and costs, to imprisonment for a period not exceeding thirty (30) days.

2. The fine or penalty and imprisonment imposed on a person under §303(1) shall not be in lieu of but shall be in addition to the false alarm charges assessed against such person under this Part, and shall not be

(10, §303(2), cont'd)

exclusive but shall be in addition to such other rights and remedies which the Township now has or may hereafter have to enforce this Part and the assessment and collection of false alarm charges provided hereunder.

(Ord. 61, 10/1/1990, §1)

CHAPTER 11

HOUSING

Part 1

Tenancy Reports

§101. Definitions
§102. Initial Tenancy Reports
§103. Interim Tenancy Reports
§104. Annual Tenancy Reports
§105. Penalties

Part 1

Tenancy Reports

§101. Definitions. The following words and phrases, when used in this Part, shall have the meanings given in this Section unless the context clearly indicates otherwise:

BOARD OF SUPERVISORS - the Board of Supervisors of the Township.

CHANGE IN OCCUPANCY - with respect to a residential rental property: (i) any change in the number of parcels or units of the property leased or held out or otherwise available for lease; (ii) the property, or any parcel unit or other part thereof, becoming vacant or, if previoulsy vacant, becoming occupied; and/or (iii) any change in the number of tenants who are eighteen (18) years of age or older.

COMES (OR COMING) INTO EXISTENCE - the date on which such property, or part thereof, is first leased, or is first held out or otherwise first becomes available for lease.

LATEST TENANCY REPORT UNDER THIS PART - the initial tenancy report under §102, the interim tenancy report under §103 or the annual tenancy report under §104, whichever is the latest report submitted for the property.

LEASE - includes, without limitation, the sublease and rental of such property.

RESIDENTIAL RENTAL PROPERTY - any apartment building, mobile home park and/or other property, or portions thereof, situate in the Township which is leased, or held out or otherwise available for lease, for living and sleeping purposes.

OWNER - without limitation, any person who is the record owner or equitable owner of such property.

PERSON - any individual, partnership, association, firm or coporation.

TENANT - any individual, other than the owner of such property, who has the use thereof for living and sleeping purposes. "Tenant" shall include, without limitation, the lessee, sublessee and/or renter of such property.

TOWNSHIP - the Township of East Coventry, Chester County, Pennsylvania.

(Ord. 80, 4/4/1994)

§102. Initial Tenancy Reports.

1. Every owner and/or rental agent of residential rental property shall, on or before the times specified in subsection (2), submit to the Township, on forms provided by the Township, an initial tenancy report with respect to each such property. The report shall indicate the following information and such other information which the Board of Supervisors, by resolution, may from time to time require:

A. The number of parcels or units of the property leased or held out or otherwise availabe for lease, whether or not occupied.

B. The location and address of each parcel or unit of the property, whether or not occupied.

C. Whether or not the property, or any parcel, unit or other portion thereof, is occupied by one (1) or more tenants, and if so (i) the specific location and address of the occupied property or portion thereof, and (ii) the name, mailing address and the Social Security number of each occupying tenant who is eighteen (18) years of age or older.

2. Initial tenancy reports, for residential rental property existing or coming into existence between the effective date of this Part and May 1, 1994, inclusive, shall be submitted to the Township on or before June 1, 1994. Initial tenancy reports for a residential rental property coming into existence after May 1, 1994, shall be submitted to the Township within thirty (30) days after the such property comes into existence.

(Ord. 80, 4/4/1994)

§103. Interim Tenancy Reports.

1. Every owner and/or rental agent of residential rental property shall submit to the Township, on forms provided by the Township, an interim tenancy report of any change in occupancy for each such property, which change occurs following the submission of the latest tenancy report under this Part. The interim tenancy report shall be submitted within thirty (30) days after the change in occupancy occurs.

2. The interim tenancy report of the change in occupancy shall indicate the following information, as may apply, and such other information which the Board of Supervisors, by resolution, may from time to time require:

A. The date on which the change in occupancy was effective.

B. Any change in the number of parcels or units of the property leased or held out or otherwise available for lease, including the former and new locations and addresses of each such parcel or unit.

C. The location and address of the property, and each parcel, unit or other part thereof, which has become vancant and/or occupied.

D. The name, mailing address and Social Security number of each new tenant who is eighteen (18) years of age or older, and each existing tenant who has attained the age of eighteen (18) years during his or her tenancy of the property.

E. The name, Social Security number and, if known, the forwarding mailing address of each vacating tenant who is eighteen (18) years of age or older.

(Ord. 80, 4/4/1994)

§104. Annual Tenancy Reports.

1. Every owner and/or rental agent of residential rental property shall submit to the Township, on forms provided by the Township, an annual tenancy report with respect to each such property. The first annual tenancy report shall be submitted on or before February 1, 1995, and subsequent annual reports shall be submitted on or before February 1 of each succeeding year.

2. The annual tenancy report shall indicate the following information and such other information which the Board of Supervisors, by resolution, may from time to time require:

A. In the event that a change in occupancy of a residential property has occurred following the submission of the latest tenancy report under this Part, the annual report shall indicate the information required of an interim tenancy report under §103(2).

B. In the event that no change in occupancy of a residential rental property has occurred following the submission of the latest tenancy report under this Part, the annual report shall indicate "no change."

(Ord. 80, 4/4/1994)

§105. Penalties. Any person violating any provision of this Part shall, upon conviction therefor, be sentenced to pay a fine or penalty not exceeding six hundred ($600.00) dollars and costs, and, in default of payment thereof, to a term of imprisonment not to exceed thirty (30) days. For the purpoose of this Section, the failure to submit the required tenancy report for each residential rental property shall be a separate violation of this Part, and each day that a violation of this Part continues shall constitute a separate offense. (Ord. 80, 4/4/1994)

CHAPTER 12

LIBRARIES

(Reserved to accommodate future ordinances)

CHAPTER 13

LICENSES, PERMITS, AND GENERAL BUSINESS REGULATIONS

Part 1

License and Regulation for Soliciting or Peddling

§101. Definitions
§102. Prohibited Conduct
§103. Exemptions and Interpretation
§104. License Application
§105. Waiting Period
§106. Exhibition of License
§107. Licensing Period and Renewal
§108. Penalties

Part 2

Grant of Rights and Privileges to Operate CATV Facilities

§201. Grant of License and Franchise; Suburban Cable TV Company, Inc.
§202. Grant of License and Franchise; Verizon Pennsylvania, Inc.

Part 1

License and Regulation for Soliciting or Peddling

§101. Definitions.

LICENSEE - a person who has obtained a license pursuant to this Part.

PEDDLING - the selling, hawking, exchanging or transferring of goods, wares or merchandise of any kind or nature, for a consideration, from vehicles or temporary structures along the streets or highways within East Coventry Township, or by visits to the dwelling houses, residences or places of business within East Coventry Township, except that the definition of peddling shall not include situations wherein a party being within the Township of East Coventry has requested and/or consented to the foregoing described conduct which constitutes peddling.

SOLICITING - the procuring or soliciting of orders for future deliveries of goods, wares or merchandise of any kind or nature, from vehicles or temporary structures along the streets, roads, and highways of East Coventry Township, or by visits to the dwelling houses, residences or places of business within East Coventry Township. In addition, soliciting shall be defined as procuring or soliciting of contributions, gifts or donations of money or any other item of any kind or nature. However, the definition of soliciting shall not include situations wherein a party being within the Township of East Coventry has requested and/or consented to the foregoing described conduct which constitutes soliciting.

(Ord. 28, 5/20/1974, §1)

§102. Prohibited Conduct. It shall be unlawful for any person, partnership, association, firm, or corporation, or any other organization, to engage in soliciting or peddling within East Coventry Township without obtaining a license as specified in this Part. (Ord. 28, 5/20/1974, §2)

§103. Exemptions and Interpretation.

1. A license as specified in this Part shall not be required where:

A. Peddling or soliciting as defined hereinabove is conducted by a person, partnership, association, firm or corporation, or any other organization, who or which as a fixed, regular place of business within East Coventry Township;

B. Peddling or soliciting is conducted by a person who is a member or representative of a religious group;

C. A farmer is selling food products which have been produced by him.

2. Nevertheless, the Township Board of Supervisors shall make the determination as to whether an applicant falls within any of the specified exemptions set forth in paragraph 1 hereof.

(Ord. 28, 5/20/1974, §3)

§104. License Application. The application for a license as required by this Part shall be on a form provided by the Board of Supervisors and shall contain the following information:

1. Full name of the applicant and local address, if any;

2. Permanent address of the applicant;

3. Name of employer and address of the principal place of business of employer, or a statement that the applicant is self-employed;

4. The nature of the goods, wares, or merchandise to be peddled or solicited; if applicable, the purpose for the soliciting of contributions, gifts or donations of money or any other item of any kind or nature;

5. A statement as to whether or not the applicant has ever been convicted of any crime and if the answer is in the affirmative, the nature of the offense or offenses and the punishment or punishments imposed therefor;

6. The type of vehicle to be used, if any;

7. Upon request, the applicant shall also submit to fingerprints and furnish a photograph;

8. If a license is required from any county officer, the applicant shall upon making application exhibit a valid county license;

9. Duration of peddling or soliciting to be conducted;

10. A fee, as established by resolution by the Board of Supervisors, shall be paid for each representative of an organization before a license will be issuee, which fee may be waived by the Board of Supervisors upon request of an applicant after review of the application for license by the Board of Supervisors. [Ord. 31]

(Ord. 28, 5/20/1974, §4; as amended by Ord. 31, 2/16/1976, §1; and by Ord. 47, 11/3/1986)

§105. Waiting Period. There shall be a ten (10) day waiting period for issuance of license, which waiting period shall begin the day following submission of the application for a peddling or soliciting license, provided that the waiting period may be extended as shall be necessary for verification of the information provided in the application. (Ord. 28, 5/20/1974, §5)

§106. Exhibition of License.

1. The peddling and soliciting license required by this Part must be prominently displayed on any vehicle used by the licensee.

2. A licensee under this Part must exhibit the license required by this Part to all persons contacted for the purpose of peddling or soliciting.

3. A license obtained shall not be transferable to any other person. Each representative of an organization must complete an application form, pay the license fee provided in §104(10), above, and obtain a duplicate copy of the original license issued to the organization. [Ord. 31]

(Ord. 28, 5/20/1974, §6; as amended by Ord. 31, 2/15/1976, §2)

§107. Licensing Period and Renewal.

1. The license required by this Part shall be valid for a term of one (1) year. Said license may be renewed by submitting an application as provided in §104 of this Part, provided that no waiting period shall be required for a renewal of a license.

2. The license required by this Part may be revoked by the chairman of the Board of Supervisors of East Coventry Township upon cause shown. The licensee may request that any revocation be reviewed by the Board of Supervisors of East Coventry Township. The Board of Supervisors shall, at the next regularly scheduled meeting, sustain the revocation or order that the license be reinstated as they shall determine.

(Ord. 28, 5/20/1974, §7)

§108. Penalties. Any person, firm or corporation who shall violate any provision of this Part 1 shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars ($300.00); and/or to imprisonment for a term not to exceed thirty (30) days. Every day that a violation of this Part 1 continues shall constitute a separate offense. (Ord. 28, 5/20/1974, §8; as amended by Ord. 49, 11/3/1986)

Part 2

Grant of Rights and Privileges to Operate CATV Facilities

§201. Grant of License and Franchise; Suburban Cable TV Company, Inc. In accordance with, and in consideration of the full and faithful performance and observance by Suburban Cable TV Company, Inc., of the terms, conditions, restrictions, reservations and other provisions of that certain franchise agreement, a copy of which is attached to this Part as Appendix A[1] and made fully part hereof, nonexclusive rights and privileges are hereby granted to Suburban Cable TV Company, Inc., for a term of fifteen (15) years from the effective date of the ordinance enacting this Part, to construct, erect, operate and maintain in, on, along, across, above, over, any public way (as defined in said franchise agreement) in East Coventry Township, poles, wires, cables, underground conduits, manholes, pedestals, amplifiers and other cable television conductors and fixtures necessary for the construction, maintenance and operation of a cable system (as defined in said franchise agreement) for the purpose of distributing or relaying television, radio, digital and other lawful electronic signals. (Ord. 85, 7/17/1995, §1)

§202. Grant of License and Franchise; Verizon Pennsylvania, Inc. In accordance with, and in consideration of the full and faithful performance and observation by Verizon Pennsylvania Inc., of the terms, conditions, restrictions, reservations and other provisions of that certain franchise agreement, a copy of which is attached to this Part as Appendix B[2] and made fully part hereof, nonexclusive rights and privileges are hereby granted to Verizon Pennsylvania Inc., for a term of fifteen (15) years from the effective date of the ordinance enacting this Section, to construct, erect, operate and maintain in, on, along, across, above, over, any public rights-of-way (as defined in said franchise agreement) in East Coventry Township, poles, wires, cables, underground conduits, manholes, pedestals, amplifiers and other cable television conductors and fixtures necessary for the construction, maintenance and operation of a cable system (as defined in said franchise agreement) for the purpose of distributing or relaying television, radio, digital and other lawful electronic signals. (Ord. 149, 10/13/2008, §I)

---

[1] Editor's Note: Appendix A is on file in the Township office.

[2] Editor's Note: Appendix B is on file in the Township office.

CHAPTER 14

MOBILE HOMES AND MOBILE HOME PARKS

Part 1

Mobile Home Parks

§101. Definitions
§102. Permit Required for Operation of Mobile Home Park
§103. Application for Permit with PA Department of Health
§104. Application to Township; Information Required
§105. Application Fees
§106. Investigation; Issuance of Permit
§107. Permit Renewal
§108. Permit Fees
§109. Certificate of Registration Required
§110. Notice Required of Intent to Sell or Dispose of Interest in Parks
§111. Permits Not Transferrable; Changes in Park Must Comply
§112. Notice to Correct Conditions; Suspension of License
§113. Notice of Violations; Hearings
§114. Monthly Inspections
§115. Notification of Change in Park Management
§116. Proper Drainage and Maintenance of Grounds
§117. Ground Cover
§118. Nonresidential Uses Prohibited
§119. Mobile Home Lot Requirements; Utilities
§120. Park Office Building; Posting of License
§121. Lot Dimensions; Parking Areas
§122. Private Water Supplies Must be Approved
§123. Lighting of Park Roadways
§124. Street Signs; Lot Numbers
§125. Commercial Waste Creating Activities Prohibited
§126. Screening at Property Line
§127. Park Register; Information Required
§128. General Regulations for Park Operation
§129. Plumbing Installations to be Inspected
§130. Responsibility of Permit Holder
§131. Other Laws Incorporated by Reference
§132. Septic Systems
§133. Payment of Engineering Studies for Sewage Systems
§134. Waterlines to be Protected from Contamination
§135. Garbage Containers
§136. Emergency Powers
§137. Penalties

(14, §101)

Part 1

Mobile Home Park

§101. Definitions.

LICENSE - written approval in any form as issued by the Pennsylvania Department of Health or the Township of East Coventry authorizing a person to operate and maintain a mobile home park.

MOBILE HOME - a transportable, single family dwelling which may be towed on its own running gear and which may be temporarily or permanently affixed to real estate, used for non-transit residential purposes and constructed with the same, or similar, electrical, plumbing, and sanitary facilities as immobile housing.

MOBILE HOME LOT - a parcel of land for the placement of a single mobile home and the exclusive use of its occupants.

MOBILE HOME PARK - a parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use.

PERSON - natural persons, partnerships, firms, associations or corporations or any other entity.

(Ord. 14, 6/6/1966, §§1-5)

§102. Permit Required for Operation of Mobile Home Parks. It shall be unlawful for any person to maintain, construct, alter, extend or operate any mobile home park within the limits of the Township of East Coventry, Chester County, Pa., unless he holds a valid permit issued under the authority of the Pennsylvania Department of Health in the name of such person and also a permit issued by the Township of East Coventry in accordance with this Part. (Ord. 14, 6/6/1966, §6)

§103. Application for Permit with PA Department of Health. All applications for permits shall be made by the owner of the mobile home park or his authorized representative in accordance with rules and regulations of the Commonwealth of Pennsylvania Department of Health chapter 4 article 415 Regulations for Mobile Home Parks, adopted October 30, 1959 as amended January 22, 1965. (Ord. 14, 6/6/1966, §7)

§104. Application to Township; Information Required. A copy of said Pennsylvania Department of Health application shall be filed with the Secretary of the Township and an application for a permit shall also be made to the Township of East Coventry for such proposed park, showing the following information:

1. Name and address of applicant.
2. Extent of area to be used for mobile home park purposes.
3. Detailed print of all lots, dimensions.
4. Locations and width of all roadways, driveways and parking facilities.

(14, §104, cont'd)

5. Location and details of all facilities to be used by occupants showing water services, drainage, sewage and waste disposal, electric outlets, electric wiring, lighting, sanitary conveniences, wash rooms, laundries, utilities.

6. Detailed plans of sewage and disposal system.

7. Percolation test for water and sewage seepage.

8. Plan of lighting roadways and driveways.

9. Fire protection, extinguishers, equipment.

10. Parking plans for motor vehicles.

11. Plan of water supply and service.

12. Animal or pet restrictions.

13. Plans and equipment for garbage and refuse disposal.

14. Such other requirements as may be demanded by Supervisors.

(Ord. 14, 6/6/1966, §8)

§105. Application Fees. Such application for a permit shall be accompanied by a fee to cover costs of service of inspection, investigation and plans in connection with the investigation of application. Said fee to be as set forth in the Schedule of Fees resolution established by the Board of Supervisors. (Ord. 14, 6/6/1966, §9; as amended by Ord. 49, 11/3/1986)

§106. Investigation; Issuance of Permit. Upon receipt of the application for a permit the Secretary shall cause an investigation to be made of the premises and plans to which the application applies and before issuing a permit be assured all the requirements of the ordinance are complied with. Upon favorable determination of the same and upon being furnished with a permit issued by the Pennsylvania Department of Health to the applicant and payment of a license fee as prescribed herein the said Township authorities shall issue a mobile home park permit or certificate of registration to the applicant which shall be for one year thereafter. (Ord. 14, 6/6/1966, §10)

§107. Permit Renewal. Renewed permits for a like period shall be issued by said officer upon proof by the applicant that the mobile home park continued to meet the standards prescribed by the Pennsylvania Department of Health and this Part. (Ord. 14, 6/6/1966, §11)

§108. Permit Fees. A fee shall be paid for the issuance of the original permit or certificate of registration and shall be paid for each renewal permit which shall accompany the application. Such fees shall be as established by resolution of the Board of Supervisors. (Ord. 14, 6/6/1966, §12; as amended by Ord. 49, 11/3/1986)

§109. Certificate of Registration Required.

1. It shall be unlawful for any person to operate any mobile home park within the limits of East Coventry Township unless he holds a certificate of registration issued annually by the Pennsylvania Department of

Health and a certificate of registration issued by the Supervisors of East Coventry Township in the name of such person for the specific mobile home park; proof of such registration by the Pennsylvania Department of Health shall be furnished the Township by no later than February 1st of each year by the applicant.

2. No person shall operate a mobile home park in the Township during the time the permit or certificate of registration has been suspended or lapsed.

(Ord. 14, 6/6/1966, §§13, 14)

§110. Notice Required of Intent to Sell or Dispose of Interest in Parks. Every person holding a certificate of registration shall file notice in writing to the Pennsylvania Department of Health and the Board of Supervisors of East Coventry Township within ten (10) days after having sold, transferred, disposed of his interest in or control of any mobile home park. If the certificate of registration is transferred by the Pennsylvania Department of Health, proof of such transfer shall be furnished the Township forthwith by the applicant. (Ord. 14, 6/6/1966, §15)

§111. Permits Not Transferrable; Changes in Park Must Comply. No permit under this Part shall be transferrable to a different location. No person holding a permit under this Part shall extend or reduce the area of any mobile home park, adding any new facility or structure, eliminate any existing facilities or make any change in sewage disposal or water facilities unless such changes are in accordance with the requirements of this Part and approved by the Board of Supervisors in writing. (Ord. 14, 6/6/1966, §16)

§112. Notice to Correct Conditions, Suspension of License. Where upon inspection of any mobile home park it is determined that conditions or practices exist which are in violation of this Part or any regulations adopted pursuant thereto, the Township shall give notice in writing to whom the certificate was issued to correct such conditions and irregularities within such time as the Township officers shall deem meet or the license to operate will be suspended. In event of failure to correct same the license may be suspended by notice in writing to the certificate holder. A suspended or lapsed permit may be re-instated by the Supervisors or their authorized officers for the balance of the year in which it was issued upon compliance of the holder of the permit of all the provisions of this Part. (Ord. 14, 6/6/1966, §17)

§113. Notice of Violations; Hearings. When the Supervisors or Township Official determines that there are reasonable grounds to believe a violation of any provisions of this Part or any regulation adopted pursuant thereto, such authority shall give notice of the alleged violation to the person to whom the permit or certificate of registration was issued, in writing, including a statement of reasons for its issuance, provide a reasonable time to correct or perform the act it requires; to be served on the owner or his agent or manager by mail or in person with outline of remedial action. Any person so affected by the notice with the enforcement of any provision of the Part or any regulation adopted pursuant thereto may

request a hearing on the matter by the Board of Supervisors provided he makes written request therefor and his reasons within ten (10) days after notice served upon him. Such request for hearing to operate as a stay of proceedings. Within ten (10) days of the receipt of the petition a hearing shall be had and the Supervisors shall make findings in accordance with the facts and the provisions of the Part and shall issue an order in writing sustaining, modifying or withdrawing the complaint. Failure to comply with any order sustaining or modifying a notice the license of the mobile home park shall be revoked. Any person aggrieved thereby may seek relief by appeal in any court of competent jurisdiction. (Ord. 14, 6/6/1966, §18)

§114. Monthly Inspections. A representative of the Township of East Coventry may inspect the mobile home park at reasonable intervals and at times at least monthly to determine compliance with this Part and make report to the Supervisors. (Ord. 14, 6/6/1966, §19)

§115. Notification of Change in Park Management. Whenever ownership or management thereof shall change the new owner or manager shall forthwith notify the Township Secretary who shall amend the permit for such park as well as the pertinent records of the Township to indicate the change. (Ord. 14, 6/6/1966, §20)

§116. Proper Drainage and Maintenance of Grounds. Every mobile park home shall be located in a well drained area, and premises properly graded so as to prevent accumulations of storm and other waters; free from influences of swamps marshes, garbage or rubbish disposal areas. (Ord. 14, 6/6/1966, §21)

§117. Ground Cover. All ground surfaces shall be paved or covered with stone screenings or other solid material or protected with vegetable growth capable of preventing soil erosion and dust during dry weather. (Ord. 14, 6/6/1966, §22)

§118. Nonresidential Uses Prohibited. No part of the park shall be used for nonresidential purposes, excepting such uses required for direct servicing and well being of park residents and for the management and maintenance of the park. (Ord. 14, 6/6/1966, §23)

§119. Mobile Home Lot Requirements; Utilities.

1. There shall be only one mobile home on each lot and occupied by one family only and must be completely equipped with toilet, bath or shower, heating system, electrical system, finished kitchens and a water system.

2. Each mobile home park shall provide adequate water for domestic use, sewer facilities, street lighting, vehicle parking off streets and recreational area.

(Ord. 14, 6/6/1966, §§24, 25)

§120. Park Office Building; Posting of License. In every mobile home park there shall be an office building or mobile home in which shall be located the office of the person in charge of each park. A copy of the permit or registration certificate issued under this Part shall be posted

(14, §120, cont'd)

therein at all times and the register shall be kept therein and subject to inspection by Township, County and State officials. (Ord. 14, 6/6/1966, §26)

§121. Lot Dimensions; Parking Areas. Lots for individual mobile homes shall be indicated by corner markers with an individual lot area of not less than five thousand (5,000) square feet. Each vehicle shall be separated from each other by at least thirty feet (30'); and at least fifteen feet (15') set back from the roadway or cartway bordering said lots on which they are located; mobile homes placed end to end shall have a clearance between them of at least thirty feet (30'). No mobile home shall set less than one hundred feet (100') from any right-of-way line used for highway purposes nor closer than fifty feet (50') from any property line nor less than one hundred feet (100') from any existing building or structure. Surfaced roadways shall be of adequate width to accommodate travel and traffic and have a minimum width of at least twenty feet (20') if no parking is permitted.

1. A minimum width of twenty-five feet (25') where parking is limited to one side.

2. A minimum of thirty feet (30') where parking is permitted on both sides.

3. Dead-end streets at closed end to have a turn around having an outside roadway diameter of sixty feet (60').

4. Roadway to be constructed of hard stone or macadam with sufficient thickness for travel to be approved by Township Supervisors.

(Ord. 14, 6/6/1966, §27)

§122. Private Water Supplies Must be Approved. Where a public water supply system is not available or its quality or quantity questionable, any private water supply system shall first be approved by the Pennsylvania Department of Health or other authorities having jurisdiction. (Ord. 14, 6/6/1966, §28)

§123. Lighting of Park Roadways. Roads or driveways shall be sufficiently lighted at night by electric lights of at least two hundred (200) watts located every two hundred feet (200') apart to be placed at least fifteen feet (15') above ground on a solid post to be lighted at least one (1) hour after sundown and remain lighted until one (1) hour before sunrise at all times; any equivalent to be approved by Supervisors. (Ord. 14, 6/6/1966, §29)

§124. Street Signs; Lot Numbers. All driveways shall be named and all mobile homes numbered for identification. (Ord. 14, 6/6/1966, §30)

§125. Commercial Waste Creating Activities Prohibited. No commercial car washing or laundromat or other waste creating practices shall be permitted by any occupant of the mobile home park nor the permit holders. (Ord. 14, 6/6/1966, §31)

§126. Screening at Property Line. All mobile home parks located adjacent to industrial, commercial land uses or individual homes may be required to provide screening such as fences or natural growth along the property or boundary lines separating the park and such adjacent nonresidential uses. (Ord. 14, 6/6/1966, §32)

§127. Park Register; Information Required. The person holding a permit or registration certificate under this Part shall keep a register which shall at all times be open for inspection by any official of the Board of Supervisors, the health authorities of the Township, County and State. Such register shall show the following information:

1. Lot Number; Number of mobile home; Location.

2. Names and addresses of all persons using such mobile home for living and sleeping purposes;

3. State license number of such mobile home;

4. Name of owner.

(Ord. 14, 6/6/1966, §33)

§128. General Regulations for Park Operation. Each person holding a permit or certificate of registration shall adhere to the following regulations at all timnes:

1. He shall maintain such mobile home park in a clean, orderly and sanitary condition.

2. He shall see that no disorderly conduct or violation of any law or ordinance is committed on the premises and shall immediately report any violations that come to his attention.

3. He shall maintain at convenient places designated by the fire chief or representative of the fire companies in said district so acting, fire extinguishers in good working order and in ratio of one to every eight (8) homes or fractions thereof, to be inspected at regular times and replaced as necessary if inadequate in the opinion of the inspectors.

4. Permit no open fires or burning of trash on premises.

5. Prohibit use or occupancy of any mobile home of a greater number of occupants than that which the mobile home is designated to accommodate.

6. Prohibit or regulate parking of motor cars on streets or driveways at daytime or nightime so as to impede and interfere with traffic thereon.

7. Keep and maintain a peaceful and orderly occupation of the mobile home park premises for its users.

8. Notify immediately the Pennsylvania Department of Health of any suspected communicable or contagious diseases in the park.

(Ord. 14, 6/6/1966, §34)

§129. Plumbing Installations to be Inspected. Installations of sewage pipes, drains, traps, septic tanks, water and sewer and drain facilities shall be examined, inspected and approved by the Township authorities or their authorized officer before same are covered up and used

(14, §129, cont'd)

by the occupants of the park. The size of all drains, traps, pipes, sewage facilities, their adequate and safe installations must conform to the Pennsylvania Department of Health regulations and approved by the Township plumbing inspector who shall also approve the quality of the products to be used. (Ord. 14, 6/6/1966, §35)

§130. Responsibility of Permit Holder. The registered permit holder of every mobile home park shall assume full responsibility for maintaining in good repair and condition all sanitary and safety appliances in such park and shall promptly bring action such as necessary to prosecute and eject from said park any person or persons who wilfully or maliciously damage such appliances or any persons who fail to comply with the regulations of this Part. (Ord. 14, 6/6/1966, §36)

§131. Other Laws Incorporated by Reference. All requirements of the laws of the Commonwealth of Pennsylvania or the Department of Health, the County of Chester or Federal Government with respect to the operation of mobile homes and mobile home parks within the Commonwealth of Pennsylvania and the County of Chester are deemed to be regulations of this Part and are incorporated herein by reference and specifically made a part hereof. (Ord. 14, 6/6/1966, §37)

§132. Septic Systems. Every mobile home park shall have a septic tank or tanks and disposal field thereon which shall be of sufficient size and capacity to adequately, completely and competently disposal of all waste material from all mobile homes parked in the park and from all service buildings located therein and there shall be water tight connections from the same to the discharge plan or point so that there shall be no overflow, leakage, seepage, or odors from the system. (Ord. 14, 6/6/1966, §39)

§133. Payment of Engineering Studies for Sewage Systems. The Supervisors may require the installation of a central sewage and waste disposal facility and if they deem it advisable for an engineering study and adequate means of disposal of sewage and waste, they may procure same and the cost of such engineering study shall be born by the applicant who must first guarantee the payment thereof. (Ord. 14, 6/6/1966, §40)

§134. Waterlines to be Protected from Contamination. Any water lines for domestic use to mobile homes shall be installed so as not to interfere with the sewer lines, septic tank overflow, and in such manner as not to be contaminated by sewage and waste and approved before installation. (Ord. 14, 6/6/1966, §41)

§135. Garbage Container. The proprietor or owner or operator of the mobile home park shall provide receptacles of at least twenty (20) gallons capacity for every parking site, each receptacle equipped with a tight lid and they shall be emptied at least twice a week by the owner, proprietor or operator or his employees. (Ord. 14, 6/6/1966, §42)

§136. Emergency Powers. Whenever the Township authorities find that an emergency exists which requires immediate action to protect the public health, he may without notice or hearing issue an order reciting the

(14, §136, cont'd)

existence of such an emergency and requiring that such action be taken as he may deem necessary to meet the emergency including the suspension of the permit or license. Notwithstanding any other provisions of this Part such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately. (Ord. 14, 6/6/1966, §43)

§137. Penalties. Any person violating any of the provisions of this Part shall be liable in a summary conviction proceeding before a Justice of the Peace to a fine of not less than ten dollars ($10.00) nor more than three hundred dollars ($300.00) for each and every offense at the discretion of the Justice of the Peace; in default of payment thereof of the fine and costs to suffer imprisonment in the County jail for a period not exceedint thirty (30) days.

Each day such offense shall continue after notification in writing by the Township authorities or their duly authorized represtnative shall constitute a separate offense, punishable by a like fine or imprisonment.

(Ord. 14, 6/6/1966, §44)

CHAPTER 15

MOTOR VEHICLES

Part 1

General Regulations

§101. Definitions and Interpretation
§102. Enactment of Permanent Traffic and Parking Regulations
§103. Temporary and Emergency Regulations
§104. Experimental Regulations
§105. Traffic on Streets Closed or Restricted for Construction, Maintenance or Special Events
§106. Enforcement
§107. Traffic Control Signal Preemption Equipment

Part 2

Traffic Regulations

§201. Maximum Speed Limits Established on Certain Streets
§202. Maximum Speed Limits Established on Certain Bridges and Elevated Structures
§203. Maximum Speed Limits Established for Certain Vehicles on Hazardous Grades
§204. Maximum Speed Limits Established in Parks
§205. Traffic Signals at Certain Locations
§206. Intersections Where Turn Prohibited on Red Signal
§207. One-Way Streets Established
§208. No Passing Zones Established
§209. Stop Intersections Established
§210. Yield Intersections Established

Part 3

Restrictions on Size, Weight and Type of Vehicle and Load

§301. Vehicle Weight Limits Established on Certain Streets and Bridges
§302. Restrictions on Size of Vehicles on Certain Streets and Bridges
§303. Restrictions as to Weight and Size of Vehicles on Certain Streets and Bridges
§304. Truck Traffic Restrictions on Certain Streets

Part 4

General Parking Regulations

§401. Vehicles to Be Parked Within Marked Spaces
§402. Parking Prohibited at All Times in Certain Locations
§403. Parking Prohibited in Specific Locations, Certain Days and Hours

§404. Parking of Trucks, Busses and Certain Other Vehicles Prohibited in Certain Locations
§405. Parking Time Limited in Certain Locations, Certain Days and Hours
§406. Special Purpose Parking Zones Established; Parking Otherwise Prohibited
§407. Standing or Parking on Roadway for Loading or Unloading
§408. Temporary Parking
§409. Penalties for Violation

Part 5

Removal and Impoundment of Illegally Parked Vehicles

§501. Applicability and Scope
§502. Authority to Remove and Impound
§503. Tow Away Zones Designated
§504. Designation of Approved Storage Garages; Bonding; Towing and Storage
§505. Payment of Towing and Storage Charges
§506. Reclamation Costs
§507. Records of Vehicles Removed and Impounded
§508. Restrictions Upon Removal of Vehicles
§509. Penalties
§510. Reports and Disposition of Unclaimed Vehicles

Part 6

Snow and Ice Emergency

§601. Declaration of Snow and Ice Emergency
§602. Parking Prohibited, Driving Motor Vehicles Restricted, on Snow Emergency Routes
§603. Snow Emergency Routes Designated
§604. Penalties for Violation

Part 1

General Regulations

§101. Definitions and Interpretation.

1. Words and phrases, when used in this Chapter, except for sections or parts to which different or additional definitions apply, shall have the meanings ascribed to them in the Vehicle Code of Pennsylvania, 1976, June 17, P.L. 162, No. 81 (75 Pa.C.S.A. §101 et seq.), as now in force or as hereafter amended, enacted or reenacted, except that, in this Chapter, the word "street" may be used interchangeably with the word "highway," and shall have the same meaning as the word "highway" as defined in the Vehicle Code.

2. The term "legal holidays" as used in this Chapter shall mean and include: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

3. In this Chapter, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

(Ord. 161, 10/12/2009, §I)

§102. Enactment of Permanent Traffic and Parking Regulations.

All traffic and parking regulations of a permanent nature shall be enacted as ordinances, as parts of ordinances, or as amendments to ordinances, except where the law specifically authorizes less formal action.

(Ord. 161, 10/12/2009, §I)

§103. Temporary and Emergency Regulations.

1. The Board of Supervisors shall have the following powers to regulate traffic and parking temporarily and in time of emergency:

A. In the case of fire, flood, storm or other emergency, to establish temporary traffic and/or parking regulations.

B. In the case of emergency or to facilitate public works, or in the conduct of parades, processions or public events, to restrict or prohibit traffic and/or parking in limited areas for periods of not more than seventy-two (72) hours.

2. Such temporary and emergency regulations shall be enforced by the Police Department in the same manner as permanent regulations. Any person who shall operate or park a vehicle or tractor in violation of any such regulations, or who shall move, remove, destroy, injure or deface any sign or marking erected, posted or made to give notice of any such regulation, shall be subject to prosecution pursuant to the Vehicle Code and, upon conviction, shall be subject to the penalties set forth in the applicable provision therein.

(Ord. 161, 10/12/2009, §I)

§104. Experimental Regulations.

1. The Board of Supervisors may, from time to time by resolution, designate places upon and along the highways in the Township where for a period of not more than ninety (90) days, specific traffic and/or parking regulations, prohibitions and restrictions shall be in force and effect, and shall designate such locations by proper signs and markings. Such regulations, prohibitions and restrictions shall be effective as if they had been specified in this Chapter. No person shall operate or park a vehicle or tractor in violation of any such regulation, prohibition or restriction, and no person shall move, remove, destroy or deface any sign or marking erected, posted or made by authority of this section. Any person who shall violate any provisions of this section shall be subject to prosecution pursuant to the Vehicle Code and, upon conviction, shall be subject to the penalties set forth in the applicable provision therein.

2. The purpose of this section is to allow for the test and experimental determination of the feasibility and desirability of permanent changes in the ordinances of the Township relative to traffic and parking.

(Ord. 161, 10/12/2009, §I)

§105. Traffic on Streets Closed or Restricted for Construction, Maintenance or Special Events.

1. The Board of Supervisors shall have the authority to close any street or specific part of a street to vehicular traffic and to place barriers or station police officers at each end of the closed portion, while construction or maintenance work is under way or a special event is being conducted on the closed portion. It shall be unlawful for any person to drive a vehicle upon any such closed portion.

2. The Board of Supervisors shall have the authority to establish a restricted traffic area upon any street where construction or maintenance work is under way and to station flagmen at each end of the restricted portion. It shall be unlawful for any person to drive a vehicle upon any such restricted traffic area at any time when the flagman is displaying a sign directing that vehicle to stop, or is signaling that vehicle, by flag or other device, not to proceed.

3. Any person who violates any provision of this section shall be subject to prosecution pursuant to the Vehicle Code and, upon conviction, shall be subject to the penalties set forth in applicable provision therein.

(Ord. 161, 10/12/2009, §I)

§106. Enforcement.

1. This Chapter shall be enforced by the police officers of the Township of East Coventry who are hereby given authority to direct traffic on the highways of the Township in accordance with the provisions of this Chapter and the laws of the Commonwealth of Pennsylvania.

2. The Township Police Department is hereby authorized to use all mechanical or electrical speed time devices for the determination of speed of a motor vehicle as are approved or will be approved by the Department of Transportation of the Commonwealth of Pennsylvania, in accordance with 75 Pa.C.S.A. §3368, as amended. This section authorizes the use of said devices upon all highways within the Township, be they Township, county or state highways.

3. The Township hereby elects to exercise all powers granted to "local authorities" under the Vehicle Code, as hereinafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

(Ord. 161, 10/12/2009, §I)

§107. Traffic Control Signal Preemption Equipment.

1. The following traffic control signals shall be equipped with preemption equipment to grant priority control to emergency vehicles:

A. All new traffic control signals.

B. All traffic control signals which replace existing traffic control signals.

C. All existing traffic control signals which are expanded, relocated or otherwise altered.

2. The type of preemption equipment and its installation on a particular traffic control signal shall be subject to approval of the Board of Supervisors, and to such approval as may be now or hereafter required of the Department of Transportation of the Commonwealth of Pennsylvania and/or other governmental agency as may now or hereafter have jurisdiction.

3. Responsibility for cost of installing the preemption equipment shall be as follows:

A. For preemption equipment on a new traffic control signal, the cost of installation shall be the responsibility of the person responsible for the cost of installing the new traffic control signal.

B. For preemption equipment on a new traffic control signal replacing an existing traffic control signal, the cost of installation shall be the responsibility of the person responsible for the cost of replacing of the existing traffic control signal.

C. For preemption equipment on an existing traffic control signal which is expanded, relocated or otherwise altered, the cost of installation shall be the responsibility of the person responsible for the cost of expanding, relocating or otherwise altering the existing traffic control system.

4. The cost of maintaining the preemption equipment shall be the responsibility of the person responsible for the cost of maintaining the traffic control signal on which the preemption equipment is installed.

(Ord. 161, 10/12/2009, §I)

Part 2

Traffic Regulations

§201. Maximum Speed Limits Established on Certain Streets.

1. Maximum speed limits are established on portions of specified streets, as follows, and it shall be unlawful for any person to drive a vehicle, on any part of a street where a maximum speed limit applies, at a higher speed than the maximum prescribed for that part of the street:

Street	Between	Maximum Speed Limit
Anderson Road (T-504)	Entire length	25 m.p.h.
Baptist Church Road (T-506)	Old Schuylkill Road (T-532) and Creamery Road (T-546)	35 m.p.h.
Bayberry Lane [Ord. 164]	Entire length of dedicated road	25 m.p.h.
Bard Road (T-510)	Entire length	25 m.p.h.
Bealer Road (T-525)	South Keim Street (T-490) and East Coventry Twp./ North Coventry Twp./ South Coventry Twp. boundary line	35 m.p.h.
Bern Court	Entire length	25 m.p.h.
Bethel Road (T-499)	Ridge Road (SR23) and East Coventry Twp./ East Vincent Twp. boundary line	35 m.p.h.
Bethel Church Road (SR1035)	Entire length	35 m.p.h.
Bishop Road (T-544)	South Keim Street (T-490) and Schoolhouse Road (T-524)	35 m.p.h.
Blossom Lane	Entire length	25 m.p.h.
Brandie Lane Court	Entire length	25 m.p.h.
Brownbacks Church Road	Ridge Road (SR23) and East Coventry Twp./ East Vincent Twp. boundary line	25 m.p.h.
Brownstone Drive (T-603)	Entire length	25 m.p.h.
Buckwalter Road (T-523)	Ellis Woods Road (T-605) and East Cedarville Road (SR1034)	35 m.p.h.
Christman Court (T-602)	Entire length	25 m.p.h.
Country Lane (T-601)	Entire length	25 m.p.h.
Creamery Road (T-546)	Bethel Church Road (SR1035) and Ellis Woods Road (T-605)	35 m.p.h.
Do-Jan Drive (T-595)	Entire length	25 m.p.h.

(15, §201(1), cont'd)

Street	Between	Maximum Speed Limit
Earl Drive (T-593)	Entire length	25 m.p.h.
East Cedarville Road (T-511)	Saylors Mill Road (T-606) and Sanatoga Road (SR1034)	35 m.p.h.
East Cedarville Road	North Coventry Township boundary line and Sanatoga Road (SR1034)	40 m.p.h.
Ebelhare Road (T-508)	Porters Mill Road (T-492) and Saylors Mill Road (T-606)	35 m.p.h.
Eleanor Drive (T-600)	Entire length	25 m.p.h.
Ellis Woods Road (T-605)	Bethel Church Road (SR1035) and Old Schuylkill Road (T-532)	35 m.p.h.
Ellis Woods Road (T-605)	East Vincent Township boundary line and Bethel Church Road (SR1035)	40 m.p.h.
Fox Drive	Entire length	25 m.p.h.
Franklin Avenue (T-598)	Entire length	25 m.p.h.
Freigh Lane	Entire length	25 m.p.h.
Fricks Locks Road (T-515)	Route 724 (SR724) and Conrail right-of-way	35 m.p.h.
Fricks Locks Road	Route 724 (SR724) and Old Schuylkill Road (T-532)	25 m.p.h.
Fulmer Road (T-500)	Ridge Road (SR23) and Schoolhouse Road (T-524)	35 m.p.h.
Grubb Road (T-509)	Fulmer Road (T-500) and Ebelhare Road (T-508)	35 m.p.h.
Halteman Road (T-514)	Fulmer Road (T-500) and Ellis Woods Road (T-605)	35 m.p.h.
Harley Road (T-527)	Kulp Road (T-526) and East Ellis Woods Road (T-605)	35 m.p.h.
Harvey Lane (T-531)	South Keim Street (T-490) and Kulp Road (T-526)	35 m.p.h.
Hershey Drive (T-608)	Entire length	25 m.p.h.
Holly Lane (T-512)	Entire length	25 m.p.h.
Keen Road (T-550)	Bethel Church Road (SR1035) and East Coventry Twp./ East Vincent Twp. boundary line	25 m.p.h.
Kolb Road (T-505)	Saylors Mill Road (T-606) and East Coventry/East Vincent Township Line	35 m.p.h.
Kulp Road (T-526)	Harvey Lane (T-531) and Ellis Woods Road (T-605)	35 m.p.h.

(15, §201(1), cont'd)

Street	Between	Maximum Speed Limit
Lubold Road [Ord. 164]	Entire length	25 m.p.h.
Maack Road (T-521)	Fulmer Road (T-500) and Kulp Road (T-526)	35 m.p.h.
Mark Drive (T-589)	Entire length	25 m.p.h.
Mitchell Drive (T-594)	Entire length	25 m.p.h.
North Savanna Drive [Ord. 164]	Entire length of dedicated road	25 m.p.h.
Old Schuylkill Road (T-532)	Entire length	35 m.p.h.
Old Schuylkill Road (T-532)	Linfield Road (SR1035) and East Coventry Twp./ East Vincent Twp. boundary line	25 m.p.h.
Old Schuylkill Road (T-532)	Saylors Mill Road (T-606) and Bethel Church Road (SR1035)	35 m.p.h.
Peterman Road (T-534)	Route 724 (SR724) and Old Schuylkill Road (T-532)	25 m.p.h.
Pheasant Lane (T-607)	Entire length	25 m.p.h.
Pigeon Creek Road (T-522)	East Coventry Twp./South Coventry Twp. boundary line and Fulmer Road (T-500)	35 m.p.h.
Porters Mill Road	Ebelhare Road (T-508) and Ridge Road (SR23)	25 m.p.h.
Porters Mill Road	Ebelhare Road (T-508) and South Keim Street (T-490)	35 m.p.h.
Ridge Road (SR23)	Entire length	50 m.p.h.
River View Road	Entire length	25 m.p.h.
Roberts Circle (T-599)	Entire length	25 m.p.h.
Sage Drive [Ord. 164]	Entire length	25 m.p.h.
Sanatoga Road (SR1034)	Route 724 (SR724) and Schuylkill River	35 m.p.h.
Sanatoga Road (SR1034)	In front of Elementary School	15 m.p.h.
Sanatoga Road (SR1034)	East Cedarville Road (SR1034) and Old Schuylkill Road (T-532)	40 m.p.h.
Savage Road (T-592)	Entire length	25 m.p.h.
Sawmill Road (T-545)	Schoolhouse Road (T-524) and Harley Road (T-527)	35 m.p.h.
Sawmill Road (T-545)	Harley Road (T-527) and Ellis Woods Road (T-605)	25 m.p.h.
Saylors Mill Road (T-606)	Bethel Church Road (SR1035) and Old Schuylkill Road (T-532)	35 m.p.h.

(15, §201(1), cont'd)

Street	Between	Maximum Speed Limit
Schoolhouse Road (T-524)	East Coventry Twp./South Coventry Twp. boundary line and Ellis Woods Road (T-605)	35 m.p.h.
Slonaker Road (T-502)	Brownback's Church Road and East Coventry Twp. boundary line	25 m.p.h.
South Keim Street (T-490)	East Coventry/North Coventry Township Line and Harvey Lane (T-531)	35 m.p.h.
Spiece Road (T-530)	Kulp Road (T-526) and East Cedarville Road (SR1034)	15 m.p.h.
Spiece Road (T-530)	East Cedarville Road (SR1034) and Old Schuylkill Road (T-532)	35 m.p.h.
Spring Creek Lane (T-591)	Entire length	25 m.p.h.
Spring House Lane (T-604)	Entire length	25 m.p.h.
Sylvan Drive (T-596)	Entire length	25 m.p.h.
Vaughn Road (T-533)	Entire length along East Coventry Twp./North Coventry Twp. boundary line	25 m.p.h.
Wells Road (T-501)	Old Schuylkill Road and Linfield Road (SR1035)	35 m.p.h.
Wiand Lane	Entire length	25 m.p.h.
Zeiber Road (T-509)	Old Schuylkill Road (T-532) and Kolb Road (T-505)	35 m.p.h.

2. Any person who violates any provision of this section shall be subject to prosecution pursuant to the Vehicle Code and, upon conviction, shall be subject to the penalties set forth in the applicable provision therein.

(Ord. 161, 10/12/2009, §I; as amended by Ord. 164, 3/8/2010, §I)

§202. Maximum Speed Limits Established on Certain Bridges and Elevated Structures.

1. Maximum speed limits are established, as follows, on certain bridges and elevated structures, and it shall be unlawful for any person to drive a vehicle on any such bridge or elevated structure, at a higher speed than the maximum prescribed for that bridge or elevated structure:

Bridge or Elevated Structure	Location	Maximum Speed Limit

[Reserved]

2. Any person who violates any provision of this section shall be subject to prosecution pursuant to the Vehicle Code and, upon conviction, shall be subject to the penalties set forth in the applicable provision therein.

(Ord. 161, 10/12/2009, §I)

§203. Maximum Speed Limits Established for Certain Vehicles on Hazardous Grades.

1. The following are declared to be hazardous grades. No person shall drive a vehicle, having a gross weight in excess of that referred to for that grade, in the direction stated for that grade, at a speed in excess of that established in this section for that grade. If so stated for a particular grade, the driver of every such vehicle shall stop the vehicle before proceeding downhill:

Street	Between	Direction of Travel	Maximum Gross Weight	Maximum Speed Limit	Required to Stop Before Proceeding Downhill

[Reserved]

2. Any person who violates any provision of this section shall be subject to prosecution pursuant to the Vehicle Code and, upon conviction, shall be subject to the penalties set forth in the applicable provision therein.

(Ord. 161, 10/12/2009, §I)

§204. Maximum Speed Limits Established in Parks.

1. A speed limit of 10 miles per hour is established on all streets and roadways in the public parks maintained and operated by the Township.

2. Any person who violates any provision of this section shall be subject to prosecution pursuant to the Vehicle Code and, upon conviction, shall be subject to the penalties set forth in the applicable provision therein.

(Ord. 161, 10/12/2009, §I)

§205. Traffic Signals at Certain Locations.

1. At the following locations, traffic signals as indicated below shall be erected (or are ratified if previously erected), and traffic at those locations shall be directed by those signals:

Name of Highway	Intersecting Road(s)
Route 724 (SR724)	Bethel Church Road and Lindfield Road

2. Any person who violates any provision of this section shall be subject to prosecution pursuant to the Vehicle Code and, upon conviction, shall be subject to the penalties set forth in the applicable provision therein.

(Ord. 161, 10/12/2009, §I)

§206. Intersections Where Turn Prohibited on Red Signal.

1. The following are established as intersections where drivers of vehicles headed in the direction or directions indicated are prohibited from making a right turn (or a left turn from a one-way street into another one-way street) on a steady red signal:

From	Direction of Travel	To
New Schuylkill Road (Route 724 (SR724))	Southeast	Bethel Church Road

2. Any person who violates any provision of this section shall be subject to prosecution pursuant to the Vehicle Code and, upon conviction, shall be subject to the penalties set forth in the applicable provision therein.

(Ord. 161, 10/12/2009, §I)

§207. One-Way Streets Established.

1. The following are established one-way streets, and it shall be unlawful for any person to drive a vehicle on any one-way street other than in the direction established for traffic on that street:

Street	From	To	Direction of Travel
Harley Road	Ellis Woods Road	E. Cedarville Road	Southwest
Old Schuylkill Road	Route 724 (SR724)	Approximately 500 feet to North exit of Old Schuylkill Road	East
Old Schuylkill Road	Bethel Church Road	Route 724 (SR724)	East
Spiece Road	Approximately 0.44 miles northwest of Kulp Road	Kulp Road	Southerly toward Kulp Road

2. Any person who violates any provision of this section shall be subject to prosecution pursuant to the Vehicle Code and, upon conviction, shall be subject to the penalties set forth in the applicable provision therein.

(Ord. 161, 10/12/2009, §I)

§208. No Passing Zones Established.

1. The following are established as no passing zones, and it shall be unlawful for the driver of any vehicle to overtake or pass another vehicle or to drive on the left side of the roadway in any no passing zone:

Street	Direction of Travel	Between

[Reserved]

2. Any person who violates any provision of this section shall be subject to prosecution pursuant to the Vehicle Code and, upon conviction, shall be subject to the penalties set forth in the applicable provision therein.

(Ord. 161, 10/12/2009, §I)

§209. Stop Intersections Established.

1. The following intersections (in addition to intersections with the through highways established by §209) are established as stop intersections, and official stop signs shall be erected (or are ratified if previously erected) in such a position as to face traffic in the direction or directions indicated for that intersection. Every driver of a vehicle approaching the intersection in the direction indicated in each case, shall stop the vehicle as required by §3323(b) of the Vehicle Code, and shall not proceed into or across the intersecting or through street until he has followed all applicable requirements of that section of the law.

A. 1-Way Stop Intersections.

Stop Street Name	Direction of Travel	Intersecting Street	Additional Description
Anderson Road	Southwest	Old Schuylkill Road	
Baptist Church Road	Southwest	Creamery Road	
Baptist Church Road	Northeast	Old Schuylkill Road	
Bard Road	Southwest	Porters Mill Road	
Bard Road	East	Fulmer Road	
Bayberry Lane [Ord. 164]	West	Lubold Road	
Bealer Road	North	S. Keim Street	
Bern Court	Northeast	Creamery Road	
Bishop Road	West	S. Keim Street	
Bishop Road	Southeast	Schoolhouse Road	
Blossom Lane	Southwest	Kulp Road	
Brandie-Layne Court	Northwest	Bethel Church Road	
Brownback’s Church Road	Northeast	Ridge Road	
Brownstone Drive	Southeast	Schoolhouse Road	
Buckwalter Road	West	Ellis Woods Road	
Buckwalter Road	Northeast	E. Cedarville Road	
Christman Court	Northwest	Ebelhare Road	
Country Lane	Southeast	Spiece Road	
Country Lane	Southeast	Spiece Road	

(15, §209(1)(A), cont'd)

Stop Street Name	Direction of Travel	Intersecting Street	Additional Description
Coventry Greene Lane	Northeast	E. Cedarville Road	
Creamery Road	West	Ellis Woods Road	
Do-Jan Drive	Northeast	Kulp Road	
Earl Drive	Northwest	Spring Creek Lane	
Earl Drive	Southeast	Schoolhouse Road	
E. Cedarville Road	East	Saylors Mill Road	
Eleanor Drive	Northwest	Bethel Church Road	
Ellis Woods Road	Northwest	Schoolhouse Road	
Fox Drive	East	Fulmer Road	
Franklin Avenue	Northeast	New Schuylkill Road	
Freigh Lane	West	S. Keim Street	
Fricks Lock Road	Southwest	Old Schuylkill Road	
Fulmer Road	Southeast	Pigeon Creek Road	
Fulmer Road	Northwest	Schoolhouse Road	
Fulmer Road	Southeast	Ridge Road	
Grubb Road	Southwest	Fulmer Road	
Halteman Road	Northeast	Ellis Woods Road	
Halteman Road	Southwest	Fulmer Road	
Harley Road	North	Sawmill Road	
Harley Road	Northeast	E. Cedarville Road	
Harley Road	Southwest	E. Cedarville Road	
Hastings Lane	Northwest	Baptist Church Road	
Hershey Drive	Southwest	Ellis Woods Road	
Holly Lane	Northwest	Ebelhare Road	
Keen Road	Northwest	Bethel Church Road	
Kolb Road	West	Saylors Mill Road	
Latschar Lane	East	Saylors Mill Road	
Linda Lane	Southwest	Stoney Run Road	
Lubold Road [Ord. 164]	West	Ellis Woods Road	
Maack Road	Northeast	Kulp Road	
Maack Road	West	Fulmer Road	
Mark Drive	Southeast	Sanatoga Road	
Meadow Lane	Northwest	Sanatoga Road	

Stop Street Name	Direction of Travel	Intersecting Street	Additional Description
Mitchell Drive	Southeast	Schoolhouse Road	
North Savanna Drive [Ord. 164]	West	Lubold Road	
Old Schuylkill Road	Northwest	Linfield Road	
Old Schuylkill Road	Southeast	Bethel Church Road	
Old Schuylkill Road	Southeast	New Schuylkill Road	
Peterman Road	Southeast	Old Schuylkill Road	
Pheasant Lane	Northeast	Old Schuylkill Road	
Riverview Road	Southwest	Sanatoga Road	
Roberts Circle	Southwest	Old Schuylkill Road	
Sage Drive	East	Kulp Road	
Sage Drive	Northeast	Kulp Road	
Savage Road	West	Fricks Lock Road	
Sawmill Road	Southeast	Ellis Woods Road	
Sawmill Road	West	Schoolhouse Road	
Saylors Mill Road	South	Bethel Church Road	
Saylors Mill Road	Northeast	Old Schuylkill Road	
S. Keim Street	North	Porters Mill Road	
S. Keim Street	South	Hoffecker Road	
Slonaker Road	East	Brownbacks Church Road	
Spiece Road	Northeast	Old Schuylkill Road	
Spiece Road	Southwest	Kulp Road	
Springhouse Lane	Northwest	Brownstone Drive	
Sylvan Drive	Northwest	Grubb Road	
Sylvan Drive	Northwest	Grubb Road	
Township Bldg. Access	West	Ellis Woods Road	
Vaughn Road	Northeast	New Schuylkill Road	
Wells Road	Southwest	Old Schuylkill Road	
Wells Road	East	Linfield Road	
Wiand Lane	Southeast	Bethel Church Road	
Wiand Lane	Southeast	Bethel Church Road	

Stop Street Name	Direction of Travel	Intersecting Street	Additional Description
Williams Way	West	Brownbacks Church Road	
Woods Lane	North	Bishop Road	
Zeiber Road	Northeast	Old Schuylkill Road	
Zeiber Road	Southwest	Kolb Road	

B. 2-Way Stop Intersections.

Intersection Name	Stop Control Approaches	Notes
Anderson Road and New Schuylkill Road	Southwest Anderson Road Northeast Anderson Road	
Bethel Road, Bethel Church Road and Ridge Road	North Bethel Road Southwest Bethel Church Road	
Brownstone Drive, Springcreek Lane and East Cedarville Road	Southwest Brownstone Drive Northeast Springcreek Lane	
Creamery Road, Stoney Run Road and Bethel Church Road	Southeast Creamery Road Northwest Stoney Run Road	
Ebelhare Road and Grubb Road	East Ebelhare Road North Grubb Road	
Ebelhare Road and Saylors Mill Road	Northeast Ebelhare Road North Saylors Mill Road	Except Right Turn
E. Cedarville Road and Schoolhouse Road	Northwest E. Cedarville Road Northeast Schoolhouse Road	Except Right Turn
E. Cedarville Road and Schoolhouse Road	Southeast E. Cedarville Road Southwest Schoolhouse	Except Right Turn
E. Cedarville Road, South Sanatoga Road and Sanatoga Road	Northwest E. Cedarville Road Northeast South Sanatoga Road Southwest Sanatoga Road	
Ellis Woods Road and Bethel Church Road	Northwest Ellis Woods Road Southeast Ellis Woods Road	

Intersection Name	Stop Control Approaches	Notes
Ellis Woods Road and Kulp Road	South Ellis Woods Road Southeast Kulp Road	
Fricks Lock Road and Sanatoga Road	West Fricks Lock Road East Fricks Lock Road	
Fricks Lock Road and New Schuylkill Road	Northeast Fricks Lock Road Southwest Fricks Lock Road	
Fulmer Road and Ebelhare Road	Southeast Fulmer Northwest Fulmer	
Kolb Road and Bethel Church Road	Northwest Kolb Road Northeast Kolb Road	
Kolb Road and Baptist Church Road	Southeast Kolb Road Northwest Kolb Road	
Kulp Road and Schoolhouse Road	Northwest Kulp Road Southeast Kulp Road	
Peterman Road and New Schuylkill Road	Northeast Peterman Road Southwest Peterman Road	 Towpath Park Entrance
Sanatoga Road and New Schuylkill Road	Northeast Sanatoga Road Southwest Sanatoga Road	
Spiece Road and E. Cedarville Road	Northeast Spiece Road Southwest Spiece Road	
Wells Road and New Schuylkill Road	Northeast Wells Road Southwest Wells Road	
Ebelhare Road and Porters Mill Road	Northeast Porters Mill Road Southwest Ebelhare Road	

C. 3-Way Stop Intersections.

Intersection Name	Stop Control Approaches	Notes
Ellis Woods Road and Old Schuylkill Road	Northeast Ellis Woods Road Southeast Old Schuylkill Road Northwest Old Schuylkill Road	
Halteman Road and Kulp Road	East Halteman Road Northwest Halteman Road North Halteman Road	 Except Right Turn

Intersection Name	Stop Control Approaches	Notes
Harley Road	Southwest Harley Road	Except Right Turn
and	Northwest Sawmill Road	Except Right Turn
Sawmill Road	East Sawmill Road	Except Right Turn

D. 4-Way Stop Intersections.

Intersection Name	Stop Control Approaches	Notes
Baptist Church Road	Northeast Baptist Church Road	
and	Southwest Baptist Church Road	
Saylors Mill Road	South Saylors Mill Road	
	North Saylors Mill Road	
Ebelhare Road	Southwest Ebelhare Road	
and	Northeast Ebelhare Road	
Kulp Road	Southeast Kulp Road	
	Northwest Kulp Road	
Ebelhare Road	West Ebelhare Road	
and	East Ebelhare Road	
Ellis Woods Road	North Ellis Woods Road	
	South Ellis Woods	
E. Cedarville Road	East E. Cedarville Road	
and	West E. Cedarville Road	
Ellis Woods Road	North Ellis Woods Road	
	South Ellis Woods	
Old Schuylkill Road	Northwest Old Schuylkill Road	
and	Southeast Old Schuylkill Road	
Sanatoga Road	Southwest Sanatoga Road	
	Northeast Sanatoga Road	

2. Any person who violates any provision of this section shall be subject to prosecution pursuant to the Vehicle Code and, upon conviction, shall be subject to the penalties set forth in the applicable provision therein.

(Ord. 161, 10/12/2009, §I; as amended by Ord. 164, 3/8/2010, §II)

§210. Yield Intersections Established.

1. The following intersections (in addition to intersections with the through highways established by §209) are established as yield intersections, and official yield signs shall be erected (or are ratified if previously erected) in such a position as to face traffic approaching the second-named street (the through street) on the first-named street (the yield street) in a direction or directions indicated for that intersection. Every driver of a vehicle approaching the intersection on the first named or yield street, in the direction indicated in each case, shall slow down or stop the vehicle as required by §3323(c) of the Vehicle Code, and then yield the right-of-way as required by that subsection of the Vehicle Code.

Yield Street	Through Street	Direction of Travel
Freigh Lane	Freigh Lane	Northeast

(15, §210(1), cont'd)

Yield Street	Through Street	Direction of Travel
Harley Road	Kulp Road	Southerly

2. Any person who violates any provision of this section shall be subject to prosecution pursuant to the Vehicle Code and, upon conviction, shall be subject to the penalties set forth in the applicable provision therein.

(Ord. 161, 10/12/2009, §I)

Part 3

Restrictions on Size, Weight and Type of Vehicle and Load

§301. Vehicle Weight Limits Established on Certain Streets and Bridges.

1. On the following bridges and streets or parts of streets, by authority granted by §4902(a) of the Vehicle Code, it shall be unlawful for any person or persons to drive any vehicle or combination having a gross weight in excess of the maximum prescribed below for that bridge or street or part of street, as the case may be:

Bridge or Culvert	Maximum Gross Weight
Kulp Road and Halteman Road	5 tons[1]
Saylors Mill Road, 1050 ft. east of Ebelhare Road	10 tons
Fulmer Road between Fox Drive and Pigeon Road	5 tons

2. Any person who violates any provision of this section shall be prosecuted under §§4902(a) and 4902(g)(1) of the Vehicle Code, and, upon conviction, shall be subject to the penalties set forth therein.

(Ord. 161, 10/12/2009, §I)

§302. Restriction on Size of Vehicles on Certain Streets and Bridges.

1. On the following bridges and streets or parts of streets, by authority granted by §4902(a) of the Vehicle Code, it shall be unlawful for any person to drive any vehicle or combination in violation of the size restrictions prescribed below for that bridge or street or part of street:

Street or Bridge	Between	Restrictions

[Reserved]

2. Any person who violates any provision of this section shall be prosecuted under §§4902(a) and 4902(g)(1) of the Vehicle Code, and, upon conviction, shall be subject to the penalties set forth therein.

(Ord. 161, 10/12/2009, §I)

§303. Restriction as to Weight and Size of Vehicles on Certain Streets and Bridges.

1. By reason of hazardous traffic conditions and other safety factors, by virtue granted by §4902(b) of the Vehicle Code, it shall be unlawful for any person to drive any vehicle or combination in violation of the restriction prescribed below for that bridge or street or part of street:

Street or Bridge	Between	Restrictions

[Reserved]

[1]Note: Bridges with spans of 20 feet or more according to PennDOT.

2. Any person who violates any provision of this section shall be prosecuted under §§4902(b) and 4902(g)(2) of the Vehicle Code and, upon conviction, shall be subject to the penalties set forth therein.

(Ord. 161, 10/12/2009, §I)

§304. Truck Traffic Restricted on Certain Streets.

1. It shall be unlawful for any person to drive a vehicle other than a passenger car on any of the following streets or part of streets:

Street	Between
Anderson Road	Old Schuylkill Road and Route 724 (SR724)
Wells Road	Route 724 (SR724) and Linfield Road

Nothing in this section shall prohibit any person from driving an emergency vehicle on any of those streets or parts of streets, or from driving on any of those streets or parts of streets a truck or other commercial vehicle making local deliveries to or pickups from premises located along that street or part of a street.

2. Any person who violates any provision of this section shall be subject to prosecution pursuant to the Vehicle Code and, shall be subject to the penalties contained in the applicable provision therein.

(Ord. 161, 10/12/2009, §I)

Part 4

General Parking Regulations

§401. Vehicles to Be Parked Within Marked Spaces.

Whenever a space is marked off on any street for the parking of an individual vehicle, every vehicle parked there shall be parked wholly within the lines bounding that space.

(Ord. 161, 10/12/2009, §I)

§402. Parking Prohibited at All Times in Certain Locations.

Parking shall be prohibited at all times in the following locations:

Street	Side	Between
Anderson Road	Both	The CONRAIL railroad right-of-way, and the Northeastern terminus of Anderson Road
Baptist Church Road	Both	A point 200 ft. northeast of Pigeon Creek, and a point 200 ft. southwest of Pigeon Creek
Bayberry Lane [Ord. 164]	Both	Entire length of dedicated road
Bethel Church Road	Both	A point on the southern side of the Brethren Church, and Old Schuylkill Road
Coventry Greene Lane	Both	Entire length
Earl Drive	Both	Entire length
Lubold Road [Ord. 164]	Both	Entire length
North Savanna Drive [Ord. 164]	Both	Entire length of dedicated road
Old Schuylkill Road	Both	Between Wells Road and Bethel Church Road
Sage Drive [Ord. 164]	Both	Entire length
Sanatoga Road	Both	Between the CONRAIL railroad right-of-way, and bridge carrying Sanatoga Road across the Schuylkill River
Zeiber Road	Both	A point 200 ft. northeast of Pigeon Creek, and a point 200 ft. southwest of Pigeon Creek

(Ord. 161, 10/12/2009, §I; as amended by Ord. 164, 3/8/2010, §III)

§403. Parking Prohibited in Specific Locations, Certain Days and Hours.

Parking shall be prohibited in the following locations at all times on the days and between the hours indicated in this section, as follows:

Street	Side	Between	Days	Hours
Meadow Lane	Both	Entire length	Monday – Sunday	2:00 a.m. to 6:00 a.m.

(Ord. 161, 10/12/2009, §I)

§404. Parking of Trucks, Busses and Certain Other Vehicles Prohibited in Certain Locations.

It shall be unlawful for any person to park, or to allow to remain parked, on any of the following streets or parts of streets, any vehicle other than a passenger car (which shall not include and bus, motor home or passenger car attached to a trailer of any kind):

Street	Between
[Reserved]	

(Ord. 161, 10/12/2009, §I)

§405. Parking Time Limited in Certain Locations, Certain Days and Hours.

No person shall park a vehicle, or allow it to remain parked, for longer than the time indicated, in any of the following locations, at any time of the day and between the hours indicated:

Street	Side	Between	Days	Hours	Parking Time Limit
[Reserved]					

(Ord. 161, 10/12/2009, §I)

§406. Special Purpose Parking Zones Established; Parking Otherwise Prohibited.

The following are established as special purpose parking zones, and it shall be unlawful for any person to park a vehicle or to allow it to remain parked, in any such zone, except as specifically provided for that zone:

Street	Side	Location	Authorized Purpose or Vehicle
[Reserved]			

(Ord. 161, 10/12/2009, §I)

§407. Standing or Parking on Roadway for Loading or Unloading.

It shall be unlawful for any person to stop, stand or park a vehicle (other than a pedal cycle) on the roadway side of any vehicle stopped or parked at the edge or curb of any street, except that standing or parking for

the purpose of loading or unloading persons or property shall be permitted, Monday through Saturday, between the hours of 9:00 a.m. and 11:30 a.m. and between the hours of 1:30 p.m. and 4:00 p.m. and for no longer than necessary for the loading or unloading.

Street	Side	Between
[Reserved]		

(Ord. 161, 10/12/2009, §I)

§408. Temporary Parking.

The Police Chief shall have discretion to allow temporary parking at any location for a period of time determined by the Police Chief to be appropriate under the circumstances.

(Ord. 161, 10/12/2009, §I)

§409. Penalties for Violation.

Any person who violates any provision of this Part shall be subject to prosecution pursuant to the Vehicle Code, and, upon conviction, shall be subject to the penalties set forth the applicable provision therein.

(Ord. 161, 10/12/2009, §I)

Part 5

Removal and Impoundment of Illegally Parked Vehicles

§501. Applicability and Scope.

This Part is enacted under the authority of §6109(a)(22) of the Vehicle Code and gives authority to the Township to remove and impound those vehicles which are parked in a tow away zone and in violation of parking regulations of this Chapter. Vehicles which have been abandoned or which are parked in such a manner as to interfere with traffic or pose a hazard to others, may be towed under the provisions of the Vehicle Code.

(Ord. 161, 10/12/2009, §I)

§502. Authority to Remove and Impound.

The Township shall have authority to remove and impound, or to order the removal and impounding, of any vehicles parked over time or otherwise illegally, provided that the circumstances of its parking or within the condition stated in §501 of this Part. No such vehicle shall be removed or impounded except in strict adherent to the provisions of this part and the provisions of the Vehicle Code.

(Ord. 161, 10/12/2009, §I)

§503. Tow Away Zones Designated.

The following designated streets and/or parking lots are hereby established as tow away zones. Signs shall be posted to place the public on notice that their vehicles may be towed for violation of the Township parking regulations.

Street	Side	Between
[Reserved]		

(Ord. 161, 10/12/2009, §I)

§504. Designation of Approved Storage Garages; Bonding; Towing and Storage.

Removal and impounding of vehicles under this Chapter shall be done only by approved storage garages that shall be designated from time to time by the Board of Supervisors. Every such garage shall submit evidence to the Board of Supervisors that it is bonded or has acquired liability insurance in an amount satisfactory to the Board of Supervisors as sufficient to indemnify owners of impounded vehicles against loss or damage to those vehicles while in the custody of the garage keeper for the purpose of towing or storage. The approved storage garage shall submit to the Board of Supervisors its schedule of charges for towing and storage of vehicles under this Chapter, and, when the schedule is approved by the Board of Supervisors, those charges shall be adhered to by the approved storage garage; no different schedule of charges shall be demanded of or collected from any person whose vehicle is removed or impounded under this Chapter by any approved storage garage. The Board of Supervisors shall delete from its list of approved storage garages

any garage that makes any unapproved charge in connection with any vehicle removed or impounded under this Chapter.

(Ord. 161, 10/12/2009, §I)

§505. Payment of Towing and Storage Charges.

The payment of towing and storage charges shall not relieve the owner or driver of any vehicle from liability for any fine or penalties for the violation of the provisions of this Chapter for which the vehicle was removed or impounded.

(Ord. 161, 10/12/2009, §I)

§506. Reclamation Costs.

In order to reclaim his vehicle, the owner shall pay towing and storage costs and any other fees in accordance with the approved schedule of charges for the approved storage garage responsible for towing and storing the vehicle.

(Ord. 161, 10/12/2009, §I)

§507. Records of Vehicles Removed and Impounded.

The Township shall cause a record to be kept of all vehicles impounded under this Part and shall be able at all reasonable times to furnish the owners or the agents of the owners of those vehicles with information as to the place of storage of the vehicle.

(Ord. 161, 10/12/2009, §I)

§508. Restrictions upon Removal of Vehicles.

No vehicle shall be removed under the authority of this Part or the Vehicle Code if, at the time of the intended removal, the owner or the person for the time being in charge of the vehicle is present and expresses a willingness and intention to remove the vehicle immediately.

(Ord. 161, 10/12/2009, §I)

§509. Penalties.

Any person who violates any provision of this Part shall be subject to prosecution pursuant to the Vehicle Code, and, upon conviction, shall be subject to the penalties set forth in Chapter 65 of the Vehicle Code, §6501 et seq., as amended.

(Ord. 161, 10/12/2009, §I)

§510. Reports and Disposition of Unclaimed Vehicles.

If after a period of fifteen (15) days the vehicle in storage remains unclaimed, a report shall be filed with PennDOT in accordance with the Vehicle Code, by the person having legal custody of the vehicle. If the vehicle has not been claimed after thirty (30) days, the vehicle may be transferred to a licensed salvor who will then be responsible for filing the proper reports and disposing of the vehicle in accordance with the provisions of the Vehicle Code.

(Ord. 161, 10/12/2009, §I)

Part 6

Snow and Ice Emergency

§601. Declaration of Snow and Ice Emergency.

In order to facilitate the movement of traffic and to combat the hazards of snow and ice on the snow emergency routes named in §603 of this Part, the Board of Supervisors, in its discretion, may declare a snow and ice emergency (designated in this Part as a "snow emergency"). Information on the existence of a snow emergency may be given by the Township through radio, newspaper, internet or other available media, and information on the termination of the emergency may be given by use of the same media.

(Ord. 161, 10/12/2009, §I)

§602. Parking Prohibited, Driving Motor Vehicles Restricted, on Snow Emergency Routes.

After a snow emergency is declared, it shall be unlawful, at any time during the continuance of the emergency, for any person to:

A. Park a motor vehicle or to allow that vehicle to remain parked anywhere on any snow emergency route designated in §603 of this Part.

B. Drive any motor vehicle on any such snow emergency route, unless that vehicle is equipped with snow tires or chains.

(Ord. 161, 10/12/2009, §I)

§603. Snow Emergency Routes Designated.

The following are designated as snow emergency routes:

Street	Between
Ellis Woods Road	Old Schuylkill Road and Intersection with Bethel Church Road
Ebelhare Road	Entire length within the Township
Kulp Road	Entire length within the Township
Old Schuylkill Road	Entire length within the Township
Porters Mill Road	Entire length within the Township
Saylors Mill Road	Entire length within the Township

(Ord. 161, 10/12/2009, §I)

§604. Penalties for Violation.

If, at any time during a period of snow emergency declared under §601 of this Part, a person shall park a motor vehicle or allow a motor vehicle to remain parked anywhere upon a snow emergency route, or drive a motor vehicle upon a snow emergency route without having that vehicle equipped with snow tires or chains, that person shall be guilty of a violation of this Part, and, upon conviction, shall be sentenced to pay a fine of twenty-five ($25.00) dollars together with the costs thereof.

(Ord. 161, 10/12/2009, §I)

CHAPTER 16

PARK AND RECREATION

Part 1

Use of Parks and Recreational Areas

§101. Availability of Use
§102. Liability
§103. Vehicles
§104. Other Restrictions
§105. Posting of Regulations
§106. Penalties
§107. General

Part 1

Use of Parks and Recreational Areas

§101. Availability of Use.

1. The Township parks and recreation areas are open to all Township residents and guests from 8:00 a.m. to sundown through the year, except special events authorized by the Park and Recreation Commission.

2. Use of the open space facilities by organized or other groups of ten (10) or more persons shall be scheduled in advance at the Township office.

(Ord. 44, 7/1/1985, §1)

§102. Liability.

1. Individuals and groups will be held responsible for any damage or theft of property or facilities.

2. The Township assumes no responsibility for injuries during group rentals or personal use.

3. The Township assumes no responsibility for property lost or stolen or left at the parks and recreation areas.

(Ord. 44, 7/1/1985, §2)

§103. Vehicles.

1. All vehicles must be parked on paved areas or designated parking areas.

2. No unlicensed vehicles shall be permitted at any time.

3. Except in areas designated by the Board of Supervisors, and for the sole purpose of parking, standing, stopping, operation or other use of any and all types and nature of motorized vehicles is strictly prohibited.

4. The use of park and recreational facilities for vehicle repairs or maintenance of any kind is strictly prohibited.

5. Operating any passenger car or truck on the park road or parking lot in a reckless or negligent manner, in excess of the posted speed limits, in such a manner as to become a nuisance to other park users is strictly prohibited.

6. Operating a motorcycle, minibike, snowmobile, or other similar recreational vehicles anywhere in a Township park or recreation area of Township open space is strictly prohibited.

(Ord. 44, 7/1/1985, §3)

§104. Other Restrictions.

1. It shall be unlawful for any person or group to engage in the following conduct, actions or activities, at any time, in or upon public parks and recreation areas and facilities within East Coventry Township:

(16, §104, cont'd)

A. possession or consumption of alcoholic beverages;

B. discarding of trash, garbage, or other litter, except in containers provided for that purpose;

C. camping;

D. swimming;

E. playing or practicing golf, except in areas specially provided for this purpose;

F. except in receptacles or areas approved and designated by the Board of Supervisors, the starting or maintaining of any type or nature of fire, including but not limited to, charcoal fires and cooking grills;

G. damaging, defacing, destroying or removing of Township-owned signs, property, structures, equipment, trees, shrubs or other material;

H. planting, cutting, digging and/or removal of plant material (e.g., trees, shrubs, crops, ground cover, etc.) except as authorized by the Board of Supervisors;

I. use of profane or indecent language, or profane or indecent acts;

J. making, or causing to be made, unnecessary or unreasonable noise or disturbance;

K. playing or reproducing loud music or amplified sound unless approved in writing in advance by the Park and Recreation Commission;

L. possession or discharge of any type of firearms;

M. possession or use of any fireworks or other explosive of any nature;

N. trapping of animals by any means; and

O. archery, except in specially designated areas.

2. It shall be unlawful for any person to bring a pet animal in or upon public parks or recreation areas and facilities within East Coventry Township or to allow a pet animal, over which the person has control or the right to control, to remain in or upon the public parks and recreation areas and facilities within East Coventry Township, unless the said animal, at all times, is kept on a leash and under the immediate control of the person.

3. Any person bringing a pet animal in or upon public parks and recreation areas and facilities within East Coventry Township, or allowing a pet animal, over which the person has control or the right to control, to remain in or upon public parks and recreation areas and facilities within East Coventry Township, shall immediately remove and sanitarily dispose of any droppings or deposits of said animal.

(Ord. 44, 7/1/1985, §4)

(16, §105)

§105. Posting of Regulations. The Township Secretary shall prepare, or cause to be prepared, a summary of the provisions contained in this Chapter and shall post, or cause to be posted, said summary at each public park and recreation area and facility within East Coventry Township. (Ord. 44, 7/1/1985, §5)

§106. Penalties. Any person, firm or corporation who shall violate any provision of this Part 1 shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars ($300.00); and/or to imprisonment for a term not to exceed thirty (30) days. Every day that a violation of this Part 1 continues shall constitute a separate offense. (Ord. 44, 7/1/1985, §6; as revised by Ord. 49, 11/3/1986)

CHAPTER 17

PLANNED RESIDENTIAL DEVELOPMENT

(Reserved to accommodate future ordinances)

CHAPTER 18

SEWERS AND SEWAGE DISPOSAL

Part 1

Holding Tanks

§101. Declaration of Legislative Intent
§102. Definitions
§103. Rights and Privileges Granted
§104. Rules and Regulations

Part 2

Management of Individual and Community Onlot Sewage Systems

§201. Short Title; Introduction; Purpose
§202. Definitions and Interpretation
§203. Requirements
§204. Onlot Sewage System Maintenance and Operation
§205. Promulgation of Regulations
§206. Report to Health Department
§207. Enforcement and Appeals
§208. Violations and Penalties
§209. Fee Schedule
§210. Decommissioning of On-Lot Sewage Disposal Systems

Part 3

Public Sanitary Sewage Systems

§301. Short Title; Purpose
§302. Interpretation; Definitions
§303. Connection with and Use of Public Sewers
§304. Prohibited Placements, Deposits and Discharges of Sanitary Sewage and Industrial Wastes
§305. Privy Vaults, Cesspools, Etc.
§306. Building Sewers and Connections with Public Sewers
§307. Extensions of Public Sewer
§308. Sanitary Sewer District
§309. Connection Charges
§310. Sewer Rental Fee
§310.1. Reservation of Public Sanitary Sewage System and Treatment Plant Capacity
§311. Violations and Penalties

Part 1

Holding Tanks

§101. Declaration of Legislative Intent. By this Part the Board of Supervisors of East Coventry Township intends to serve the purpose authorized by the rules and regulations promulgated through Chapter 71 of the Sewage Facilities Act, as revised and effective July 10, 1989. In furtherance thereof, the provisions of this Part are deemed expedient and necessary to establish procedures for the use and maintenance of low flow facility holding tanks for institutional, commercial or recreational uses, designed to receive, retain and to facilitate ultimate disposal of sewage at another site. It is hereby declared by the enactment of this Part the intention of the Township is to ensure the protection, benefit and preservation of the health, safety and welfare of the residents of this Township and for the requiring of control of holding tanks through specific restrictions upon their uses, more fully set forth herein. (Ord. 95, 5/4/1998, §1)

§102. Definitions. As used herein, the following words and phrases shall have the meanings indicated:

APPLICANT - the owner or person applying for permission to utilize a holding tank as an alternative sewage disposal system.

HOLDING TANK - a watertight receptacle, whether permanent or temporary, which receives and retains sewage conveyed by a water-carrying system and is designed and constructed to facilitate the ultimate disposal of sewage to another site.

IMPROVED PROPERTY - any property within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sewage shall or may be discharged.

LOW FLOW FACILITY - a sewage facility with a sewage flow of eight hundred (800) gallons per day or less.

MUNICIPALITY - the Township of East Coventry.

OFFICIAL PLAN - the Official Act 537 Sewage Facilities Plan of East Coventry Township.

OWNER - any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.

PERSON - any individual, partnership, company, association, corporation or other group or entity.

SEWAGE - any substance that contains any of the waste products or excrement or other discharge from bodies of human beings or animals or any noxious or deleterious substance being harmful or inimical to the public health or to animal or aquatic life or to the use of water for domestic water supply or for recreation.

TOWNSHIP - East Coventry Township, Chester County, Pennsylvania.

(Ord. 95, 5/4/1998, §1)

§103. Rights and Privileges Granted. The Board of Supervisors of the Township is hereby authorized and empowered to undertake within the Township the control and methods of holding tank use, sewage disposal and sewage collection and transportation thereof. (Ord. 95, 5/4/1998, §1)

§104. Rules and Regulations. The Board of Supervisors of the Township is hereby authorized and empowered to adopt such rules and regulations concerning sewage and holding tank usage, in addition to the following provisions, which it may deem necessary, from time to time, to effect the purposes herein:

A. General requirements for holding tank use are as follows:

(1) Holdings tanks require regular service and maintenance to prevent their malfunction and overflow and shall be used in lieu of other methods of sewage disposal only when the following conditions are met:

(a) The Township Official Plan, or revisions thereto, indicates the use of holding tanks for the subject property and provides for replacement of adequate sewer services in accordance with the Department of Environmental Protection approval or for a recreational, institutional or commercial establishment with a sewage flow of eight hundred (800) gallons per day or less.

(b) The Board of Supervisors identifies the Township office as the administrative entity to receive, review and retain pumping receipts for permitted holding tanks.

(c) The Board of Supervisors shall establish an annual inspection of holding tanks within the Township with completion and retention of written inspection reports.

(d) The Board of Supervisors shall adopt regulations, procedures and penalties for correction of malfunctions or public health hazards from holding tanks.

(2) Applicant shall be required to execute an installation and maintenance agreement for utilization of a holding tank which shall require an initial filing fee for review of the application by the Township Engineer, an annual fee for inspection, a fee for periodic inspections as required and a cash escrow deposit, in an amount to be determined by the Board of Supervisors, to guarantee compliance with the terms of the holding tank permit and the rules and regulations as more fully set forth herein.

(18, §104(A)(3))

(3) The proposed holding tank system application shall be approved by the Department of Environmental Protection and reviewed by the Township Engineer as to its design, construction and installation and the owner shall certify to the Township and Department of Environmental Protection that the design, construction and installation of the holding tank has been completed in accordance with the permits granted by DEP and the Township.

(4) The owner shall provide proof of a signed written contract through appropriate documentation evidencing a contractual relationship established by owner and a DEP approved hauler and site to accept untreated sewage from the subject holding tank. All regulations and requirements set forth in Chapter 73 setting forth standards for operation of holding tanks as issued by the Department of Environmental Protection shall apply to and be satisfied by the owner.

(Ord. 95, 5/4/1998, §1)

Part 2

Management of Individual and Community Onlot Sewage Systems

§201. Short Title; Introduction; Purpose.

1. This Part shall be known and may be cited as the "Sewage Management Program Ordinance of East Coventry Township."

2. In accordance with the Clean Streams Law and the Pennsylvania Sewage Facilities Act, the Township has the power and duty to provide for adequate sewage treatment facilities and for the protection of the public health by prohibiting the discharge of untreated or inadequately treated sewage. In particular, the rules and regulations promulgated by PaDEP under the Pennsylvania Sewage Facilities Act and the Clean Streams Law require the Township to assure proper operation and maintenance of sewage facilities within its borders by the establishment of a sewage management program and the official sewage facilities plan of the Township states that it is necessary to formulate and implement such sewage management program.

3. The purpose of this Part is to establish and provide for such sewage management program for individual onlot sewage systems and community onlot sewage systems within the Township.

(Ord. 105, 10/16/2000, §1)

§202. Definitions and Interpretation.

1. General.

A. The captions used in this Part are for convenience only and shall not control or affect the meaning or construction of any or the provisions of this Part.

B. Unless otherwise expressly stated, or where the context clearly indicates otherwise, the words and phrases defined in this Section shall be construed throughout this Part to have the meanings indicated in this Section, whether such words and phrases appear in this Part with initial capitalization, full capitalization or otherwise.

C. Except as may be otherwise provided in this Part and/or if the context clearly indicates otherwise, all words and phrases appearing in this Part which are not defined in this Section and which also appear in the PaDEP rules and regulations at 25 Pa.Code, Chapters 71, 72 and/or 73, shall be construed throughout this Part to have the same meanings as defined or used in the PaDEP rules and regulations at 25 Pa.Code, Chapters 71, 72 and/or 73.

D. The present tense of any word or phrase used in this Part includes the future, the singular number includes the plural and the plural the singular, and the masculine gender includes the feminine and neuter.

E. Whenever appearing in this Part, the word "shall" is always mandatory; the word "may" is always permissible; the words and phrases "person," "landowner," "lot owner" and "owner" include a corporation, unincorporated association, partnership or other legal entity, as well as an individual; the word "building" includes a structure and shall be construed as if followed by the phrase "or part thereof"; and the words and phrases "such as," "including," and the like are intended to introduce matters which are illustrative of the meaning of the sentence, clause or phrase in which such words or phrases appear without limiting or derogating from the general application of the sentence, clause or phrase in which such words or phrases appear.

F. Unless specifically provided otherwise herein, any reference in this Part to any other ordinance of the Township, to any Federal or State law or statute, to any regulation, study, map, survey, publication or other matter issued or prepared by the Board of Supervisors or any officer or official thereof, and/or by any Federal or State public body or any public officer or official thereof, shall include such other ordinance, law, statute, regulation, study, map, survey, publication or other matter, with all amendments and supplements thereto and any new ordinance, law, statute, regulation, study, map, survey, publication or other matter substituted for the same, as in force at the time of application under this Part.

G. Unless specifically provided otherwise herein, any reference in this Part to any governmental agency, department, board, commission or other public body, or to any public officer or other public official shall include an entity or official which or who succeeds to substantially the same functions as those performed by such public body or official at the time of application under this Part.

2. Specific Definitions.

A. The following words and phrases, when used in this Part, shall have the same meanings as defined in the PaDEP rules and regulations at 25 Pa.Code, Chapters 71, 72 and/or 73, unless the context clearly indicates otherwise:

(1) Community onlot sewage system.

(2) Holding tank.

(3) Individual onlot sewage system.

(4) Individual spray irrigation system.

(5) Lot.

(6) Retaining tank.

(7) Sewage.

(8) Sewage facilities.

(9) Treatment tank.

B. The following words and phrases, when used in this Part, shall have the following meanings, unless the context clearly indicates otherwise:

AUTHORIZED AGENT - the Code Enforcement Officer, the local agency sewage enforcement officer, an employee of the Township, a professional engineer, a plumbing inspector or any other qualified or licensed person who is authorized to function within specified limits as an agent of the Township to administer or enforce the provisions of this Part.

BOARD OF SUPERVISORS - the Board of Supervisors of the Township.

CODE ENFORCEMENT OFFICER - the Code Enforcement Officer of the Township.

HEALTH DEPARTMENT - the Chester County Health Department.

HOLDING TANK ORDINANCE - Part 1, entitled "Holding Tanks," of Chapter 18 of the Code of Ordinances of the Township of East Coventry.

LOCAL AGENCY LAW - Subchapter B of Chapter 5 and Subchapter B of Chapter 7 of Title 2 of Pennsylvania Consolidated Statutes, 2 Pa.C.S. §§551-555, 751-754.

MALFUNCTION - a condition which occurs when an onlot sewage system discharges sewage onto the surface of the ground, into ground waters of the Commonwealth of Pennsylvania, into surface waters of the Commonwealth, backs up into a building connected to the system or in any manner causes a nuisance or hazard to the public health or pollution of ground or surface water or contamination of public or private drinking water wells. A system shall be considered to be malfunctioning if any of the foregoing conditions occurs for any length of time during any period of the year.

OFFICIAL SEWAGE FACILITIES PLAN - the comprehensive plan, including all revisions thereto, for the provision of adequate sewage systems adopted by the Township and submitted to and approved by PaDEP as provided in and by the Pennsylvania Sewage Facilities Act and the regulations of PaDEP promulgated thereunder.

ONLOT SEWAGE SYSTEM - an individual onlot sewage system; a community onlot sewage system.

PADEP - the Department of Environmental Protection of the Commonwealth of Pennsylvania.

PENNSYLVANIA SEWAGE FACILITIES ACT - the Act of January 24, 1966, P.L. (1965) 1535, as amended, 35 P.S. §750.1 *et seq.*

SEWAGE ENFORCEMENT OFFICER or LOCAL AGENCY SEWAGE ENFORCEMENT OFFICER - the Health Department Sewage Enforcement Officer.

THE CLEAN STREAMS LAW - the Act of June 27, 1937, P.L. 1987, No. 394, as amended, 35 P.S. §691.1 *et seq.*

TOWNSHIP - East Coventry Township, Chester County, Pennsylvania.

(Ord. 105, 10/16/2000, §1)

§203. Requirements.

1. Applicability.

A. The requirements of this Part shall be applicable to individual onlot and community onlot sewage systems which exist within the municipal limits of the Township on the effective date of this Part or which may be installed within the municipal limits of the Township after the effective date of this Part.

B. With respect to holding tanks which exist within the municipal limits of the Township on the effective date of this Part or which may be installed within the municipal limits of the Township after the effective date of this Part, the requirements of this Part and the requirements of the holding tank ordinance shall apply. In the event of an inconsistency between or among the provisions of this Part and the provisions of the holding tank ordinance, the most restrictive provision shall govern.

2. Specific Requirements.

A. The proper operation, maintenance and repair of an onlot sewage system shall be the responsibility of the lot owner on which the system is located; however, the operation, maintenance and repair shall be subject to the continuing surveillance and periodic inspection by the Township, its authorized agent and/or the Sewage Enforcement Officer.

(1) The legal authority for such periodic inspection and for the entry upon lands for such inspection is, without limitation, the Pennsylvania Sewage Facilities Act and the PaDEP rules and regulations thereunder.

(2) It is the policy of the Township that such periodic inspection shall apply to those onlot sewage systems that are identified by the Code Enforcement Officer, the Health Department and/or PaDEP as (i) needing periodic inspection to provide long-term property operation; or (ii) not properly functioning because of inadequate operation and maintenance.

(3) The schedule of inspections for each onlot sewage system, identified for such periodic inspection, shall be established by the Code Enforcement Officer.

(4) Notification of the owner of the land on which each onlot sewage system identified for such periodic inspection is located, of the foregoing inspection policy and of the established inspection schedule for the system shall be given, in writing, by the Code Enforcement Officer by any one (1) or more of the following means: (i) handing the notification to the owner wherever he may be found; (ii) mailing the notification to the owner, by certified mail, postage prepaid, return receipt requested, to the address of the land or to the last known address of the owner as appearing on the most current Chester County tax assessment records for the land; or (iii) leaving the notification for the owner at the address of the land.

B. It shall be the responsibility of the owner of a lot on which an onlot sewage system is located to have the system pumped in accordance with the schedule set forth in §204 of this Part and to otherwise maintain, repair and replace the system as necessary to prevent the malfunctioning of the system. Such pumping and other necessary maintenance, repair and replacement shall be in accordance with the standards provided by the PaDEP rules and regulations at 25 Pa.Code §71.73(b)(2).

C. The construction, repair and/or replacement of onlot sewage systems shall be subject to the issuance of appropriate permits by the Health Department.

(Ord. 105, 10/16/2000, §1)

§204. Onlot Sewage System Maintenance and Operation.

1. Treatment Tank Systems.

A. The owner of a lot on which is located a treatment tank system existing on the effective date of this Part, or installed after the effective date of this Part, shall have each tank pumped and the contents thereof disposed of at a licensed sewage disposal facility by a septic tank contractor licensed by PaDEP and/or the Health Department at least once every three (3) years or whenever an inspection of the tank reveals that the tank is filled with solids or scum in excess of one-third (⅓) of the liquid depth of the tank. The owner shall submit proof of the pumping and disposal to the Code Enforcement Officer in the form of a receipted bill issued by the contractor or such other proof as shall be acceptable to the Code Enforcement Officer. The initial and subsequent three (3) year pump and disposal periods, as well as the dates by which proof of the pumping and disposal is to be submitted to the Code Enforcement office, shall be as established under subsection (1)(B), below.

B. The Board of Supervisors shall, by resolution: (i) divide the geographic area of the Township into as many districts as the Board deems appropriate; (ii) designate each such district on a map of the Township; (iii) assign dates to each district on which the initial and subsequent three (3) year pumping and disposal periods shall commence

for treatment tank systems existing in the district on the effective date of this Part and for treatment tank systems installed in the district after the effective date of this Part; and (iv) assign dates to each district by which the proof of the initial and subsequent pumping and disposal of a treatment tank system shall be submitted to the Code Enforcement Officer for treatment tank systems existing in the district on the effective date of this Part and for treatment tank systems installed in the district after the effective date of this Part

2. Retaining Tank Systems.

A. The owner of a lot on which is located a retaining tank or a sewage treatment system designed or operated as a retaining tank shall enter into a written contract with a septic tank contractor licensed by PaDEP and/or the Health Department requiring periodic pumping and disposal of the tanks contents in accordance with the schedule required by the permit which authorized the installation and use of the retaining tank. The contract shall be valid and in effect, and shall be maintained valid and in effect by the owner of the lot at all times during which the retaining tank is utilized.

B. For a retaining tank existing on the effective date of this Part, a copy of the contract shall be filed by the lot owner with the Code Enforcement Officer by within ninety (90) days after the effective date of this Part. For a tank installed after the effective date of this Part, a copy of the contract shall be filed by the lot owner with the Code Enforcement Officer within ninety (90) days after the installation of the system. A copy of any revisions or amendments to the contract and a copy of any new contracts shall be filed with the Code Enforcement officer within thirty (30) days after the effective date of any such revision, amendment or new contract.

3. Stream Discharge Systems.

A. The owner of a lot on which a stream discharge sewage system exists on the effective date of this Part shall register the system with the Township within ninety (90) days following the effective date of this Part by filing a copy of the current PaDEP permit, together with any other information required by the Code Enforcement officer to verify the current validity of the permit and with copies of any tests performed during the twelve (12) months immediately preceding the registration which verify the operational integrity of the system.

B. The owner of a lot on which a stream discharge sewage system is installed after the effective date of this Part shall register the system with the Township within ninety (90) days after such installation by filing a copy of the current PaDEP permit, together with any other information required by the Code Enforcement Officer to verify the current validity of the permit and with copies of any tests performed at any time prior to the registration which verify the operational integrity of the system.

C. Each stream discharge system shall be operated and maintained at all times through a maintenance agreement between the owner of the

lot on which the system is located and an individual, firm or corporation experienced in the operation and maintenance of stream discharge systems. A copy of the maintenance agreement shall be filed with the Code Enforcement Officer at the time the system is registered with the Township. A copy of any revisions or amendments to the maintenance agreement and a copy of any new maintenance agreement shall be filed with the Code Enforcement Officer within thirty (30) days after the effective date of any such revision, amendment or new agreement.

D. The Code Enforcement officer or other authorized agent shall arrange for periodic inspections of such approved and permitted stream discharge systems by PaDEP as required.

4. Individual Residential Spray Irrigation Systems.

A. Each individual residential spray irrigation system shall be operated and maintained at all times in accordance with rules and regulations of PaDEP at 25 Pa. Code §73.167, and through a maintenance agreement between the owner of the lot on which the system is located and an individual, firm or corporation experienced in the operation and maintenance of individual residential spray irrigation systems.

B. A copy of the maintenance agreement, for an individual residential spray irrigation system existing on the effective date of this Part shall be filed with the Code Enforcement Officer within ninety (90) days after the effective date of this Part. A copy of the maintenance agreement for a system installed after the effective date of this Part shall be filed with the Code Enforcement officer within ninety (90) days after such installation. A copy of any revisions or amendments to the maintenance agreement and a copy of any new maintenance agreement shall be filed with the Code Enforcement Officer within thirty (30) days after the effective date of any such revision, amendment or new agreement.

5. Change of Ownership. Prior to the conveyance of any lot containing an onlot sewage system, the sewage system shall be pumped and its contents disposed of as required by this Section unless the owner files with the Township a receipt issued by a septic tank contractor licensed by PaDEP and/or the Health Department demonstrating that the system was pumped out within the six (6) month period immediately preceding the conveyance. Following the conveyance of the lot, the new owner shall be subject to the provisions of this Part.

6. Classification. If the type of an onlot sewage system is unknown, the system shall be classified as a treatment tank system.

7. Location of Systems. If the owner of any lot, which is served by or on which is located an onlot sewage system, demonstrates to the Code Enforcement Officer that the location of the system is unknown to the lot owner, the owner shall then proceed to have the system located and pumped in accordance with the following schedule:

A. The lot owner shall have the onlot sewage system located by a date established by Code Enforcement Officer.

B. The lot owner shall have the onlot sewage system pumped within sixty (60) days after the date on which the system is located.

C. The lot owner shall then have the onlot sewage system pumped in accordance with the next scheduled pumping cycle as provided in this Section.

(Ord. 105, 10/16/2000, §1)

§205. Promulgation of Regulations. In addition to the requirements specified in this Section and other provisions of this Part, the Board of Supervisors may, by resolution, promulgate such forms and regulations for the administration and enforcement of this Part as the Board shall deem necessary. Failure of a lot owner to receive or secure any required form shall not constitute a defense to the enforcement or penalty provisions of this Part. (Ord. 105, 10/16/2000, §1)

§206. Report to Health Department. When the Township becomes aware of a violation of this Part and/or the regulations of the Health Department, the violation shall be reported to the Health Department and shall become subject to the rules and regulations of the Health Department. (Ord. 105, 10/16/2000, §1)

§207. Enforcement and Appeals.

1. The Code Enforcement officer shall have the power and authority to determine all issues relating to compliance with the provisions of this Part and to bring and prosecute, in the name of the Township, enforcement and penalty proceedings for violations of the provisions of this Part.

2. Appeals from determinations or interpretations of the provisions of this Part by the Code Enforcement officer shall be taken to the Board of Supervisors within thirty (30) days from the date of such determination or interpretation. Appeals shall be heard and determined in accordance with the provisions of the Local Agency Law. The Board of Supervisors may request documentation and consult with the Township Engineer or other competent or qualified person as the Board determines necessary for a proper resolution of the appeal and may impose the reasonable costs thereof upon the appellant. Notwithstanding the foregoing, the Board of Supervisors shall have no jurisdiction to hear or determine any appeal from the action of the Code Enforcement Officer in prosecuting a violation of this Part in a summary proceeding before a District Justice or other tribunal having jurisdiction.

(Ord. 105, 10/16/2000, §1)

§208. Violations and Penalties.

1. Any person, who fails or refuses to comply with any provision of or any regulation promulgated under this Part or with any lawful notice, order or direction of the Code Enforcement Officer or authorized agent issued

pursuant to this Part shall be in violation of this Part and guilty of a summary offense and, upon conviction, shall pay a fine of not less than one hundred dollars ($100.00) and not more than one thousand dollars ($1,000.00) (or such other maximum fine as may be prescribed by applicable law), together with the costs of prosecution and, upon default in payment of the fine and costs, shall be subject to imprisonment to the maximum extent allowed by law for the punishment of summary offenses. Each day or portion thereof during which any violation of this Part is found to exist shall constitute a separate offense punishable by like fine and imprisonment.

2. The penalties set forth in subsection (1) shall not be in limitation of, but shall be in addition to, such other or further remedies as may be available to the Township in law or in equity for the failure or refusal to comply with, or for any other violation of, any provision of or any regulation promulgated under this Part or any lawful notice, order or direction of the Code Enforcement officer or authorized agent issued pursuant to this Part.

(Ord. 105, 10/16/2000, §1)

§209. Fee Schedule. The Board of Supervisors shall, by resolution, adopt a fee schedule for the administration of this Part. The schedules shall be subject to review and revision from time to time and at any time as the Board may deem necessary. (Ord. 105, 10/16/2000, §1)

§210. Decommissioning of On-Lot Sewage Disposal Systems. It shall be unlawful for any person owning or occupying a property on which there is a building required to be connected to a public sewer under the provisions of §303 hereof to construct or use on such property any privy, privy vault, cesspool, septic tank or other device for the disposal of sanitary sewage, and any such prohibitive device(s) shall have the contents removed and disposed of at a waste water treatment facility at the owner’s expense. The tank(s) shall be cleaned and disinfected with at least five percent (5%) sodium hypochlorite (common household bleach) solution which could require five (5) gallons of such material. The tank(s) shall be crushed and filled in with gravel or dirt within ninety (90) days following the date on which the aforesaid connection is required to be made at the owner’s sole expense, provided that reinforced concrete tanks must be cleaned, disinfected and filled within the said time period but need not be crushed. Tile fields may be abandoned in place with no other action taken by the owner. (Ord. 105, 10/16/2000; as added by Ord. 145, 7/14/2008, §I)

Part 3

Public Sanitary Sewage Systems

§301. Short Title; Purpose.

1. Short Title. This Part shall be known and may be cited as the "Public Sanitary Sewage System Ordinance of East Coventry Township."

2. Purpose. The purpose of this Part is to promote, protect, preserve, and otherwise provide for the public health, safety and welfare by providing for public sanitary sewage systems within East Coventry Township and related matters, including, but not limited to, requiring or permitting the connection with and use of public sanitary sewage systems by certain improved properties, providing for connections to and extensions and use of public sanitary sewage systems, establishing a sanitary sewer district, and providing for connection charges and sewer rental fees.

(Ord. 134, 6/6/2005, §301)

§302. Interpretation; Definitions.

1. General.

A. The captions and headings used in this Part are for convenience only and shall not control or affect the meaning or construction of any provision of this Part.

B. Unless otherwise expressly stated, or where the context clearly indicates otherwise, the words and phrases defined in this Part, whether with initial capitalization, full capitalization, or otherwise, shall be construed throughout this Part to have the meanings indicated in this Section.

C. The present tense of any word or phrase used in this Part includes the future; the singular number includes the plural, and the plural the singular; and the masculine gender includes the feminine and neuter.

D. Unless specifically provided otherwise in this Part, any reference in this Part to any other ordinance of the Township, to any Federal, State or County law or statute, to any regulation, study, map, survey, report, specifications or other matter issued or prepared by the Township, or any officer of official thereof, and/or by any Federal, State or County public body, or any officer or official thereof, shall include such other ordinance, such law or statute, and such regulation, study, map, survey, report, specifications or other matter, with all amendments and supplements thereto, and any new ordinance, law, statute, regulation, study, map, survey, report, specifications or other matter substituted for the same, as in force at the time of application under this Part.

E. Unless specifically provided otherwise herein, any reference in this Part to any governmental agency, department, board, commission or other public body, or to any public officer or other public official, shall include an entity or official which or who succeeds to substantially the same functions as those performed by such public body or

official at the time of application under this Part.

F. The provisions of this Part shall be liberally construed to effectively carry out its purposes. In interpreting and applying the provisions of this Part, the provisions shall be held to be the minimum requirements for the promotion of such purposes.

G. Where the provisions of this Part impose greater restrictions than those of any other applicable ordinance or regulation of the Township, the provisions of this Part shall prevail and control. Where the provisions of any other applicable ordinance or regulation of the Township or any applicable State or Federal statute or regulation impose greater restrictions than this Part, the provisions of such other applicable Township ordinance or regulation or such applicable State or Federal statute or regulation shall prevail and control.

H. In the event of any inconsistency or conflict between or among the provisions of this Part, the provision or provisions imposing the greater or greatest restriction shall prevail and control.

2. Specific Definitions. As used in this Part, the following words and phrases shall have the meanings indicated below except where the context specifically and clearly indicates otherwise:

ACCESSIBLE TO A PUBLIC SEWER - with respect to a property, shall mean that the property adjoins, abuts on or is adjacent to (i) a public sewer or (ii) a street or off-street easement in which a public sewer is located.

APPLICABLE RULES, REGULATIONS AND REQUIREMENTS - all Township, Health Department, Commonwealth (including, but not limited, to PaDEP), and/or Federal rules, regulations and requirements, which are applicable to a particular construction, installation, maintenance, work or other activity regulated, provided for, required or allowed by, or otherwise subject of or to this Part. Without limiting the generality of the foregoing, APPLICABLE RULES, REGULATIONS AND REQUIREMENTS shall include the Township Technical Specifications. In the event of any inconsistency or conflict between or among any such Township, Health Department, Commonwealth and/or Federal rules, regulations and requirements, the rule, regulation or requirement, which imposes the greater or greatest restriction, shall prevail and control.

AUTHORITY - the North Coventry Municipal Authority, a Pennsylvania municipality authority, which owns and operates the wastewater treatment plant.

BOARD OF SUPERVISORS - the Board of Supervisors of the Township, the governing body of the Township.

BUILDING SEWER - that part of the drainage system of a structure, extending from the structure to the lateral, into which part waste from the structure shall or may be discharged.

COMMONWEALTH - the Commonwealth of Pennsylvania.

CONSTRUCTION CODE ACT - the Pennsylvania Construction Code Act, Act of November 10, 1999, P.L. 491, No. 45, as amended, 35 P.S. §§7210.101-7210.1103.

EDU - an equivalent dwelling unit, a measure of wastewater flow

anticipated to be received from a single-family dwelling unit or the equivalent.

EDU ALLOCATION RESOLUTION - the resolution adopted from time to time by the Board of Supervisors, establishing and otherwise providing criteria allocating EDUs to improved properties according to use.

HEALTH DEPARTMENT - the Health Department of Chester County, Pennsylvania.

IMPROVED PROPERTY - any property within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sanitary sewage and/or industrial wastes shall or may be discharged.

INDUSTRIAL ESTABLISHMENT - any improved property located in the Township and used or intended for use, wholly or in part, for the manufacturing, processing, cleaning, laundering or assembling of any product, commodity or article, or any other improved property located in this Township, from which wastes, in addition to or other than sanitary sewage, shall or may be discharged.

INDUSTRIAL WASTES - any and all wastes discharged from an industrial establishment, other than sanitary sewage.

INTERNATIONAL RESIDENTIAL CODE - the "International Residential Code" as such term is defined and/or used in the Construction Code Act and the regulations promulgated thereunder.

INTERNATIONAL PLUMBING CODE - the "International Plumbing Code" as such term is defined and/used in the Construction Code Act and the regulations promulgated thereunder.

LATERAL - that part of the public sewer extending from a sewer main, located in the street right-of-way or off-street easement, to the structure-side of the building sewer serving an improved property and connected or to be connected with the building sewer. If there are no present improvements on a property, LATERAL shall mean that part of the public sewer extending from said sewer main to the street right-of-way line or off street easement line for future connection to the building sewer, if and when the property is improved.

NATURAL OR CREATED OUTLET - any outlet, whether naturally occurring or created, to a watercourse, ditch, pond, lake or other body of surface or ground water.

OWNER - any person vested with ownership, legal or equitable, sole or partial, of any improved property.

PaDEP - the Department of Environmental Protection of the Commonwealth.

PART - this Part 3 of the Code of Ordinances of the Township of East Coventry, including any appendix to this Part 3 and any resolution adopted pursuant to or referred to in this Part 3.

PERSON - any individual, partnership, company, association, society, trust, corporation, municipality, municipality authority or other group or entity. Whenever used in any provision of this Part prescribing and imposing a penalty or imposing a fine or imprisonment,

PERSON shall include the members of an association, partnership or firm and the officers of any local agency or municipal, public or private corporation for profit or not for profit.

PUBLIC SEWER - any off-site system, including all parts, facilities and other appurtenances thereof (including laterals), owned and/or operated by the Township, for the collection, conveyance, treatment and/or disposal of sanitary sewage and/or industrial wastes through means approved by PaDEP.

SANITARY SEWAGE - "sewage" as defined in and by the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. (1965) 1535, as amended, 35 P.S. §750.1 et seq., and the rules and regulations of PaDEP thereunder.

TOWNSHIP - the Township of East Coventry, Chester County, Pennsylvania, acting by and through the Board of Supervisors or, in appropriate cases, authorized representatives.

TOWNSHIP ENGINEER - the professional engineer, licensed as such in the Commonwealth of Pennsylvania, duly appointed and employed as the engineer for Township or engaged by Township as a consultant thereto.

TOWNSHIP TECHNICAL SPECIFICATIONS - the specifications set forth in the document entitled "Technical Specifications for Construction of Sanitary Sewers and Appurtenances East Coventry Township," revised March 10, 2008, numbered ARRO 5222.01, and prepared by ARRO Consulting, Inc. [Ord. 144]

WASTEWATER TREATMENT PLANT - the wastewater treatment plant and related facilities in North Coventry Township, Chester County, Pennsylvania, owned and operated by the Authority, to which plant sanitary sewage and/or industrial waste, collected by the public sewer, is conveyed by the public sewer for treatment and disposal.

3. Township Technical Specifications. Without limiting, but in furtherance of, the generality of other applicable requirements of this Part, the Township Technical Specifications, for purposes of §305 of the Construction Code Act, shall constitute standards containing provisions, which equal or exceed the requirements of the regulations, promulgated under the Construction Code Act, the International Residential Code and/or the International Plumbing Code, for lateral connections located on private property and connecting to the public sewer. For purposes of the foregoing, "lateral connections" shall include a "lateral" and a "building sewer" as those two terms are defined in subsection .2.

(Ord. 134, 6/6/2005, §302; as amended by Ord. 138, 12/18/2006, §1; and by Ord. 144, 4/14/2008, §1)

§303. Connection with and Use of Public Sewers.

1. Required Connection with and Use of Public Sewers.

A. The owner of any improved property, which is accessible to a public sewer and whose principal structure, or any part thereof, is within one hundred fifty (150) feet from the public sewer, shall connect the improved property to the public sewer and shall use the public sewer within sixty (60) days, or such other additional time as may be

determined appropriate by the Township, after notice from the Township to make such connection and use is served upon the owner, for the purpose of discharging all sanitary sewage and/or industrial wastes from the improved property. The notice of the Township to connect with and use the public sewer shall be in accordance with subsection .3.

B. The owner of any unimproved property, which is accessible to a public sewer and which subsequently becomes an improved property with any part of the principal structure on the property being within one hundred fifty (150) feet from the public sewer, shall, at the time of the erection of the structure, install sanitary facilities in the structure and connect the same to the public sewer and use the public sewer for the purpose of discharging all sanitary sewage and/or industrial wastes from the improved property.

C. The connection with and use of the public sewer under paragraphs .A and .B above, as well as the installation of the sanitary facilities in the structure under paragraph .B above, shall be at the expense of the owner of the improved property, subject to and in accordance with applicable rules, regulations and requirements, and otherwise subject to and in accordance with the provisions of this Part, including, but not limited to, the limitations and restrictions set forth in this Part.

2. Permitted Connection with and Use of Public Sewers.

A. The owner of any improved property accessible to a public sewer on which property no part of the principal structure is within one hundred fifty (150) feet from the public sewer, who desires to connect with and use the public sewer for the purpose of discharging all sanitary sewage and/or industrial wastes from the improved property, shall be permitted to connect with and use the public sewer for such purpose, provided that the public sewer and wastewater treatment plant has sufficient capacity to accept, treat and dispose of the sanitary sewage and/or industrial wastes to be discharged from the improved property.

B. The owner of any improved property not accessible to a public sewer, but who desires to connect with and use the public sewer for the purpose of discharging all sanitary sewage and/or industrial wastes from the improved property, shall be permitted to connect with and use the public sewer for such purpose, provided that (i) the owner, at the owner's expense, is able to arrange for connection to the public sewer through intervening properties, and (ii) the public sewer and wastewater treatment plant has sufficient capacity to accept, treat and dispose of the sanitary sewage and/or industrial wastes to be discharged from the improved property.

C. The connection with and use of the public sewer under paragraphs .A and .B above shall be at the expense of the owner of the improved property, subject and in accordance with applicable rules, regulations and requirements, and otherwise subject to and in accordance with the provisions of this Part, including, but not limited to, the limitations and restrictions set forth in this Part.

3. Notice.

A. The notice to the owner of improved property by the Township

to make connection with and use a public sewer, as provided in subsection .1, shall consist of a written or printed document referring to this Part and requiring the connection within sixty (60) days, or such additional time as may be determined appropriate by the Township, from the date such notice is served upon the owner. The notice may be served at any time after a public sewer is in place that is able to receive and convey sanitary sewer and/or industrial wastes from the improved property to the wastewater treatment plant for treatment and disposal. The notice shall be served by personal service or by registered mail, or by such other method as at the time may be provided or permitted by law.

B. In the event that the owner of improved property fails to connect with and use the public sewer within such sixty (60) day period, or such additional time as may be determined appropriate by the Township, after the notice to connect and use has been served upon the owner, the Township, at its discretion, shall have the right, but not the duty, by itself or agents thereof, to enter upon the improved property and construct the connection. In such case, the Township shall, upon completion of the connection work, send an itemized bill of the cost of connection to the owner, which bill shall be payable in full immediately. Should the owner fail to so pay the bill, the Township shall have the right to collect the same in the manner permitted and pursuant to applicable law including, but not limited to, the filing of a municipal claim and lien therefor.

4. Limitations and Restrictions on Sanitary Sewage and Industrial Wastes to be Discharged into a Public Sewer. All sanitary sewage and industrial wastes from any improved property, after connection of such improved property with a public sewer as may be required or permitted under subsections .1 or .2, shall be conducted into the public sewer, subject, however, to limitations and restrictions as shall be provided in this Part and/or as otherwise may be established by the Township and/or the Authority from time to time. Such limitations and restrictions shall include, without limitation, the prohibited wastes set forth in Appendix "A" to this Part.

(Ord. 134, 6/6/2005, §303)

§304. Prohibited Placements, Deposits and Discharges of Sanitary Sewage and Industrial Wastes.

1. No person shall place or deposit, or permit to be placed or deposited, upon public or private property within the Township any sanitary sewage or industrial wastes in violation of §303.1.

2. No person shall discharge, or permit to be discharged, to any natural or created outlet within the Township any sanitary sewage or industrial wastes in violation of §303.1, except where suitable treatment has been provided that is satisfactory to the Township, and that is consistent and in compliance with applicable rules, regulations and requirements including, but not limited to, applicable statutes of the Commonwealth, and any applicable rules, regulations and requirements and/or permits of or issued by the PaDEP and/or the Health Department.

(Ord. 134, 6/6/2005, §304)

§305. Privy Vaults, Cesspools, Etc.

1. Except and may be otherwise specifically approved and authorized, in writing, by and at the discretion of the Township, no privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be constructed, used or maintained at any time upon any improved property which is connected to the public sewer or which is required to be connected with and use a public sewer under §303.1.

2. Except as may be otherwise specifically approved and authorized, in writing, by and at the discretion of the Township, every such privy vault, cesspool, sinkhole, septic tank or similar receptacle in existence shall be abandoned, and upon connection of the improved property to the public sewer, shall be (i) decommissioned and all components thereof removed from the improved property, or (ii) at the discretion of the Township, cleansed and filled. Such abandonment, decommissioning, removal, cleansing and filling shall be at the expense of the owner of the improved property, shall be completed within such time after connection of the improved property to the public sewer as the Township shall direct, shall be under the direction and supervision of the Township, and shall be in accordance with applicable rules, regulations and requirements. Any such privy vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned, decommissioned, removed, cleansed and/or filled, is hereby declared to be a nuisance, which shall be abated as provided by law at the expense of the owner of the improved property.

3. No such privy vault, cesspool, sinkhole, septic tank or similar receptacle shall, at any time, be connected to or with a public sewer.

(Ord. 134, 6/6/2005, §305)

§306. Building Sewers and Connections with Public Sewers.

1. Connection Permit.

A. No person shall uncover, connect with, make any opening into, use, alter or disturb, in any manner, any public sewer or any part thereof without first obtaining a connection permit, in writing, from the Township.

B. Application for the connection permit shall be made by the owner of the improved property to be connected with the public sewer, or by a duly authorized agent of such owner. The form and content of the permit application shall be established, from time to time, by the Township.

2. Prerequisites for Connection to Public Sewer. No person shall make, or shall cause to be made, any connection of any improved property with a public sewer until such person shall have fulfilled all of the following conditions:

A. Such person shall have notified the Township of the desire and intention of the person to connect the improved property to a public sewer, such notification to given to such official or representative of the Township as shall be designated from time to time by the Board of Supervisors to receive such notification;

B. Such person shall have applied for and obtained a connection

permit as required by subsection .1;

C. Such person shall have paid, in full, the connection charges as provided under and by §309, together with any other applicable fees or charges; and

D. Such person shall have given the Township at least forty-eight (48) hours notice prior to the time when such connection will be made so that the Township may supervise and inspect, or may cause to have supervised and inspected, the work of connection and necessary testing, such notification to given to such official or representative of the Township as shall be designated from time to time by the Board of Supervisors to receive such notification.

3. Separate Connections.

A. Each improved property and each structure on an improved property discharging sanitary sewage or industrial wastes, to be connected with and use a public sewer, shall be connected separately and independently with the public sewer by and through a separate building sewer. The connection of more than one improved property, or more than one structure discharging sanitary sewage and/or industrial wastes on a single improved property, to one building sewer shall not be permitted.

B. Notwithstanding paragraph .A above, the connection of more than one structure discharging sanitary sewage and/or industrial wastes on a single improved property to one building sewer (the "common building sewer") may be permitted, but only for good sanitary reasons or other good cause shown, but then only after special permission of the Township, in writing, shall have been secured, and subject to the following conditions and such other conditions as may be prescribed by the Township:

(1) The minimum nominal diameter of the common building sewer shall be eight (8) inches, the common building sewer shall extend to and connect to the public sewer via a sanitary sewer manhole (as opposed to a tee, wye or saddle connection), and the common building sewer shall be located within an easement, which shall in turn be offered for dedication to the Township along with the common building sewer. Upon acceptance of such dedication, the common building sewer and easement shall become a public sewer, and until such time as the Township accepts dedication thereof, the common building sewer and easement shall be considered an extension of public sewer as provided in §307. For purposes of the remaining provisions of paragraph .B, all requirements applicable to a public sewer shall apply to the common building sewer.

(2) The width of the easement in which the common building sewer is located shall comply with the requirements set forth in the Township Technical Specifications.

(3) The upper reach of the common building sewer shall terminate at a sanitary sewer manhole.

(4) Each individual structure on the improved property shall connect to the common building sewer via a building sewer and lateral, each as defined in §302.

(5) Common building sewer design, materials and methods of construction and installation including, but not limited to, sanitary sewer manholes, shall comply with the requirements for gravity sewers as set forth in the Township Technical Specifications.

4. Costs of Construction and Connection of Building Sewers. All costs and expenses of construction of a building sewer, and all costs and expenses of connection of a building sewer to a public sewer, shall be borne by the owner of the improved property to be connected. The owner shall indemnify and shall save harmless the Township and the Authority from all loss or damage that may be occasioned, directly or indirectly, as a result of the construction of the building sewer and/or the connection of the building sewer to the public sewer.

5. Location of Connection of Building Sewers. A building sewer shall be connected to a public sewer at the place designated by the Township and where, if applicable, the lateral is provided, subject to and in accordance with the Township Technical Specifications and other applicable rules, regulations and requirements.

6. Existing House Sewer Line as a Building Sewer. Where an improved property, at the time its connection to a public sewer is to be made, is served by its own sewage disposal system or sewage disposal device, the existing house sewer line shall be broken on the structure side of such sewage disposal system or sewage disposal device and connection shall be made, with proper fittings, to continue such house sewer line as a building sewer, subject to and in accordance with the Township Technical Specifications and other applicable rules, regulations and requirements.

7. Inspection and Approval of Building Sewers.

A. No building sewer shall be covered until it has been inspected and approved by the Township, as provided in and by the Township Technical Specifications and other applicable rules, regulations and requirements. If any part of a building sewer is covered before being so inspected and approved, it shall be uncovered, at the cost and expense of the owner of the improved property to be connected to the public sewer, for such inspection and approval.

B. All such inspections and approval by the Township shall be at the cost and expense of the owner of the improved property to be connected to the public sewer.

C. All such inspections by the Township shall be undertaken by the Township Engineer, and shall be completed not less than forty-eight (48) to seventy-two (72) hours after the Township is given notice by the owner of the improved property that the uncovered building sewer has been connected, both within and outside the structure on the improved property being connected, and is ready for inspection.

D. Unless otherwise directed by the Board of Supervisors, all such approvals by the Township shall be given by the Township Engineer.

8. Maintenance, Repair and/or Replacement of Building Sewers. It shall be the responsibility of the owner of improved property, at the expense of the property owner, to maintain every building sewer on the improved property at all times in a sanitary and safe operating condition, and to repair and replace the same as shall be necessary. Such maintenance, repair

and replacement shall in accordance with and comply with all Township Technical Specifications and other applicable rules, regulations and requirements.

9. Building Sewer Excavations. Every excavation for a building sewer shall be guarded adequately with barricades and lights to protect all persons from damage and injury, and any street, sidewalk and other property disturbed in the course of installation of a building sewer shall be restored. Such guarding and excavation shall be at the cost and expense of the owner of the improved property being connected, and in a manner satisfactory to the Township and otherwise subject to and in accordance with the Township Technical Specifications and other applicable rules, regulations and requirements.

10. Unsatisfactory Condition of Building Sewers. If any person shall fail or refuse, upon being served with a written notice from the Township, to remedy any unsatisfactory condition with respect to a building sewer within thirty (30) days, or such additional time as may be determined appropriate by the Township, of service of the notice, the Township, at its discretion, may refuse to permit such person to discharge, or to continue to discharge, sanitary sewage and industrial wastes into the public sewer until such unsatisfactory condition shall have been remedied in a manner satisfactory to the Township and otherwise subject to and in accordance with the Township Technical Specifications and other applicable rules, regulations and requirements. Such right of refusal shall be in addition to such other or further remedies as may be available to the Township to correct the unsatisfactory condition.

(Ord. 134, 6/6/2005, §306)

§307. Extensions of Public Sewer. All extensions of a public sewer shall be constructed, installed and/or otherwise completed in accordance with the Township Technical Specifications and other applicable rules, regulations and requirements. For purposes of this Section, "public sewer" shall mean not only a "public sewer," as such phrase is defined in and by §302.2, but also any "public sewer" as so defined but which is not, at the particular time, owned and/or operated by the Township but intended to be ultimately owned and/or operated by the Township. (Ord. 134, 6/6/2005, §307)

§308. Sanitary Sewer District. A single sanitary sewer district is hereby established, which shall comprise that portion of the Township north of Pigeon Creek and north of Bickels Run as more particularly shown and identified as the "Sanitary Sewer District" on the Sanitary Sewer District Map, dated May 17, 2005, appearing as Appendix "B" to this Part. (Ord. 134, 6/6/2005, §308)

§309. Connection Charges.

1. The Township hereby imposes connection charges against and to be paid by the owner of any improved property required or permitted to be connected with and use a public sewer under and in accordance with this Part.

2. The connection charges imposed against and payable by the owner of improved property shall be established from time to time by resolution of the

Board of Supervisors. The connection charges shall include, without limitation, a connection fee, customer facilities fee and/or a tapping fee as enumerated and defined in and by the Municipality Authorities Act, 52 Pa.C.S. §5601 et seq. Connection charges in the nature of tapping fees, as established by said resolution, shall be imposed on the basis of EDUs allocated to the improved property pursuant to the EDU Allocation Resolution.

3. The connection charges shall be due and payable in full either at the time the application is made to the Township for a permit to connect to the public sewer, as provided in §306.1, or in the case an owner of improved property fails to make connection to the public sewer as required by the Township pursuant to §303.1, on the date when the Township connects the property to the public sewer at the cost and expense of the owner.

4. All connection charges shall be payable to the Township. Payments of connection charges shall be tendered to such official or representative of the Township as shall be designated and authorized from time to time by the Board of Supervisors to accept payment.

5. Payment of connection charges shall be enforced and recovered by the Township in such manner as provided or permitted by law then in effect.

(Ord. 134, 6/6/2005, §309)

§310. Sewer Rental Fee.

1. The owner of any improved property connected, or required to be connected, to a public sewer, shall pay a monthly, quarterly, semi-annual or annual sewer rental fee, as shall be adopted from time to time by resolution of the Board of Supervisors. The sewer rental fee, as adopted by said resolution, shall be imposed on the basis of EDUs allocated to the improved property pursuant to the EDU Allocation Resolution. The obligation to pay sewer rental fee shall commence on the earlier of the following two dates: (i) the date on which the improved property is connected to the public sewer; or (ii) in the case the owner of improved property does not connect the improved property to the public sewer within the time required by the Township pursuant to §303.1, the last date when owner should have connected the improved property to the public sewer as so required by the Township.

2. The sewer rental fee shall be in addition to (i) all costs and expenses of constructing the building sewer by which the improved property is connected, or required to be connected, to the public sewer, (ii) all costs and expenses in connecting such building sewer to the public sewer, and (iii) the connection charges provided under §309.

3. The amount of the sewer rental fee shall constitute a lien until paid against the improved property connected, or required to be connected, to the public sewer, and, if not timely paid, may be recovered by the Township in such manner as provided or permitted by law then in effect.

4. All sewer rental fees shall be payable to the Township. Payments of sewer rental fees shall be tendered to such official or representative of the Township as shall be designated and authorized from time to time by the Board of Supervisors to accept payment.

5. All sewer rental fees shall be deposited in a special fund to be used only for payment of the cost of construction, reconstruction, repair,

operation and maintenance of the public sewer.

6. Should the number of EDUs allocated to an improved property be adjusted in a manner prescribed in the EDU Allocation Resolution, the owner of the improved property shall pay the then current sewer rental fee based on the adjusted EDU allocation. Until such time of adjustment, the owner of the improved property shall continue to pay the sewer rental fee based on the current EDU allocation. In no case shall a retroactive reimbursement of sewer rental fees be made from Township to owner or from owner to Township for adjustment of EDU allocation to an improved property.

(Ord. 134, 6/6/2005, §310)

§310.1. Reservation of Public Sanitary Sewage System and Treatment Plant Capacity.

1. Authority. The fees for reservation of public sanitary sewage system and treatment plant capacity are imposed hereby under the authority of Article XXV (Sanitary Sewers) (53 P.S. §67501-67517) of the Second Class Township Code (53 P.S. §§65101-68701).

2. Purpose. East Coventry Township has determined that allocation to and reservation of sanitary sewage system capacity for future use creates an unreasonable and inequitable economic burden upon the Township and the existing users connected to the public sanitary sewage system within the Township. Until such time as landowners who have been granted capacity choose to make use of such capacity, the Township and the existing users of the public sanitary sewage system are required to amortize the costs of the reserved facilities. Moreover, such reserved capacity remains unavailable to other persons who may have an immediate need for capacity. Therefore, it is determined to be in the best interest of the Township, the existing users of the public sanitary sewage system, and potential users without reserved capacity, that landowners desiring or required to reserve public sanitary sewage system capacity pay the full amount of the tapping fee plus charges designated and calculated to amortize the cost of the current debt service in proportion to the existing users of the system. The purpose of this Section is to establish procedures for the imposition and collection of the tapping fee plus quarterly charges to be known as sewer reservation fees.

3. Additional Definitions. As used in this Section, the following terms shall have the meanings indicated.

RESERVED CAPACITY - the allocated sanitary sewage capacity reserved for by an applicant after full payment of all applicable tapping fees and payment of quarterly sewer reservation fees.

SEWER RESERVATION FEE - the quarterly charges imposed upon a applicant for the allocated sanitary sewage capacity reserved.

TAPPING FEES - the approved tapping fee by the East Coventry Township Board of Supervisors pursuant to resolution or ordinance as calculated by the Township Engineer in accordance with Pennsylvania Act 57 of 2003 (“Act 57").

4. Reserved Capacity. Sewage treatment capacity is available only on a first-come, first-serve basis and shall not be deemed to be reserved for any subdivision, new development or existing improved property by virtue of approval of any Pennsylvania DEP Planning Module or Planning Module Exemption

by the East Coventry Township Board of Supervisors. Sewage treatment capacity shall only be reserved upon payment of the full amount of the current tapping fee for each EDU being reserved, as established from time to time by resolution or ordinance of the Board of Supervisors which payment shall be made via cash or certified check payable to the "East Coventry Township." Upon Township's receipt of such payment, capacity shall be reserved for the number of EDUs for which the full amount of tapping fees are paid for a particular unimproved or undeveloped tract of land for which the application was submitted. No additional capacity will be reserved for unpaid EDUs. Reserved capacity may not be transferred or exchanged between parcels without the written approval of the Board of Supervisors. Reserved capacity may not be sold as a commodity.

5. Sewer Reservation Fee.

A. In addition to full payment of tapping fees as set forth above, a quarterly fee for the reservation of sanitary sewage capacity is hereby imposed upon an applicant for any connections not made within six (6) months from the date of Township's receipt of tapping fees. The quarterly fees shall be calculated as set forth below in subsection .B pertaining to rates.

B. Rates.

(1) The reservation of capacity fee shall be equal to sixty percent (60%) of the average sanitary sewer bill for a residential customer of the Township, during the last billing cycle multiplied by the number of EDU's being reserved.

(2) Reservation of capacity fees shall be paid by the applicant reserving capacity on a quarterly basis as billed by the Township. The face amount of each quarterly bill shall be due and payable in full within thirty (30) days from its date. If full payment of the face amount is not received within thirty (30) days from its date, a penalty of ten percent (10%) of the face amount of the bill shall be added thereto, and interest on the unpaid amount, including penalty, shall accrue at the rate of nine percent (9%) per annum commencing from the thirtieth (30th) day until paid. The penalty and interest provided in this subsection shall be in addition to such other and further penalties, interest or other remedies which may be available to the Township should it proceed to collect such bill, penalty and interest by way of municipal claim and lien or other appropriate legal or equitable action.

(3) Adjustment to Rates. Any applicant who has reserved sewer capacity may apply to the Township to have the reserve capacity charges adjusted to reflect capacity utilized by connection to the sanitary sewage system during the preceding quarter following applicable Township procedures.

C. The annual reservation of capacity fee shall be applicable and continue in effect until any of the following events occur:

(1) The reserved capacity has been utilized or consumed by hooking up to the sewer system and regular sewer rental bills are being issued for the use.

(2) Any unused reserve capacity has been cancelled by the applicant for whom it was reserved, or by the Township as hereinaf-

ter provided.

(3) A period of five (5) years shall have expired from the date of final approval by the Township of the development or project, or application. If after five (5) years from the date of final approval by the Township, an applicant is still in need of all or a portion of the sanitary sewage capacity originally reserved, the applicant shall make application to the Township for continued reserve capacity which shall be processed as a new application for sewer capacity.

6. Adjustments to Capacity; Cancellation.

A. In the event that reserve capacity of any applicant shall be determined to be insufficient during the term of any permit, an applicant shall request additional reserve capacity. Such request shall be processed as a new application in accordance with all Township requirements.

B. Reserved capacity shall not be canceled and the corresponding piece of unimproved or undeveloped land shall be deemed to have reserved capacity in the amount of EDUs purchased from the date the tapping fees are paid in full. Such reserved capacity shall inure to the benefit of all successors, assigns and subsequent property owners. Any unpaid quarterly sewer reservation fees shall be collectable by the Township in the manner as unpaid sewer rents. No building permits shall be issued until all quarterly sewer reservation fees including all outstanding interest and /or all other delinquent amounts are paid in full. In the event excess EDUs have been purchased for a land development or subdivision, the property owner may request that the Township buy back excess EDUs if the property has been fully occupied and used for a minimal period of two (2) years and records consistently reveal the number of excess units being offered for re-purchase by the Township at the original purchase price without interest, reimbursement of sewer reservation fees paid to Township or any other additional consideration. Such a request shall not obligate Township to re-purchase excess EDUs.

(Ord. 134, 6/6/2005, §310.1; as added by Ord. 155, 4/13/2009, §I)

§311. Violations and Penalties.

1. Fines and Penalties.

A. Any person, who fails or refuses to comply with any provision of this Part, shall be in violation of this Part, which violation shall be enforced by action brought before a district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.

B. Upon conviction, such person shall pay a fine of not less than one hundred dollars ($100.00) and not more than one thousand dollars ($1,000.00) (or such other maximum fine as then may be provided or permitted by applicable law) per violation, together with costs of prosecution including, but not limited to, reasonable attorney's fees, in each case. Upon default in payment of the fine and costs, such person shall be subject to imprisonment to the maximum extent allowed by law for the punishment of summary offenses.

C. Each day, or portion thereof, that a violation is found to exist, and each provision of this Part that is found to have been violated, shall constitute a separate offense each punishable by the aforesaid fine and imprisonment.

D. All fines and costs collected for the violation of this Part shall be paid to the Township.

2. Other Remedies. The provisions of subsection .1 (including, but not limited to, the manner of enforcement of a violation of this Part and the fine and the penalty for such violation) shall not be in limitation of, but shall be in addition to:

A. Such other or further remedies or enforcement actions as may be available to the Township under other provisions of this Part or under other law (including, but not limited to, other applicable local, state or federal law) or in equity (including, but not limited injunctive relief) for any actions or inactions which violate of any provision of this Part. Nothing in this Section or other provision of this Part shall be deemed to preclude the Township from pursuing such other or further remedies concurrently.

B. Such other or further remedies or enforcement actions as may be available to any governmental entity, other than Township, having jurisdiction, under any applicable local, state, or federal law, or in equity (including, but not limited injunctive relief), for any actions or inactions which violate any provision of this Part.

(Ord. 134, 6/6/2005, §311)

Appendix A

Prohibited Wastes

A. Prohibited wastes include any discharge other than sanitary sewage traditionally defined as follows: normal water-carried household and toilet wastes from residences, apartments, business buildings, institutions, commercial and industrial (non-process discharges only) establishments, or any other improved property. (As used in this Appendix, "sanitary sewage" shall have the foregoing meaning.)

B. The Township reserves the right to refuse permission to connect to the public sewer for, to compel discontinuance of use of the public sewer for, or to compel pretreatment of, industrial wastes (being any waste other than sanitary sewage as defined in this Appendix) by any industrial establishment, in order to prevent discharges deemed harmful, or deemed to have a deleterious effect upon the public sewer.

C. A discharge exceeds normal strength sanitary sewage and is a prohibited waste if any one or more of the following criteria, enumerated in 1 through 6, are exceeded:

1. Any discharge exceeding normal domestic strength sanitary sewage, as defined by the following criteria:

BOD_5	204 mg/L
Total Suspended Solids	240 mg/L
Total Dissolved Solids	500 mg/L
Settleable Solids	10 ml/L
COD	500 mg/L
Ammonia-nitrogen	30 mg/L
Organic Nitrogen as N	15 mg/L
Total Kjeldahl Nitrogen	45 mg/L
Phosphorus (as P)	10 mg/L
Alkalinity (as $CaC0_3$)	between 50 mg/L and 200 mg/1
pH (standard units)	between 6.5 and 9.0

2. Any discharge containing storm water, surface water, spring water, roof runoff, subsurface drainage, building foundation drainage, cellar drainage, drainage from roof leader connections.

3. The following discharges of any liquid or solid wastes, substances or matter, are prohibited:

a. Any discharge having a temperature higher than 140 degrees Fahrenheit, or less than 32 degrees Fahrenheit.

b. Any discharge containing more than 100 milligrams per liter of dissolved fat, oil, wax, grease, either vegetable or mineral, or containing any substance which may solidify between 32 and 100 degrees Fahrenheit. Any discharge containing floatable oils, fats or grease.

c. Any discharge of liquids, solids or gases which by reason of their nature or quantity are, or may be sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the sewer

facilities or to the operations of the sewer facilities.

At no time shall two successive readings on an explosion hazard meter at the point of discharge into the public sewer (or at any point in the public sewer) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter.

Prohibited materials include, but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, alcohols, ethers, ketone, aldehydes, peroxides, chlorates, perchlorates, bromate, carbides, hydrides, sulfides, fuel oil, motor oil, paint products, acid or other volatile, explosive or flammable substance which by reason of its nature or quality may cause fire or explosion, or be in any way injurious to persons, to the public sewer to the wastewater treatment plant facilities.

d. Any discharge containing toxic, noxious, poisonous or malodorous solids, liquids or gases, vapors, fumes or substance, which either singly or by interaction with other wastes, is capable of:

- creating a public nuisance or hazard to life;
- preventing routine entry into sewers for normal maintenance and repair;
- may cause worker health and safety problems;
- interfering with any wastewater treatment process;
- constituting a hazard to humans or animals;
- causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a Whole Effluent Toxicity test; and/or
- creating any hazard in the receiving waters or in the wastewater treatment plant.

Toxic wastes shall include but not be limited to wastes containing cyanide, chromium, copper and nickel ions, or any pollutant identified pursuant to §307 of the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

e. Any discharge containing any garbage from kitchen wastes that has not been properly shredded.

f. Any discharge, in quantities or of such size capable of causing obstructions in the sewers, pump stations or other interferences with the proper operation of the wastewater treatment plant facilities, containing, but not limited to:

- animal guts or tissues, paunch manure, butchers, offal, bones, hair, hides or fleshing, entrails;
- antifreeze;
- any solids greater than one-half inch in any dimension;
- ashes;
- bentonite;
- blood or blood components or products;
- building materials;
- ceramic wastes;
- china;
- cinders;
- detergents, surfactants or, other agents in quantities

that cause excessive foaming at the wastewater treatment plant;
- feathers;
- glass, glass grindings or polishing wastes;
- grass clippings;
- hair;
- leather;
- lye;
- medical wastes;
- metal;
- mud;
- paper dishes, paper cups, paper or cardboard containers;
- petroleum products (including plastics, gasoline, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil);
- plastic;
- porcelain;
- rags;
- rubber;
- sand;
- sharps (needles, razor blades, syringes, scalpels, etc.);
- shavings
- sludge, screenings or other residues from treatment processes of others;
- spent grains;
- spent hops;
- spent lime;
- straw;
- stone or marble dust;
- tar;
- waste paper;
- wood; and/or
- any other solids or viscous substances capable of causing obstruction to the flow in sewer system or other interference with the proper operation of the public sewer or wastewater treatment plant.

g. Any discharge containing inert, insoluble solids such as: asphalt, clay, slag, mill scale, or sludges and slurries.

h. Any discharge having a pH lower than 6.5 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel.

i. Any discharge containing total solids of such character and quality that unusual attention or expense is required to handle such materials at the wastewater treatment plant.

j. Any discharge containing radioactive isotopes.

k. Any discharge of discolored materials containing true color from any source and of any hue with less than the equivalent luminescence and greater than the equivalent purity of a 250 color unit platinum-cobalt stock standard, as determined by spectrophotometric methods. Equivalent values shall be determined at the dominant wave length of the sample and

compared to the values determined at the dominant wavelength of the stock standard.

Any discharge with sufficient color that is not removed by the treatment process that causes the effluent of the wastewater treatment plant to have true color discharge in excess of 100 color units.

Any dye that is non-responsive to removal by alum coagulation to remove suspended or colloidal matter, and/or non-responsive to chlorine bleaching of the dissolved dyes.

l. Any discharge, that individually or in combinations with other wastes, exerts a chlorine demand in excess of 12 mg/L, at a detention time of 15 minutes, on the effluent of the wastewater treatment plant after biological treatment and prior to disinfection.

m. Any discharge which will cause the wastewater treatment plant to violate its NPDES and /or Water Management Permit, or violate the water quality standards for the receiving stream. Any discharge containing wastes which are not amenable to biological treatment or removal by the existing treatment processes, or are only partially amenable to treatment such that the effluent of the wastewater treatment plant does not meet the regulatory requirements; specifically, any discharge containing non-biodegradable complex carbon compounds.

n. Any discharge containing suspended solids of such character and quantity that unusual attention or expense shall be required to handle such water or waste at the wastewater treatment plant.

o. Any discharge containing more than 25 mg/L of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin.

p. Any discharge prohibited by any permit or regulation of PaDEP, or the Environmental Protection Agency.

q. Any discharge of waste slugs, such that the discharge exceeds the allocated flow criteria and the peaking factors associated with the flow allocation.

r. Any discharge of concentrations of anions, cations, and other various objectionable substances that would make the Township and/or authority responsible discharging such substances in excess of that amount permitted in the allocated portion of the critical flow of the receiving stream.

s. Any discharge from a trucked or hauled source.

t. Any discharge which may cause the effluent or other product of the wastewater treatment plant (such as residues, sludge, or scum) to be unsuitable for reclamation, disposal, and reuse, or to interfere with the reclamation process.

In no case shall a substance discharged to the sewer system cause the wastewater treatment plant to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under §405 of the Clean Water Act, the Solid

Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used at the wastewater treatment plant.

u. Any waste stream with a closed cup flashpoint of less than 140 degrees Fahrenheit (that is, discharges whose vapors ignite and burn at less than 140 degrees Fahrenheit.)

v. Any discharge containing detergents, surface active agents, or other substances which may cause excessive foaming in the wastewater treatment plant.

4. Any discharge which violates the Federal Categorical Pretreatment Standards as defined in 40 C.F.R., Subchapter N, Parts 401 to 471, as amended and revised.

5. Any discharge which violates the Pennsylvania State Pretreatment Standards, where those standards are more stringent than Federal or the Authority's standards.

6. Concentrations for elements or compounds in excess of the following:

Aluminum	5.00 mg/L
Ammonia (as N)	30.00 mg/L
Antimony	0.10 mg/L
Arsenic	0.05 mg/L
Barium	1.00 mg/L
Beryllium (as Be)	0.10 mg/L
BOD_5	204.00 mg/L
Boron	1.00 mg/L
Bromides	250.00 mg/L
Cadmium (as Cd)	0.01 mg/L
Chemical Oxygen Demand	500.00 mg/L
Chlorides	50.00 mg/L
Chrome	0.10 mg/L
Chromium (hexavalent)	0.10 mg/L
Chromium (trivalent)	0.50 mg/L
Cobalt	0.50 mg/1
Copper	1.00 mg/L
Cyanides (as CN)	0.20 mg/L
Endrin	0.0004 mg/L
Fluorides	5.0 mg/L
Hydrogen Sulfides	0.10 mg/L
Iron	5.0 mg/L
Lead	0.05 mg/L
Lithium	2.50 mg/L
Lindane	0.008 mg/L
Magnesium	25.00 mg/L
Manganese	0.20 mg/L
Methoxyclor	0.20 mg/L
Methylene Chloride	0.40 mg/L
Molybdenum	0.10 mg/L

Mercury	0.05 mg/L
Nickel	0.25 mg/L
Phenols	0.001 mg/L
Phosphates (as $P0_4$)	50.00 mg/L
Phosphorus (as P)	10.00 mg/L
Selenium	0.01 mg/L
Silver	0.10 mg/L
Sulfates	500.00 mg/L
Suspended Solids	240.00 mg/L
Tin	1.00 mg/L
Total Dissolved Solids	500.00 mg/L
Total for all Priority Pollutants	15.0 mg/L
Total Halogenated Organics	2.00 mg/L
Total Kjeldahl Nitrogen	45.00 mg/L
Toxaphene	0.01 mg/L
Vanadium	0.10 mg/L
Zinc	0.50 mg/L
2,4,5-TP Silvex	0.02 mg/L

Specific Toxic Substance Notification Levels (for manufacturing, commercial, mining, silvicultural discharges):

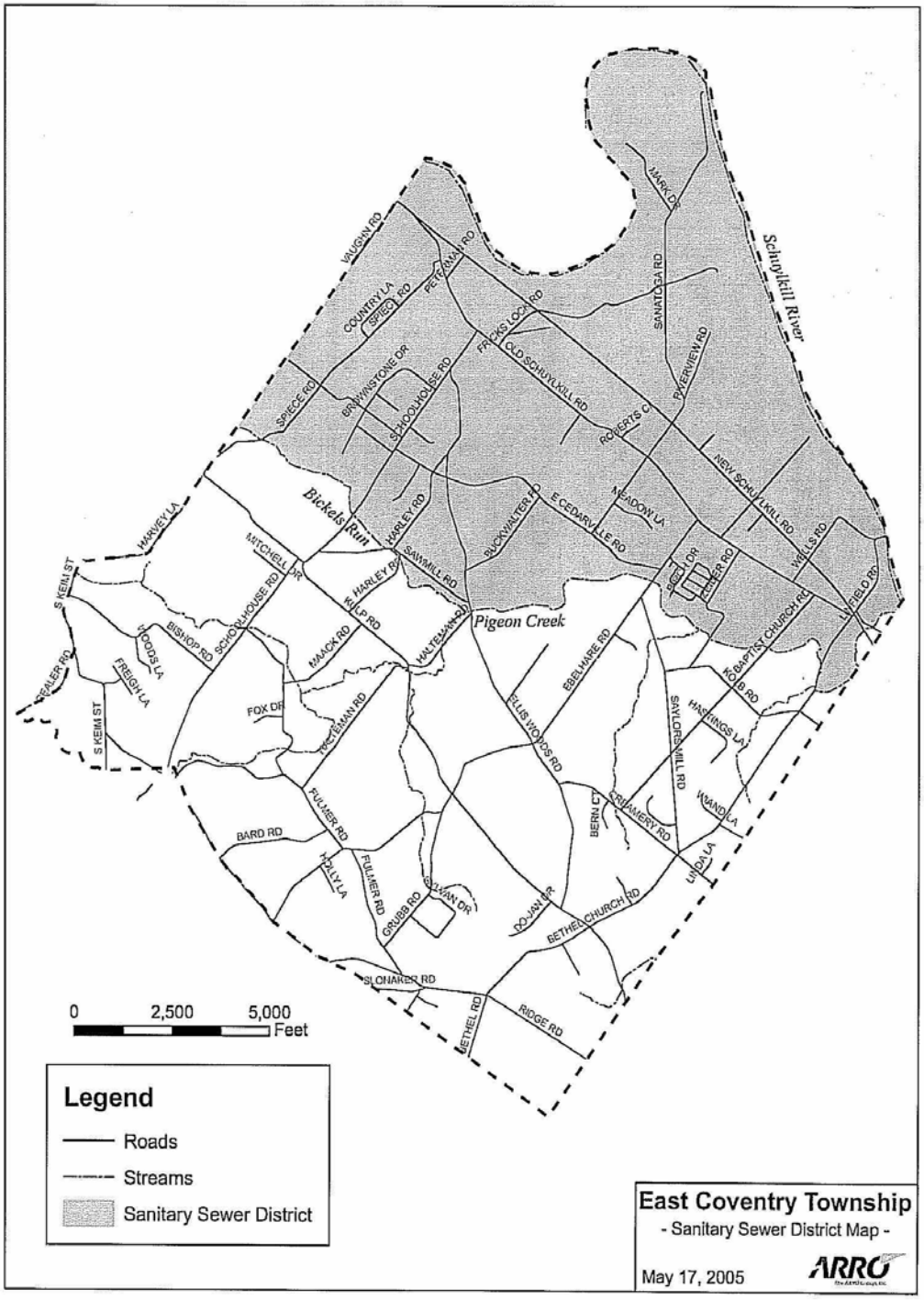
Acrolein	200 ug/L
Acrylonitrile	200 ug/L
2-, 4-Dinitrophenol	200 ug/L
2-methyl, 4-, 6-Dinitrophenol	500 ug/L

D. The above criteria are subject to amendment based on process performance, new requirements from regulatory agencies, or technical developments.

E. Laboratory analysis shall be performed on a representative 24-hour composite sample (or grab sample at discretion of the Township and/or Authority) and all analytical procedures shall be consistent with the latest revised edition of “Standard Methods for the Examination of Water and Wastewater.”

Appendix B

Sanitary Sewer District Map



CHAPTER 19

SIGNS AND BILLBOARDS

(Reserved to accommodate future ordinances)

CHAPTER 20

SOLID WASTE

(Reserved to accommodate future ordinances)

CHAPTER 21

STREETS AND SIDEWALKS

Part 1

Driveways

§101. Short Title
§102. Preamble and Intent
§103. Definitions
§104. Scope
§105. Permit Requirements for Driveways
§106. Standards for Driveways
§107. Maintenance
§108. Inspections
§109. Requirements for Subdividers
§110. Indemnification of the Township
§111. Penalties and Remedies for Violations
§112. Appeals
§113. Waiver

Part 2

Street Excavations

§201. Permit Required
§202. Application for Permit
§203. Permit Approval/Disapproval
§204. Completion; Subject to Inspection
§205. Penalties

Part 1

Driveways

§101. Short Title. This Part shall be known and may be cited as the "East Coventry Township Driveway Ordinance." (Ord. 129, 7/19/2004, §101)

§102. Preamble and Intent.

1. The East Coventry Township Board of Supervisors may, but shall not be obligated to, appoint a Driveway Inspector who is a Registered Professional Engineer with experience in the design of stormwater management systems and roadway design.

2. It is the specific intent of this Part to:

A. Promote the proper installation of driveways by regulating driveways that adjoin Township roads.

B. Promote the construction or substantial improvement of driveways in a manner that should limit adverse stormwater runoff impacts.

C. Protect the public health, safety and general welfare.

(Ord. 129, 7/19/2004, §102)

§103. Definitions. The following words and phrases when used in this Part shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

APPLICANT - the owner of the property and the contractor applying for a driveway permit.

BOARD OF SUPERVISORS, BOARD of TOWNSHIP SUPERVISORS - the Board of Supervisors of the Township.

CARTWAY - that portion of a street or alley paved or otherwise intended for vehicular traffic. Where vertical curbs are provided, the area between the sides of the curbs facing the cartway shall be included in the cartway.

CLEAR SIGHT TRIANGLE - an area of unobstructed vision at the intersection of street and driveway defined by lines of sight between points at a given distance from the intersection of the street and driveway centerlines.

DRIVEWAY INSPECTOR - the individual or firm appointed by the Board of Supervisors having the responsibility for administering and enforcing the terms and provisions of this Part.

DRIVEWAY, PRIVATE - that portion of a lot intended for vehicular use and which is privately owned, whether paved or unpaved.

DRIVEWAY WIDTH - the narrowest width of a driveway measured perpendicular to the centerline of the driveway.

LOT FRONTAGE - the width of a lot or property that abuts a street, being the distance measured along the street right-of-way line from one (1) side lot line to the other.

LOT WIDTH - the horizontal distance between the side lot lines of a lot (or in the case of a corner lot, between the side lot line and the opposite front lot line of the lot) measured at and along the building setback line. The measurement of lot width at and along the building setback line shall be as provided in and by the definition "building setback line" in the East Coventry Township Subdivision and Land Development Ordinance [Chapter 22].

MAINTENANCE - the normal and customary repair or upkeep required to insure the continued proper use or a driveway, excluding such repair and upkeep that would affect stormwater runoff characteristics.

PAVEMENT - a hard-wearing road surface such as black top/macadam or reinforced concrete, or any combination thereof, but not including a dirt or gravel street surface.

PAVEMENT/CARTWAY EDGE - the edge of the main traveled portion of any street or highway, exclusive of shoulders.

PERMIT - a permit issued by the Driveway Inspector for the penetration and occupancy of the right-of-way area of a local street by the improvement or installation and construction of a driveway therein. All permits issued shall be conditional subject to a final inspection. Such final inspection may involve multiple inspections in accordance with the Fee Schedule.

PERSON - any individual, firm, trust, condominium, partnership, joint venture, unincorporated association, business association or corporation, whether public or private, or other legal entity cognizable at law.

REPAIR - the normal and customary maintenance or restoration to a sound condition of all or part of a driveway excluding any change to a driveway that affects stormwater runoff characteristics.

RIGHT-or-WAY - the total width of any land reserved or dedicated as a street, alley, sidewalk or crosswalk, or for any other purpose.

SHOULDER - the portion of a street, contiguous to the main traveled portion, for accommodation of stopped vehicles, for emergency use and for lateral support of base and surface courses and pavements.

STREET - a strip of land, including the entire ultimate right-of-way thereof, publicly owned, dedicated and accepted for public use, or

privately owned, abutting and furnishing access to more than one (1) lot, primarily serving, or intended to serve, as a means of vehicular and pedestrian travel and which may also be used to provide space for sewer, other utilities and sidewalks The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, roadway, highway, lane, alley, service street, marginal access street, road or similar terms. The following categories of streets are defined as follows:

(1) ARTERIAL - a major street or highway with high vehicular speeds or high traffic volumes of considerable continuity and used primarily as a traffic artery between rural and urban areas. Arterial streets may be either principal arterials or minor arterials. Principal arterials serve major centers of activity and carry the highest proportions of area travel and most of the trips entering and leaving the Township, thus serving intra-area travel. Minor arterials interconnect with and augment the principal arterial system distributing travel to smaller centers of activity and allowing for more access to adjoining properties than principal arterials.

(2) COLLECTOR - a major street or highway which carries traffic from local streets to arterial streets. Collector streets may be either major collectors or minor collectors. Major collectors may provide access to centers of activity, connect with principal arterials and allow for more access to adjoining properties than minor collectors. Minor collectors serve more to collect traffic from local streets and provide access to the smallest of activity centers.

(3) LOCAL - every public or private street used for access to abutting properties. Local streets may be primary distributor roadways, secondary distributor roadways or local access streets. A primary distributor roadway is the highest order local street which moves traffic from lower order local streets to collector and arterial streets. A secondary distributor roadway is the middle order local street which carries traffic from local access streets to primary distributor roadways. A local access street is the lowest order local street which serves no through function and provides the greatest degree of access.

SUBDIVIDER - any landowner (whether legal or equitable), agent of such landowner or tenant with the written permission of such landowner, who makes or causes to be made a subdivision or a land development.

SUBSTANTIAL IMPROVEMENT - an improvement or improvements to a driveway shall be deemed to be substantial if:

(1) A previously unpaved driveway is to be paved and drainage facilities are to be modified or installed in order to meet the requirements of the East Coventry Township Stormwater Management Ordinance [Chapter 9]. Where no stormwater drainage improvements are included, the paving of existing stone driveways shall be considered normal and customary maintenance and repair.

(2) A drainage pipe is to be installed or replaced.

(3) Any grading or excavation is to be done within twenty (20) feet of a local street right-of-way area, or a State highway right-of-way area.

(4) The original grade or design of a driveway is to be changed.

(5) Any work done, or to be done, on a driveway that is likely to create, increase or otherwise affect stormwater flow or discharge within the cartway or right-of-way area of any local street or State highway.

A "substantial improvement" is not a repair as defined in this Part.

SWALE - for the purposes of this Part, swale shall mean a depressed portion of a driveway constructed of asphalt or concrete and designed to carry or channel stormwater runoff.

TOWNSHIP - the Township of East Coventry, Chester County, Pennsylvania.

(Ord. 129, 7/19/2004, §103)

§104. Scope.

1. No driveway in the Township shall be laid out, opened, installed, constructed or substantially improved unless it shall be in accordance with the following:

A. Any driveway that requires the penetration or occupancy of a State highway right-of-way area shall be laid out, opened, installed, constructed or substantially improved only in accordance with a permit issued by the Pennsylvania Department of Transportation pursuant to the provisions of Chapter 441 of Title 67 of the Pennsylvania Code. The provisions of this Part shall not apply to any driveway entering, penetrating or occupancy of a State highway right-of-way.

B. Any driveway that requires the penetration or occupancy of a Township local, collector or arterial street right-of-way area shall be laid out, opened, installed, constructed or substantially improved only after issuance of a permit under this Part for such layout, opening, installation, construction or substantial improvement and only in accordance with the driveway standards established in this Part and otherwise in strict compliance with the terms and conditions of the permit.

C. Except as herein provided, any driveway which causes silt, stone, debris or water to be deposited in a right-of-way area of any Township local, collector or arterial street shall be improved to eliminate said discharge. A permit is required, as provided in paragraphs (A) or (B) above. In those instances where a local street

has adequate drainage facilities and the Driveway Inspector determines that directing runoff to the road right-of-way, but not the cartway, is an appropriate method of stormwater control the Driveway Inspector has the discretion to grant an exemption from the foregoing improvement requirements.

2. As of the effective date of this Part, owners of existing driveways shall not be required to comply with the requirements of this Part, unless such driveway is to be modified, including paving, in any manner which shall require full compliance with the provisions of this Part.

(Ord. 129, 7/19/2004, §104)

§105. Permit Requirements for Driveways.

1. Any person required to obtain a driveway permit under the terms of this Part shall make application for the permit on a form approved by the Board of Supervisors, which application shall be accompanied by an application fee in such amount as shall be established from time to time by resolution of the Board of Supervisors.

2. No permit, as herein provided for, shall be required for normal and customary maintenance and repair of an existing driveway, provided that such normal and customary maintenance and repair do not constitute an increase in impervious area or modify existing drainage pipes or stormwater facilities. Notwithstanding the foregoing, any repair to a driveway within twenty five (25) feet of a public right-of-way, or any resurfacing, in whole or in part, of a driveway shall require a permit.

3. In addition to submitting to the Driveway Inspector the completed application form and the application fee, the application shall be accompanied by the following information:

A. A statement giving the location, purpose and description of all work to be done.

B. A driveway sketch and driveway profile plan prepared in accordance with the East Coventry Township "Standard Construction and Material Specifications for Public Improvements" showing the area to be affected, existing improvements presently erected or constructed thereon, proposed improvements for the entire driveway length, including turnarounds, and all property boundary lines within one hundred (100) feet of the proposed driveway.

C. Information pertaining to the discharge of stormwater drainage and the means of sediment and erosion control during and after the proposed work shall comply with the East Coventry Township Stormwater Management Ordinance [Chapter 9], except when existing facilities are determined by the Driveway Inspector to be adequate and are not intended to be disturbed, modified or improved by such work. If the existing stormwater/drainage facilities are concluded by the Driveway Inspector to be inadequate, disturbed, modified or improved, or if the proposed or existing driveway surface is two (2) feet or more above the lowest

point of any swale intersecting the driveway, the drainage facilities shall be designed in accordance with the East Coventry Township Stormwater Management Ordinance [Chapter 9]. The exception granted under §121(1)(b) for paving existing stone driveways shall not apply when the existing or proposed driveway surface is two (2) feet or more above the lowest point of any swale intersecting the driveway or the pool of water created by such dam across the swale would intersect another property or such pool of water would intersect the edge of the public right-of-way.

The Driveway Inspector shall have the right to reject, at his sole discretion, any application that, in his opinion, is incomplete.

4. The location, design and installation of all driveways and drainage facilities, affected by the proposed and/or modified driveway, are subject to the approval of the Driveway Inspector. The Driveway Inspector may require that the plans filed with the application be altered to reflect any changes or modifications that the Driveway Inspector shall deem necessary to meet the requirements of this Part.

5. All work shall be in strict compliance with the plans and specifications for which the Driveway Inspector issued a permit.

6. The Driveway Inspector shall not issue a permit for any driveway work to be performed under the terms and conditions of this Part until such time as the Driveway Inspector (i) shall have received from the applicant the completed application form, the application fee and required accompanying information, (ii) shall have had an adequate opportunity to investigate and research the application, and (iii) shall have received from the applicant the fee required by subsection (7) below. The Driveway Inspector shall either approve or reject an application for a permit after review of the application and site inspection.

7. Following the approval of a driveway permit application by the Driveway Inspector but prior to his issuance of the permit, the applicant shall remit the required fee according to the Fee Schedule, as shall be established, from time to time, by resolution of the Board of Supervisors.

8. Any work on a driveway permitted under this Part shall commence within six (6) months from the date of issuance of such permit and shall be completed within one (1) year from the date of issuance. If such work has not been completed within one (1) year from the date of permit issuance, the permit shall become null and void.

(Ord. 129, 7/19/2004, §105)

§106. Standards for Driveways.

1. All driveways and related improvements shall be constructed and located in such a manner so as not to impair drainage or maintenance within any street right-of-way area, alter the stability of a roadway subgrade, materially change the drainage of adjacent areas, interfere with the traveling public, present a hazard to the free movement of normal street

traffic or create areas of undue traffic congestion on the highway. All surface water shall be detained on the applicant's property or development, and in no case shall the applicant direct or allow such surface water to exceed the requirements of the East Coventry Township Stormwater Management Ordinance [Chapter 9].

2. All work, for which a permit is required under the provisions of this Part, shall be done in accordance with standards of this Section and any driveway regulations, provisions and specifications adopted by the Board of Supervisors, from time to time. With respect to all driveways, which access onto State highways, the applicable design criteria shall be those set forth in Chapter 441 of Title 67 of the Pennsylvania Code.

3. Sight Distance Requirements. Driveway entrances shall be located so as to provide reasonable and safe sight distances to the operator of a vehicle departing from a driveway onto a Township local, collector or arterial street. The location of all driveways is subject to approval by the Driveway Inspector. Clear sight triangles shall be provided at all intersections of driveways with Township local, collector or arterial streets. The clear sight triangles shall be free from any vegetative obstructions. Within such triangles, no vision obstructing objects, other than utility poles, street lights, street signs or traffic signs, shall be permitted that obscure vision above the height of thirty (30) inches and below ten (10) feet measured from the centerline grade of the intersecting driveway and the local street. The required clear sight triangle shall conform to AASHTO standards based upon posted speed limits approved by the Board of Supervisors.

4. Repairs. Any repairs to an existing driveway, under this Part, shall not change the original design and specifications for the driveway, unless the new design and specifications are first submitted to the Driveway Inspector for approval and approved by the Driveway Inspector. The Driveway Inspector shall require the payment of the permit fee established by the Board of Supervisors.

5. Pavement Requirements. Every driveway that requires the penetration or occupancy of a paved local, collector or arterial street shall be paved a minimum distance of twenty five (25) feet from the edge of the cartway, and meet the leveling area and grade requirements of subsection (6) below. Driveway paving for new lots shall consist of at least two (2) inches of compacted bituminous wearing course, ID-2, on at least four (4) inches of 2B stone or four (4) inches of reinforced concrete on at least four (4) inches of 2B stone. When reinforced concrete aprons are used, such aprons, as well as the sidewalks adjacent thereto, shall consist of at least six (6) inches of reinforced concrete on four (4) inches of 2B stone. When bituminous aprons are used, such aprons shall consist of at least two (2) inches of bituminous wearing course ID-2, on at least four (4) inches of 2B stone and the sidewalk adjacent thereto shall consist of at least six (6) inches of reinforced concrete on four (4) inches of 2B stone.

6. Leveling Area and Grade Requirements. All driveways shall conform to the driveway grade requirements of the East Coventry Township "Standard Construction and Materials Specification for Public Improvements." At no location shall the maximum grade of a driveway exceed fifteen (15) percent.

7. Dimensional Requirements.

A. Where curbs are provided, all driveways shall have a minimum width of:

(1) Twelve (12) feet and four (4) feet additional where they attach to the cartway.

(2) Ten (10) feet and four (4) feet additional where they attach to the cartway in the case of townhouses.

(3) Twenty eight (28) feet and ten (10) additional feet where they attach to the cartway in the case of commercial, office and multifamily uses.

(4) Thirty (30) feet and twelve and one-half (12½) additional feet where they attach to the cartway in the case of industrial uses.

B. Where no curbs are provided, all driveways shall have a minimum width of twelve (12) feet and twelve (12) feet additional where they attach to the cartway. The applicant shall have the option of providing either a taper or radius transition from the end of the driveway to the edge of the cartway.

C. The entire driveway entrance shall be located within the frontage of the property that is to be served by the driveway.

D. The minimum distance of a driveway edge from property lines shall be as provided in the table below.

Lot Frontage Measured at the ROW Line	Minimum Distance From Property Line
Greater than 80 feet	10 feet
More than 40 to 80 feet	6 feet
40 feet and less	1 foot

Driveways on lots with adjacent dwelling units and attached garages shall be separated a minimum of two (2) feet and shall have an elongated taper.

8. Corner Lot Driveway Requirements.

A. All driveways on corner lots or lots that have frontage on more than one (1) road shall be located on the road that is anticipated to have the least traffic or on the road designated by the Township.

B. All driveways on corner lots and on lots facing a "T" intersection shall maintain a minimum distance, measured from the centerline of

the intersecting road to the centerline of the driveway, of one hundred (100) feet, and in the case of townhouses, sixty-four (64) feet. Modification of these requirements may be approved by the Board of Supervisors upon recommendation of the Traffic Engineer.

9. Driveway Separation. All driveways for single-family residential lots shall be separated a distance equal to or greater than forty (40) percent of the minimum lot width for which the lot is zoned. Such separation distance shall be measured centerline to centerline of the driveways.

10. Common Access Driveways. Common access driveways may be permitted for two-family detached dwelling units provided that the driveway is installed in accordance with the provisions of this Part.

11. Secondary Driveways. No single lot or parcel of land shall have more than one (1) driveway, provided that the Driveway Inspector may issue a permit for a second driveway, which otherwise complies with the terms of this Part, in either of the following two cases where the owner of the single lot or parcel of land demonstrates to the satisfaction of the Driveway Inspector that the second driveway is necessary.

A. In the case that a single lot or parcel of land has at least three hundred (300) feet of frontage; or

B. In the case that the single lot or parcel of land has less than three hundred (300) feet of frontage but contains a principal building consisting of not more than one (1) single-family detached dwelling that existed on January 30, 1999. For purposes of the foregoing sentence, the single-family detached dwelling shall be deemed to exist on January 30, 1999 if construction of the dwelling was completed on or prior to that date.

12. Drainage Requirements. The intersection of all existing driveways with the cartway edge, or paved shoulder, shall be constructed by use of either a drainage swale or pipe with the selection of construction details at the direction of the Driveway Inspector. For all subdivision and land development applications and other new driveways, the selection of construction details shall be at the option of the Board of Supervisors upon recommendation of the Township Engineer.

A. If a hard surface (asphalt or concrete) drainage swale is used, the gutter shall be at least six (6) inches lower than the edge of the pavement along the gutter's centerline, and six (6) feet from the edge of the pavement. This criterion may be modified by the Driveway Inspector if field conditions dictate.

B. If a pipe is used, the size shall comply with the East Coventry Township Stormwater Management Ordinance [Chapter 9]. The minimum pipe size shall be fifteen (15) inches. The pipe shall be located at least six (6) feet from the edge of the pavement, or located in the center of the existing swale adjacent to the cartway, unless field conditions, upon Township inspection, indicate modification of this criterion. The drainage pipe shall be of a length required by the Driveway Inspector.

13. Curb Requirements. Where driveways are placed in relation to curb areas, the curb depression shall be two (2) feet wider than the driveway on each side. The curb shall be depressed to one and one-half (1½) inches from the gutter line.

14. Cross Sectional Slope Requirements. All driveways shall have across section slope of three-eighths (⅜) inch per foot incorporated as a crown or continuous slope from edge to edge of pavement to shed water from the driveway to the owner's property and not on the cartway, or such other cross slope as may be approved by the Driveway Inspector upon satisfactory demonstration by the Applicant of the appropriateness thereof.

15. The angle of a driveway as it intersects a street shall be such that a vehicle entering the driveway may do so in an orderly and safe manner with a minimum of interference to other street traffic, and, in the case of driveways on lots of one-half (½) acre or more, such that a vehicle leaving the driveway may enter safely into the lane of traffic moving in the desired direction. Driveways shall intersect streets as nearly as possible at right angles and in no case at an angle of less than seventy five (75) degrees or more than one hundred and five (105) degrees.

16. Turnaround Requirements. All driveways on single-family detached lots of one-half (½) acre or more and driveways serving agricultural uses shall be provided with a turnaround area to permit forward vehicular egress.

17. Driveways that provide access to more than one (1) lot shall be prohibited.

18. Driveways that serve commercial, industrial and office uses and multifamily uses shall comply with all provisions of this Part and the specifications provided in the East Coventry Township "Standard Construction and Material Specifications for Public Improvements."

(Ord. 129, 7/19/2004, §106)

§107. Maintenance. All drivrways shall be maintained by the property owner at all times and in such manner so as not to interfere with the design, maintenance and drainage of Township local, collector or arterial streets or the safe and convenient passage of traffic upon the such streets.

(Ord. 129, 7/19/2004, §107)

§108. Inspections

1. No paving of a driveway, for which a driveway permit has been issued pursuant to the terms of this Part, shall be commenced until the Driveway Inspector shall have inspected the site and approved the work performed up to the date of the site inspection. The applicant shall give the Driveway Inspector a minimum of three (3) week days, excluding holidays, advance notice before paving is commenced in order to afford the Driveway Inspector the opportunity to perform the site inspection.

2. Within three (3) week days, excluding holidays, after completion of the work, for which the permit was issued, the party to whom the permit was issued shall notify the Driveway Inspector of the completion of the work, and within three (3) week days, excluding holidays, of receipt of such notice, the Driveway Inspector shall inspect the work, if the Driveway Inspector, upon inspection, determines that the work was not performed in accordance with the plans and specifications approved by the Driveway Inspector, the holder of the permit shall be directed by the Driveway Inspector, in writing, to take immediate steps, at the permit holder's own expense, toward placing the work in such conditions as to conform to the approved plans and specifications.

3. If more than two (2) inspections of the driveway work by the Driveway Inspector are necessary to determine compliance of the work with this Part, the applicant shall reimburse the Township for the reasonable and necessary costs incurred by the Township for all inspections exceeding two (2). Reimbursement of the costs shall be based upon and in accordance with the Township's most recently adopted Fee Schedule incorporated herein by reference.

(Ord. 129, 7/19/2004, §108)

§109. Requirements for Subdividers.

1. The Board of Supervisors shall require a subdivider to submit with his subdivision or land development plans, evidence that the standards for driveway construction established in this Part can and will be met for each lot within the subdivision or land development. The Board of Supervisors shall further require subdivision or land developmont plans to show typical treatment of the construction of driveways and the handling of stormwater drainage and erosion and sediment control along driveways.

2. Subdivisions and land developments shall be designed to minimize the number of driveway intersections with existing streets. Wherever deemed feasible by the Township and required by the Township to minimize driveway intersections with existing Township roads, thus lessening interruptions to traffic flow and accident hazards and to minimize erosion, sedimentation and runoff problems onto existing streets, subdivisions and land developments shall be provided with internal streets on which proposed lots will front and to which the lots will have driveway access.

(Ord. 129, 7/19/2004, §109)

§110. Indemnification of the Township.

1. Any person firm, corporation or other entity applying for a permit under this Part agrees, by making such application, to indemnify and save harmless the Township, its officials, agents, servants and employees, of, from and against any and all liability, demands, claims, suits, actions, fees, expenses and costs (including, without limitation, attorneys fees and legal costs, engineering fees and costs and expert witness fees and costs) and/or judgments, whether founded or unfounded, of whatever nature or kind,

which may be brought, asserted or rendered against, or which may be incurred by the Township, its officials, agents, servants and employees, or any of them, directly or indirectly cause by, arising from or related to the work and/or the performance of the work, for which the permit is granted, whether or not any such liability, demands, claims, suits, actions, fees, expenses and costs and/or judgments, is caused by or arises from, directly or indirectly, the negligence of the person, firm, corporation or other entity to whom or which the permit was issued.

2. The application for a permit shall contain appropriate language indicating that the applicant agrees to indemnify and save harmless the Township, its officials, agents, servants and employees as provided in this Section.

3. The officials, agents, servants and employees of the Township, to be indemnified and saved harmless in accordance with this Section, shall include, without limitation, the Driveway Inspector.

4. The applicant's contractor shall provide a certificate of insurance, specific to the subject property, naming East Coventry Township as additionally insured. The amount of the insurance shall be prescribed by the Township in accordance with its determination of the risks involved to persons or property but in no event shall be less than one hundred thousand dollars ($100,000) per occurrence. Such insurance shall include general liability, property damage and worker's compensation coverage, shall be written by a company licensed to do business in Pennsylvania, and shall be satisfactory to the Township.

(Ord. 129, 7/19/2004, §110)

§111. Penalties and Remedies for Violations.

1. Any person, firm, corporation or other entity, who violates or fails to comply with the provisions of this Part or of any of the terms and conditions of any permit issued pursuant to this Part, shall be liable in a suit or summary proceeding, to pay a fine and penalty not exceeding one thousand dollars ($1,000.00) or in default of such payment, to undergo such imprisonment as may be provided by law.

2. The Driveway Inspector, or any duly authorized agent of the Driveway Inspector or of the Township, may revoke any permit issued to any person, firm, corporation or other entity who or which is in violation of any of the provisions of this Part or of any of the terms and conditions of any permit issued pursuant to this Part.

3. The Township may institute and prosecute an appropriate action or proceeding, at law or in equity, to prevent and restrain the performance of work, or acts, which violate any provisions of this Part or any terms and conditions of any permit issued pursuant to this Part and/or to correct, remove or abate any such violation.

4. The Township, by the Driveway Inspector or such other official or agent as may be authorized and directed by the Board of Supervisors:

A. May enter upon the lands where the Driveway Inspector has reasonable cause to believe that any violation or potential violation of any provision of this Part, or any terms and conditions of any permit issued pursuant to this Part, may exist.

B. Remove, or cause the removal of such work.

C. Recover the costs and expenses of such removal from the owners and/or occupiers of the land and/or the contractor of the work, all of whom shall be jointly and severally liable to the Township for such costs and expenses.

5. The penalties and remedies provided in this Section shall not be exclusive, as between or among either themselves or such other or further penalties and remedies as may be now or hereafter available to the Township at law or in equity, but shall be cumulative and in addition to such other or further penalties or remedies. The Township shall not be obligated to pursue any one (1) or more of the penalties or remedies provided in this Section, or such other or further penalties or remedies as may be now or hereafter provided at law or in equity, but may pursue any one (1) or more of the same from time to time or at any time as the Board of Supervisors, in its sole discretion, may determine.

(Ord. 129, 7/19/2004, §111)

§112. Appeals. This Part is adopted pursuant to the police power of the Township and is hereby declared not related to the zoning and/or land planning authority of the Township. Any person aggrieved by a decision, determination or ruling concerning the application or enforcement of this Part may appeal such decision, determination or ruling to the Board of Supervisors within thirty (30) days of the date of such decision, determination or ruling. The Board of Supervisors shall hold a hearing and render an adjudication upon the appeal in accordance with applicable provisions of the Local Agency Law, 2 Pa.C.S. §551 et seq. (Ord. 129, 7/19/2004, §112)

§113. Waiver. The provisions of Chapter 21 (Streets and Sidewalks), Part 1 (Driveways), shall be waiveable, as deemed necessary or desirable, by the East Coventry Township Board of Supervisors upon consideration of a written request for waivers citing the specific Section or Sections requested to be waived and reasons for the request for relief. (Ord. 129, 7/19/2004; as added by Ord. 146, 7/14/2008, §I)

(21, §201)

Part 2

Street Excavations

§201. Permit Required. In accordance with the provisions of Section 1156 of Article XI of the Second Class Township Code, as amended, no railroad or street railway shall hereafter be constructed upon any Township road; nor shall any railroad or street railway crossings, nor any gas pipe, water pipe, electric conduits, or other piping be laid upon or in, nor shall any telephone, telegraph, or electric light or power poles, or any coal tipples or any other obstructions be erected upon, or in, any portion of a Township road except under such conditions, restrictions and regulations relating to the installation and maintenance thereof, as may be prescribed in permits granted by the Township for such purpose. (Ord. 27, 5/20/1974, §1)

§202. Application for Permit. The application for a permit shall be on a form prescribed by the Township and submitted to the Township in triplicate. The application shall be accompanied by a fee in accordance with the Schedule of Fees set forth by the Department of Transportation, for Highway Occupancy Permits and Restoration Charges. In addition, the applicant shall submit three (3) copies of a sketch showing such dimensions as the location of the intended facility, width of the traveled roadway, right-of-way lines, and a dimension to the nearest intersecting street. (Ord. 27, 5/20/1974, §2)

§203. Permit Approval/Disapproval. A permit shall be issued to the applicant after all the aforementioned requirements have been filed. (Ord. 27, 5/20/1974, §3)

§204. Completion; Subject to Inspection.

1. Upon completion of the work, the applicant shall give written notice thereof to the Township.

2. The Township shall inspect the work and, when necessary, enforce compliance with the conditions, restrictions and regulations prescribed by the permit. Where any settlement or defect in the work occurs, if the applicant shall fail to rectify any such settlement or other defect, within sixty (60) days after written notice from the Township to do so, the Township may do the work and shall impose upon the applicant the cost thereof, together with an additional twenty percent (20%) of such cost.

(Ord. 27, 5/20/1974, §§4, 5)

§205. Penalties. Any person, firm or corporation who shall violate any provision of this Part 2 shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars ($300.00); and/or to imprisonment for a term not to exceed thirty (30) days. Every day that a violation of this Part 2 continues shall constitute a separate offense. (Ord. 27, 5/20/1974, §6; as amended by Ord. 49, 11/3/1986)

CHAPTER 22

SUBDIVISION AND LAND DEVELOPMENT

Part 1

Preamble

§101. Short Title
§102. Purpose
§103. Interpretation
§104. Control
§105. Validity

Part 2

Definitions

§201. General Interpretation
§202. Definitions

Part 3

Plan Processing and Content

§301. Plan Classification and Public Notification
§302. Review by Chester County and Other Agencies
§303. Sketch Plan Submission, Review and Content
§304. Preliminary Plan Submission, Resubmission, Review and Content
§305. Final Plan Submission, Resubmission, Review and Content
§306. Accompanying Data
§307. Recording of Final Plan
§308. Resubdivision Plan Submission, Review and Content
§309. Subdivision and Land Development Improvements Agreement
§310. Performance Guarantees
§311. Commencement of Development
§312. Plan Amendments

Part 4

Development Design Standards

§401. General
§402. Land Requirements
§403. Lot Design
§404. Monuments and Markers
§405. Street System
§406. Street Rights-of-Way Widths
§407. Increase of Rights-of-Way Width
§408. Street Grades

§409. Street Alignment
§410. Street Intersections
§411. Single Access Streets/Cul-de-Sacs
§412. Acceleration, Deceleration and Turning Lanes
§413. Street Construction
§414. Private Streets
§415. Private Driveways
§416. Curbs
§417. Street Names and Signs
§418. Sidewalks
§419. Parking Areas
§420. Shade Trees and Screen Planting
§421. Sewage Treatment and Disposal
§422. Water Supply
§423. Other Utilities
§424. Stormwater Management
§425. Stripping, Piling, Replacement or Removal of Topsoil
§426. Park, Recreation and Open Space
§427. outdoor Lighting Requirements and Standards
§428. Landscaping, Screening and Buffering
§429. Natural and Historic Features Protection

Part 5

Mobile/Manufactured Home Parks

§501. Submission of Application and Review of Plans
§502. Permits, Inspections and Fees
§503. Discontinuation of Use
§504. Density, Area and Dimensional Standards
§505. Access Requirements
§506. Sewage Treatment and Disposal
§507. Water Supply
§508. Outdoor Lighting Requirements and Standards
§509. Electrical Distribution System
§510. Refuse Disposal and Recycling
§511. Fuel Supply and Storage
§512. Stormwater Management
§513. Open Space, Landscaping, Screening and Buffering
§514. Community Buildings
§515. Fire Protection
§516. Maintenance of Common Areas and Facilities

Part 6

Construction and Acceptance of Improvements

§601. Construction Required
§602. Inspections
§603. Maintenance Responsibilities
§604. Release from Performance Guarantee
§605. As-Built Plans
§606. Dedication and Acceptance of Improvements

§607. Maintenance Guarantee
§608. Liability Insurance

Part 6-A

Standard Construction and Material Specifications for Public Improvements

§601-A. Standard Specifications
§602-A. Supplemental Nature of Standard Specifications
§603-A. Inconsistencies

Part 7

Administration

§701. Enforcement
§702. Records
§703. Fees and Costs
§704. Modifications and Waivers
§705. Appeals
§706. Amendments

Appendix

Hydric Soils
Plan Processing Schedule
Plant List

Part 1

Preamble

§101. Short Title. This Chapter shall be known and may be cited as "The East Coventry Township Subdivision and Land Development Ordinance of 2003." (Ord. 128, 7/19/2004, §100)

§102. Purpose. The Chapter is designed:

A. To accomplish the coordinated development of the Township, thereby creating conditions favorable to the health, safety and general welfare of the citizens in conformance with the adopted East Coventry Township Comprehensive Plan and other applicable Township ordinances and regulations.

B. To secure sites suitable for building purposes and human habitation, while protecting the soils, vegetation, quality of the waters and other elements of the ecology.

C. To provide for the general welfare by protecting the economic, cultural, social and governmental structure of the Township and guiding development and growth, as well as improving governmental processes and functions.

D. To guide the type, location and layout of streets and coordinate such streets with the existing street system so as to insure that prospective traffic is properly accommodated and to facilitate fire protection, and to guide the type, location and layout of recreation areas, public grounds and other facilities.

E. To insure that adequate easements or rights-of-way shall be provided for streets, drainage and other utility facilities.

F. To insure that land within the Township that is susceptible to flooding or subsidence is used in such manner as shall not endanger life or property.

G. To insure that all new development incorporates adequate provisions for a reliable, safe and adequate water supply to support the intended uses within the capacity of available resources.

H. To allow innovative and high quality subdivision design that will lead to sustainable community.

I. To encourage desirable development of the Township in a manner consistent with the goals and objectives of the adopted Comprehensive Plan and other ordinances of East Coventry Township.

(Ord. 128, 7/19/2004, §101)

§103. Interpretation. The provisions of this Chapter shall be held to be the minimum requirements for the promotion and protection of the above stated purposes. Where the provisions of this Chapter impose greater restrictions than those of any other applicable ordinance or regulation, the provisions of this Chapter and its standards and specifications shall prevail. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Chapter, the provisions of such statute, ordinance or regulation shall prevail. (Ord. 128, 7/19/2004, §102)

§104. Control.

1. All subdivision and land development within East Coventry Township is subject to the provisions of this Chapter and all plats of land intended for subdivision or land development must be submitted to the Board of Supervisors of East Coventry Township for approval.

A. Subdivision and Land Development Control. No land development, subdivision or resubdivision of a lot, tract or parcel of land shall be effected, and no street, sanitary sewer, storm drain, water main or other improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting hereon, except in strict accordance with the provisions of this Chapter.

B. Sale of Lots, Issuance of Building Permits, Erection of Buildings or Onsite Improvements. In a subdivision or land development, no lot may be used or sold, no building permit may be issued, and no building or other structure may be erected, unless and until:

(1) A final plan for such subdivision or land development shall have been approved and duly recorded.

(2) A grading plan, including a complete conservation plan for erosion and sediment control, has been duly approved.

(3) Either the required onsite and/or public improvements from the lot or building to an existing improved street, or otherwise, shall have been constructed or the Township has been assured, by means of a proper performance guarantee in the form of a financial security of such type as shall be approved by the Board of Supervisors sufficient to cover the cost of all required public and onsite improvements, as estimated by the Township Engineer, that such public and onsite improvements will subsequently be installed by the developer or owner of the property.

2. Where, owing to unusual and specific conditions, a literal enforcement of any of the provisions of this Section would result in unnecessary hardship, such reasonable exceptions thereto may be made by the Township Supervisors in accordance with §704 of this Chapter, as will not be contrary to the interests of the public or property owner involved or adjacent thereto, in which case the issuance of a permit, or erection of a building, or other structure may be permitted subject to such conditions and

safeguards as may be imposed to assure adequate streets and other public improvements, and adequate conservation and other onsite improvements.

(Ord. 128, 7/19/2004, §103)

§105. Validity. Should any section or provision of this Chapter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Chapter as a whole or any other part thereof. (Ord. 128, 7/19/2004, §104)

Part 2

Definitions

§201. General Interpretation.

1. The captions used in this Chapter are for convenience only and shall not control or affect the meaning or construction of any of the provisions of this Chapter.

2. Unless otherwise expressly stated, or where the context clearly indicates otherwise, the words and phrases defined in this Part, whether with initial capitalization, full capitalization or otherwise shall be construed throughout this Chapter to have meanings indicated in this Part.

3. The present tense of any word or phrase used in this Chapter includes the future; the singular number includes the plural and the plural the singular and the masculine gender includes the feminine and neuter.

4. Whenever appearing in this Chapter, the word "used" includes the words "designed, arranged or intended to be used;" the word "occupied" includes the words "designed or intended to be occupied;" the words "shall" and "will" are always mandatory; the words "may" and "should" are always permissible; the words "person," "applicant," "subdivider," "developer" and "owner" include a corporation, unincorporated association, partnership or other legal entity, as well as an individual; the word "building" includes a structure and shall be construed as if followed by the phrase "or part thereof;" and the words and phrases "such as," "including" and the like are intended to introduce matters which are illustrative of the meaning of the sentence, clause or phrase in which such words or phrases appear without limiting or derogating from the general application of the sentence, clause or phrase in which such words or phrases appear.

5. Unless specifically provided otherwise herein, any reference in this Chapter to any other ordinances of the Township, to any Federal or State law or statute, to any regulation, study, map, survey or other matter issued or prepared by the Board of Supervisors, or any officer or official thereof, and/or by any Federal or State public body, or a public officer or official thereof, shall include such other ordinance, law, statute, regulation, study, map, survey or other matter, with all amendments and supplements thereto, and any new ordinance, law, statute, regulation, study, map, survey or other matter substituted for the same, as in force at the time of application hereunder.

6. Unless specifically provided otherwise herein, any reference in this Chapter to any governmental agency, department, board, commission or other public body, or to any public officer or other public official, shall include an entity or official which or who succeeds to substantially the same functions as those performed by such public body or official at the time of the application hereunder.

(Ord. 128, 7/19/2004, §200)

§202. Definitions.

AASHTO - the American Association of State Highway and Transportation Officials.

ACCELERATED EROSION - the removal of the surface of the land through the combined actions of man and natural processes at a rate that is greater than would occur from the natural process upon undisturbed land.

ACT 247 - the "Pennsylvania Municipalities Planning Code," Act of July 31, 1968, P.L. 805, No. 247, as reenacted and amended by the Act of December 21, 1988, P.L. 1329, No. 170, 53 P.S. §10101 et seq., and any subsequent amendments thereto.

AGRICULTURAL SECURITY AREA - an area of the Township comprising more than five hundred (500) acres of land used for the agricultural production of crops, livestock and livestock products under the ownership of one (1) or more persons and designated as such by the procedures set forth in the Agricultural Area Security Law, Act of June 30, 1981, P.L. 128, No. 43, as amended. 3 P.S., §901, et seq. Generally, the agricultural security area is protected from certain condemnation procedures. The purpose of the agricultural security area is to preserve agricultural land in the Commonwealth of Pennsylvania.

AGRICULTURE - the cultivating of the soil, the raising and marketing of livestock and poultry, dairying and the marketing of products of the soil that are produced on the premises including, but not by way of limitation, nursery, horticultural and forestry products, but excluding commercial swine and commercial poultry facilities. The keeping of horses for domestic purposes shall not be considered an agricultural use.

ALLEY - a strip of land over which there is a right-of-way, serving as a secondary means of access to two (2) or more properties.

ALLUVIAL SOILS - soils generally found in floodplains and formed by the deposit of sediments or alluvium washed from uplands. Alluvial soils in East Coventry Township are identified as Chewacla and Rowland Series soils.

APPLICANT - a landowner or developer, as herein defined, who has filed an application for development, including his heirs, personal representatives, successors and assigns.

APPLICATION FOR DEVELOPMENT - every application, whether preliminary or final, required to be filed and approved prior to the start of construction or development including, but not limited to, an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

BERM - a raised earthen structure generally level and formed of compacted soils used for the control of stormwater, either by impoundment or diversion or used for screening and/or buffering.

BLOCK - an area of land bounded by streets, roads or other types of rights-of-way.

BOARD - the Board of Supervisors of East Coventry Township, Chester County, Pennsylvania.

BUFFER (BUFFER AREA, BUFFER YARD) - a designated area of land, containing a landscaped screen, as defined herein, between two (2) uses intended to protect one use from another use that is incompatible, or to provide privacy between two (2) uses, or intended to protect the view(s) of or from a use.

BUILDER - a person, not necessarily the owner, subdivider, developer of land or agent, who by contract or otherwise is responsible for the construction of buildings or other structures or for making any construction improvements on any parcel of land.

BUILDING - any structure or part thereof for which a permit is required under or by this Chapter, the Zoning Ordinance [Chapter 27] and/or the Building Code [Chapter 5]; any structure, permanently located on the ground, having enclosing walls and a roof; a mobile home and a trailer used or to be used for human occupancy.

BUILDING CODE - the Building Code of East Coventry Township as codified in Part 1 of Chapter 5 of the Code of Ordinances of the Township of East Coventry.

BUILDING SETBACK LINE (BUILDING LINE) -

A. Except in the case of an interior lot, the building setback line shall be a line, within and extending the full width of a lot, parallel to the street line and setback a distance therefrom equal to the depth of the minimum required front yard. In the case of an interior lot (where preexisting or approved by relief), the building setback line shall be a line, within and extending the full width of the lot, which is (a) parallel to the intervening lot line nearest the street line, and (b) setback from such intervening lot line a distance equal to the depth of the minimum required front yard, or in the case of an existing interior lot of record, a distance equal to seventy-five (75) feet in accordance with the Zoning Ordinance [Chapter 27].

B. For the purpose of measuring lot width at and along the building setback line, the following shall apply:

(1) Except as otherwise provided in subsection (2), below, the building setback line, for the purpose of measuring lot width, shall be the minimum building setback line as defined in subsection (A), above.

(2) In the case of a lot having its entire street frontage within the turnaround, measured from reverse curve to reverse curve, of a cul-de-sac street, the building setback line, for the purpose of measuring lot width, shall be a curved line that is (a) parallel to and concentric with the street line, and (b) set back from the street line a distance equal to at least the depth of the minimum required front yard but in no case more than twice the depth of the minimum required front yard.

CALIPER - the diameter of a tree trunk measured at a point three and one half (3½) feet above the ground surface.

CARTWAY - that portion of a street or alley paved or otherwise intended for vehicular traffic. Where vertical curbs are provided, the area between the sides of the curbs facing the cartway shall be included in the cartway.

COMMON OPEN SPACE or OPEN SPACE - a parcel or parcels of land or an area of water or a combination of land and water within a development site designed and intended for the use or enjoyment of the residents of a development and other neighborhoods, consisting of landscaped or natural terrain including lakes and streams. Common open space shall be substantially free of buildings (but may include such buildings or other improvements as are in the development plan as finally approved and as are appropriate for the recreational uses). Common open space shall not include street rights of way, yards, required areas for buildings, off-street parking areas or stormwater detention or retention facilities or other noncommon open space functions. The common open space may include recreational uses such as tennis courts, squash courts, playgrounds, golf courses, swimming pools or other like uses.

COMPREHENSIVE PLAN - the document adopted in accordance with the provisions of Act 247, as the Comprehensive Plan for the Township of East Coventry by the Board of Supervisors.

CONDOMINIUM - real estate, portions of which are designed for separate ownership, the remainder of which is designed for common ownership solely by the owners of those portions, created under the Pennsylvania Uniform Condominium Act of 1980.

CONSERVATION PLAN - see §306(1) of this Chapter.

CONSTRUCTION - any disturbance of the existing surface of the land or the erection of structures thereon, including the cutting of trees or clearing of brush, provided, however, that the entering upon premises, for purposes of surveying, staking or the clearing of lines necessary to obtain data on existing conditions shall not be deemed "construction."

CROSSWALK - a right-of-way exclusively for pedestrian or nonmotorized vehicle travel across a street.

CUL-DE-SAC - a single access local street intersecting another street at one end and terminated at the other end by a permanent vehicular turnaround.

DATE OF SUBMISSION - the date on which a completed application for subdivision and land development together will all required information, fees, etc., is received by East Coventry Township.

DBH - the diameter of a tree at breast-height usually measured three and one-half (3½) feet from the ground surface.

DESIGN STANDARDS - minimum standards by which a subdivision or land development is developed.

DESIGNATED FLOODPLAIN DISTRICTS - The Floodplain Districts specifically described in the Zoning Ordinance [Chapter 27] including the FW, Floodway Floodplain District, the FF, Flood Fringe Floodplain District and the FA, General Floodplain District. See Chapter 9, Grading and Excavating, Part 1, Stormwater Management, of the East Coventry Township Code of Ordinances.

DETENTION BASIN - a structure designed to retard surface water runoff for a period of time sufficient to provide for a reduced rate of discharge through a controlled outlet, and to retard the velocity and cause the deposition of sediment, and as a means of preventing erosion.

DEVELOPER - any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT -

A. For the purposes of this Chapter applicable to floodplains, "development" shall mean any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, the placement of manufactured homes, streets and other paving, utilities, mining, dredging, filling, grading, excavation or drilling operations or storage of equipment or materials and the subdivision of land.

B. For other purposes of this Chapter, "development" shall have the meaning set forth in subsection (A), above, and shall also mean a land development as defined herein.

DEVELOPMENT AGREEMENT - see §309 of this Chapter.

DIVERSIONS - a channel or ditch and embankment constructed across a sloping land surface, either on the contour or at predetermined gradient, to intercept and divert stormwater before it gains sufficient volume or velocity to scour or cause harmful erosion.

DRAINAGE - the flow of water or other liquid and the means or structures for directing such flow, whether surface or subsurface, and whether natural or artificial.

DRAINAGE AREA - the upstream watershed area of a drainage basin measured from a point of discharge in the watercourse.

DRAINAGE FACILITY - any structure or improvement designed, intended or constructed for the purpose of diverting surface waters from or carrying surface water off streets, public rights-of-way, or any part of any subdivision or land development.

DRIVEWAY, PRIVATE - that portion of a lot that is intended for vehicular use and which is privately owned, whether paved or unpaved.

DWELLING - a building designed, modified and/or constructed for residential purposes.

EARTH-MOVING ACTIVITY - human activity, other than agricultural activities, that results in the movement of soil or stripping of vegetative cover from the earth.

EASEMENT - a permanent right granted for limited use of private land, normally for a public purpose (e.g., utility, drainage, public access). The owner of the property shall have the right to make any other use of the land that is not inconsistent with the rights of the grantee.

EASEMENT, CONSERVATION - a legal agreement between a property owner and an appropriate conservation organization or governmental entity through which the property owner establishes certain use restrictions over all or portions of the property for conservation purposes.

ENGINEER, TOWNSHIP - a professional engineer, licensed as such by the Commonwealth of Pennsylvania, duly appointed as the engineer for the Township.

EROSION - the process by which soils, vegetation and manmade materials on the earth's surface are worn away by action of water, wind, frost, or a combination of such action by natural forces.

FILL - material, exclusive of structures, placed or deposited so as to form an embankment or raise the surface elevation of the land.

FOOTCANDLE - a unit of light quantity or density when the foot is the unit of measure. One (1) footcandle equals one (1) lumen per square foot of area.

GLARE - brightness in the field of view that is sufficiently greater than the amount of light to which the eye is adapted, to cause annoyance, discomfort or loss of visual performance and visibility.

GLARE, DISABLING - brightness in the field of view that impairs visibility and creates a potential hazard to the health, safety and welfare of residents and others in the Township.

GLARE, NUISANCE - brightness in the field of view that creates an annoyance or aggravation but does not create a potentially hazardous situation.

GRADE, EXISTING - the elevation, relative to a given datum, of the ground surface prior to any excavation or fill.

GRADE, FINISHED - the elevation, relative to a given datum, of the ground surface after completion of any excavation or fill.

GRADE, PROPOSED - the elevation, relative to a given datum, of the ground surface to be achieved by excavation or fill.

GRADING - the changing of the surface of the ground by excavation or filling, or combination of the two, the act of moving earth.

GRADING PLAN - a plan to scale showing existing and proposed buildings and other structures, as well as existing and proposed contours at sufficient intervals to define scale, location, depth and gradient and general slope of the ground.

GREENWAY LANDS - that portion of a tract set aside for the protection of sensitive natural features, farmland, scenic views and other unique features. Greenway lands may be accessible to the residents of a development and/or municipality, or it may contain areas of conservancy lots that are not accessible to the public.

GUARANTEE, MAINTENANCE - financial security, that is approved by the Board of Supervisors and which is required by the Board under and pursuant to §309 of this Chapter to guarantee the structural integrity and functioning of improvements, dedication of which to the Township, is accepted by the Board of Supervisors.

GUARANTEE, PERFORMANCE - financial security, that is approved by the Board of Supervisors and which is required by the Board under and pursuant to §310 of this Chapter as a condition to final approval of a subdivision or land development plan, to guarantee that the improvements shown on the plan are installed and completed in accordance with the plan and applicable provisions of this Chapter.

GUTTER - that portion within a street right-of-way, whether paved or unpaved, designed for surface drainage.

HISTORIC RESOURCES - all buildings, sites, structures, objects and districts that are shown on the East Coventry Township Historic Resources Map.

HYDRIC SOILS - a soil that formed under saturated conditions. See Appendix for list of hydric soils.

IMPERVIOUS SURFACE - areas that do not absorb water including, but not limited to, buildings, structures and impervious paved areas.

IMPROVEMENTS - physical additions, installations and/or changes to buildings, structures or land such as, but not limited to, grading, paving, roads, curbing, fire hydrants, water mains, sanitary sewers, capped sewers, storm sewers, storm drains, catch basins, culverts, sidewalks, monuments, crosswalks, bridges, earthworks, street lights, wells, sewage disposal systems, street trees, landscaped screens and other plantings and other manmade facilities that may be necessary, desirable or proposed in a subdivision or land development in order to render the land suitable for the use or uses intended.

IMPROVEMENTS, PUBLIC - improvements including, but not limited to, grading, paving, roads, curbing, fire hydrants, water mains, sanitary sewers and other surface drainage facilities, retaining walls, street signs, monuments or the like, which may be dedicated to the Township.

LAND DEVELOPMENT - any of the following activities:

A. The improvement of one (1) lot.

B. The improvement of two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

(1) A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot, or lots, regardless of the number of occupants, whether owners or renters; or

(2) The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features.

C. A subdivision of land.

D. Development in accordance with §503 (1.1) of the Pennsylvania Municipalities Planning Code.

Excluded from the definition of land development are: (a) the conversion of an existing single-family detached or single-family semidetached dwelling into no more than three (3) dwelling units provided that such dwelling units are not intended to be a condominium, and (b) the addition of an accessory building, including farm buildings, on a lot or lots, subordinate to an existing principal building.

LANDOWNER - the legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person, having a proprietary interest in land.

LANDSCAPE SCREEN - the use of plant material, walls, fencing or earthen berms, or combinations thereof, to: (i) aid in the concealment of such features as parking and loading areas; (ii) to provide privacy and/or protection between two (2) incompatible land uses; or, (iii) to provide a visual or sound barrier. Where a wall, fence or berm is employed, such structures shall be not less than five (5) feet in height. Plant material shall consist of evergreen and deciduous trees and/or shrubs not less than eight (8) feet in initial height and not less than eight (8) feet in width (unless a greater width is otherwise required by this Chapter). No less than fifty percent (50%) of the plants shall be evergreen mixed throughout the length of such screen, so arranged or placed as to divert attention (at initial planting) from or obstruct, when viewed six (6) feet from the ground surface, at least eighty-five percent (85%) of an otherwise clear view of an objectionable or incompatible use or activity during all seasons of the year.

LOT - a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit in accordance with this Chapter, the Zoning Ordinance [Chapter 27] and/or other applicable law.

LOT AREA - the area of land contained within the property lines of a lot as described in the deed or as shown on an approved subdivision plan. For the purpose of calculating the minimum lot area necessary to comply with the area and bulk requirements, the following areas shall be excluded from such calculation:

A. Any area (i) within a street ultimate right-of-way; or (ii) within any other ultimate right-of-way, whether public or private, that provides, or is intended to provide, access to more than one (1) lot by way of vehicular and/or pedestrian circulation.

B. Any area, easement or right-of-way to be used for emergency access.

C. Any existing easements or rights-of-way for gas, oil, natural gas, electric or communications transmission facilities, whether below or above grade, that do not exclusively serve the lot.

D. Any area comprising a stormwater management basin or drainage easement.

E. For any lot for which the minimum required lot area is one (1) acre or less: all areas overlain by the Floodplain Conservation District, all areas of prohibitive slope, all areas of seasonally high water table soils and all areas delineated as wetlands.

F. For any lot for which the minimum required lot area is in excess of one (1) acre; that portion or those portions of the lot in which the following features individually or cumulatively represent greater than twenty percent (20%) of the gross area of the lot: all areas overlain by the Floodplain Conservation District, all areas of the prohibitive slope, all areas of seasonally high water table soils and all areas delineated as wetlands.

LOT, CORNER - a lot at the junction of, and abutting on two (2) or more streets, or at the point of abrupt change in direction of a single street. Both yards adjacent to streets shall be considered front yards. One remaining yard shall be a side yard and one shall be a rear yard.

LOT COVERAGE - the ratio or percentage of the total ground floor area of all buildings on a lot to the area of the lot on which they are located.

LOT DEPTH - the distance along a straight line drawn from the midpoint of the front lot line to the midpoint of the rear lot line.

LOT, DOUBLE FRONTAGE - a lot extending between and having frontage on two (2) streets.

LOT, INTERIOR - a pre-existing lot or lot approved to provide relief, having limited frontage on a public or private road, where such frontage is intended primarily to provide access to the lot. The strip of land used for access shall be a fee simple part of the lot. An interior lot shall include, without limitation, a flag lot.

LOT LINE - a property boundary line of any lot held in single and separate ownership, except that, in the case of any lot abutting a street, the lot line for such portion of the lot as abuts such street shall be deemed to be the same as the street line, and shall not be the centerline of the street or any other line within the street lines even though such may be the property boundary.

LOT, REVERSE FRONTAGE - a lot extending between and having frontage on an existing or proposed arterial, collector or local street and a local street and with vehicular access solely from the latter.

LOT WIDTH - the horizontal distance between the side lot lines of a lot (or in the case of a corner lot, between the side lot line and the opposite front lot line of the lot) measured at and along the building setback line. The measurement of lot width at and along the building setback line shall be as provided in and by the definition herein of "building setback line."

LUMEN - a unit used to express the light output of a lamp or fixture. The number of lumens striking a square foot of area determines the footcandle level (lumens per square foot).

LUMINAIRE - a complete lighting unit consisting of a lamp(s) together with the parts required to distribute the light, position and protect the lamp and to connect the lamp to a power supply. Used synonymously with the term "fixture."

MAP, OFFICIAL - a map, legally adopted by the Board of Supervisors, showing (a) officially dedicated, ordained, opened or planned streets, existing and proposed watercourses and public grounds, including widenings, narrowings, extensions, diminutions and openings or closings thereof, (b) existing public parks and other public properties, and those proposed for acquisition by the Township by condemnation, purchase, dedication or otherwise, (c) pedestrian ways and easements, (d) railroad and transit rights-of-way and easements, (e) flood control basins, floodways and floodplains, stormwater management areas and drainage easements, and (f) support facilities, easements and other properties held by the Township and other public agencies.

MARKER - an iron pipe or pin of at least one-half (½) inch diameter and at least thirty-six (36) inches in length embedded into the ground.

MOBILE/MANUFACTURED HOME - a transportable, single-family dwelling, intended for permanent occupancy contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation, including any addition or accessory structure, such as porches, sheds, decks or additional rooms. For floodplain management purposes, the term "mobile home" includes "manufactured home" and also includes "park trailer," "travel trailer" and other similar vehicles placed on a site for more than one hundred eighty (180) consecutive days. For flood insurance purposes, the term "manufactured home" does not include "park trailer," "travel trailer" and other similar vehicles.

MOBILE/MANUFACTURED HOME LOT - a parcel of land in a mobile home/manufactured park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile/manufactured home.

MOBILE/MANUFACTURED HOME PARK - a parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile/manufactured home lots for the placement thereon of mobile/manufactured homes.

MONUMENT - a permanent concrete monument with a flat top at least four inches in diameter or square, and at least thirty-six (36) inches in length, embedded into the ground and to the top of which is permanently affixed a reference mark (indented cross or drill hole). The monument shall be tapered so that the dimensions at the bottom are at least two inches greater than the top, to minimize movement caused by frost.

NEW CONSTRUCTION - structures, including any subsequent improvements to such structures for which the start of construction commenced on or after November 2, 1981, the date of adoption of the floodplain management regulations of the Township of East Coventry.

OFFICIAL SEWAGE FACILITIES PLAN - the Act 537 Plan, including all revisions thereto, for the provision of adequate sewage systems adopted by the Township and submitted to and approved by the Pennsylvania Department of Environmental Protection as provided in and by the Pennsylvania Sewage Facilities Act and the regulations of the Pennsylvania Department of Environmental Protection promulgated thereunder.

ONE HUNDRED YEAR FLOODPLAIN (100-YEAR FLOODPLAIN) - a flood that, on average, is likely to occur once every one hundred (100) years, i.e. that has a one percent (1%) chance of occurring each year, although the flood may occur in any year.

PEDESTRIAN WAY - a paved or non-paved surface designed to provide for the movement and circulation of pedestrians and/or bicyclists, including sidewalks, walkways, paths and trails.

PENNSYLVANIA MUNICIPALITIES PLANNING CODE - the Act of July 31, 1968, P.L. 805, No. 247, as reenacted and amended by the Act of December 21, 1988, P.L. 1329, No. 170, 53 P.S. §10101 et seq., and any subsequent amendments thereto.

PENNSYLVANIA SEWAGE FACILITIES ACT - the Act of January 24, 1966, P.L. (1965) 1535, No. 537, as amended, 35 P.S. Section 750.1 et seq.

PERSON - any individual, firm, trust, condominium, partnership, joint venture, unincorporated association, business association or corporation, whether public or private or other legal entity cognizable at law.

PLAN, "AS-BUILT" - see §605 of this Chapter.

PLAN, FINAL - see §305 of this Chapter.

PLAN, CONSTRUCTION IMPROVEMENT - see §306(2) of this Chapter.

PLAN, LAND DEVELOPMENT - a plan depicting all aspects of a particular land development as required herein, including all exhibits, drawings, cross-sections, profiles and descriptive text to the degree of detail specified herein and sufficient to portray the full intent of a developer.

PLAN, PRELIMINARY - see §304 of this Chapter.

PLAN, PROFILE - a plan prepared by an engineer or surveyor registered in the Commonwealth of Pennsylvania showing the vertical section of the existing and proposed grade along the centerline of any proposed street and any street appurtenances to be constructed or installed, which must include a typical cross-section of the street construction and the grades of all street right-of-way lines and curb lines; part of the required submission of the improvement construction plan in accordance with §306(2)(E) of this Chapter.

PLAN, RECORD - the copy of the final plan which contains the original endorsements of the Chester County Planning Commission and the Township and which is intended to be recorded with the Chester County Recorder of Deeds.

PLAN, SKETCH - see §303 of this Chapter.

PLANNER, TOWNSHIP - a person duly designated by the Board to perform the duties of planner as herein specified.

PLANNING COMMISSION - the East Coventry Township Planning Commission, Chester County, Pennsylvania.

PLANTING STRIP - a strip of land lying between; (a) the curb line, or edge of the paving of a street, and (b) the sidewalk, or edge of parking lot paving.

PUBLIC HEARING - a formal meeting held pursuant to public notice by the Board of Supervisors or the Planning Commission intended to inform and obtain public comment, prior to taking action, in accordance with this Chapter and Act 247.

PUBLIC IMPROVEMENTS - those facilities that are designed for and available to the public, which may be offered for dedication including, but not limited to, streets, storm drainage facilities, sidewalks and utilities.

PUBLIC MEETING - a forum held pursuant to notice under 65 Pa.C.S., Chapter 7, known as the "Sunshine Act."

PUBLIC NOTICE - notice of a hearing published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notices shall state the time and place of any hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days, and the second publication shall not be less than seven (7) days, prior to the date of the hearing.

RECREATION, ACTIVE - those recreational pursuits that require physical alteration to the area in which they are performed. Such areas are intensively used and include, but are not limited to, playgrounds, ball courts and swimming pools.

RECREATION, PASSIVE - recreational pursuits that can be carried out with little alteration or disruption in the area in which they are performed. Such uses include, but are not limited to, hiking, biking and picnicking.

RECREATIONAL VEHICLE - a vehicle that is: (a) built on a single chassis, (b) four hundred (400) square feet or less when measured at the largest horizontal projection, (c) designed to be self-propelled or towable by a light duty truck or car and (d) designed primarily as temporary living quarters for recreational, camping, travel or seasonal use and not for continued occupancy or use as a permanent dwelling. For the purposes of this Chapter, the term "recreational vehicle" shall also include a boat or other watercraft.

REGULATORY FLOOD ELEVATION - the one hundred year flood (100 year flood) elevation plus a freeboard safety factor of one and one-half (1½) feet.

RESERVE STRIP - a parcel of ground in separate (sometimes public) ownership separating a street from other adjacent properties or from another street.

RESUBDIVISION - any replatting or resubdivision of land, limited to changes in lot lines on approved final plan or recorded plan as specified in this Chapter. Other replattings shall be considered as constituting a new subdivision of land. See also "subdivision."

RETENTION BASIN - a reservoir, formed from soil or other material, designed to permanently retain stormwater runoff from a specified amount of stormwater runoff as defined by this Chapter, to detain temporarily additional stormwater runoff and/or to retain perennial or intermittent surface water flow from permanent or intermittent streams. Retention basins always contain water and include manmade ponds and lakes.

REVIEW -See §§303, 304, and 305 of this Chapter.

RIGHT-OF-WAY - the total width of any land reserved or dedicated as a street, alley, sidewalk or crosswalk, or for any other purpose.

ROAD - see "street."

SCREEN (SCREENING) - see "landscaped screen."

SEASONALLY HIGH WATER TABLE SOILS - those soils in which the groundwater surface is one (1) foot or less from the ground surface at certain or all times of the year. By name, these soils are: Bowmanville (Bo), Chewacla (Ch), Croton (CrA, CrB), Glenville (GnA, GnB, GnB2), Readington (RdA, RdB, RdB2), Rowland (Ro, Rp), Wehadkee (We), and Worsham (WoA, WoB, WoB2).

SEDIMENT - the silt or small soil particles held or carried in suspension by water.

SENSITIVE ENVIRONMENTAL FEATURES - natural features that perform a beneficial function such as reducing erosion or which, if disturbed, may cause hazards or stress to life and property such as steep slopes. For the purposes of this Chapter, sensitive environmental features include, but are not limited to, the following: (a) slopes in excess of fifteen percent (15%), (b) soils classified as highly erodible, subject to erosion or as having a high water table, (c) wetlands, (d) hydric soil areas, (e) mature stands of native vegetation, (f) aquifer recharge and discharge areas, (g) floodplains and (h) lands incapable of meeting percolation requirements for onsite sewage disposal systems.

SEPTIC TANK - a covered water-tight settling tank in which raw sewage is changed into solid, liquid and gaseous states to facilitate further treatment and final disposal.

SEVEN (7) DAY, TEN (10) YEAR LOW FLOW (Q_{7-10}) - the annual minimum mean discharge of a watercourse for seven (7) consecutive days having a recurrence interval of ten (10) years. Where the period of record is not of sufficient length, other methods such as correlation may be used. All methods and references are described in Water Resources Bulletin No. 1, Pennsylvania Stream Flow Characteristics, Low Flow Frequency and Flow Duration, (1966), United States Department of the Interior, Geologic Survey, Harrisburg Pennsylvania.

SEWAGE FACILITIES -

COMMUNITY SANITARY SEWAGE COLLECTION, TREATMENT AND/OR DISPOSAL SYSTEM - a sanitary sewage system in which sewage is carried from two (2) or more individual dischargers by a system of pipes to one (1) or more privately owned and/or maintained common treatment and disposal facilities, approved by the Chester County Health Department and the Pennsylvania Department of Environmental Protection. Treatment and disposal may occur either onsite or offsite.

INDIVIDUAL, ONSITE SANITARY SEWAGE DISPOSAL SYSTEM - the disposal of sewage by use of septic tanks, or other safe and healthful means, approved by the Chester County Health Department, within the confines of the lot on which the use is located.

PUBLIC SEWAGE SYSTEM - offsite system for the treatment and disposal of sewage in which sewage is conveyed by interceptor to a publicly operated treatment plant and disposed of through means approved by the Pennsylvania Department of Environmental Protection.

SEWER CONNECTION - the sewer connection consists of all pipes, fittings and appurtenances from the drain outlet of a building to the inlet of the corresponding sewer riser pipe.

SEWER RISER PIPE - the sewer riser pipe is that portion of the sewer lateral that extends vertically to the ground elevation and terminates at each building in a mobile/manufactured home park, such pipe to be vented and trapped.

SHADE TREES - a tree intended to provide shade along streets and pedestrian ways, and in parking lots and other places and installed only as provided in this Chapter.

SIGHT DISTANCE - for the purposes of this Chapter, the definition shall be as in the Pennsylvania Code, Title 67, Transportation, Chapter 441.1, as most recently amended.

SITE - a lot, tract or parcel of land on which grading, construction or land development is taking place, or is proposed to take place; the location of the work.

SITE ANALYSIS - an analysis of the natural features on a site intended to promote a site design that is sensitive to the unique natural features of the landscape. The site analysis shall accompany the sketch plan, preliminary plan and final plan.

SOIL PERCOLATION TEST - a field test conducted to determine the suitability of the soil for onsite sanitary sewage disposal facilities by measuring the absorptive capacity of the soil at a given location and depth.

SPECIMEN PLANT - a unique, rare or otherwise specifically selected plant or tree which most typically represents a class or group in terms of shape, form, historical importance or other characteristics which may be designated as such by the Township.

STEEP SLOPE - those areas of the Township that are characterized by a change in elevation of fifteen percent (15%) to twenty-five percent (25%) are designated precautionary slopes, and greater than twenty-five percent (25%) are designated prohibitive slopes, over a distance or contour defined by the Township Zoning Ordinance [Chapter 27].

STORMWATER - any precipitation, but usually rainfall, which is sufficient to flow on any natural or impervious surface; frequently termed "runoff."

STREET - a strip of land, including the entire ultimate right-of-way thereof, publicly owned, dedicated and accepted for public use, or privately owned, abutting and furnishing access to more than one (1) lot, primarily serving, or intended to serve, as a means of vehicular and pedestrian travel, and which may also be used to provide space for sewer, other utilities and sidewalks. The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, roadway, highway, lane, alley, service street, marginal access street, road or similar terms. The following categories of streets are defined as follows:

ARTERIAL - a major street or highway with high vehicular speeds or high traffic volumes of considerable continuity and used primarily as a traffic artery between rural and urban areas. Arterial streets may be either principle arterials or minor arterials. Principle arterials serve major centers of activity and carry the highest proportions of area travel and most of the trips entering and leaving the Township, thus serving intra-area travel. Minor arterials interconnect with and augment the principle arterial system distributing travel to smaller

centers of activity and allowing for more access to adjoining properties than principle arterials.

COLLECTOR - a major street which carries traffic from local streets to arterial streets. Collector streets may be either major collectors or minor collectors. Major collectors may provide access to centers of activity, connect with principle arterials and allow for more access to adjoining properties than minor collectors. Minor collectors serve more to collect traffic from local streets and provide access to the smallest of activity centers.

LOCAL - every public or private street used for access to abutting properties. Local streets may be primary distributor roadways, secondary distributor roadways or local access streets. A primary distributor roadway is the highest order local street which moves traffic from lower order local streets to collector and arterial streets. A secondary distributor roadway is the middle order local street which carries traffic from local access streets to primary distributor roadways. A local access street is the lowest order local street which serves no through function and provides the greatest degree of access.

STREET, CENTER LINE OF - the line that is equidistant from both sides of the street.

STREET, COMMERCIAL - a street used primarily as the means of access to abutting commercial or industrial properties.

STREET, EYEBROW - a street section that is offset from a principal or primary street by a landscaped island and provides access to abutting properties.

STREET, IMPROVED - a street wherein paving and other required improvements exist in accordance with the Township standards specified in this Chapter and any other Township ordinance or regulation.

STREET LINE - the dividing line between a lot and the outside boundary or right-of-way line of a public street, road or highway legally open or officially platted, or between a lot and a privately owned street, road or way over which the owners or tenants of two (2) or more lots, each held in single and separate ownership, have the right-of-way.

STREET, MARGINAL ACCESS - a street, parallel and adjacent to an arterial or collector street but separated from it by a reserve strip, that provides access to abutting properties and connection with the arterial or collector street at controlled intervals. A marginal access street serving residential uses shall be considered a residential street and when serving commercial or industrial uses shall be considered a commercial or an industrial street.

STREET, PARTIAL - any street that does meet the street standards of this Chapter.

STREET, PRIVATE - any street not offered or not required to be offered for dedication.

STREET, SERVICE - a street adjoining the rear lot line of a lot and providing vehicular access to the lot, commonly referred to as an alley.

STREET, SINGLE ACCESS - any street that has access to an existing public road and circulation system at only one (1) point. A single access street includes cul-de-sacs and loop roads. Cul-de-sac streets shall only be permitted when emergency access to an arterial, collector or local street is provided.

STREET, STUB - any street laid out in a subdivision or land development, intended for connection to a future street on adjoining property.

STREET TREE - deciduous hardwood trees, having a caliper of not less than two and one half (2½) inches, planted adjacent to and outside of a street right-of-way, such trees to be approved as to type by the Board of Supervisors.

STREET, UNIMPROVED - a street wherein paving and other required improvements do not exist in accordance with the Township standards specified in this Chapter and any other Township ordinance or regulation.

STRUCTURE - any manmade object having an ascertainable stationary location on or in land or water whether or not affixed to the land. Any form or arrangement of building materials involving the necessity of providing proper support, bracing, tying, anchoring or other protection against the forces of the elements.

SUBDIVISION - the division or redivision of a single lot, tract or parcel of land by any means, into two (2) or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines, for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership of building or lot development. The subdivisions by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwellings, shall be exempted from this definition.

SUBDIVISION, MAJOR - see §301(3)(B) of this Chapter.

SUBDIVISION, MINOR - see §301(3)(A) of this Chapter.

SUBGRADE - any finished surface or elevation of compacted fill or natural earth upon which materials of construction are placed.

SUBSOIL - clay, sand, gravel or other natural earth material below the surface soil and low in organic matter.

SUBSTANTIAL DAMAGE - damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT -

A. Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the improvement.

B. Substantial improvement includes any repair, restoration or other improvement to structures that have incurred substantial damage regardless of the actual repair, restoration or other improvement work performed.

C. Substantial improvement however does not include either:

(1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications that have been identified by the local code enforcement official and which project is the minimum necessary to assure safe living conditions.

(2) Any alteration of a historic structure provided that the alteration does not preclude the continued designation of the structure as a historic structure.

SUBSURFACE CONDITIONS - conditions below the ground surface that may affect the design of improvements and structures, including the cut slope stability and foundation stability of soils and rock types, location and extent of faults and the groundwater quality and quantity.

SURVEYOR - a licensed surveyor registered by the Commonwealth of Pennsylvania.

TOPSOIL - natural and friable loam containing sufficient organic nitrogen, phosphorus and potassium to support plant growth and extending in depth to the extent of penetration of feeder roots of the prevailing native grasses.

TOWNSHIP - the Township of East Coventry, Chester County, Pennsylvania.

TRACT - one (1) or more lots assembled and presented as a single property for purposes of subdivision or land development.

TURNAROUND - a paved circle or square terminating a cul-de-sac.

USE - any purpose for which a building or other structure or tract of land may be designed, arranged, intended, maintained or occupied, or any activity or occupation carried on, or intended to be carried on, in a building or other structure or a tract of land.

UTILITIES - sanitary sewer lines, water lines, fire hydrants, street lights, storm sewer lines, manholes, inlets, catch basins, gas lines, electric lines, telephone lines, cable television lines and other facilities of the same general character.

VEGETATION, PERMANENT - perennial grasses, legumes or other long-lived plant materials, such as crown vetch, fescues, etc., and bluegrasses, depending upon the degree of refinement desired.

VEGETATION, TEMPORARY - fast growing grasses, usually annuals, such as rye, oats, sudan or other appropriate cover to prevent erosion until permanent vegetation can be installed.

VIEWSHED - a view of the surrounding landscape available to be seen from any particular point or location in the Township.

WATERCOURSE - a permanent or intermittent stream, river, brook, run, creek, channel, swale, pond, lake or other body of surface water, carrying or holding surface water, whether natural or manmade.

WATER SUPPLY -

CENTRAL WATER SUPPLY SYSTEM - a system for supplying water from a common source or sources to all dwellings and other buildings within a development. The water supply source may be located on site and/or offsite. A central system can be further described as either of the following:

(1) Public Water Supply System - a system that is owned by a municipality, a public company, or a private company and which serves more than a single community or subdivision and may be interconnected with other water supply systems.

(2) Community Water Supply System - a system that is owned by a municipality, a public company, or a private company which serves a single community or subdivision, is not interconnected with any other water supply system and meets the standards found in 35 P.S., §721.3 for at least twenty-six (26) homes.

INDIVIDUAL SYSTEM - a safe, healthful and adequate supply of water to a single user from a private well or spring located on the land of the user.

WATER TABLE - the upper surface of a zone of saturation except where that surface is formed by an impermeable body.

WETLANDS - areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas.

WETLANDS MARGIN - a three hundred (300) foot border surrounding a wetland, measured from the boundary of the wetland as delineated according to the procedures contained in Federal Manual for Identifying and Delineating Jurisdictional Wetlands.

WOODLAND - an ecosystem characterized by a more or less dense and extensive tree cover. More particularly, a plant community consisting

predominantly of healthy trees and other woody vegetation, well stocked and growing more or less closely together.

YARD - an open, unoccupied space on the same lot with a building or other structure or use, open and unobstructed from the ground to the sky, except for permitted signs and fences.

YARD, FRONT - a yard extending the full width of the lot along the front lot line and extending in depth from the front lot line to the nearest point of any structure on the lot. See "lot, corner."

YARD, REAR - a yard extending the full width of the lot along the rear lot line and extending in depth from the rear lot line to the nearest point of any structure on the lot.

YARD, SIDE - a yard extending in depth on the lot along a side lot line from the front yard to the rear yard, and extending in width on the lot from such side lot line to the nearest point of any structure on the lot.

ZONING ORDINANCE - the East Coventry Township Zoning Ordinance as codified in Chapter 27 of the East Coventry Township Code of Ordinances.

(Ord. 128, 7/19/2004, §201)

Part 3

Plan Processing and Content

§301. Plan Classification and Public Notification. [Ord. 133]

1. It is the intention of the Board of Supervisors in enacting these procedures to provide the applicant with a timely and comprehensive review of plans submitted for subdivision and/or land development. To this end, the following classifications of plans are established as hereinafter provided:

A. Sketch Plans.

B. Preliminary Plans.

C. Final Plans.

2. Where literal application of plan processing procedures established by this Chapter would create undue hardship or be plainly unreasonable in their opinion, the Planning Commission may recommend in writing to the Supervisors such reasonable exceptions as will not be contrary to the public interest, subject to §704 this Chapter.

3. All subdivision applications shall be classified for the purposes of procedure, as either minor or major. Applicants shall apply for and secure approval in accordance with the following procedures:

A. Minor Subdivision Plan.

(1) A subdivision plan may be classified as a minor subdivision where all of the following circumstances apply:

(a) No street, either public or private, or any improvement, intended to be dedicated to the Township, is to be constructed.

(b) No land disturbance activities will take place except those that are incidental to construction of a single-family dwelling on a single lot.

(c) No more than two (2) lots are proposed.

(d) Further subdivision cannot occur by virtue of insufficient size to permit additional subdivision within the resulting lots.

(2) The purpose of the plan is to provide a lot line adjustment and no development is proposed.

(3) A subdivision wherein the minimum size of all resulting lots exceeds twenty-five (25) acres.

B. Major Subdivision Plan or Land Development Plan.

(1) All subdivision plans not classified as minor subdivision plans, as defined above, and all land development proposals shall be processed under this category.

(2) The plan content, submission and approval procedures provided by this Part shall apply to all major subdivision and land development proposals.

4. In the case where subdivision or land development does not propose the development of the entire parcel, the Board of Supervisors may require the submission of a sketch plan indicating how the remainder of the tract will be used in the future.

5. Public Notification.

A. The filing of a sketch plan for a major land development plan with East Coventry Township, as determined by requirements of this Part, shall require the applicant to notify surrounding property owners by mail of the action. In the case of major land development plan applications, the applicant shall also be required to place a sign of notice on the subject premises. The sign(s) shall be erected within ten (10) calendar days of the filing of an application with the Township. This requirement is supplemental to any other notice requirements required by this Chapter. The Township shall require the applicant to notify surrounding property owners of subsequent meetings or hearings following the initial meeting.

B. The mailed notice to nearby property owners shall occur at least fourteen (14) consecutive calendar days before the public meeting of the Planning Commission when the plan will be first reviewed. Notice shall be by first class mail, return receipt requested, and the applicant shall provide the Township with documentation of the mailings prior to the public meeting. Mailed notices shall be required for the following plan types and relevant properties:

(1) Major Subdivision or Land Development Plan: All properties within five hundred (500) feet of the application site.

(2) Non-residential Development Plan: All properties within one thousand (1,000) feet of the application site.

C. The mailed notice shall contain a narrative statement describing the proposed development and include, at a minimum, the name and address of the applicant, the parcel number(s) and description of the application site, and the number and type of residences and/or buildings being proposed.

D. For purposes of the mailing notice requirement, distances shall be measured from the nearest part of the application site to any portion of an affected parcel to be notified.

E. The applicant for any preliminary plan shall place a sign(s) on the application site providing notice of a public meeting for the application. The sign(s) shall be located so as to be in clear view of passers-by and adjacent to the right(s)-of-way. If the application site is bordered by more than one (1) public street, a public notice sign shall be placed adjacent to each right-of-way, but in no case shall more than two (2) signs be required. The sign(s) shall be erected within ten (10) calendar days of the filing of an application with the Township. The applicant shall be required to apply for a sign permit from the Township for all signs and the Township Permit Officer shall determine the sign location. Requirements for the public notice sign(s) shall be as follows:

(1) Location. The posted sign(s) shall be placed in a conspicuous location, as close to, but outside, the right-of-way as practical, parallel to the street, and clearly visible to the

public. The Township may allow the posting of only one (1) sign on corner lots of less than four (4) acres. In no case shall a sign be placed so as to interfere with driver visibility or vehicular safety.

(2) Size. The posted sign(s) shall be single-faced and shall measure four (4) feet by four (4) feet with a yellow background with two (2) inch black lettering in sans serif typeface. The top of sign when installed shall be no more than seven (7) feet from the ground under it.

(3) Plan Information. The sign(s) shall include a site plan which depicts the lot configuration of residential applications or building footprint with square footage, paving and landscaping in the case of non-residential applications. The applicant's name and phone number, the name of the plan, the application number, and the tax parcel number(s) shall be prominently displayed. The internet address of the Township (www.eastcoventrypa.gov) shall be provided at the bottom of the sign(s). The applicant shall be responsible for cleaning or replacing, within ten (10) days of notification, any sign that has been defaced, becomes illegible, or is removed. The sign(s) shall remain in place until final action is taken on the application by the Township.

(4) Proof of Posting. The applicant shall provide the Township with photographic proof of posting and a signed affidavit prior to the public meeting. Failure of any such posted notice to remain in place after the notice has been posted shall not be deemed a failure to comply with these standards or be grounds to challenge the validity of any decision made on the application unless the notice was removed by the applicant or at his or her direction.

(5) Removal of Posted Sign. The applicant shall remove the posted sign(s) not later than ten (10) calendar days after final action is taken on the application by the Township.

[Ord. 133]

(Ord. 128, 7/19/2004, §300; as amended by Ord. 133, 5/16/2005, §1)

§302. Review by Chester County and Other Agencies.

1. Chester County Planning Commission. The applicant shall supply one (1) copy of all sketch plans, preliminary plans and final plans, and all supporting information, including the sewage facilities planning module, to the Township for submission to the Chester County Planning Commission for their review.

2. Chester County Health Department. The applicant shall supply two (2) copies of the preliminary plan and sewage facilities planning module to the Township for submission to the Chester County Health Department for review of matters relating to requirements for public water and sewer systems and/or to the adequacy of the site to sustain onsite water and/or sewage disposal systems.

3. Chester County Conservation District. One (1) copy of the final plan shall be provided for submission to the Chester County Conservation

District for review of stormwater and soil erosion management.

4. Other Agencies. The applicant shall submit additional copies of plans as may be required by the Planning Commission or Board of Supervisors for review by County, State, Federal or other reviewing or regulatory agencies, the fire company, police department, water company and the authority for sanitary sewage disposal in the Township.

(Ord. 128, 7/19/2004, §301)

§303. Sketch Plan Submission, Resubmission, Review and Content.

1. Complete Submission.

A. All applicants for a major subdivision or land development are required to submit a sketch plan to the Township Planning Commission for review.

(1) The sketch plan procedures are enacted to afford the applicant the opportunity to submit information for review and

[Text continued on p. 157]

discussion with the Planning Commission and various County agencies before engaging in the detailed engineering design required for the preparation of preliminary and final plans.

(2) A completed official application form, available from the Township and submission of a sketch plan shall constitute formal filing of a plan with the Township.

(3) It shall be the objective of the Planning Commission to receive comments from the review agencies outlined below, correlate the comments submitted and reply to the applicant within ninety (90) consecutive calendar days of the acceptance, by the Planning Commission, of the complete application and sketch plan at the first regularly scheduled meeting for which such plan has been placed on the agenda for review. (See the Plan Processing Schedule in the Appendix).

(4) The sketch plan shall be submitted at least fourteen (14) consecutive calendar days prior to a regularly scheduled meeting of the Township Planning Commission in order to be placed on the agenda for that meeting.

(5) All revisions to sketch plans shall be submitted to the Township for review by the Township Engineer and the Township planner no less than fourteen (14) consecutive calendar days prior to a regularly scheduled meeting of the Planning Commission in order to be placed on the agenda for that meeting.

B. Copies of sketch plans for a major subdivision or land development, as further described in this section shall be supplied to the Township to permit the following distribution:

(1) Two (2) copies for the Township.

(2) One (1) copy for submission to the Chester County Planning Commission.

(3) One (1) copy for submission to the Township Engineer, one (1) copy for submission to the Township Planner and one (1) copy for submission to the Township Traffic Engineer.

(4) Five (5) copies to the Planning Commission.

(5) Five (5) copies to the Board of Supervisors.

C. For all major subdivision and land development plans, payment of required application fees and escrow deposits as determined by resolution of the Board. The Township shall note the date of the receipt of the application, fees and any escrow deposits. The application shall not be deemed a complete application until the required fees have been provided.

D. All sketch plans, as further described in this Section, together with a completed official application, available from the

Township, shall be submitted to the Township Planning Commission at least fourteen (14) consecutive calendar days prior to a regularly scheduled meeting of the Planning Commission in order to be placed on the agenda for that meeting. The Planning Commission shall, at such meeting, determine if a complete application and sketch plan has been presented, and if so, shall accept such application and sketch plan and thereby initiate the ninety (90) day review period, as provided in subsection (2) below. The Planning Commission shall acknowledge such acceptance in the minutes of the Planning Commission meeting.

2. Review. The sketch plan shall be reviewed by the Planning Commission at the next regularly scheduled meeting and shall also be reviewed by the Township Engineer and Township Planner, and the Chester County Planning Commission and such other agencies as deemed appropriate by the Planning Commission. The procedure is outlined below and in the Plan Processing Schedule (see Appendix).

A. Official Review Period.

(1) The Township shall have ninety (90) consecutive calendar days in which to review and take action on the sketch plan (see the Plan Processing Schedule in the Appendix)

(2) The ninety (90) consecutive calendar day period shall commence on the date of the regularly scheduled Planning Commission meeting that a complete application and sketch plan is accepted by the Planning Commission, as provided in subsection (1)(D) above.

(3) An extension of the ninety (90) consecutive calendar day review period shall occur only when agreed to in writing by the applicant and accepted by the Township. All such extensions granted shall be for a minimum of ninety (90) consecutive calendar days.

B. Review by the Township Engineer and Township Planner. The Township Engineer will review the plan with particular emphasis on site feasibility, including consideration of onsite sewage disposal, where indicated, slopes and drainage, access and conformance to Township planning documents. The Township Engineer shall submit his written comments to the Planning Commission within twenty-one (21) consecutive calendar days, or seven (7) consecutive calendar days prior to the next meeting after acceptance by the Planning Commission, of the complete application and sketch plan.

(1) The Township Planner will review the plan with particular emphasis on the feasibility of the site to accommodate the proposed site design in terms of the site's environmental conditions including natural and cultural resources, ingress and egress, parking and the functional and aesthetic relationship of the proposed development to adjoining properties and uses and its consistency, as applicable, with the Township Comprehensive Plan and other planning documents of the Township. The Township Planner shall submit his written comments to the Planning Commission within twenty-one (21) consecutive calendar days, or seven (7) consecutive

calendar days prior to the next meeting after the acceptance, by the Planning Commission, of the complete application and sketch plan.

C. Review by the Township Planning Commission.

(1) The Planning Commission shall review the sketch plan at the next regularly scheduled meeting and the applicant or designated representative may be present to provide informal dialogue with the Planning Commission.

(2) The Planning Commission shall consider, but not be limited to, the suitability of the sketch plan for the development of the land and its relationship to the extension of streets, access points, arrangement and density of proposed use, the compatibility of the proposal with the objectives and recommendations of the Township Comprehensive Plan and consistency with the Township Zoning Ordinance [Chapter 27]. In its examination of the plan, at least one (1) member of the Planning Commission and/or its designated agent or liaison, may visit the site. The Planning Commission should submit its written comments to the Board within sixty-three (63) consecutive calendar days after acceptance of the complete application and sketch plan by the Planning Commission at the first regularly scheduled meeting for which such application and sketch plan have been placed on the agenda for review.

D. After receipt of written comments of the Planning Commission, Township Engineer, Township Planner and the Chester County agencies, and any other agencies deemed to have an interest, the Board shall advise the applicant, within ninety (90) consecutive calendar days from acceptance, by the Planning Commission, of the complete application and sketch plan, of the extent to which the proposed major subdivision or land development conforms to the requirements of existing ordinances. The Board will also advise the applicant as to possible plan modifications necessary to secure conformance.

3. Content.

A. To facilitate the fullest possible response from the Planning Commission, the applicant shall incorporate the following items in the sketch plan.

(1) Name and address of the owner/applicant.

(2) Name of subdivision or land development.

(3) Name and address of the applicant's engineer, surveyor, planner, architect, landscape architect or site designer responsible for preparing the plan.

(4) Written and graphic scale; not greater than 1" = 200 feet.

(5) The title: "Sketch Plan."

(6) Approximate tract boundaries.

(7) North arrow.

(8) Location map.

(9) Streets on and adjacent to the tract, and adjacent parcels (both existing and proposed).

(10) Significant topographical and physical features, including contours (maximum two (2) foot intervals), soil types, steep slopes (over 25%), locations of ponds, streams and flood plains (on and within two hundred (200) feet of the tract), wetlands, wooded areas, hedgerows and other significant vegetation, existing structures and existing rights of way and easements.

(11) Schematic layout indicating a general concept for land conservation and development (diagram format is acceptable for this delineation as part of the four-step design process described in §304(3)(G) of this Chapter).

(12) Zoning district and requirements and a statement as to the degree to which the plan meets those requirements.

(13) Proposed open space and/or recreation areas, and proposed management and ownership of such.

(14) In the case of land development plans, proposed general layout, including building locations, parking lots and open spaces.

(15) All waivers being requested by the applicant shall be clearly stated on the first sheet of the sketch plan with the reasons for such waiver request and the Chapter section number from which such waiver is being requested. If no waivers are requested, the note "No Waivers are Requested" shall be placed on the first sheet of the sketch plan.

B. Site Analysis. For all subdivisions (except those in which all proposed residential lots are more than ten (10) acres in area), a site analysis shall be prepared to provide the applicant and the Township with a comprehensive analysis of existing conditions, both on the proposed development site and within five hundred (500) feet of the site. Conditions beyond the site boundaries may be described on the basis of existing published data available from the Township, other governmental agencies, and from aerial photographs. The map shall conform to the drafting standards of §304(3)(A) of this Chapter and shall provide the following information:

(1) Topography, the contour lines of which shall be two (2) foot intervals. Ten (10) foot contour intervals (from U.S.G.S maps) are permissible to show the topography beyond the site boundaries. Slopes between fifteen (15) percent and twenty-five

(25) percent and those exceeding twenty-five (25) percent shall be clearly indicated. Topography for a major subdivision and land development shall be prepared by a professional land surveyor or professional engineer from an actual field survey of the site or from stereoscopic aerial photography and shall be coordinated with official U.S.G.S. benchmarks.

(2) The location and delineation of ponds, streams and natural drainage courses, as well as the one hundred (100) year floodplains and wetlands as defined in the Zoning Ordinance [Chapter 27]. Additional areas of wetlands on the proposed development site shall also be indicated, as evident from testing, visual inspection or from the presence of wetland vegetation and soils.

(3) Alluvial soils, wherever they extend beyond the limits of the Floodplain District.

(4) Drainage basins and sub-basins.

(5) Vegetative cover conditions on the site according to general cover type indicating cultivated land, permanent grassland, old-field, hedgerow, woodland and wetland, individual trees with a caliper in excess of eight (8) inches and the actual canopy line of existing trees and woodlands. Vegetative types shall be described in terms of plant community, relative age and condition.

(6) High groundwater areas as identified by the location of soils with seasonal or perennial high water tables mapped in the U.S Department of Agriculture, Soil Conservation Service, Soil Survey of Chester and Delaware Counties, Pennsylvania.

(7) Soil series, types and phases, as mapped in the U.S. Department of Agriculture, "Soil Conservation Service, Soil Survey of Chester and Delaware Counties," Pennsylvania and accompanying data for each soil relating to its suitability for construction (and in nonpublicly sewered areas, for septic suitability).

(8) Ridgelines and watershed boundaries.

(9) Viewsheds as delineated in the "East Coventry Township Open Space, Recreation and Environmental Resources Plan."

(10) Geologic formations and fault zones on the site shall be identified based upon available published information or more detailed data obtained by the applicant.

(11) The location and dimensions of all existing streets, roads, buildings, utilities and other manmade improvements.

(12) The location of all Township-mapped historically significant areas and structures on the site and on all adjoining tracts.

(13) The location of all trails that have been in public use (pedestrian, equestrian, bicycle, etc.).

(14) All easements and other encumbrances of the site that are or have been filed of record with the Recorder of Deeds of Chester County.

(15) All exceptional value streams and their tributaries.

(Ord. 128, 7/19/2004, §302)

§304. Preliminary Plan Submission, Resubmission, Review and Content.

1. Complete Submission

A. All preliminary plans submitted pursuant to this Chapter shall conform to the requirements of this Section.

B. All preliminary plans, as further described in this Section, together with a completed official application, available from the Township, shall be submitted, along with supporting information, to the Township at least fourteen (14) consecutive calendar days prior to a regularly scheduled meeting of the Planning Commission in order to be placed on the agenda for that meeting. The Planning Commission shall, at such meeting, determine if a complete application and preliminary plan has been presented, and if so, shall accept such application and preliminary plan and thereby initiate the ninety (90) day review period, as provided in §304(2). The Planning Commission shall acknowledge such acceptance in the minutes of the Planning Commission meeting.

C. The Planning Commission shall receive comments from reviewing agencies and individuals as provided in this Section, correlate the comments and submit its written report to the Board of Supervisors within sixty three (63) consecutive calendar days of its acceptance of the complete application and preliminary plan.

D. All revisions to preliminary plans shall be submitted to the Township for review by the Township Engineer, the Township Planner and the Township Traffic Engineer no less than fourteen (14) consecutive calendar days prior to a regularly scheduled meeting of the Planning Commission in order to be placed on the agenda for that meeting. Nine (9) copies of revised preliminary plans shall be submitted to the Township.

E. Copies of the application and the preliminary plan, and supporting information, as further described in this Section, shall be supplied to the Township to permit the following distribution:

(1) Two (2) copies of the preliminary plan and official Township application, all supporting information, including the Sewage Facilities Planning Module, and the required escrow and application fees to the Township.

(2) One (1) copies of the preliminary plan, County referral form, all supporting information, including the Sewage Facilities Planning Module, and accompanying fee to the County Planning Commission.

(3) Two (2) copies of the preliminary plan, two (2) completed Sewage Facilities Planning Modules and appropriate fee to the Chester County Health Department.

(4) One (1) copy each, of the preliminary plan, and supporting information and plans to the Township Engineer, the Township Planner and the Township Traffic Engineer.

(5) Five (5) copies of the preliminary plan, and supporting information and plans to the Township Planning Commission. The stormwater and traffic analyses shall be submitted as an executive summary only that shall include a description of the analysis and the final design and a statement of compliance with the stormwater management standards and compliance with the traffic standards and requirements of this and, as applicable, other Township ordinances.

(6) One (1) copy of the preliminary plan to any adjacent municipality or other governmental agency affected by the proposed development when requested by the Board of Supervisors or the Planning Commission.

F. When required, revised preliminary plans shall be submitted to the Township to permit the following distribution:

(1) Two (2) copies of the preliminary plan and only if revised two, (2) copies of all supporting information and the Sewage Facilities Planning Module to the Township.

(2) If revised, two (2) completed Sewage Facilities Planning Modules and plans to the Chester County Health Department.

(3) One (1) copy of the preliminary plan and only if revised one (1) copy of all supporting information to the Township Engineer.

(4) If revised, one (1) copy of the traffic analysis and plan to the Township Traffic Engineer.

(5) Five (5) copies to the Township Planning Commission.

G. The applicant shall furnish additional copies of preliminary plans and supporting information at the Township's request.

H. The Township shall note the date of the receipt of the application, and any fees and escrow deposits, as determined by resolution of the Board of Supervisors. The application shall not be processed until the required fees have been received.

2. Review. The preliminary plan shall be reviewed by the Planning Commission at the next regularly scheduled meeting and shall also be reviewed by the Township Engineer and Township Planner, the Chester County Planning Commission, the Chester County Health Department, and such other agencies as deemed appropriate by the Planning Commission. The procedure is outlined below and in the Plan Processing Schedule (see Appendix).

A. Official Review Period.

(1) The Township shall have ninety (90) consecutive calendar days in which to review and take action on the preliminary plan (See the Plan Processing Schedule in the Appendix.

(2) The ninety (90) consecutive calendar day period shall commence on the date of the regularly scheduled Planning Commission meeting that a complete application and preliminary plan is accepted by the Planning Commission, as provided in §304(1)(B).

(3) An extension of the ninety (90) consecutive calendar day review period shall occur only when agreed to in writing by the applicant and accepted by the Board of Supervisors. All such extensions granted shall be for a minimum of ninety (90) consecutive calendar days.

B. Review by the Township Engineer and Township Planner.

(1) The review by the Township Engineer shall include an examination of the content of the plans to be certain that all information required by this Chapter is presented in the plans submitted, and investigation of the plan to be certain that all other Township ordinances are complied with, an examination of the engineering and design feasibility of the various alternatives presented for the location, alignment and grade of streets, stormwater drainage, sanitary sewers and water supply. The Township Engineer shall confer with the applicant to the extent necessary to obtain conformity of the plan with these regulations and to comment upon the matters subject to his review. The Township Engineer shall forward his written comments on the plan to the Planning Commission within twenty-one (21) consecutive calendar days, or seven (7) consecutive calendar days prior to the next meeting after acceptance of the application and preliminary plan by the Planning Commission.

(2) The review by the Township Planner shall include an examination of the content of the plans to be certain that all information required by this Chapter is presented in the plans submitted, and investigation of the plan to be certain that all other Township ordinances and related design standards are complied with, an examination of the overall site design including parking and loading, landscaping and lighting, its functional and aesthetic relationship to adjoining properties and uses, its consistency, as applicable, with the Comprehensive Plan and other planning documents of the Township. The Township Planner shall confer with the applicant to the extent necessary to obtain conformity of the

plan with these regulations and to comment upon the matters subject to his review. The Township Planner shall forward his written comments on the plan to the Planning Commission within twenty-one (21) consecutive calendar days, or seven (7) consecutive calendar days prior to the next meeting after acceptance of the application and Preliminary Plan by the Planning Commission.

C. Review by the Township Planning Commission.

(1) The Township Planning Commission shall review all plans referred to it and shall consider any recommendations made by a County agency, the Township Engineer, the Township Planner and any other persons or agencies who shall have submitted comments with respect to any such application.

(2) In its review of the preliminary plan, the Planning Commission shall examine the plan with particular emphasis on determining the suitability of the plan for the development of land and its relationship to the harmonious extension of streets and utilities, arrangement and density of housing or other uses, and compatibility of the plan with the Township Comprehensive Plan and Township Zoning Ordinance [Chapter 27]. The Planning Commission shall also assess the adequacy of parking, surface and storm drainage, access and landscaping or other related design standards.

(3) After such review, the Planning Commission shall send written notice of its action and the reasons therefore, citing specific sections of the Chapter relied upon, along with the written comments of the Township Engineer, the Township Planner, the Chester County Planning Commission, and other agencies which have submitted comments, to the Board of Supervisors, with a copy to the Applicant, within five (5) consecutive calendar days of completion of the Planning Commission's review.

D. Review by the Board of Supervisors.

(1) When a written report has been sent to the Board of Supervisors by the Planning Commission such plan shall be placed on the Board's agenda for its review at its next regularly scheduled meeting.

(2) The Board shall, at one or more regular or special public meetings, review the plan, other supporting information, and the written comments of the Planning Commission, Township Engineer, the Township Planner, County Planning Commission and all other reviewing agencies, to determine conformity of the plan to the standards of this and any other applicable ordinance. The Board may specify conditions, changes, modifications, or additions to the Plan which the Board deems necessary and may make a decision to grant preliminary plan approval subject to such conditions, changes, modifications, or additions, citing appropriate Chapter provisions as described in §304(2)(D)(4). When a plan is not approved in terms as filed, the decision of the Board shall specify the defects found in the plan and describe the requirements which

have not been met and shall, in each case, cite the provision of the Chapter relied upon in the decision. If the Board approves the preliminary plan, the minutes of the meeting shall reflect such approval either with or without conditions.

(3) Notwithstanding the foregoing procedure, the Board shall render a decision on all preliminary plans within ninety (90) consecutive calendar days following the date that the application and preliminary plan was accepted by the Planning Commission. The decision of the Board shall be in writing and shall be communicated to the applicant by mail not later than fifteen (15) consecutive calendar days following the decision or by the end of the extension period.

(4) Whenever the approval of a preliminary plan is subject to conditions, the written action of the Board as prescribed herein shall specify each condition of approval, citing relevant Chapter provisions in each case, and require the applicant's written agreement to the conditions. Where the applicant's written concurrence is not received within the time allotted, the Board shall be deemed to have denied approval.

3. Content. A preliminary plan shall contain the following information and be prepared in accordance with the following minimum standards:

A. General Content.

(1) Name, address and telephone number of the applicant, or authorized agent and of the owner of record.

(2) Name of subdivision or land development or other identifying title.

(3) Name, address and telephone number of the registered engineer or surveyor responsible for preparing the plan. If a registered engineer, architect or landscape architect collaborated in the preparation of the plan, the name, address, telephone number and seal of such architect or landscape architect shall also appear. All preliminary plans must be accompanied by a boundary survey signed and sealed by a registered surveyor.

(4) Written and graphic scale, not greater than 1" = 200 feet.

(5) The title: "Preliminary Plan."

(6) North arrow.

(7) A location map for the purpose of locating the site to be subdivided or developed, at a scale of not less than two thousand (2,000) feet to the inch, showing the relation of the tract to adjoining property and to all streets and municipal boundaries existing within one thousand (1,000) feet of any part of the property proposed to be subdivided or developed.

(8) Streets on and adjacent to the tract (both existing and proposed).

(9) Zoning information, including applicable district, area, bulk and dimensional requirements, documentation for any variance or special exception that may have been granted, and any zoning boundaries that traverse or within two hundred (200) feet of the tract.

(10) All waivers granted to the applicant by the Board shall be clearly stated on the first sheet of the preliminary plan with the reasons for such waiver and the Chapter section from which such waiver has been granted. If, subsequent to the initial preliminary plan application, waivers or additional waivers are requested, the applicant shall be required to file a new preliminary plan application which shall be subject to a new ninety (90) day review period. The fee will be waived but the escrow shall be recharged.

(11) Original date of preparation and revision dates with concise descriptions of each revision.

(12) Total tract boundaries showing bearings and distances and along all existing rights of way within and adjacent to the tract prepared by a registered professional land surveyor.

(13) Total area of the tract in acres, to the nearest hundredth of an acre, and the acreage of the tract for both total and net lot area.

(14) The applicable front, side, and rear setbacks shall be shown on each lot, including the required setbacks from pipeline rights-of-way indicated in §423. The result is an indication of the building envelope, or that area where building is permitted.

(15) The names of all owners of all adjacent lands, the names of all proposed and existing subdivisions adjacent, and the locations and dimensions of any streets or right of way easements.

(16) The locations and dimensions of all existing streets, railroads, sewers and sewage systems, aqueducts, water mains and feeder lines, fire hydrants, gas, electric and oil transmission lines, water courses, sources of water supply, easements and other significant features within the property, or such driveways, intersections and utilities within one hundred (100) feet of any part of the property proposed to be developed or subdivided.

(17) The locations and dimensions of all historic resources, where known, trails and significant natural features including topography and areas of steep slope (see §304(3)(A)(24)), wetlands (see §304(3)(A)(18)), one hundred (100 year floodplains, swales, rock outcrops, vegetation and trees of eight (8) inches DBH, or greater, as indicated from the site analysis.

(18) The applicant shall obtain a wetlands survey performed by a firm competent to complete such surveys, prepared in accordance with Pennsylvania Department of Environmental Protection criteria and delineated according to the procedures contained in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands. If no such lands exist on the tract for which the subdivision or land development is proposed, the plan must include a statement indicating so. Whenever the Township Planning Commission and/or either the Township Engineer or Township Planner have reasonable evidence that wetlands may be present or may extend beyond the boundaries shown, the Township may require a U.S. Army Corps of Engineers delineation that shall serve as final arbitration.

(19) Any proposed improvements requiring a permit from the U.S. Army Corps of Engineers or the Pennsylvania Department of Environmental Protection shall be so indicated.

(20) In the case where individual onlot sewage disposal systems are proposed, percolation test pits shall be performed according to §421(11) as prescribed herein, and the exact locations of the test pits, probes and percolation holes for primary and replacement fields, if required by the Chester County Health Department, shall be indicated on the plan.

(21) In the case where an individual or community well is proposed to serve the subdivision or land development, the proposed location of the well and the one hundred (100) foot radius separation distance shall be indicated on the plan.

(22) The locations and widths of any streets or other public ways or places as shown upon an adopted local plan, if such plan exists for the area to be subdivided or developed.

(23) Locations of all existing structures on the tract, and distance thereof from lot lines.

(24) A contour line at vertical intervals of not more than two (2) feet for land with natural average slope of fifteen (15) percent or less and in intervals of not more than five (5) feet for land with average natural slope exceeding fifteen (15) percent. Actual field surveying or aerial photo interpretation shall be required when public improvements are proposed.

(25) Location and elevation of the datum to which contour elevations refer; the datum utilized shall be NGVD datum.

(26) Certification as to the accuracy of the plan and details of such plans shall be prepared in accordance with Act 367, known as the Professional Engineers Registration Law.

(27) All notations on the plan must be readable with a minimum font size of ten (10). Illegible notations will be considered incomplete data on the plan.

B. Drafting Standards.

(1) The plan shall be drawn on a scale of no greater than 1" = 50' unless the average size of the proposed lots is in excess of ten (10) acres, in which case, a scale of 1" = 100' may be used.

(2) Dimensions shall be set in feet, bearing in degrees, minutes and seconds, with errors of closure not to exceed one (1) part per twenty-five thousand (25,000).

(3) Each sheet shall be numbered and shall show its relationship to the total number of sheets.

(4) The plan shall bear an adequate legend to indicate clearly which features exist and which are proposed.

(5) The original drawing, and all submitted prints thereof, shall be made on sheets of twenty-four (24) by thirty-six (36) inches. In addition, one (1) reduced drawing, on a sheet size of 11 x 17 inches, shall be provided.

(6) If the preliminary plan requires more than one sheet, a master sheet at a scale not smaller than 1" = 400' showing the location of each section shall accompany the plan.

(7) If more than one scale is used in the plan, a key must be provided that indicates the difference in scale.

C. Site Context Map. A map showing the location of the proposed subdivision or land development within its neighborhood context shall be submitted. For sites under one hundred (100) acres in area, such maps shall be prepared at a scale not less than 1" = 200' and shall show the relationship of the subject site to natural and manmade features existing within one thousand (1,000) feet of the site. For sites of one hundred (100) acres or more in area, the scale shall be 1" = 400' and shall show the above relationships within two thousand (2,000) feet of the site. The features that shall be shown on the site context maps shall include topography (from U.S.G.S. maps), stream valleys, wetland complexes (from maps published by the U.S. Fish and Wildlife Service or the U.S.D.A. Natural Resources Conservation Service), woodlands over one-half (½) acre in area (from aerial photographs), ridge lines, public roads and trails, utility easements and rights of way, public land and land protected by conservation easements and hedgerows.

D. Preliminary Resource Impact and Conservation Plan.

(1) A Comprehensive Stormwater Management Plan shall be prepared in accordance with Chapter 9, Grading and Excavating, Part 1, Stormwater Management, of the East Coventry Township Code of Ordinances, and to categorize the impacts of the proposed subdivision and land development on those resources identified in the site analysis (as required under §303(3)(B)). All proposed improvements, including, but not necessarily limited to grading, fill, streets, buildings, utilities and stormwater detention

facilities, as proposed in the other preliminary plan documents, shall be taken into account in preparing the Preliminary Resource Impact and Conservation Plan.

(2) Using the information from the site analysis, impact areas shall be mapped according to the following categories: (1) primary impact areas, i.e., areas directly impacted by the proposed subdivision, (2) secondary impact areas, i.e., areas in proximity to primary areas that may be impacted, and (3) designated protected areas, either to be included in a proposed Greenway or an equivalent designation such as dedication of a neighborhood park site.

(3) This requirement for all or part of the Preliminary Resource Impact and Conservation Plan may be waived by the Planning Commission if, in its judgment, the proposed development areas, as laid out in the sketch plan would be likely to cause no more than an insignificant impact upon the site's resources.

E. The preliminary plan shall be prepared in accordance with §304(3)(A) and also include, at a minimum, the following:

(1) Location and width of all streets and rights of way with a statement of any conditions governing their use, including distance to the nearest intersection.

(2) Existing and proposed street and utility easement locations, with dimensions.

(3) All proposed lot lines with dimensions and lot areas, both gross and net, indicating those limitations excluded in the lot area definition.

(4) All land used for utilities shall be on conforming lots, or on an easement on a conforming lot, and be eligible to be utilized as a legal conforming use.

(5) Building setback lines along each street and the side and rear yard limits.

(6) The first floor elevation of all structures, such first floor elevation to be a minimum of one (1) foot above the elevation of the final average grade.

(7) A statement of the intended use of all nonresidential lots and parcels; including draft documents for ownership and maintenance of such.

(8) Lot numbers, and a statement of the total number of lots and parcels.

(9) Sanitary and storm sewers, and other drainage facilities with the size and material of each indicated, and any proposed connections with existing facilities.

(10) Location and dimensions of proposed parks, playgrounds, trails and other open space areas to be dedicated or reserved for public use, with any conditions governing such use, ownership and maintenance.

(11) Limit of disturbance line.

(12) Typical street cross sections for all proposed streets including details relating to thickness, crowning and construction materials.

(13) If the land to be subdivided lies partially in or abuts another municipality, the applicant shall submit information concerning the location and conceptual design of streets, layout and size of lots and provisions of public improvements on land subject to his control within the adjoining municipality(s). The design of public improvements shall provide for a smooth, practical transition where specifications vary between East Coventry Township and the adjoining municipality(s). Evidence of approval of this information by appropriate officials of the adjoining municipality(s) shall also be submitted.

(14) Where the applicant proposes to install the improvements in phases, he shall submit with the preliminary plan, pursuant to §508(4)(v) of the Municipalities Planning Code, as amended, a delineation of the proposed sections and a schedule of the deadlines within which applications for final approval of each section are to be filed.

(15) The location of proposed shade trees, plus locations of existing vegetation to be retained.

(16) The location and dimensions of all emergency access drives, easements and other rights-of-way.

(17) All driveway profiles to demonstrate compliance with the slope, cartway connection and drainage requirements of the Township Driveway Ordinance [Chapter 21]. Dimensions between the driveway and property lines, and between structures and the driveway where appropriate, shall also be provided.

F. The preliminary plan shall be accompanied by the following supplementary data:

(1) A Comprehensive Stormwater Management Plan prepared in accordance with Chapter 9, Grading and Excavating, Part 1, Stormwater Management, of the East Coventry Township Code of Ordinances.

(2) A Preliminary Landscaping, Screening and Buffering Plan prepared in accordance with §428 of this Chapter.

(3) A Preliminary Conservation Plan, in accordance with §306(1).

(4) A Preliminary Construction Improvements Plan in accordance with §306(2).

(5) All impact studies as required by §306(3).

G. All major subdivision preliminary plans in the R-1, Farm Residential and in the R-2 and R-3 Residential Districts shall include documentation of the following four-step design process in determining the layout of proposed Greenway lands, house sites, streets and lot lines:

(1) Step 1: Delineation of Greenway Lands. Proposed Greenway lands shall be designated using the site analysis and complying with the Resource Conservation and Greenway Delineation Standards of the Zoning Ordinance [Chapter 27]. The East Coventry Township Open Space, Recreation and Environmental Resources Plan shall also be referenced and considered. Primary conservation areas shall be delineated comprising floodplains, wetlands and slopes over twenty-five (25) percent. In delineating secondary conservation areas, the applicant shall prioritize natural and cultural resources on the site in terms of their highest to least suitability for inclusion in the proposed greenway, in consultation with the Planning Commission and utilizing the following list of resources to be conserved: mature woodlands, greenways and trails, river and stream corridors, prime farmland, specimen trees, hedgerows, trees and tree groups, wildlife habitats, historic sites and structures and scenic viewsheds. On the basis of those priorities and practical considerations given to the site's configuration, its context in relation to resource areas on adjoining and neighboring properties, and the applicant's subdivision objectives, secondary conservation areas shall be delineated to meet at least the minimum area percentage requirements for greenway lands. The boundaries as well as the types of resources included within the secondary conservation areas shall be clearly indicated. Calculations shall be provided indicating the applicant's compliance with the acreage requirements for greenway areas on the site.

(2) Step 2: Location of House Sites. Potential house sites shall be tentatively located using the proposed greenway lands as a base map as well as other relevant data from the site analysis, such as topography and soils. House sites should be generally located not closer than fifty (50) feet from primary conservation areas and twenty-five (25) feet from secondary conservation areas, taking into consideration the potential negative impacts of residential development on such areas as well as the potential positive benefits of such locations to provide attractive views and visual settings for residences.

(3) Step 3: Alignment of Streets and Trails. Upon designating the house sites, a street plan shall be designed to provide vehicular access to each house, complying with the standards in Part 4 herein and bearing a logical relationship to topographic conditions. Impacts of the street plan on proposed

greenway lands shall be minimized, particularly with respect to crossing environmentally sensitive areas such as wetlands and traversing slopes in excess of fifteen (15) percent. Street connections shall be encouraged to generally minimize the number of new cul-de-sacs to be maintained by East Coventry Township and to facilitate access to and from homes on different parts of the site and adjoining parcels.

(4) Step 4: Drawing in the Lot Lines. Upon completion of the preceding three steps, lot lines are drawn as required to delineate the boundaries of individual residential lots.

(5) Applicants shall submit four (4) separate sketch maps or one (1) composite map, at the option of the Planning Commission, indicating the findings of each step of the design process.

(Ord. 128, 7/19/2004, §303)

§305. Final Plan Submission, Resubmission, Review and Content.

1. Complete Submission.

A. Within twelve (12) months after approval of the preliminary plan, a final plan and all necessary supplementary data shall be submitted to the Township. If the applicant does not make a proper final plan application within twelve (12) months of the preliminary plan approval, the preliminary plan shall expire.

B. The final plan shall conform to the terms of approval of the preliminary plan and to the most recent administrative regulations adopted by the Board of Supervisors for such purposes.

C. The Board of Supervisors may permit submission of the final plan in sections or phases, each covering a reasonable portion of the entire proposed subdivision or land development as shown on the approved preliminary plan, but in no case shall include less than twenty-five (25) percent of the total lots or dwelling units or total floor area, as depicted on the approved preliminary plan.

D. All final plans, as further described in this Section, together with a completed official application, available from the Township, shall be submitted, along with supporting information, to the Township at least fourteen (14) consecutive calendar days prior to a regularly scheduled meeting of the Planning Commission in order to be placed on the agenda for that meeting. The Planning Commission shall, at such meeting, determine if a complete application and final plan has been presented, and if so, shall accept such application and final plan, and thereby initiate the ninety (90) day review period, as provided in §305(2). The Planning Commission shall acknowledge such acceptance in the minutes of the Planning Commission meeting.

E. The Planning Commission shall receive comments from reviewing agencies and individuals as provided in this Section, correlate the

comments and submit its written report to the Board of Supervisors within sixty three (63) consecutive calendar days of its acceptance of the complete application and final plan.

F. All revisions to final plans shall be submitted to the Township for review by the Township Engineer and the Township Planner no less than fourteen (14) consecutive calendar days prior to a regularly scheduled meeting of the Planning Commission in order to be placed on the agenda for that meeting. Nine (9) copies of revised final plans shall be submitted to the Township.

G. Copies of the application and the final plan and supporting information, as further described in this Section, shall be supplied to the Township to permit the following distribution:

(1) Two (2) copies of the final plan and official Township application, all supporting information, including the Sewage Facilities Planning Module and the required escrow and application fees to the Township.

(2) One (1) copy of the final plan, County referral form, and accompanying fee to the County Planning Commission.

(3) Two (2) copies of the final plan, two (2) completed Sewage Facilities Planning Modules and appropriate fee to the Chester County Health Department.

(4) One (1) copy of the final plan and supporting information and plans to the Township Engineer, one (1) copy of each to the Township Planner and one (1) copy to the Township Traffic Engineer.

(5) Five (5) copies of the final plan and supporting information and plans to the Township Planning Commission.

(6) One (1) copy of the final plan to any adjacent municipality or other governmental agency affected by the proposed development when requested by the Board of Supervisors or the Planning Commission.

H. When required, revised final plans shall be submitted to the Township to permit the following distribution:

(1) Two (2) copies of the final plan and only if revised two, (2) copies of all supporting information and the Sewage Facilities Planning Module to the Township.

(2) If revised, two (2) completed Sewage Facilities Planning Modules and plan to the Chester County Health Department.

(3) One (1) copy of the final plan and, only if revised, one (1) copy of all supporting information to the Township Engineer.

(4) If revised, one (1) copy of the traffic analysis and plan to the Township Traffic Engineer.

I. The applicant shall furnish additional copies of preliminary plans and supporting information at the Township's request.

J. The Township shall note the date of the receipt of the application, and any fees and escrow deposits, as determined by resolution of the Board of Supervisors. The application shall not be processed until the required fees have been received.

2. Review. The final plan shall be reviewed by the Planning Commission at the next regularly scheduled meeting and shall also be reviewed by the Township Engineer and Township Planner, the Chester County Planning Commission, the Chester County Conservation District, the Chester County Health Department and such other agencies as deemed appropriate by the Planning Commission. The procedure is outlined below and in the Plan Processing Schedule (see Appendix).

A. Official Review Period.

(1) The Township shall have ninety (90) consecutive calendar days in which to review and take action on the final plan (see the Plan Processing Schedule in the Appendix).

(2) The ninety (90) consecutive calendar day review period shall commence on the date of the regularly scheduled Planning Commission meeting that a complete application and final plan is accepted by the Planning Commission, as provided in §305(1)(D).

(3) An extension to the ninety (90) day review period shall occur only when agreed to in writing by the applicant and accepted by the Board of Supervisors. All such extensions shall be for a minimum of ninety (90) consecutive calendar days.

B. Review by the Township Engineer, Township Planner, the Authority or Other Entity, for Sanitary Sewage Disposal and the Authority or Other Entity, for Water Supply.

(1) The review by the Township Engineer shall include an examination of the content of the plans to be certain that all information and changes required by this Chapter and by the Board in its review of the preliminary plan are presented in the plans submitted, an investigation of the plan to be certain that all other Township ordinances are complied with, an examination of the engineering and design feasibility of the final designs presented for the location, alignment and grade of streets, stormwater drainage, sanitary sewers and water supply. The Township Engineer shall confer with the applicant to the extent necessary to obtain conformity of the plan with these regulations and to comment upon the matters subject to his review. The Township Engineer shall forward his written comments on the plan to the Planning Commission within twenty-one (21) consecutive calendar days, or seven (7) consecutive calendar days prior to the next meeting after acceptance of the application and final plan by the Planning Commission.

(2) The review by the Township Planner shall include an examination of the content of the plans to be certain that all information and changes required by this Chapter and by the Board in its review of the preliminary plan are presented in the plans submitted, an investigation of the plan to be certain that all other Township ordinances and related design standards are complied with, an examination of the overall site design including parking and loading, landscaping and lighting, its functional and aesthetic relationship to adjoining properties and uses, and its consistency, as applicable, with the Comprehensive Plan and other planning documents of the Township. The Township Planner shall confer with the applicant to the extent necessary to obtain conformity of the plan with these regulations and to comment upon matters subject to his review. The Township Planner shall forward his written comments on the plan to the Planning Commission within twenty-one (21) consecutive calendar days, or seven (7) consecutive calendar days prior to the next meeting after acceptance of the application and final plan by the Planning Commission.

(3) The Authority, or other entity, for Sanitary Sewage Disposal shall review the final design of sewerage facilities to determine compliance with standards established for acceptance of such systems by the Board. Final approval of plans by the authority for sanitary sewage disposal shall be a condition precedent to the Board's action on the final plan.

(4) The Authority, or other entity, for water supply shall review the final design of the water supply facilities to determine compliance with standards established for acceptance of such systems by the Board. final approval of plans by the authority for water supply shall be a condition precedent to the Board's action on the final plan.

C. Review by the Township Planning Commission.

(1) The Township Planning Commission shall review all plans referred to it and shall consider any recommendations made by a County agency, the Township Engineer, the Township Planner and any other persons or agencies who shall have submitted comments with respect to any such application.

(2) In its review of the final plan, the Planning Commission shall examine the plan with particular emphasis on determining the suitability of the plan for the development of land and its relationship to the harmonious extension of streets and utilities, arrangement and density of housing or other uses, and compatibility of the plan with the Township Comprehensive Plan and Township Zoning Ordinance [Chapter 27]. The Planning Commission shall also assess the adequacy of parking, surface and storm drainage, access and landscaping or other related design standards.

(3) After such review, the Planning Commission shall send written notice of its action and the reasons therefore, citing specific sections of the Chapter relied upon, along with the

written comments of the Township Engineer, the Township Planner, the Chester County Planning Commission, the authorities for water supply and sanitary sewage disposal and other agencies which have submitted comments, to the Board of Supervisors, with a copy to the applicant, within five (5) consecutive calendar days of completion of the Planning Commission's review.

D. Review by the Board of Supervisors.

(1) When a written report has been sent to the Board of Supervisors by the Planning Commission, such plan shall be placed on the Board's agenda for its review at its next regularly scheduled meeting.

(2) The Board shall, at one (1) or more regular or special public meetings, review the plan, other supporting information and the written comments of the Planning Commission, the Township Engineer, the Township Planner, County Planning Commission and all other reviewing agencies, to determine conformity of the plan to the standards of this and any other applicable ordinance. The Board may specify conditions, changes, modifications or additions to the plan which the Board deems necessary and may make a decision to grant final plan approval subject to such conditions, changes, modifications or additions, citing appropriate Chapter provisions as described in subsection (2)(d)(4) above. When a plan is not approved in terms as filed, the decision of the Board shall specify the defects found in the plan and describe the requirements which have not been met and shall, in each case, cite the provision of the Chapter relied upon in the decision. If the Board approves the final plan, the minutes of the meeting shall reflect such approval either with or without conditions.

(3) Notwithstanding the foregoing procedure, the Board shall render a decision on all final plans within ninety (90) consecutive calendar days following the date that the application and final plan was accepted by the Planning Commission. The decision of the Board shall be in writing and shall be communicated to the applicant by mail not later than fifteen (15) consecutive calendar days following the decision or by the end of the extension period.

(4) Whenever the approval of a final plan is subject to conditions, the written action of the Board as prescribed herein shall specify each condition of approval, citing relevant Chapter provisions in each case, and require the applicant's written agreement to the conditions. Where the applicant's written concurrence is not received within the time allotted, the Board shall be deemed to have denied approval.

(5) Upon the Planning Commission's recommendation for approval of the final plan, the Board may request the applicant to prepare an estimate, subject to approval of the Township Engineer, of the cost of all public improvements to be dedicated to the Township. The estimate shall be prepared, and certified as

representing a fair and reasonable estimate of the cost, by a professional engineer licensed as such in Pennsylvania.

(6) The Board of Supervisors shall designate one (1) signed and recorded reproducible (Mylar®) copy and an electronic (AutoCAD®)) copy of the final plan as the official copy. These copies shall include all corrections required by the Board of Supervisors. All copies shall be retained in the Township files.

(7) Copies of the final plan as approved, with the appropriate endorsement of the Board of Supervisors and the Township Engineer shall be distributed as follows:

(a) A minimum of four (4) copies to the applicant, three (3) of which shall be utilized in recording in accordance with §307 and one (1) copy to be returned to the Township after recording.

(b) One (1) copy to the County Planning Commission.

(c) One (1) signed and recorded copy to be retained in the Township files, together with one (1) copy of all supporting materials.

E. Every final plan approval, with the exception of minor subdivision plans, as defined under §301(3)(A), shall be subject to the following conditions:

(1) The applicant shall execute a Subdivision and Land Development Improvements Agreement in accordance with §309, agreeing with the Township to install all the improvements as required by this Chapter and all regulations adopted pursuant thereto.

(2) The applicant shall provide a performance guarantee in accordance with §310.

(3) The applicant agrees, if requested by the Board of Supervisors, and to the extent permitted by law, to tender a deed of dedication to the Township for such streets, any and all easements for sanitary sewers, water lines or storm sewers, and public improvements including street paving, sidewalks, shade trees, water mains, any fire hydrants, sanitary and storm sewers, as are required for the promotion of public welfare, after all said improvements are completed and such completion is certified as satisfactory by the Township Engineer. The Board shall require that the applicant supply a title insurance certificate from a reputable company before any property is accepted by the Township.

(4) Whenever the applicant is providing open space as part of the development, an easement in perpetuity restricting such open space from further subdivision or development shall be executed between the applicant and the Township, or an organization acceptable to the Township, and shall be for the benefit of the

Township or the lot purchasers in the subdivision or land development.

(5) The applicant shall have applied for all required permits from agencies having jurisdiction over ancillary development, such as Pennsylvania Departments of Transportation and Environmental Protection, Public Utility Commission and County Health Department.

F. Before acting upon any subdivision or land development plan, the Board of Supervisors may hold a public hearing thereon pursuant to public notice.

G. No plan which will require access onto a road under the jurisdiction of PennDOT shall be finally approved unless the plan contains a notice that a highway access permit is required pursuant to §420 of Act 428, known as the "State Highway Law," before access to a State road is permitted.

3. Content. final plans shall, under major proposals, conform in all important details to preliminary plans, including any conditions specified by the Board. A final plan shall consist of and be prepared in accordance with the following:

A. Drafting Standards.

(1) Subdivision or land development plans submitted for review for final approval shall be clear and legible black or blue on white prints of the drawings. Upon completion of review, and for signature by the Board, clear and legible reproducible (Mylar®) copies, and an electronic (AutoCAD 2000® or earlier version (.dxf format)) copy of all plans shall be submitted. The title sheet of the plans shall contain an area for signatures by the Board of Supervisors and Planning Commission.

(2) Final plans shall be made on sheets of twenty-four (24) inches by thirty-six (36) inches. Where necessary to avoid sheets larger than the maximum size prescribed above, final plans shall be drawn in two (2) or more sections, accompanied by a key diagram showing relative location of the sections. The scale shall not be less than one hundred (100) feet to the inch. All dimensions shall be shown in feet and hundredths of a foot. In addition, one (1) reduced drawing, on a sheet size of 11 x 17 inches, shall be provided.

B. Site Design and Layout Standards.

(1) All information required in §304(3)(A) and the following minimum data:

(a) The total tract boundary lines of the area being subdivided with accurate distances to one hundredth (1/100th) of a foot and bearings in degrees, minutes and seconds. These boundaries shall be balanced and closed with an error of closure not to exceed one (1) foot in twenty-five thousand

(25,000) feet, provided, however, that the boundary(s) adjoining additional unplatted land of the applicant are not required to be based upon field survey, and may be calculated. The monuments shall be indicated, along with a statement of the total area of the property being subdivided. In addition, the engineer or surveyor shall certify to the accuracy of the survey, the drawn plan, and the placement of the monuments.

(b) All straight lot lines and chords and radii of curved lot lines, defined in feet and hundredths of a foot by distances, and in degrees, minutes and seconds either by magnetic bearings or by angles of deflection from other lot and street lines.

(c) Lot numbers, lot areas, both total and net area, in square feet and acres, indicating that the portion of the lot containing limitations excluded by the lot area definition, and a statement of the number of lots and parcels, together with street numbering as approved by the post office for each lot.

(d) A statement of the intended use of all nonresidential lots. A statement of restrictions of any type which exist as covenants in the deed(s) for all lots contained wholly or in part in the subdivision and, if covenants are recorded, including the deed book and page number.

(e) All proposed building (setback) and yard line requirements for each lot, or the proposed placement of each building and the proposed location of onsite water and sewer facilities.

(f) The location of all existing and proposed monuments.

(g) All easements or rights-of-way where provided for or owned by public services and any limitations on such easements or rights-of-way. Easements or rights-of-way shall be specifically described on the plans. Legal descriptions and plot plans, including metes and bounds, shall be submitted for all easements with final plans to the Township for the Township Engineer to review. Upon request of the Board of Supervisors, such easements shall be recorded. Easements should be located in cooperation with the appropriate public utilities.

(h) Location, size, material used, invert elevation and percent of grade of all sanitary and storm sewers and location of all manholes, inlets and culverts. This data may be submitted as a separate plan.

(i) If the subdivision proposes a new street intersection with a State legislative route, the intersection permit number(s) shall be indicated for all such intersections.

(j) A certification of ownership, acknowledgment of plan and offer of dedication shall be affixed on the plan, and shall be duly acknowledged and signed by the owner(s) of the property and notarized.

(k) All waivers granted to the applicant by the Board of Supervisors, shall be clearly stated on the first sheet of the final plan with the reasons for such waiver and the Chapter section number from which such waiver has been granted.

(l) The street name, street number, cartway width and lines of all existing public streets and the name and location of all other roads within the property.

(m) The following data for the centerline of the cartway and both right-of-way lines of all recorded and proposed streets within and adjacent to the property:

(1) Courses and distances with length in feet and hundredths of a foot of all straight lines and of the radius and the arc of all curved lines with delta angles including curved lot lines, and bearings in degrees, minutes and seconds for all straight lines.

(2) The width in feet of the cartway, right-of-way and of the ultimate right-of-way, and (in degrees, minutes and seconds) of the delta angle of all curved lines, including curved lot lines.

(n) Certification as to the accuracy of the plan and details of such plans shall be prepared in accordance with Act 367, known as the Professional Engineers Registration Law.

(o) All notations on the plan must be readable with a minimum font size of ten (10). Illegible notations will be considered incomplete data on the plan.

(p) Prior to the preconstruction meeting, the developer and/or contractor shall provide a letter to the Township Manager indicating that all required permits have been received.

(2) The final plan shall be accompanied by the following supplementary data:

(a) A final Conservation Plan, prepared in accordance with §306(1).

(b) A final Comprehensive Stormwater Management Plan prepared in accordance with Chapter 9, Grading and Excavating, Part 1, Stormwater Management, of the East Coventry Township Code of Ordinances.

(c) A final Construction Improvements Plan, in accordance with §306(2).

(d) A final Landscaping, Screening and Buffering Plan, prepared in accordance with §428.

(e) Homeowner's Association and/or easement documentation acceptable to the Township Board of Supervisors after review and comment by the Township Solicitor.

(Ord. 128, 7/19/2004, §304)

§306. Accompanying Data.

1. Conservation Plan. A Conservation Plan is required to accompany the preliminary and the final subdivision or land development plan. It shall be clearly and legibly drawn to the same scale as that of the preliminary and final plans.

A. Purpose. The purpose of the Conservation Plan is to identify plans and techniques to be incorporated into the development proposal that regulate the modification of natural terrain during the site development process to ensure that:

(1) The disturbance of the site does not result in damaging erosion and sedimentation control problems in order to protect the health, safety and welfare of the Township residents. These objectives will be pursued at the Township level in conjunction with State requirements for erosion and sedimentation control, as defined in the Department of Environmental Protection Chapter 102 regulations, as amended, and defined in the Erosion and Sediment Pollution Control Program Manual.

(2) The site design and preparation incorporates necessary steps to ensure the successful installation and long-term operation of erosion and sedimentation control and stormwater management facilities as defined in Chapter 9, Grading and Excavating, of the Township Code of Ordinances.

(3) The goals and objectives for the implementation of the East Coventry Park, Recreation and Open Space Plan, as amended, and regulated in §426 of this Chapter, are linked with other land development concerns.

(4) The disturbance and removal of topsoil is reduced and avoided as required by §425 of this Chapter.

(5) The natural features protection objectives of §429 are realized.

B. General Provisions. The following provisions shall be followed and incorporated into the development review and construction process.

(1) The applicant shall prepare a soil erosion and sediment control plan in accordance with the provisions of this Section. All land disturbance activities shall be conducted in such a way as to minimize erosion on adjoining and downslope properties.

(a) The applicant undertaking land disturbance activity including, but not limited to, grading, excavating or disturbance of topsoil or vegetative cover, or introduction of fill material that may affect the existing flow of surface water within or down slope from the subject parcel, shall be required to:

1) Collect onsite runoff and manage its release to a point of discharge into a natural watercourse of the drainage area.

2) Protect and clean the downslope, and adjoining properties of silt and debris washed from the subject property as a result of land disturbance activities on the subject property.

3) Install all drainage and erosion control improvements as required by the approved soil erosion and sediment control plan.

(b) Measures to minimize soil erosion and sedimentation shall meet the standards and specifications contained in the Pennsylvania Department of Environmental Protection, "Soil Erosion and Sediment Pollution Control Manual," as amended and the Pennsylvania Clean Streams Law, Chapter 102, Erosion and Sedimentation Control Rules and Regulations, as amended and the specifications contained herein. The Township Engineer or other duly authorized agent shall ensure compliance with the appropriate specifications.

(2) The disturbed area and the duration of exposure shall be kept to a practical minimum and the disturbed soils shall be stabilized as quickly as practical.

(a) The permanent or temporary vegetation, erosion control and stormwater management structures and systems shall be installed within (20) days of the initial groundbreaking.

(b) If located adjacent to a stream within a watershed classified as high quality or exceptional value as designated by Pennsylvania Code 25, Chapter 93, Water Quality Standards, as amended, all graded surfaces shall be stabilized whether temporary or permanent, within three (3) days of the initial ground breaking and, weather permitting, shall be watered, tended and maintained until growth is well established.

(3) Whenever feasible, natural vegetation shall be retained, protected and supplemented.

(4) Sediment in the runoff water shall be trapped until the disturbed area is permanently stabilized by the use of measures such as debris basins, sediment basins, silt traps or similar measures. Accumulated sediment shall be kept removed to ensure continued adequate capacity in the basins or traps.

(5) A grading, excavation, erosion and sediment control plan shall be submitted with the preliminary and final plans. Such plan shall be submitted in accordance with the Pennsylvania Department of Environmental Protection, "Erosion and Sediment Pollution Control Manual," as amended, and the "Special Protection Waters Implementation Handbook," as amended, and in compliance with the most current review requirements of the Chester County Conservation District.

(a) When required by the most recent regulations of the Pennsylvania Department of Environmental Protection, development plans will be filed by the Conservation District with the Department of Environmental Protection for issuance of a National Pollutant Discharge Elimination System (N.P.D.E.S.) permit.

(b) Soil erosion and sediment control plans shall incorporate facilities for stormwater management in accordance with the policies and regulations of the Chester County Conservation District and the stormwater management plan required by Chapter 9, Grading and Excavating, Part 1, Stormwater Management, of the East Coventry Township Code of Ordinances.

(c) Upon recommendation from the Township Engineer, the Township may require the submission of final plans, regardless of their size or other outside review requirements, to the Chester County Conservation District for review and approval. In such a case, approval by the Chester County Conservation District shall be required before final approval of a subdivision or land development, or the issuance of a building permit in the case of a minor subdivision.

(6) There shall be no increase in discharge of sediment or other solid material from the site as a result of runoff.

(7) Erosion and sedimentation control devices, such as temporary vegetation and mulch, temporary earthen berms, interceptor dikes, ditches, diversion terraces, rock filter berms, crushed stone tire scrubbers, silt basins, silt fences and the like, appropriate to the scale of operations, shall be installed concurrent with earthmoving activities and whenever any situation is created that would contribute to increased soil erosion.

(8) Earthmoving operations shall be minimized where possible and practicable to preserve desirable natural features and the topography of the site.

(9) Stripping of vegetation, regrading or other development shall be done in such a way that will minimize soil erosion.

(10) To the maximum extent practicable, mature, healthy trees of at least eight (8) inches in caliper and other significant existing vegetation shall be retained and protected. Such trees shall not be removed, except as provided on the approved subdivision and/or land development plan. The filling of soil more than five (5) inches over the roots of trees to be preserved is prohibited. (The roots are presumed to extend out from the tree as far as the tree's branches extend outward.)

(11) Land disturbance shall be limited to the actual construction site and an access strip. The amount of disturbed area and the duration of exposure shall be kept to a practical minimum. Disturbed areas shall be stabilized with vegetation, mulch, erosion control fabric, and the like, as soon as possible after earthmoving procedures.

(12) Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Water runoff shall be minimized and retained onsite wherever possible to facilitate groundwater recharge.

(13) Temporary vegetation and/or mulching shall be used to protect critical areas during development. (Critical areas shall be construed to mean those portions of a site which are extremely vulnerable to soil erosion).

(14) The permanent final vegetation and structural soil erosion control and drainage measures shall be installed as soon as practical in the development in accordance with the approved plans.

(15) Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of debris and sediment basins, silt fences or other approved measures. Sediment deposits in basins, silt fences, and the like, shall be removed at periodic intervals during the construction period, as required.

C. The following practices shall be required for all subdivisions and/or land developments, unless the Township determines that they are not applicable:

(1) Silt fences shall be utilized in lieu of straw-bale silt barriers downhill of all construction areas. In general, straw-bale silt barriers will be allowed only on projects with a construction period of less than sixty (60) days and where the uphill drainage area is less than one-half (½) acre. In all applications, silt fences and straw-bale silt barriers shall be securely anchored in place and embedded into the soil. Silt fences shall be installed on each subdivision lot down slope of the disturbed area prior to any lot disturbance.

(2) Silt fences or silt traps shall be placed at all inlets, headwalls, basin outlets and similar drainage structures during the construction period in order to prevent sediment from entering any watercourse, storm drainage system or other areas downstream.

(3) Temporary onlot berms designed to act as silt traps and to manage excess runoff, located to protect environmentally sensitive areas and downstream properties, shall be required during construction. The top width of the berms shall be a minimum of three (3) feet, with side slopes of a 3:1 maximum.

(4) Crushed stone tire scrubbers shall be placed at all entrances to construction areas. Tire scrubbers shall be of sufficient width and length to prevent transportation of sediment off of the construction site. Any dirt, stone or other debris left on roadways must be removed at the end of each workday.

(5) Temporary and permanent seeding and mulch specifications shall be noted on all plans. The specifications shall include lime and fertilizer rates of application, as well as other provisions regarding procedures and materials. The Township requires hydro-seeding of all graded areas associated with street construction and stormwater management basins within seven (7) days of final grading.

(6) During roadway grading, interceptor dikes shall be installed on all roadway subgrades with slopes in excess of five (5) percent to prevent erosion of the subgrades. The interceptor dikes shall divert stormwater runoff through silt traps or silt fences.

(7) The crushed stone base course for driveways, roadways and parking areas shall be applied as soon as possible after grading procedures, in order to prevent soil erosion of the subgrade.

(8) Drainage swales and ditches, and all slopes greater than four (4) to one (1) shall be protected against soil erosion velocities with soil erosion control measures, such as erosion control fabric and other material, as approved by the Township.

D. Plan Content. The Conservation Plan shall be prepared on the base plan for preliminary and final plans showing all of the existing conditions and those elements of a preliminary or final plan relating to grading, storm drainage, building and paving coverage proposed, and perimeter boundaries and the like which may affect the design of erosion control and stormwater management facilities. In addition the Conservation Plan will show:

(1) Locations of all soil classifications with special notation of seasonally high water table soils. Soils present on the site shall be tabulated according to hydrologic soil group.

(2) Location and results of soil percolation tests whenever onsite disposal of sewage is planned.

(3) Notations indicating: all trees or portions of tree masses containing two (2) or more trees of any size proposed to be cleared as part of the proposed Subdivision or Land Development Plan, together with reasons for such clearing; all proposed alterations of the natural grade, whether by cut or by fill, exceeding two (2) feet, together with reasons for such alteration; compliance with all applicable erosion and sedimentation control standards.

E. A required element of any Conservation Plan shall be a plan for the control of erosion and sedimentation and for stormwater management. Any preliminary and Final Conservation Plan for subdivision or land development must be accompanied by a stormwater management plan as provided for in Chapter 9, Grading and Excavating, Part 1, Stormwater Management, of the East Coventry Township Code of Ordinances. Contents of the submitted plan shall reflect discussion by the applicant with the Township Engineer. The minimum components of the Conservation Plan are as follows:

(1) A narrative summary of the project, including:

(a) General description of the project.

(b) General description of accelerated erosion control.

(c) General description of sedimentation control.

(d) General description of stormwater management, both during and after construction.

(e) Date project is to begin and expected date final stabilization will be completed.

(2) Proposed alterations to the project area, including:

(a) Structures, roads, paved areas and buildings.

(b) Proposed stormwater control facilities.

(c) Finished contours including areas of cuts and fills.

(d) Changes to vegetative cover.

(3) Calculations and description of the amount of runoff from the project area to swales, pipe discharge points, temporary and permanent basins, sediment traps, etc. Calculations shall be performed for both during and after development. Such calculations shall demonstrate that the capacity of the system to control erosion and to prevent sediment discharges is sufficient to control velocity and quantity of discharge to acceptable limits.

(4) The staging of earthmoving activities, described in the narrative, including:

(a) Cover removal, including all cuts and fills.

(b) Installation of erosion and sediment control facilities and practices.

(c) Installation of improvements, including streets, storm sewers, underground utilities, sewer and water lines, buildings, driveways, parking areas, recreational facilities and other structures.

(d) Program of operations to convert erosion and sedimentation controls to permanent stormwater management facilities, including a chart of the relative time sequence of activities.

(5) Temporary control measures and facilities for use during earthmoving, in both map and narrative form, including:

(a) Purpose.

(b) Temporary facilities or other soil stabilization measures to protect existing trees and shrubs from earthmoving activities.

(c) Types, locations and dimensioned details of erosion and sedimentation control measures and facilities.

(d) Design considerations and calculations of measures and facilities to control excess stormwater created by runoff from graded areas.

(e) Facilities to prevent tracking of mud by construction vehicles onto existing roadways.

(6) A narrative description of the maintenance procedures for both temporary and permanent control facilities, and of ownership arrangements, including:

(a) The methods and frequency for removal and ultimate disposal of sediment and other materials removed from control facilities, both during and upon completion of the project.

(b) The proposed ownership and financial responsibility for the maintenance of the permanent control facilities.

F. Standards for Grading, Excavation and Fill Requirements.

(1) No excavation or fill shall be made with an exposed face steeper in slope than three (3) horizontal to one (1) vertical, except under one or more of the following conditions:

(a) The material in which the excavation or fill is to be made is sufficiently stable to sustain a slope

steeper than three (3) horizontal to one (1) vertical, and a written statement to that effect by a licensed professional engineer experienced in erosion control is submitted and approved by the Township Engineer. The statement shall certify that the site has been inspected and that the deviation from the slope specified will not result in injury to persons or damage to property of increased erosion and resulting sedimentation.

(b) When a retaining wall is to support the face of the excavation, retaining walls shall be reviewed and approved by the Township Engineer. Retaining walls greater than four (4) feet in height shall have a protective fence a minimum of four (4) feet in height.

(2) The Township Engineer may require a flatter slope when it is found that the material in which the excavation is to be made is unusually subject to erosion or if other conditions exist which make such a shallower slope necessary for stability and safety.

(3) The top or bottom edge of slopes shall be located at least five (5) feet from property lines, in order to permit a gradual rounding of the edge without encroaching onto the abutting property.

(4) Excavation shall not exceed below the angle of repose or natural slope of the soil under the nearest point of any footing or foundation or any existing building or structure unless such footing or foundation is first properly underpinned or protected against settlement.

(5) Grading shall not redirect or concentrate surface water onto an adjacent property.

(6) During grading operations, necessary measures for dust control to prevent particulate matter from becoming airborne shall be followed. These measures shall include, but not be limited to the following:

(a) A tire cleaning area shall be provided at each point of egress from the development areas.

(b) Use, where possible, of water or other method approved by the Township Engineer for control of dust during any land disturbance activity.

(c) Removal of earth or other material from paved streets at the end of each workday.

(7) Grading equipment shall not be allowed to cross permanent or intermittent streams without first obtaining appropriate permits from the Pennsylvania Department of Environmental Protection.

(8) No applicant shall engage in land disturbance activities that endanger any adjoining property, public street, sidewalk, alley or other property from settling, cracking or other damage that might result from such land disturbance. If in the opinion of the Township Engineer, the land disturbance would create a hazard to life or property unless adequately safeguarded, the applicant shall construct walls, fences, guardrails or other structures to safeguard the adjoining property, public street, sidewalk, alley or other property and persons.

(9) Excavation or fills shall not encroach on natural watercourses, floodplain areas, constructed channels or wetlands without the necessary State and Federal permits. Excavations or fills located adjacent to natural watercourses or constructed channels shall have suitable protection against erosion.

(10) All fill shall be compacted to provide stability of material and to prevent undesirable settlements. The fill shall be spread in a series of layers, not exceeding twelve (12) inches in thickness, and be compacted by a sheepsfoot roller or other approved method after each layer is spread. The Township Engineer may require compaction tests and reports.

(11) Adequate provisions shall be made to prevent surface waters from damaging the cut face of an excavation or the sloping surface or a fill within the area of a proposed subdivision or land development. Slopes of more than ten (10) feet in vertical height shall be separated by level berms of at least four (4) feet in width within which ditches shall be constructed where necessary to prevent erosion and as a safe place to deposit and receive such water. The Township Engineer may require such drainage structures or pipes to be constructed or installed which are perceived necessary to prevent erosion damage and to satisfactorily carry off surface waters.

G. Grading for Drainage.

(1) All lots, tracts or parcels shall be graded to provide property drainage away from buildings with a minimum slope of two (2) percent, and to dispose of water without ponding. All land within a development shall be graded to drain and dispose of surface water without ponding, except where ponding, as in the case of detention basins, is part of the stormwater management system for the proposed subdivision or land development.

(2) All drainage provisions shall be of such design to adequately handle the surface runoff and carry it to the nearest suitable outlet. Where drainage swales are used to direct surface waters away from buildings, they shall be sodded or planted as required.

H. Vegetative Cover.

(1) Removal of any portion of existing vegetation including, but not limited to, trees, tree masses and associated vegetation layers shall be done in such a manner as to minimize erosion and sedimentation. Existing vegetation shall be retained and protected, or replaced by an immediate cover, such as rye grass or other fast-growing cover material, acceptable to the Township, within thirty (30) days of disturbance.

(2) The appropriate measures, as defined in §428 shall be taken to protect existing trees, tree masses and associated vegetation.

I. Responsibility.

(1) Whenever sedimentation is caused by the removal of vegetation, regrading or other disturbance, it shall be the responsibility of the applicant causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his or her expense within a time period acceptable to the Township.

(2) No applicant shall block, impede the flow of, alter, construct any structure, or deposit any material or thing or commit any act that will affect normal flood flow in any stream or watercourse without having obtained prior approval from the Pennsylvania Department of Environmental Protection, and the Township.

(3) Where a subdivision or land development is traversed by a watercourse, a drainage easement or right-of-way shall be established along the line of such watercourse, and of adequate width to preserve natural drainage.

(4) All required drainage and erosion control improvements, whether temporary or permanent, shall be installed by the Applicant, at his expense, and in accordance with all applicable requirements.

J. Compliance with Regulations and Procedures.

(1) The Township, in considering preliminary Subdivision and Land Development Plans shall condition its approval upon the execution of soil erosion and sediment control measures as required by this Chapter.

(2) Each application shall contain a commitment to submit for approval, a modified soil erosion and sediment control plan should the proposed plan prove to be inadequate prior to final release of escrow and dedication of improvements.

2. Construction Improvements Plan. The Construction Improvements Plan shall contain sufficient information to provide working plans for the layout

and construction of proposed streets, utilities, stormwater retention structures and other improvements. Information shall include, but not be limited to, the following:

A. A statement describing proposed public improvements, including streets, curbs, sidewalks and the means of water supply and sewage disposal to be provided.

B. Water Supply and Sewage Facilities. All plans shall be accompanied by Planning Modules for Land Development, provided by the Pennsylvania Department of Environmental Protection, including information with regard to the means of sewage disposal and provision of water supply.

(1) Water Supply.

(a) Where offsite or central water service is proposed, the preliminary design of water distribution facilities including the size and location of water mains, fire hydrants, storage tanks, and when appropriate, wells or other water sources.

(b) Where individual onsite water service is proposed, approximate location of well sites.

(2) Sewage Facilities. Sufficient information shall be provided to determine if the proposed subdivision or land development meets the recommendation and intent of the Township Wastewater Facilities Plan.

(a) Where public sewer service is determined to be feasible and consistent with the sewage service area of the Act 537 Wastewater Facilities Plan, the preliminary design of sewage systems including, but not limited to, the location of sewers, pumping stations, sewer mains, and where applicable, sewage treatment plants, showing the size, capacity and location of treatment facilities.

(b) Where a community sewage system is proposed, plan information shall include the evaluation of alternative technologies in order of preference as outlined in Township Act 537 Wastewater Facilities Plan and the most preferred feasible alternative as agreed to by the Township, the Pennsylvania Department of Environmental Protection, and the applicant. The preliminary design of the proposed system shall also be included, showing the size, capacity and location of treatment facilities, and where applicable, wastewater reclamation/land application sites.

(c) Where individual onsite sewage facilities are proposed, the applicant shall submit a statement with regard to the suitability of the soil to absorb sewage wastes. Test pit and percolation test information shall be provided and the approximate location of the system shall be indicated.

Dimensioned horizontal isolation distances for treatment tanks and sewage absorption areas shall be provided as required by The Pennsylvania Department of Environmental Protection.

C. Horizontal plan for streets showing details of the horizontal layout including:

(1) Centerline with bearings, distances, curve data and stations corresponding to the profile.

(2) Right-of-way and curb lines with radii at intersections.

(3) Tie-ins by courses and distances to intersections of all public roads, with their names and widths.

(4) Location of all monuments and other boundary markers by bearing and distances.

(5) Location and size of all drainage facilities, sidewalks, public utilities, fire hydrants, lighting standards and street name signs.

D. Horizontal Plan for Stormwater Management and Sanitary Sewer Facilities.

(1) Location and size of line with stations corresponding to the profile.

(2) Location of manholes or inlets with grade between and elevation of flow line and top of each manhole or inlet.

(3) Location of laterals.

(4) Location of other drainage facilities and public utilities in the vicinity of storm and/or sanitary sewer lines.

(5) Hydraulic design data and calculations for storm sewers, inlets, culverts and bridge structures.

E. A profile plan, indicating final grades of streets, sanitary sewers, stormwater management facilities and the extent of cut and fill operations.

(1) The profile plan shall show the vertical section of the existing grade and proposed grade along the centerline of the proposed street. Where storm drainage and/or sanitary sewer lines are to be installed, they shall also be indicated on the profile plan.

(2) The horizontal scale on the profile plan shall not be less than one (1) inch equals one hundred (100) feet and the vertical scale shall not be less than one (1) inch equals five (5) feet or in cases where larger scales are used, the ratio shall be 1:10 vertical to horizontal.

(3) A typical cross section of street construction shall be shown on the profile plan and shall indicate the following:

(a) Right-of-way width and the location and width of paving within the right-of-way.

(b) Type, thickness and crown of paving.

(c) The location, width, type and thickness of curbs and sidewalks to be installed if any.

(d) Grading of sidewalk area.

(e) Typical location, size and depth of any underground utilities that are to be installed in the right-of-way where such information is available.

F. Detail sheet(s) providing sufficient details and notes to define the construction methods and materials of proposed improvements. Details shall include, but not be limited to:

(1) Details of all public sewer improvements as required and approved by the Sewer Authority.

(2) Details of all public water improvements as required and approved by municipal or private water companies.

(3) A cross section of each utility trench, showing proposed bedding and backfill material as well as the required compaction methods.

(4) Erosion and sediment control methods and materials.

(5) Stormwater management facilities.

(6) Details of all improvements required by the Pennsylvania Department of Transportation.

G. Landscaping, Screening and Buffering Plan. When applicable, a Landscaping, Screening and Buffering Plan consistent with the requirements of §428 shall be provided.

H. Outdoor Lighting Plan. When applicable, a Lighting Plan, consistent with the requirements of §427 shall be provided.

3. Impact Statements.

A. Applicability. The impact statements detailed in subsection (D) below shall be required for all preliminary plan applications for development when any of the following are proposed for a property:

(1) Residential development with a trip generation rate of sixty (60) AADT (annual average daily trips) as established by the

Trip Generation Manual prepared in the Institute of Transportation Engineers, as amended.

(2) Institution or retirement facility with a trip generation rate of sixty (60) AADT, as established in the Trip Generation Manual prepared by the Institute of Transportation Engineers, as amended.

(3) Industrial, commercial and/or office development having a trip generation rate of sixty (60) AADT or more, as established in the Trip Generation Manual prepared by the Institute of Transportation Engineers, as amended.

(4) Any project that will affect roads with a level of service at "D," "E," or "F," as determined by the Township at the time of submission.

(5) Any project that will affect roads as determined by the Township to have safety or design deficiency.

(6) Any project that will be developed in phases with a cumulative effect of falling within the required categories outlined above.

B. Applicability. The impact statements detailed in (D)(2), (3), (4), (5) and (6) below shall be required for all preliminary plan applications for development when any of the following are proposed for a property:

(1) Residential development of ten (10) or more dwelling units.

(2) Institution or retirement facility of ten (10) or more bedrooms or residential units.

(3) Industrial, commercial and/or office development in excess of twenty thousand (20,000) square feet of building area.

(4) The Environmental Impact Study detailed in subsection (D)(6) below will also be required if the proposed subdivision or land development has, within its boundaries, an area of more than ten (10) percent of any individual resource, or an area of more than twenty-five (25) percent of any combination of resources that are protected by the Natural Features Protection Standards enumerated and described in the East Coventry Township Zoning Ordinance [Chapter 27]. The natural features to be protected include flood plains, steep slopes as defined by the Zoning Ordinance [Chapter 27], and soils with seasonally high water tables. The ten (10) percent and twenty-five (25) percent area limitations, requiring the filing of the Environmental Impact Study, refer to any specific natural feature or the sum of all natural features to be protected collectively.

C. The Historic Resources Impact Study shall only be required as provided in subsection (3)(D)(5).

D. The Board shall consider the impact of the proposed use on the Township and on the facilities and systems as listed hereafter. When required by the Board, the applicant shall provide all of the information data and studies needed to allow the Board to reach conclusive evaluation of the areas set forth hereafter, which are applicable to the use proposed. The impact statement should be one written document. Necessary maps, charts, etc., should be labeled as consecutively numbered exhibits and properly referenced throughout the text of the written document. The statement should be written in a manner and style that clearly focuses on the information, data and analysis on the issues and objectives requested by the Board. The source of all data should be appropriately documented.

(1) Traffic Impact Study.

(a) Purpose. A traffic impact study shall be required for any development proposed pursuant to this section. Such study shall enable the Board of Supervisors to assess the likely impact of a proposed development in the various components of the transportation system in the Township.

(b) Professional Input. The applicant shall retain a qualified professional traffic engineer to prepare the traffic impact study. For purposes of this provision, a qualified traffic engineer shall be deemed any individual holding a degree from an accredited university in traffic engineering specialty, or any individual holding a university degree who also possesses membership in the Institute of Transportation Engineers, or any individual who conforms to the definition for a Municipal Traffic Engineer preferred in 67 PA Code Chapter 612, as amended, entitled "Municipal Traffic Engineering Certification."

(c) Study Area. A study area that represents the area likely to be affected (from a traffic impact standpoint) by the development shall be defined by a traffic engineer retained by the Township. Prior to identifying the study area, the traffic engineer shall discuss the study area boundaries, and the specific intersections to be included in the study, with the applicant and the Township. The Township Traffic Engineer shall present the scope of the study to the Township Planning Commission and the Board of Supervisors for approval prior to initiating work.

(d) Contents of Impact Study. A traffic impact study shall contain the following information:

1) General Site Description. The site description shall include the size, location, proposed land uses, construction staging and completion date of the proposed development. A brief description of other major

existing uses and approved recorded development plans shall be included as source data where agreed by the Township and the traffic engineer, that they may have a bearing on the development's likely traffic impact. The Township may, in addition, require consideration of development proposals not yet approved and recorded, but with sufficient status and probable impact to warrant inclusion.

2) Transportation Facilities Description. This description shall contain a full documentation of the proposed internal and external circulation system within the proposed study area. The description shall include: circulation; all proposed ingress and egress locations; all internal roadway widths and rights of way; existing and proposed parking conditions; traffic channelizations; any traffic signals or other intersection control devices at all intersections on the site boundaries. The description shall include all major elements of the existing roadway system within the study area. All major existing and proposed public transportation services and facilities within the study area shall also be documented. Future highway improvements, including proposed construction and traffic signalization, shall be noted.

3) Existing Traffic Conditions. Existing traffic conditions shall be documented for all major roadways and intersections established as part of the study area under §306(3)(D)(1)(C). Existing traffic volumes for average daily traffic, peak hour(s) traffic shall be recorded. Mechanical or manual traffic counts at major intersections in the study area shall be conducted encompassing the peak highway and development generated hour(s), and documentation regarding said traffic counts shall be included in the traffic engineer's report. A volume capacity analysis based on existing volumes shall be performed during the peak highway hour(s) for all roadways and major intersections within the study area. The capacity analysis shall be conducted according to methods of analysis accepted by the Pennsylvania Department of Transportation. The existing level of service associated with each major roadway and intersection evaluated shall be recorded. Data about the most recent available accident levels within the study area shall be included.

4) Impact of Development on Area Circulation. Estimates of vehicle trips to result from the proposed development shall be completed for the design-day peak highway hour(s) and peak development generated hour(s). In order to obtain vehicle trip generation base data, the traffic engineer shall consult either his firm's data bank or the most current edition of the Institute

of Transportation Engineers Trip Generation Report, or local data from the Township or, if available, more current or comprehensive sources. All turning movements associated with the proposed improvement generated hour(s) shall be computed and contained in the study. Traffic volumes generated by the proposed use shall be distributed and assigned to existing roadways and intersections throughout the study area for which existing conditions were recorded. Documentation of all assumptions used in the distribution and assignment of traffic shall be provided. Any characteristics of the site that are likely to cause particular traffic management problems shall be noted.

5) Analysis of Traffic Impact. The Traffic Engineer shall identify the relationship of the site-generated traffic associated with the proposed development and overall demand. This demand shall consist of a combination of the existing traffic expanded to the completion year (using the annual traffic rate available from the Delaware Valley Regional Planning Commission), the development generated traffic, and the traffic generated by other proposed developments in the study area. When considering the proposed development, all future phases must be included to evaluate the total traffic impact of the development. He shall further identify the development's proportional relationship to the traffic system improvements that are likely to be required, in part, due to the development. The volume/capacity analysis performed in accordance with §306(3)(D)(1)(d)(3), above, shall be updated to include a volume/capacity analysis using the total future demand and future roadway capacity. The analysis shall be conducted on a design day during the peak highway hours(s) and on major intersections in the study area that are projected to be affected by the proposed development. All access points and pedestrian crossings shall be examined as to the need for and feasibility of installing traffic signals or other traffic control devices. To do this, the traffic engineer shall evaluate access points and pedestrian crossings pursuant to the Pennsylvania Department of Transportation specifications for traffic signal warrants.

6) Conclusions and Recommended Improvements. All roadways and/or intersections showing a level of service that is deemed deficient by the traffic engineer during peak hours of the day (peak hour defined to include peak hour of the day on the particular roadway and peak hour of traffic of development generated traffic) shall be identified. Specific recommendations for the elimination of traffic problems associated with the proposed development shall be identified. (Levels of service are defined in the 1985 Highway Capacity Manual, Highway

Research Board, National Academy of Sciences, Special Report 209, as updated.) A listing of recommended improvements shall include the following elements: internal circulation design; site access locations and design; improvements and widenings; traffic signal installation and operation, including signal timing; transit design improvements; and reduced intensities of uses. All physical roadway improvements shall be shown as a part of the report. The listing recommending improvements for vehicular, pedestrian/nonvehicular, and transit modes shall include, for each improvement, the party proposed to be responsible for the improvement, the cost and funding of the improvement (to the extent possible) and the completion date for the improvement (to the extent possible). In considering improvements related to phased development, the improvements related to each phase of development shall be, at a minimum, those required to eliminate traffic problems associated with that phase and no improvements shall be deferred which would have the effect of not eliminating identified traffic problems if the development were not completed. The Township, with the assistance of its own Traffic Engineer, shall review the methodology, assumptions, findings, and recommendations of the applicant's traffic engineer. The Board may impose upon the applicant additional improvements deemed necessary to accommodate impacts of the development.

(2) Utilities Impact Study. A study shall be prepared by a registered professional engineer, indicating the likely impact of the proposed development on existing sewer, water, groundwater, solid waste and drainage systems serving East Coventry Township. Said impact analysis shall identify the existing capacity of facilities that would serve the development, the prospects of those facilities being able to provide service to it, and any improvements that might be required as a direct result of the proposed development. Additionally, the study should identify the ability of sewer, water, solid waste and drainage systems to continue to provide efficient and economic service to existing residents and businesses within the Township considering added service requirements of the proposed development. The study shall indicate the alternatives that have been considered for sewage treatment and disposal, as well as measures to be initiated toward solid waste recycling, all utility systems, including stormwater management, and water conservation.

(3) Fiscal Impact Studies. In addition to the applicable development thresholds of subsections (3)(B), a fiscal impact analysis shall be prepared for all conditional use, special exceptions and proposed zoning changes identifying the likely impact of the development on the Township's tax structure and expenditure patterns. Included shall be a determination of the revenues to accrue to the

Township as a result of the proposed development, as well as an identification of the costs associated with delivering service to the proposed development. The fiscal impact analysis shall be prepared by a certified professional planner and shall consider the impact of the proposed development on the ability of the Township to deliver fire, police, administrative, public works and utility services. The Fiscal Impact Study shall be prepared in accordance with a methodology offered in The Fiscal Impact Handbook (Rutgers Center for Urban Policy Research, 1978, as modified from time to time), adapted as appropriate and to the Board's satisfaction. The "case study method" shall be utilized in reviewing methodologies with the applicant however the Board may authorize a different methodology if the applicant can demonstrate to the Board's satisfaction substantial advantages in results achieved and/or efficiencies realized. Particular aspects of the Township's service delivery capability to be analyzed shall include:

(a) Public Works. This includes potential effects on the maintenance, repair and upkeep of roads, signal systems, sewer, water and drainage systems, open space and recreation areas or any other applicable function of this department. This study shall address projected cost increases for the above mentioned items in terms of administration, personnel, equipment and materials.

(b) Administration. This includes time that would be required by the Board, Manager, Administrative Assistant and clerical personnel to process the application and handle the project during construction, as well as long-term administrative demands. This shall include, but not be limited to, the handling of plans, contracts, various legal instruments or agreements, permits, special problems, and escrow. Added demands on the code administration staff also shall be projected.

(c) Fire and Emergency Services. The analysis shall incorporate the development's impact on fire company capabilities including, but not limited to public water supply, pumping capacity, specialized equipment and training requirements.

(d) Police. The study shall project the overall effects of the proposed development on existing Township police personnel numbers, equipment, vehicles and working space. The plan shall include whatever facilities or assistance the development will provide to handle emergencies, criminal investigations, armed robbery or other security related problems.

(4) Well Withdrawal Impact Study. When required by §306(3)(B), a Well Withdrawal Impact Study shall be submitted by the applicant. The purpose of the Well Withdrawal Impact Study is

to evaluate the proposed Subdivision or Land Development's potential impacts on the quantity and quality of the groundwater and surface water resources of the Township and existing wells in the Township. The Well Withdrawal Impact Study shall be prepared by a professional hydrogeologist, who shall submit to the Township for approval, the scope of the analysis prior to initiation thereof. The Well Withdrawal Impact Study shall contain, at a minimum the following:

(a) A map indicating the property boundaries of the proposed subdivision or land development and all existing wells and surface water bodies located within the radius, specified in this subsection, of the water withdrawal points of the proposed subdivision or land development. Reference shall be made to two studies prepared by the Federation of Northern Chester County Municipalities; "Surface Water Runoff Study" (September 1991) and "Water Resources Management Study" (October, 1988). Hydrogeological data contained in these studies shall be included in the analysis.

(b) The proposed thirty (30) day average rate and maximum daily rate of withdrawal from each source and from all sources in total.

(c) A geologic map indicating the property boundaries of the proposed subdivision or land development, the location of the proposed water withdrawal point(s) and the radius, as specified in this subsection, of the proposed water withdrawal point(s).

(d) A hydrogeologic analysis of the well withdrawals (tests to be conducted concurrently at all wells where multiple wells are proposed for concurrent use) that includes, but is not limited to, the following:

1) A constant rate well test for a minimum of forty-eight (48) hours taken during a period of no recharge using the proposed maximum day withdrawal rate for each well. A peak-rate demand pump test may also be required. The water level against the elapsed time shall be recorded throughout the forty-eight (48) hour well test period and appropriately plotted. Additional information shall include:

a) Static, pumping and recovery water level measurements from all observed wells and perennial streams with a sufficient number of measurements taken to adequately characterize drawdown, recovery and stream flow.

b) Date and time of all water level measurements.

c) Record of pumping rate measured throughout the test.

2) Observations of water levels from any monitoring wells located on the subdivision or land development property.

3) Observations of water levels and pumping rate available from existing wells within the specified radius. The monitoring wells shall be representative of the entire area within the required radius. The radius from the location of the proposed water withdrawal point shall be as follows:

Proposed 30 Day Average Withdrawal Rate (Gallons per Day)	Radius (Miles)
2,000 - 10,000	0.40
10,000 - 50,000	0.50
50,001 - 100,000	0.75

4) Well log data for monitoring wells, if available, to identify significant water bearing zones. A significant water-bearing zone is one capable of providing at least ten (10) percent of the pump capacity rate.

5) Observations of perennial stream levels at points expected to be impacted by withdrawal.

6) An analysis of expected impacts on intended water source uses caused by continual withdrawals on existing wells, flows of perennial streams and long-term lowering of the groundwater levels.

7) Documentation, based upon historical water table measurements, of drought condition water table elevation approximating a fifty (50) year drought, if available.

8) All field notes and observations, including weather conditions throughout the well test.

9) All methods and/or sources used to obtain data and draw conclusions.

(e) The Well Withdrawal Impact Study shall also include an analysis of the potential for groundwater recharge on the site. A detailed geologic evaluation of the site shall be

performed and, at a minimum, shall address soil permeability, depth to bedrock, susceptibility to sinkhole formation and subgrade stability. Where a site is determined to be suitable for ground water recharge, the Applicant shall demonstrate that an average daily balance between the amount of groundwater withdrawn and the amount of groundwater recharged will be achieved. To the extent that the site is not suitable for groundwater recharge or a water balance is not achievable, the proposed density or intensity of the subdivision or land development shall be reduced consistent with attaining such water balance or a public water supply shall be utilized. All recharge techniques and/or facilities shall be designed in accordance with the "Pennsylvania Handbook of Best Management Practices for Developing Areas."

(f) In addition, any well or group of wells operating as a system that withdraw an average of more than ten thousand (10,000) gallons per day, over a thirty (30) day period, shall require a Delaware River Basin Commission, Groundwater Protected Area (DRBC, GPA) permit. A group of wells not operating as a system that withdraw an average of more than ten thousand (10,000) gallons per day, over a thirty (30) day period, may require a DRBC, Groundwater Protected Area (GPA) permit.

(g) The Township, with the assistance of the Township Engineer or designated consultant, shall review the methodology, assumptions, findings and recommendations of the applicant's hydrogeologist. The Board of Supervisors may impose additional improvements it deems necessary to accommodate the impacts of the proposed subdivision or land development.

(5) Historic Resources Impact Study.

(a) Applicability. A Historic Resources Impact Study, or any applicable portions thereof, may be required, unless waived or modified by the Board, when any of the following are proposed:

(1) Subdivision or land development plans which will lead to the new construction of buildings, structures, roads, driveways, parking areas, etc., located within one hundred (100) feet of the exterior walls of a historic resource.

(2) Subdivision or land development plans which propose adaptive reuse or demolition of a historic resource.

(3) General bridge or road construction or substantial repair passing within one hundred (100) feet of the exterior walls of a historic resource.

(b) The Board may require the applicant to submit the Historic Resources Impact Study as a subsection of an impact study required in this section, or as a separate document.

(c) The Historic Resource Impact Study shall be prepared by a qualified professional in historic preservation, historical architecture, planning or related disciplines, and presented by the applicant or his agent for discussion at a meeting of the East Coventry Historical Commission.

(d) Contents. The study shall contain the following information, as required by the Board:

1) Background Information:

a) If not otherwise provided by the applicant, a general site description, including topography, watercourses, vegetation, landscaping, existing drives, etc.

b) General description and classification of all historic resources located on the subject tract, on tracts immediately adjacent to the subject tract or road, or within one hundred (100) feet of the subject tract or road.

c) Physical description of all resources identified in subparagraph (d)(1)(b), above.

d) Statement of the significance of each historic resource, both relative to the Township and region in general.

e) Sufficient number of black and white 8" x 10" photographs to show every historic resource identified in subparagraph (d)(1)(b), above, in its setting.

f) Narrative description of the historical development of the subject tract or road.

2) Proposed Change.

a) General description of project, including timetable of phases.

b) Description of impact on each historic resource identified in subparagraph (d)(1)(b) above, with regard to architectural integrity, historic setting and future use.

c) General description of effect of noise and traffic and any other impacts generated by the proposed change on each historic resource.

3) Mitigation Measures. Recommendations for mitigating the project's impacts on historic resources, including design alternatives, landscaping, screening and buffering in accordance with §428, and any other appropriate measures permitted under the terms of this and other Township ordinances.

(e) East Coventry Historical Commission. The Historic Resource Impact Study will be reviewed by the East Coventry Historical Commission, which shall set forth its evaluation and recommendations in a written report to the Township Planning Commission and the Board of Supervisors.

(6) Environmental Impact Study.

(a) All applicants filing an Environmental Impact Study shall prepare such a report in accordance with the provisions of this Section.

(b) The format and contents of the Environmental Impact Study shall be as follows:

1) Description of Existing Conditions. This section shall present a description of existing characteristics of the property with respect to geology, topography, ground and surface water hydrology, soils, vegetation and existing improvements and uses.

2) Description of the Proposed Action. This section shall describe the proposed action including types, locations and phasing of proposed site disturbances and construction, as well as proposed future ownership and maintenance of the property and the proposed improvements. Plans describing the proposed action may either be included within or accompany the Environmental Impact Study.

3) Proposed Measures to Control Potential Adverse Environmental Impacts. This section shall describe all measures proposed by the applicant to control all adverse impacts that may occur as a result of the proposed action.

4) List and Qualifications of Authors. The names, addresses, telephone numbers and qualifications of persons directly responsible for preparing the Environmental Impact Study shall be provided.

5) Appendices. Any additional information that the applicant wishes to provide may be included in one (1) or more appendices to the report.

(c) Eight (8) copies of the Environmental Impact Study shall be a required part of the preliminary plan application.

The Township Engineer and Township Planner shall review the report and submit their findings in memorandums to the Board. A copy of the memorandums shall be forwarded to the applicant.

(Ord. 128, 7/19/2004, §305)

§307. Recording of Final Plan.

1. Upon completion of the procedures outlined under this Chapter, all endorsements shall be indicated on the record plan and on as many other copies of the final plan as may be desired.

2. Upon the signing of the of the final plan by the Board of Supervisors, the applicant shall file the record plan with the County Recorder of Deeds within ninety (90) days of the date of the final approval by the Township. The County Recorder of Deeds shall not accept any plan for recording unless such plan officially notes the approval of the Board of Supervisors and review by the County Planning Commission. If the applicant fails to record the final plan within such period, the action of the Township shall be null and void, unless an extension of time is granted in writing by the Township prior to the expiration of the ninety (90) day period upon written request by the applicant.

3. Where a major plan, as defined by this Chapter, is to be recorded, the documentation outlined under §310(4) shall also be recorded therewith.

(Ord. 128, 7/19/2004, §306)

§308. Resubdivision Plan Submission, Review and Content.

1. All resubdivision plan applications shall comply with the applicable final plan application, review and content requirements and procedures outlined under §§306(1), 306(2) and 306(3) of this Chapter. Where, in the determination of the Board of Supervisors, extraordinary conditions or circumstances exist, or the magnitude of the resubdivision meets or exceeds the threshold for the impact studies required under §307, the applicant shall be required to submit such impact studies.

2. In the resubdivision of land, the following shall be observed:

A. Parcels of land may be divided so long as they are made a part of adjoining land and no lot or tract of land results that is smaller than the minimum dimensions required by the Township Zoning Ordinance [Chapter 27].

B. Easements reserved for drainage shall not be changed.

C. No lot shall be created which does not abut a street.

D. The character of the area shall be maintained.

(Ord. 128, 7/19/2004, §307)

§309. Subdivision and Land Development Improvements Agreement. The applicant shall execute an agreement, to be approved by the Township, pending the review of the Township Solicitor, before the final plan is released by the Board of Supervisors and filed on record. Said agreement shall, as a minimum, specify the following, where applicable:

A. The applicant agrees that he will lay out and construct all streets and other public improvements, including grading, paving, sidewalks, fire hydrants, water mains, street signs, shade trees, storm and sanitary sewers, landscaping, traffic control devices, open space areas and erosion and sediment control measures in accordance with the final plan as approved, where any or all of these improvements are required as conditions of approval.

B. The applicant guarantees completion and maintenance of all improvements by means of a type of financial security acceptable to the Township, as specified in §310(3) of this Chapter.

C. The applicant agrees to execute a deed of dedication, that shall be prepared by the Township Solicitor, for such streets and for such easements for sanitary and storm sewers, sidewalks and other public improvements, provided that the Township shall not accept dedication of such improvements until their completion is certified as satisfactory to the Township Engineer and Township Solicitor.

D. Whenever an applicant proposes to establish or continue a street which is not offered for dedication to public use, the Board of Supervisors shall require the applicant to submit, and also to record with the plan, a copy of an agreement made with the Board on behalf of himself and his heirs and assigns, and signed by him, and which shall establish the conditions under which the street may later be offered for dedication, and shall stipulate among other things:

(1) That an offer to dedicate the street shall be made only for the street as a whole.

(2) That the Township shall not be responsible for repairing or maintaining any undedicated streets.

(3) That the method of assessing repair and maintenance costs of the undedicated streets be stipulated and be set forth in recorded deed restrictions so as to be binding on all successors or assigns.

(4) That, if dedication is to be sought, the street shall conform to Township specifications or that the owners of the abutting lots shall, at their own expense, restore the streets to conformance with Township specifications.

(Ord. 128, 7/19/2004, §308)

§310. Performance Guarantees.

1. The applicant shall deposit with the Township, financial security in an amount sufficient to cover the cost of all improvements, both public and private, and common amenities including, but not limited to, streets, walkways, shade trees, stormwater detention facilities, recreational facilities, open space improvements, buffer or screen plantings, or other water supply facilities, fire hydrants, sanitary sewage disposal facilities. Financial security related to public sewers shall be provided to the Sewer Authority.

2. When requested by the developer, in order to facilitate financing, the Board of Supervisors shall furnish the developer with a signed copy of a resolution indicating approval of the final plan contingent upon the developer obtaining a satisfactory financial security. The final plan or record plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety (90) days, unless a written extension is granted by the Board; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.

3. Financial security required herein shall be in the form of a Federal or Commonwealth chartered lending institution irrevocable letter of credit, a restrictive or escrow account in such institution, or with a financially responsible bonding company, or such other type of financial security which the Township may, in its reasonable discretion, approve. The bonding company may be chosen by the party posting the financial security, provided that the said bonding company or lending institution is authorized to conduct business within the Commonwealth and stipulates that it will submit to Pennsylvania jurisdiction and Chester County venue in the event of legal action.

4. The said financial security shall provide for, and secure to the public, the completion of any improvements which such security is being posted on or before the date fixed in the approved subdivision plan and subdivision agreement for completion of such improvements.

5. The amount of financial security to be posted for the completion of the required improvements shall be equal to one hundred ten (110) percent of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer. Annually, the Township may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the ninetieth (90th) day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment the Township may require the developer to post additional security in order to assure that the financial security equals the said one hundred ten (110) percent. Any additional security shall be posted by the developer in accordance with this Section.

6. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Township, upon the recommendation of

the Township Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Township and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable, and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of such engineer shall be paid equally by the Township and the applicant or developer.

7. If the party posting the financial security requires more than one (1) year from the date of posting the financial security to complete the required improvements, the amount of financial security shall be increased by an additional ten (10) percent for each one (1) year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred ten (110) percent of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one (1) year period by using the above bidding procedure.

8. In the case where development is projected over a period of years, the Board of Supervisors may authorize submission of final plans by section or stage of development, subject to such requirements or guarantees as to improvements in the future sections or stages of development as it finds essential for the protection of any finally approved section of the development.

9. As the work of installing the required improvements proceeds, the party posting the financial security may request the Board of Supervisors to release or authorize to be released, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Board of Supervisors, and the Board shall have forty-five (45) days from receipt of such request within which to allow the Township Engineer to certify, in writing, that such portion of the work upon the improvements has been completed in accordance with the approved plans. Upon such certification, the Board shall authorize release by the bonding company or lending institution of an amount as estimated by the Township Engineer fairly representing the value of the improvements completed. The Township Engineer, in certifying the completion of work for a partial release, shall not be bound to the amount requested by the applicant, but shall certify to the Board his independent evaluation of the proper amount of partial releases. The Board may, prior to final release at the time of completion and certification by the Township Engineer, require retention of ten (10) percent of the estimated cost of the aforesaid improvements.

(Ord. 128, 7/19/2004, §309)

§311. Commencement of Development.

1. No construction or land disturbance activities, with the exception of soil or percolation testing, test well drillings or similar engineering or surveying activities, shall be commenced until the applicant submits to the

Township a copy of the Recorder of Deeds' receipt for recording of the final plan.

2. No application for a building permit under the Township Zoning Ordinance [Chapter 27] shall be submitted and no building permit under the Township Zoning Ordinance shall be issued for any building in any subdivision or land development until the final plans for the said subdivision or land development has been approved and recorded as provided for and until the terms of §§305(2)(E) and 307 have been satisfied. Further, where final subdivision or land development approval has been conditioned upon the submission and approval of individual lot grading plans for some or all of the lots, no building permit shall be issued for construction or any such lot until this condition has been complied with.

3. No water system or sewer system, including extensions to existing or proposed Township systems or new systems employing sewage treatment plants, shall be constructed prior to the issuance of appropriate permits from the Pennsylvania Department of Environmental Protection or from Federal or local agencies, as required.

(Ord. 128, 7/19/2004, §310)

§312. Plan Amendments. Any modification of the approved plan shall be resubmitted and reprocessed in the same manner as the original plan. All site disturbance activities shall cease pending approval of modified plans. (Ord. 128, 7/19/2004, §311)

Part 4

Development Design Standards

§401. General.

1. The following standards shall be complied with in all subdivision and land development, and are intended as the minimum for the promotion of the public health, safety and welfare. If an applicant, however, can clearly demonstrate to the satisfaction of the Board that because of peculiar physical conditions pertaining to his land, the literal enforcement of these standards would cause undue hardship, such variations from their literal interpretation may be permitted as may be reasonable and consistent with the purpose and intent of this Chapter subject to §704 of this Chapter. Such variations shall represent the least change from the standard.

2. All proposed subdivisions shall comply fully with the existing zoning regulations applicable to the land, and no parcel of land shall be created, either by inclusion or exclusion from a proposed subdivision, that cannot be properly utilized for a permitted use under the existing zoning regulations.

3. Physical improvements to the property being subdivided shall be provided, constructed and installed as shown on the Plan of Record, in accordance with the requirements of the Township.

4. The design of all improvements in a subdivision or land development shall be in accordance with the design specifications, standards and requirements as set forth in this Chapter and/or other applicable ordinances or, in the absence of the foregoing, in accordance with the applicable provisions of the latest design specifications of the Pennsylvania Department of Transportation, the Pennsylvania Department of Environmental Protection and/or such other governmental agency or body which promulgates or otherwise issues design standards, specifications and requirements relevant to the work. In the event that there are no design specifications, standards or requirements, as aforesaid, applicable to the design and construction of any improvements, or parts thereof, in a subdivision or land development, the design, and the specifications, standards and requirements proposed by the Applicant for such improvements shall be subject to the approval of the Township Engineer.

(Ord. 128, 7/19/2004, §400)

§402. Land Requirements.

1. No land shall be developed for residential purposes unless all known hazards to life, health, or property from flood, fire and disease shall have been eliminated or unless the plans for the development shall provide adequate safeguard against such hazards.

2. If, in the opinion of the Planning Commission, an applicant proposes streets or building development which would destroy existing tree growth,

whether by reason of street alignment, grading or otherwise, the Planning Commission may recommend to the Board of Supervisors:

A. That the Board not approve the preliminary plan.

B. An alternate method of subdivision which would preserve as many of the existing trees as is reasonably possible that are of eight (8) inch and greater caliper.

C. That, as a condition of the Board's approval, the applicant be required to plant two (2) new trees of not less than two and one half (2½) inch caliper for every existing tree of eight (8) inch and greater caliper, which would be destroyed, such new trees to be planted on the lots and not as street trees, as approved by the Board.

The purpose of this particular regulation shall be to maintain the supply of natural vegetation, prevent erosion of the topsoil on the site and surrounding properties, foster the retention of ground water supply and generally promote the health, safety and welfare of the citizens.

(Ord. 128, 7/19/2004, §401)

§403. Lot Design.

1. General Lot Design Standards.

A. Lot dimensions, areas and orientation shall be appropriate for the type of development and use contemplated, and sufficient to provide the required space for off-street parking and other accessory uses.

B. Side lot lines shall be at right angles to straight street lines, and radial to curved street lines and cul-de-sac turnarounds.

C. Lot lines shall follow municipal boundaries rather than cross them, in order to avoid jurisdictional problems.

D. The depth of residential lots shall be not less than one (1) or more than three (3) times their width.

2. Tract Frontage Standards.

A. All tracts proposed for subdivision or land development shall have direct access to a public street and, where applicable, shall have a frontage in accordance with zoning standards, but in no case shall such access be less than a minimum width of fifty (50) feet, with the ability to demonstrate adequate traffic safety to enter the highway.

B. Any proposed lots abutting an existing or proposed arterial or collector street in the Township shall be designed as reverse frontage lots having access to the street with a lower function, as required in the Township Zoning Ordinance [Chapter 27].

C. All residential lots using reverse frontage shall have a rear yard with a minimum depth of seventy-five (75) feet, measured in the shortest distance from the proposed dwelling unit to the proposed right-of-way, and shall, within such rear yard and immediately adjacent to the right-of-way, have a planting screen easement of at least ten (10) feet in width, across which there shall be no right of access.

3. Building Setback Lines. The minimum building setback line shall be in accordance with the East Coventry Township Zoning Ordinance [Chapter 27].

4. Interior Lots. No interior lots shall be permitted.

5. Crosswalks.

A. Crosswalks may be required by the Board of Supervisors to facilitate pedestrian circulation and to give access to community facilities where situations warrant concern for the safety and welfare of Township residents.

B. The design and installation of required crosswalks shall be in accordance with the provisions of the Federal Highway Administration "Manual on Uniform Traffic Control Devices" and approved by the Township Engineer.

(Ord. 128, 7/19/2004, §402)

§404. Monuments and Markers.

1. Monument Standards.

A. Permanent concrete monuments shall be accurately placed at the intersection of all lines forming angles and at changes in directions of lines in the boundary (perimeter) of the property being subdivided.

B. All monuments shall be placed by a registered professional engineer or surveyor so that the scored point created by an indented cross or drilled hole in the top of the monument shall coincide exactly with the point of intersection of the lines being monumented.

C. Monuments shall be set with their top level with the finished grade of the surrounding ground.

D. All streets shall be monumented on the right-of-way line at the following locations:

(1) At least one monument at each intersection.

(2) At changes in direction of street lines.

(3) At each end of each curved street line, (e.g., points of curvature and tangency); only one side of each street need be monumented.

(4) An intermediate monument wherever topographical or other conditions make it impossible to sight between two (2) otherwise required monuments.

(5) At such other places along the line of streets as may be determined by the Township Engineer to be necessary so that any street may be readily defined in the future.

E. Utility pipeline rights-of-way shall be monumented at all property lines.

F. Common open space and community sewage disposal areas shall be monumented.

2. Marker Standards.

A. Markers shall be accurately placed at all lot corners within subdivision.

B. Markers shall consist of solid iron rods or pins, with a minimum diameter of one-half (½) inch, and shall have a minimum length of thirty-six (36) inches and installed vertically.

C. Markers shall be placed in concrete to ensure that they will not be removed.

(Ord. 128, 7/19/2004, §403)

§405. Street System.

1. Proposed streets shall be consistent with such street plans or parts thereof as have been officially prepared and adopted by the Township, including recorded subdivision plans and the Comprehensive Plan or Official Map of the Township.

2. Proposed streets shall further conform to such Township, County and State road and highway plans as have been prepared, adopted and/or filed as prescribed by law.

3. Thoughtful and imaginative design of streets and their relationship to the arrangement and shape of lots is required. An important element is the blending with topography to produce curvilinear design and reasonable grades. The rectilinear design of streets and lots, involving long straight sections of street, shall be avoided.

4. Local streets shall be laid out so as to discourage through traffic, but provisions for street connections into and from adjacent areas may be required.

5. Where a subdivision abuts or contains an existing or proposed major thoroughfare, the Board may require dedication of additional right-of-way specified hereinafter and marginal access streets, rear service alleys, reverse frontage lots, or such other treatment as will provide protection for

abutting properties, reduction in the number of intersections with the major thoroughfare and separation of local and through traffic.

6. New partial streets shall not be permitted.

7. Dead end streets shall not be permitted.

8. Where streets and other public improvements continue into adjoining municipalities, evidence of compatibility of design, particularly with regard to street widths, shall be submitted and approved by both municipalities. The applicant shall coordinate such design with both municipalities to avoid abrupt changes in cartway width or in improvements provided.

9. Where a proposed subdivision abuts an existing subdivision having a dedicated residential street dead-ending at a common property line, the proposed subdivision shall make provision for extension of such dedicated residential street within the proposed subdivision. In the design of a proposed subdivision, provision shall be made for continuation of the width, gradient, general alignment and direction of traffic flow of a collector street that dead-ends at a common property line or is proposed in the Township Comprehensive Plan whenever such proposal has been adopted by resolution of the Board of Supervisors.

10. Where lots abut an existing street, additional right-of-way, paving and other street improvements may be required for such an existing street to the extent deemed by the Board to be in the public interest.

11. If lots resulting from original subdivision are large enough to permit resubdivision, or if a portion of the tract is not subdivided, adequate street rights-of-way to permit further subdivision shall be provided in accordance with §406 of this Chapter.

12. Private streets may be permitted only in a gated/guarded community with a homeowners association that shall guarantee the maintenance of the streets.

(Ord. 128, 7/19/2004, §404)

§406. Street Right-of-Way Widths.

1. The minimum right-of-way, cartway and shoulder widths for all new streets in the Township shall be as follows:

Street Function	Right-of-Way Width	Paved Cartway Width	Paved Shoulder* Width
Arterial Streets			
Principal Arterial	Per PennDOT	Per PennDOT	Per PennDOT
Minor Arterial	60'	24'	8'
Collector Streets			

Street Function	Right-of-Way Width	Paved Cartway Width	Paved Shoulder* Width
Major Collector	60'	24'	8'
Minor Collector	50'	24'	6'
Local Streets			
Primary Distributor	50'	24'	4'
Secondary Distributor	50'	24'	4'
Local Access Streets**	50'	24'	4'
R-3 Local Access Street [Ord. 151]	52'	28'	4'
Cul-de-sac Streets	52'	28'	8'
Commercial Streets	60'	24'	8'

*If curbs are provided, see the "Standard Construction and Materials Specifications for Public Improvements" for East Conventry Township for curb and sidewalk construction.

**Including single access loop streets

2. Divided cartway streets (or boulevards), or parts thereof, may be permitted subject to approval by the Board of Supervisors, upon recommendation of the Planning Commission, and the following requirements;

A. Each cartway shall be one-way and twelve (12) feet in width with a shoulder as required in §406(A), above.

B. The minimum separation between cartways shall be ten (10) feet and shall not exceed twenty (20) feet, and such separation area shall be landscaped according to a plan recommended by the Planning Commission and approved by the Board of Supervisors.

C. Each side of each cartway shall be curbed, where required, with vertical curbs meeting the specifications of §416.

D. The minimum right-of-way of divided cartway streets shall meet the requirements of §406(1) plus one (1) foot for each foot of separation between one-way cartways.

3. Eyebrow type street sections may be permitted subject to approval by the Board of Supervisors, upon recommendation of the Planning Commission, and shall meet all applicable design standards of §§408, 409, 410 and 411 of this Part.

4. The Township may require additional right-of-way and cartway widths for the following purposes:

A. To promote public safety and convenience.

B. To provide parking space in commercial districts and in areas of high-density residential development.

C. To accommodate special topographic circumstances which may result in cut/fill slopes extending beyond the standard right-of-way in all circumstances to assure accessibility for maintenance operations.

5. Rights-of-way of lesser width than prescribed in this Section shall not be permitted.

6. Subdivisions abutting existing streets may be required to provide, for dedication, sufficient land to provide the ultimate right-of-way for such existing streets in accordance with the provisions of this Section.

7. Where a subdivision abuts an existing street of improper cartway or right-of-way width or alignment, the Board of Supervisors shall require the dedication of land sufficient to widen the street or correct the alignment and require the escrow of money where deemed necessary in order to improve said cartway.

(Ord. 128, 7/19/2004, §405; as amended by Ord. 151, 12/8/2008, §1)

§407. Increase of Right-of-Way Widths. In the case where lots created within a subdivision are large enough to accommodate either further subdivision, or a higher intensity of development, and thus may result in higher traffic levels, the Township may require that additional right-of-way be provided to permit the future development of a higher order street. (Ord. 128, 7/19/2004, §406)

§408. Street Grades.

1. There shall be a minimum centerline grade of one (1) percent. Centerline grades shall not exceed the following:

Street Function	Maximum Grade
Arterial	6%
Collector	7%
Local	8%
Commercial	5%

2. In the approach to an intersection, the street grade shall not exceed the following percentage for the classification of street indicated below. These approach grades shall extend for a minimum of one hundred (100) feet from the nearest right-of-way of the intersection street:

Street Function	Maximum Grade
Arterial	3%
Collector	4%
Local	6%
Commercial	3%

3. At all changes of street grades where the algebraic difference exceeds one (1) percent, vertical curves shall be provided per AASHTO, "A Policy on Geometric Design of Highways and Streets."

4. Under no circumstances shall maximum grades be permitted using the minimum curve radii.

(Ord. 128, 7/19/2004, §407)

§409. Street Alignment.

1. Whenever street lines are deflected in excess of five (5) degrees, connection shall be made by horizontal curves.

2. The minimum centerline radii for horizontal curves shall be provided per AASHTO, "A Policy on Geometric Design of Highways and Streets." Centerline radii and superelevation shall be provided in accordance with AASHTO Standards.

3. A tangent of at least one hundred (100) feet shall be introduced between all horizontal curves on collector and arterial streets and between reverse curves on local streets.

4. Super elevation in accordance with PennDOT standards shall be required when curve radii are less than six hundred (600) feet on arterial streets.

(Ord. 128, 7/19/2004, §408)

§410. Street Intersections.

1. Right angle intersections shall be required.

2. No more than two (2) streets, creating a four-way intersection, shall cross at the same point.

3. Intersections with arterial, collector and commercial streets shall be located not less than five hundred (500) feet apart, measured from centerline to centerline.

4. Streets entering from opposite sides of another street shall either be directly across from each other or offset by at least one hundred and

fifty (150) feet on local and collector streets, and three hundred (300) feet on arterial and commercial streets, measured from centerline to centerline.

5. Where curbs are required, curb radii shall not be less than thirty-five (35) feet, forming a tangential arc, and the top curb grade lines for intersecting streets shall be so designed that would meet at a common point if projected. For all intersections involving an arterial street, a forty (40) foot radius shall be required, and on commercial streets a fifty-five (55) foot radius shall be required.

6. Safe sight distances shall be provided at all street intersections. Within such lines of sight, no vision-obstructing object, including plant materials, shall be permitted. Safe sight distances shall be provided for all intersections in accordance with "Pennsylvania Department of Transportation Design Manual," Part 2, Highway Design, Publication 13M (DM-2).

7. Greater safe sight distance dimensions imposed by PennDOT for intersections with the State highway system shall supersede the above.

8. Whenever a subdivision abuts or contains an existing or proposed street with an ultimate right-of-way of sixty (60) feet or more, the Township Planning Commission may recommend and the Board may require restriction of access to the street by:

A. Provision of reverse frontage lots.

B. Provision of service streets along the rear of the abutting lots, together with prohibition of private driveways intersecting the streets.

C. Provision of marginal access streets, provided that the reserve strips establishing such marginal access streets shall be dedicated to the Township under an agreement meeting the approval of the Township.

(Ord. 128, 7/19/2004, §409)

§411. Single Access Streets/Cul-De-Sacs.

1. A single access street shall not be approved wherever a through street is feasible as determined by the Board of Supervisors upon recommendation of the Planning Commission.

2. A single access street shall not be more than one thousand (1,000) feet in length and shall not furnish access to more than twenty (20) dwelling units unless clearly impractical due to tract dimensions or topography. In the case of single access loop streets, the measurement of the length shall be taken between the farthest edge of the cartway and the centerline of the cartway of the through street to which it connects. In the case of a cul-de-sac, such measurement shall be taken between the center of the turnaround and the centerline of the cartway of the street to which it connects.

3. The Board of Supervisors may permit additional dwelling units to be served by a single access street or and/or the length of a single access street greater than one thousand (1,000) feet upon recommendation of the Planning Commission and only after due consideration of the feasibility of a through street, adjacent land uses, lot dimensions, topography and drainage.

4. The Board of Supervisors may, upon recommendation of the Planning Commission, require the following for single access streets:

A. Provision of a constructed street stub(s) extending to the boundary of the tract where appropriate to provide connection with an adjoining tract(s).

B. Provision of emergency access designed to the satisfaction of the Board of Supervisors.

C. Right-of-way for future connection.

5. Any constructed street stub for access to an adjoining tract or because of authorized staged development shall be provided with a temporary, all weather turnaround within the subdivision, and the use of such turnaround shall be guaranteed to the public until such time as the street is extended.

6. The Board of Supervisors may require, as a condition of approval and to be noted on the plan of record, that parcels with access to a single access street that are capable of further subdivision or land development under current zoning regulations shall not be subdivided and/or developed until the single access street becomes a through street.

7. Single access streets, permanently designed as such, shall have a minimum length of five hundred (500) feet.

8. All cul-de-sac streets, whether permanently or temporarily designed as such, shall be provided at the closed end with a fully paved turnaround, unless a fully curbed planting island is constructed, in which case the minimum radius of the pavement shall be twenty-one (21) feet. When a fully curbed planting island is to be constructed, the applicant shall be required to submit a proposal, acceptable to the Township for the maintenance of such planting island.

9. The minimum radius to the pavement edge or curb line shall be forty-five (45) feet and the minimum radius of the right-of-way line shall be sixty (60) feet.

10. Drainage of cul-de-sac streets shall preferably be towards the open end.

11. The centerline grade on a cul-de-sac street shall not exceed eight (8) percent and the grade of the diameter of the turnaround shall not exceed five (5) percent.

12. For single-family detached lots, there shall be a maximum of four (4) lots containing any access along the turnaround portion of a cul-de-sac street measured from reverse curve to reverse curve.

13. The turnaround right-of-way of a cul-de-sac street shall be placed adjacent to the tract boundary and a fifty (50) foot right-of-way width shall be provided along the boundary line to permit dedication, in accordance with §606 of this Chapter, and extension of a street at full width, unless future expansion of a cul-de-sac street is clearly impractical or undesirable. The small triangles of land beyond the cul-de-sac to the boundary shall be dedicated to the Township.

(Ord. 128, 7/19/2004, §410)

§412. Acceleration, Deceleration and Turning Lanes.

1. Deceleration or turning lanes shall be required by the Township upon the recommendation of the Township Engineer and the Traffic Engineer along existing and proposed streets.

2. Deceleration lanes shall be designed to the following standards:

A. The lane shall have a minimum width of twelve (12) feet, or in the case of intersections with State highways, such width as is required by the applicable regulations and standards of PennDOT.

B. The lane shall be paved the required width for the entire length, which shall be measured from the centerline of the intersecting road. In addition, there shall be a seventy-five (75) foot taper, indicated by a painted yellow stripe, provided at the beginning of the lane so that traffic can leave the main travel lane smoothly.

C. The minimum lane length shall be as follows:

Posted Speed Limit	Minimum Taper	Deceleration Lane Length
25 mph	75'	165'
35 mph	75'	275'
45 mph	75'	300'

3. Acceleration lanes are required only when the need is indicated by a traffic impact study. The design shall be as per the recommendation of the Township Engineer. As necessary, a paved taper shall be provided for right hand turns.

4. Upon the recommendation of the Township Engineer and the Traffic Engineer, acceleration and deceleration lanes shall be provided for:

A. All streets intersecting with streets of a functional classification of collector and greater.

B. All commercial development, the length of acceleration and deceleration lanes to be determined by the Traffic Impact Study.

(Ord. 128, 7/19/2004, §411)

§413. Street Construction. All materials entering into the construction of streets and the methods of construction and drainage shall be in accordance with the applicable requirements of Pennsylvania Department of Transportation Specifications Publication 408, latest revision thereof, and shall be supplied by vendors approved by the Pennsylvania Department of Transportation for the supply of such materials. The thickness of all materials shall be as described in the Material Thickness Table, below, and detailed in the "Standard Construction and Materials Specifications for Public Improvements" for East Coventry Township. Inspection of materials and construction methods shall be as approved, and in accordance with §602 of this Chapter.

A. Street Design.

(1) Thickness of base and paving for new Township streets shall meet the minimum requirements outlined in the Materials Thickness Table, below:

Materials Thickness Table

	Reference* Collector Streets	Arterial Local Street	Commercial
ID-2 Wearing Course	420	1½"	1½"
ID-2 Binder Course	420	2"	2"
Bituminous Concrete Base Course (BCBC)	305	5"	6"
PA DOT No. 2A Coarse Aggregate Sub Base	703.2	6"	6"

Notes to Materials Thickness Table:

1. All thickness specifications are for compacted materials.
2. BCBC over 5 inches in depth shall be laid in two passes.
3. All base courses and/or ID-2 binder course shall be overlaid with a wearing course no later than one year after installation unless approved otherwise by the Township.
4. Binder course shall be installed immediately following base course installation.

*Reference to section umber PA DOT Publication 408, latest revision.

(2) Paving design is based on overall soil conditions in the Township. The Board may require additional paving, base or sub-base materials where soil types are inferior, wet or otherwise

unsuitable as indicated by the "Soil Survey of Chester and Delaware Counties, Pennsylvania" prepared by the U.S. Soil Conservation Service or where, in the opinion of the Township Engineer, such conditions exist.

B. Subgrade.

(1) The area within the limits of the proposed road surface shall be shaped to conform to the line, grade and cross-section of the proposed road.

(2) Remove or stabilize all unsuitable subgrade materials.

(3) Wet or swampy areas shall be permanently drained and stabilized, as permitted by the regulatory agency having jurisdiction.

(4) Fills shall be made with suitable materials approved by the Township Engineer and thoroughly compacted for full width in uniform layers of not more than eight (8) inches thick. No more than two (2) feet of fill shall be laid between inspections by the Township Engineer.

(5) The subgrade shall be thoroughly compacted by rolling with a minimum ten (10) ton three-wheel roller. Equivalent vibratory sheepsfoot or rubber-tired rollers may be used at the discretion of the Township Engineer. Subgrade shall be compacted, tight and dry, to ninety-five (95) percent compaction at optimum moisture and shall not be soft and spongy under the roller. Compaction of the subgrade shall extend the full width of the cartway, including the width to be occupied by shoulders.

(6) In fill areas compaction tests meeting ASTM or ASHA standards are required for each three (3) feet of fill thickness. The tests shall be conducted in each eight (8) inch layer at one hundred fifty (150) foot intervals. The tests must be performed by a certified testing laboratory and results submitted to the Township Engineer. All compaction must be ninety-five (95) percent compaction at optimum moisture. Any layer not coming up to standard will be removed or rerolled until suitable compaction is obtained.

(7) As an alternate to the compaction and testing requirements described above, the subgrade may be proof rolled. Proof rolling shall consist of several passes of a smooth drum vibratory compactor that is capable of imparting a total (static plus dynamic) drum force of not less than five hundred fifty (550) pounds per linear inch of drum width. It may be necessary to operate the equipment in the static mode if the groundwater level is close to the subgrade elevation. Should any unsuitable areas be detected by the proof rolling that cannot be stabilized by additional passes of the equipment, the material in such unsuitable areas shall be undercut and replaced with compacted aggregate fill. The determination of what, if any, areas are unsuitable shall be

at the sole discretion the Township Engineer. Any unsuitable areas, as determined by the Township Engineer, shall be repaired to his satisfaction prior to the subbase installation.

C. Paving.

(1) Paving and base thickness and materials shall be as specified in subsection (A) of this Section.

(2) The sub-base course where required shall be installed and compacted in accordance with Pennsylvania Department of Transportation specifications and shall extend thirty-six (36) inches on all streets beyond the paving line when curbs are not to be installed.

(3) Bituminous base, binder and surface courses shall be laid to the specified thickness measured, after compaction. All bituminous courses shall be laid with a mechanical bituminous paver in accordance with specifications of the Pennsylvania Department of Transportation Specifications, Publication 408, latest edition.

(4) Crown board and straight edge shall be used for checking street construction. Maximum tolerance shall not exceed one-quarter (¼) inch in the finished surface.

(5) Delivery slips for all material deliveries shall be furnished to the Township Engineer.

(6) Failure to adhere to the above specifications shall give the Board cause to refuse to accept streets for dedication.

D. Grading and Shoulders.

(1) Roadways shall be graded for the full width of the right-of-way on each side. Shoulders or berm areas, including planting strips behind curbs, shall be graded with a minimum slope of one-half (½) inch per foot and a maximum slope of one (1) inch per foot. Beyond the limits of this grading, banks shall be sloped to prevent erosion but this slope shall not be more than three (3) to one (1) vertical with tops of slope in cuts rounded. All unpaved areas between the street line and the curb or shoulders (as the case may be) shall be covered with not less than four (4) inches of topsoil, fertilized and seeded in manner and with materials approved by the County Agricultural Extension Service.

(Ord. 128, 7/19/2004, §412)

§414. Private Streets. Private streets may be permitted in a unified development that is under single ownership subject to all of the road design and construction standards of this Part. (Ord. 128, 7/19/2004, §413)

§415. Private Driveways. Private driveways shall be permitted only in accordance with the provisions of Chapter 21, Streets and Sidewalks, Part 1, Driveways, of the East Coventry Township Code of Ordinances. (Ord. 128, 7/19/2004, §414)

§416. Curbs.

1. Curbs shall be installed along both sides of all proposed streets and shall be the vertical type. Curbs shall always be required where sidewalks are required.

2. Grass swales may be permitted, in lieu of curbs, within rights-of-way in developments of less than ten (10) lots, subject to the approval of the Township, however all subdivisions or land developments with lots of less than one (1) acre shall provide curbs.

3. No drainage of any kind shall be conducted over the top of curbs and sidewalks and all underground drainage conductors shall be installed in accordance with the "Standard Construction and Materials Specifications for Public Improvements" for East Coventry Township.

4. Curbs shall be provided in all new parking areas located within a land development.

5. All curbs shall be constructed of monolithic concrete. Such concrete shall develop a compressive strength of three thousand five hudnre (3,500) pounds per square inch (psi) in twenty-eight (28) days. Certification of the concrete mix shall be provided to the Township.

6. Curbs shall be installed in accordance with the "Standard Construction and Materials Specifications for Public Improvements" for East Coventry Township.

7. Curbs shall have clean-cut joints, a minimum of two (2) inches deep, every ten (10) linear feet and expansion joints every sixty (60) linear feet or less, at structures, and at the end of a day;s work. Expansion joints shall be one-half (½) inch in width with premolded expansion joint filler.

8. All curbs shall have a depth of not less than eighteen (18) inches and shall be eight (8) inches in thickness at the base and seven (7) inches in thickness at the top. Curbs shall be constructed with an eight (8) inch reveal and shall rest on a compacted bed of AASHTO No. 57 (PADOT 2B) crushed stone of a depth of not less than four (4) inches.

9. When a curved curb joins with a tangent curb, at curb returns, on sharp curves, where a curb is jointed to an inlet, and elsewhere as directed by the Township, there shall be embedded in the concrete two (2) #4 reinforcing bars twenty-four (24) inches long. These bars shall extend twelve (12) inches into the curb on each side of the joint. The portion of the bar extending into the tangent curb shall be rendered bondless by a coating of approved material and enclosed in part in approved tubes or caps which will provide a one-half (½) inch minimum positive clearance pocket. The top surface of the curb shall be finished true to line and grade in a

smooth, neat and even manner and the edge of the faces and back shall be rounded to a radius of one (1) inch.

10. The depressed curb at driveways shall be no higher than one and one-half (1½) inches above the street surface. The length of this depressed curb shall not exceed thirty-five (35) feet without a safety island that shall not be less than fifteen (15) feet in length. Pipes, grates or other similar, materials or structures shall not be placed in the gutter to form a driveway ramp.

11. Where it is necessary to replace existing vertical curbs with depressed curbing, two (2) ten (10) foot long sections of existing curb shall be removed down to the subgrade without disturbing the adjacent cartway paving. Any portions of the cartway disturbed during curbing removal or installation shall be repaired to new condition.

12. Any depressed curb sections that are unused when a development or phase of a development is completed, shall be completely removed and replaced with full section upright curbing to line and grade of adjacent curbing. Forming and pouring vertical curbing on top of an existing curb depression will not be permitted.

13. Curb cut ramps, for use by the handicapped, shall be provided at all street intersections, and shall be installed in accordance with the "Standard Construction and Materials Specifications for Public Improvements" for East Coventry Township.

(Ord. 128, 7/19/2004, §415)

§417. Street Names and Signs.

1. Proposed streets that are in alignment with already existing and named streets shall bear the names of the existing streets.

2. In no case shall the name of a proposed street duplicate, or be similar to an existing street name in the Township or in any postal district located in the Township or in an adjacent municipality, irrespective of the use of the suffix, street, road, avenue, boulevard, driveway, place, court, lane, etc.

3. All street names shall be subject to the recommendation of the Township Planning Commission and the approval of the Board of Supervisors.

4. Street name signs shall be installed at all street intersections. The design and placement of such signs shall be subject to approval by the Township and installed in accordance with the "Standard Construction and Materials Specifications for Public Improvements" for East Coventry Township.

5. Traffic control signs shall be shown on final plans for all streets. Signs and posts shall meet PennDOT standards. The Township may require additional signs prior to dedication of roads.

(Ord. 128, 7/19/2004, §416)

§418. Sidewalks.

1. All residential developments in excess of ten (10) lots shall have either a sidewalk or pathway system acceptable to the Township. All residential developments with lots of one (1) acre or less shall provide sidewalks on both sides of the street. Curbs shall always be required where sidewalks are required. The materials, location and construction of all proposed pathways shall be of approved by the Township.

2. Concrete sidewalks shall be provided on all collector streets within a subdivision; on all streets within one thousand (1,000) feet of and leading to a school; on all commercial streets; and at such other locations deemed by the Board of Supervisors to be necessary for the safety and convenience of the public.

3. Concrete sidewalks may be required on both sides of new streets in residential subdivisions or land developments. Sidewalks may be required on only one (1) side of the street in subdivisions or land developments if there are residential lots on only one (1) side of the street.

4. Concrete sidewalks shall be provided along all new streets and parking areas located in nonresidential subdivisions or land developments unless it can be shown, to the satisfaction of the Board of Supervisors, that pedestrian traffic does not follow or mix with vehicular traffic, in which case, both sidewalks and curbs may not be required.

5. Concrete sidewalks, in all new developments or street construction, shall be located within the street right-of-way a minimum of three (3) feet and seven (7) inches measured from the street side of the curb to the street side of the paved edge of the sidewalk. In no case shall a sidewalk be located closer than three (3) feet from the ultimate right-of-way. Where the dimensional standards for street pavement and sidewalk pavement and location dictate, an increased right-of-way shall be provided. Sidewalks shall be installed in accordance with the provisions of this Section and the "Standard Construction and Materials Specifications for Public Improvements" for East Coventry Township. A grass planting-strip shall be provided between the curb and sidewalk. All required street trees shall be installed on the residence side of the sidewalk at a distance of at least two (2) feet outside of the ultimate street right-of-way line, unless otherwise specified elsewhere, in which case the greater distance shall apply. In developed areas of the Township, the existing conditions shall be considered in the application of these location requirements. Curb cut ramps, for use by the handicapped, shall be provided at all street intersections, and shall be installed in accordance with the "Standard Construction and Materials Specifications for Public Improvements" for East Coventry Township.

6. All sidewalks shall be constructed of monolithic concrete with a minimum thickness of four (4) inches. Said concrete shall develop a compressive strength of three thousand five hundred (3,500) pounds per square inch (psi) in twenty-eight (28) days. Certification of the concrete mix shall be provided to the Township.

7. The paved width of sidewalks shall be a minimum of five (5) feet in all new developments or street construction. In no case shall a bike path be

combined with a sidewalk. In developed areas of the Township, the existing conditions shall be considered in the application of these requirements.

8. Where sidewalks abut a building, wall or other permanent structure, a premolded expansion joint filler, one-half (½) inch in thickness shall be placed between the building, wall or other permanent structure and the sidewalk for the full length of such building, wall or other permanent structure.

9. Sidewalks shall have clean-cut joints, a minimum of one (1) inch deep, every five (5) linear feet, and expansion joints every thirty (30) linear feet or less, at structures, and at the end of a day's work. Expansion joints shall be one half (½) inch wide with premolded expansion joint filler. Expansion joint material shall also be placed between any curb and driveway apron. All sidewalks shall have a broom finish.

10. Sidewalks shall be placed on a minimum four (4) inch compacted base of AASHTO No. 57 (PADOT 2B) crushed stone. Driveways over sidewalks shall be a minimum of six (6) inches thick and shall include 6" x 6" x 10 gauge welded wire fabric (WWF) and shall be placed on a minimum four (4) inch compacted base of AASHTO No. 57 (PADOT 2B) crushed stone.

(Ord. 128, 7/19/2004, §417)

§419. Parking Areas.

1. All parking areas shall comply with the standards of the East Coventry Township Zoning Ordinance [Chapter 27] and the specifications contained herein.

2. All parking areas shall be paved and curbed in compliance with the specifications for residential streets as provided in §§413 and 416 of this Part.

3. The parking of recreational vehicles shall not be permitted in residential districts except on single-family detached dwelling lots.

(Ord. 128, 7/19/2004, §418)

§420. Shade Trees and Screen Planting. Street trees shall be installed within a four (4) foot wide planting strip located a minimum of two (2) feet outside of and parallel to the ultimate street right-of-way line, such trees to be spaced not less than forty (40) feet nor more than sixty (60) feet apart, staggered along both sides of all streets. No fences, hedges, free-standing walls, or planting shall be permitted within the rights-of-way of a street. Screen planting, as required by §428 of this Chapter shall be installed by the applicant. Shade trees and screen planting shall be in conformance with §428 of this Chapter. The developer is required to use plant material selected from the Plant List contained in the Appendix and where practical to use plants that are native species. When a specific landscaping plan is prepared by the applicant and approved by the Township, the applicant may, upon approval of the Board of Supervisors, provide for the

rearrangement of required street trees into clusters of trees to blend with other proposed landscaping on lots.

(Ord. 128, 7/19/2004, §419)

§421. Sewage Treatment and Disposal.

1. The proposed method of sanitary sewage disposal shall be in accordance with the East Coventry Township officially adopted Act 537 Sewage Facilities Plan, as amended.

2. All subdivisions and land developments shall be served by a public sewer system where such system is available at the time the initial application for approval of the subdivision or land development is filed with the Township. Where a public sewer is not available to serve a subdivision or land development, proposing ten (10) lots or more, at the time the initial application for approval of the subdivision or land development is filed with the Township but is planned to be available to the subdivision or land development in the Act 537 Sewage Facilities Plan within ten (10) years after such time of filing, the applicant shall install capped sewer lines, including lateral connections, unless waived by the Board of Supervisors, as may be necessary to provide adequate service to each lot when connection with the sewer system is made. The sewer lines shall be suitably capped at the limits of the subdivision, and the laterals shall be capped until sewers are provided. Onsite disposal facilities shall also be provided in the interim. Design of capped sewer systems shall be subject to approval by the Pennsylvania Department of Environmental Protection and the Township. The specifications for sanitary sewers are contained in the "Technical Specifications for Construction of Sanitary Sewers and Appurtenances" for East Coventry Township. Permits, where required, shall be obtained before construction of a sanitary sewer system is started. For purposes of this subsection, and other provisions of this Chapter, a public sewer system shall be considered "available" to the subdivision or land development when (i) an operational public sanitary sewer main is located in a street or easement on or abutting all or a major portion of the land which is subject of the subdivision or land development, and (ii) the publicly operated treatment plant, to which the main transports sewage, has capacity available to accept and treat the anticipated sanitary sewage flow from the subdivision or land development.

3. Where a public sewer system is not available to serve a subdivision or land development at the time the initial application for approval of the subdivision or land development is filed with the Township, and is not planned to be available to the subdivision or land development in the Act 537 Sewage Facilities Plan within ten (10) years after such time of filing, the applicant shall prepare an analysis of alternative onsite sewage disposal systems and an evaluation of the most suitable system for the site. Such alternatives shall include, but are not necessarily limited to, the following:

A. Standard septic systems.

B. Standard drip irrigation systems.

C. Standard elevated sand mound systems.

D. Aerobic systems.

E. Spray irrigation systems.

4. Sanitary sewers shall be designed and constructed in strict accordance with the Pennsylvania Department of Environmental Protection and the Township standards. A copy of the approval by the Township of such systems shall be submitted with the final plan. Permits, where required, shall be obtained before construction of a sanitary sewer system is started.

5. Sanitary sewers shall not be used to carry stormwater.

6. All lots which cannot be connected to a public or community sanitary sewage disposal system in operation at the time of construction of an occupied building shall be provided with an individual onsite sanitary sewage disposal system meeting the design standards of Title 25, Chapter 73, Rules and Regulations of the Pennsylvania Department of Environmental Protection. Where a proposed subdivision of twelve (12) dwelling units or more is adjacent to a public sewer service area, such subdivision shall provide public sewer service to be consistent with East Coventry Township's Act 537 Sewage Facilities Plan.

7. If individual onsite sanitary sewage disposal facilities are to be utilized, the applicant shall prepare a feasibility report to be incorporated in the Land Planning Modules to be submitted. Such report shall compare the cost of providing onsite facilities with alternate sewage disposal methods. Based on the analysis of this report, the Township may require the installation of a public sanitary sewer system or capped sewer constructed in accordance with Township regulations.

8. Where individual onsite sanitary sewage facilities are to be utilized, each lot so served shall be of a size and shape to accommodate the necessary length of tile fields at a safe distance from, and where feasible at a lower elevation than the proposed well and building(s) to facilitate gravity flow.

9. Where community onlot sewage disposal systems are to be utilized that require a building or structure to be located above ground, such building or structure shall be completely screened from the view of any adjacent properties, according to the screening provisions of §428 of this Chapter.

10. Sanitary Sewage Disposal System(s).

A. Sanitary sewage disposal systems shall be provided consistent with the design standards and requirements contained in Title 25, Chapter 73, Rules and Regulations of the Pennsylvania Department of Environmental Protection.

B. Whenever an applicant proposes that individual onsite sanitary sewage disposal systems shall be utilized within the subdivision, before

the issuance of a building permit, an onsite system shall be designed and a permit obtained from the Chester County Health Department.

C. In all other cases, the applicant shall provide a complete community or public sanitary sewage disposal system. The design, installation, ownership and maintenance of such systems shall be subject to the approval of the Township Engineer, the Township Planning Commission and Board of Supervisors, and to the approval of the Pennsylvania Department of Environmental Protection. As a minimum, the design of each community on lot sanitary sewage disposal system shall provide a reserve area in the event the primary subsurface disposal area should fail. The reserve area shall be located within soils suitable to support such a system and shall not be located within the required open space. Both the primary and reserve area shall be tested, preserved from structures, and noted on the final plan.

11. Deep Probe Test Pits and Soil Percolation Test Requirements.

A. Deep probe test pits and soil percolation tests shall be performed for all subdivisions wherein building(s) at the time of construction will not be connected to a public or community sanitary sewage disposal system in operation. Deep-hole test pits are recommended as a further means of guaranteeing suitability of a site.

B. Deep probe test pits and soil percolation tests shall be made in accordance with the procedure required by the Pennsylvania Department of Environmental Protection by either a registered professional engineer or a registered sanitarian and/or the Pennsylvania Sewage Facilities Act sewage enforcement officer.

C. Deep probe test pits and soil percolation tests shall be performed on each lot within the site of the proposed onsite sanitary sewage disposal facilities for both the primary and backup disposal area and noted on the final plan.

D. Testing is required for both a primary and replacement sewage absorption area. Both sites and test holes must be shown on final plans.

(Ord. 128, 7/19/2004, §420)

§422. Water Supply.

1. Adequate and potable water supply system(s) shall be installed consistent with design principles and requirements contained in this Chapter and Pennsylvania Department of Environmental Protection regulation.

2. All subdivisions and land developments shall be served by a public water system where such system is available.

3. Where the applicant proposes that individual onsite water supply systems shall be utilized within the subdivision, before the issuance of a building permit, a permit shall be obtained subject to the standards provided

for within Section 501, Chapter 500, Rules and Regulations of the Chester County Health Department.

4. Wherever required by the Township within the existing Public Water Franchise Area, the subdivision shall be provided with a complete public water distribution system by the Pennsylvania American Water Company, its successor or the legally licensed franchisee for the area. The design and installation of such public system shall be subject to the approval of the Township and the water company.

5. Wherever a public water system is provided, fire hydrants, as approved by the Township, shall be installed for fire protection. Where fire hydrants are installed, they shall meet the specifications of the Insurance Services Office (ISO), and the location shall be approved by the Township.

A. Generally, all fire hydrants shall be located on a minimum looped eight (8) inch line.

B. Fire hydrants shall be spaced in a development so that all proposed building(s) will be no more than six hundred (600) feet from the hydrant measured along traveled ways and shall provide a minimum of one thousand (1,000) GPM at a residual pressure of twenty (20) pounds per square inch (psi) for a two (2) hour period at the highest useable floor.

C. For additional fire protection, a dry hydrant may be required incorporated into existing and proposed ponds or reservoirs and an access easement provided for emergency use.

6. Minimum Water Supply Requirements.

A. In all subdivisions and land developments served by public water, the following water pressure and volume requirements shall apply:

(1) Residential Use. A minimum domestic pressure of fifty (50) pounds per square inch (psi) shall be provided at each house to be connected to the water main. The system to which the residential unit is connected shall have sufficient capacity to supply a minimum of three hundred (300) gallons of water per residential unit per day within the subdivision or land development.

(2) Commercial or Industrial Use. A public water supply shall be required for all new commercial and industrial subdivisions and/or land developments. The public water supplier shall certify in writing, to the satisfaction of the Board of Supervisors, that sufficient water pressure and volume is available to serve the commercial or industrial use. A minimum pressure of fifty (50) pounds per square inch (psi) shall be provided at each commercial or industrial building connected to the water supply main. When a builder wishes to connect to a public water system, a study will be made to determine if there is adequate water to supply the building and use. Such study shall include a Fire Flow Test for a minimum of two (2) hours. For purposes of fire

protection in commercial and industrial districts, one thousand (1,000) GPM at twenty (20) pounds per square inch (psi) residual pressure, at the highest useable floor, is required or as required for ISO certification. A Fire Flow Test for a minimum of two (2) hours shall be conducted.

7. Approvals Conditioned Upon Adequacy of Public Water Supply. No subdivision or land development application proposing a public water supply system shall be granted preliminary or final approval unless the applicant demonstrates, by a fair preponderance of the credible evidence, full compliance with the provisions of this Section.

(Ord. 128, 7/19/2004, §421)

§423. Other Utilities.

1. All other utility lines including, but not limited to electric, gas, street light supply, cable television, other electronic services and telephone shall be placed underground. Installation of all utilities shall be in strict accordance with the engineering standards and specifications of the public utility concerned.

2. In accordance with the provisions of Act 178, all developers, contractors, etc., will contact all applicable utilities and accurately determine the locations and depth of all underground utilities within the boundaries of the tract proposed for development, prior to excavation. A list of the applicable utilities and their phone numbers shall appear on the plans submitted for review and proof shall be presented to the Township prior to final plan approval.

3. Gas, Electric and Petroleum Product Pipelines. There shall be a minimum distance of fifty (50) feet, measured at the shortest distance, between any proposed dwelling and any existing natural gas, electric, telecommunications or petroleum product transmission right-of-way line.

(Ord. 128, 7/19/2004, §423)

§424. Stormwater Management.

1. Stormwater Management.

A. Storm Drainage Required. A stormwater management system including a storm sewer system and all appurtenances and retention or detention facilities shall be required to be constructed by the owner or applicant in any area from which the surface or subsurface drainage could impair public safety, cause physical damage to adjacent lands or public property, or be required by the provisions of Chapter 9, Grading and Excavating, Part 1, Stormwater Management, of the East Coventry Township Code of Ordinances.

B. The standards for design of stormwater drainage and management systems are contained in Chapter 9, Grading and Excavating, Part 1, Stormwater Management, of the East Coventry Township Code of Ordinances.

C. Maintenance of stormwater management facilities shall be provided in accordance with Chapter 9, Grading and Excavating, Part 1, Stormwater Management, of the East Coventry Township Code of Ordinances.

(Ord. 128, 7/19/2004, §423)

§425. Stripping, Piling, Replacement or Removal of Topsoil. Initial construction of any site shall consist of stripping and piling of topsoil from all areas planned to be disturbed. The area stripped shall be kept to a minimum. Upon completion of other construction, the entire amount of topsoil stripped shall be replaced on the site. No topsoil shall be disposed of, by sale or otherwise, off the site of the construction without the approval of the Township. The removal of topsoil from any site resulting from the sale of trees shall not be permitted without the replacement of an equal amount of topsoil. (Ord. 128, 7/19/2004, §424)

§426. Park, Recreation and Open Space.

1. Purpose. The purpose of this Section is to implement the recreation and open space goals of the Township as contained in the East Coventry Township Open Space, Recreation and Environmental Resources Plan, including:

A. Providing a variety and balance of facilities that can meet the varied recreational needs of the residents, businesses and industry.

B. Preserving open space and protecting the environmental, scenic, historical and cultural features of East Coventry.

C. Developing a system of facilities that can deliver recreation services effectively and efficiently.

D. Providing equitable and convenient accessibility to recreation facilities.

E. Supporting community development and stability by providing recreation sites and open space.

2. In reviewing subdivision and land development plans, the applicant shall consider whether community facilities, especially parks, recreation and open space areas are adequate to meet the needs of the additional dwellings proposed by the subdivision or land development. The Township Open Space, Recreation and Environmental Resources Plan identifies existing and proposed standards for these facilities. The Township Planning Commission shall make a recommendation, based upon the proposed plan and the proposals submitted by the applicant as required by the provisions of the Open Space, Recreation and Environmental Resources Plan and this Section, to determine if the plan satisfies the requirements of the Township.

3. Land for Recreation or Open Space. All subdivision and land development proposals shall be required to meet the provisions for providing suitable public recreation and open space. These provisions require that new development proposals provide land to be dedicated to meet public recreation and open space needs or fees-in-lieu thereof. All proposed public recreation and open space facilities are to be designed in accordance with the provisions of the Open Space, Recreation and Environmental Resources Plan.

A. The applicant shall provide land and improvements to satisfy the requirements of this Section. The amount and composition of land to be provided shall meet the following standards:

(1) The amount of land to be dedicated (see Percentage of Tract Area to be Dedicated Table, below) is based on the lot area proposed for development.

(2) All land is to be offered for public dedication, but can remain as private property for use by the residents of the proposed project at the discretion of the Board of Supervisors.

(3) The location and use of land to be dedicated to meet the provisions of this Section should be designed in accordance with the Open Space, Recreation and Environmental Resources Plan.

(4) The applicant is responsible for providing and installing recreation equipment and/or site improvements suitable to the area of land, subject to the approval of the Board of Supervisors.

Percentage of Tract Area to be Dedicated

Type of Development**	Total	Active Recreation	Passive Recreation/ Open Space
Residential Lots Greater Than 10.0 Acres	0%	--	--
Residential Lost of 6.0 To 10.0 Acres	5%	0%	5%
Residential Lots from 2.0 Acres To Less Than 6.0 Acres	10%	0%	10%
Residential Lots from 25,000 Square Feet to Less Than 2 Acres	20%	0%	20%
Residential Lots from 10,000 Square Feet to Less Than 25,000 Square Feet	25%	5%	20%

Type of Development**	Total	Active Recreation	Passive Recreation/ Open Space
Residential Lots From 3,000 Square Feet to Less Than 10,000 Square Feet and Mobile Home Parks	30%	20%	10%
Residential Lots of Less Than 3,000 Square Feet, and Apartments, Townhouse and Condominium Development	40%	25%	15%
Adult Community and Adult Community Mobile Home Park	20%	0%	20%
Industrial Uses	20%	0%	20%
Commercial Uses	20%	0%	10%
Institutional Uses	25%	0%	25%

**If the proposed development includes the clustering or lot averaging option, the net density shall be used to determine the lot sizes.

B. If the Township and applicant agree to a fee-in-lieu of land dedication to satisfy the requirements of this Section, the amount of any fee shall be equal to the total fair market value of the land otherwise required by this Section. Determination of the total fair market value of the land at its highest and best use shall be prepared by an MAI appraiser and shall be the responsibility of, and funded by, the applicant. The appraisal shall result in a reasonable value acceptable to the Board of Supervisors.

4. Open Space Characteristics and Design Standards. In designating areas for open space and recreation within the subdivision or land development, the applicant shall adhere to the following criteria and standards. The designated areas for open space and recreation shall be:

A. Consistent with the Township Comprehensive Plan.

B. Suitable for active recreational uses, without interfering with adjacent dwelling units, parking, driveway, and roads. The land used for active recreation may be in the floodplain, but shall not be on slopes exceeding three (3) percent, in wetlands, or comprised of surface water.

C. Consistent with natural features and historic features protection provisions, as contained in §429 of this Chapter.

D. The linkage of erosion and sediment control or stormwater control facilities with open space and recreation areas may be permitted

and is encouraged by the Township if the presence of such facilities does not conflict with proposed activities or detract from the aesthetic values associates with the open space. Plans for combining these facilities should be submitted to the Township for review and approval.

E. Interconnected with open space or recreation areas on abutting parcels wherever possible, including provisions for pedestrian trails, for general public use to create linked pathway systems within the Township.

F. Coordinated with applicable open space and recreation plans of any Federal, State, county, regional, adjacent municipal, or private organization to compliment various programs increasing the utility of the open space and recreation network.

G. Comprised of areas not less than seventy-five (75) feet in width, and not less than one-half (½) acre for active recreation facilities, or two (2) acres for passive recreation or open space facilities.

H. Provided with sufficient parking, as determined by the Board of Supervisors upon recommendation of the Township Engineer, Township Planner and the Park and Recreation Commission, with safe and convenient access by adjoining street frontage or other right-of-way easements capable of accommodating pedestrian, bicycle, maintenance, and vehicle traffic and containing appropriate access movements.

I. Undivided by any public streets, except where necessary for proper traffic circulation, and then only upon recommendation of the Township.

J. Free of all structures, except those related to outdoor recreational uses.

K. Suitably landscaped either by retaining existing vegetation and wooded areas and/or by a landscaping plan for enhancing open space areas through plantings which are consistent with the purposes of this Section and which minimize maintenance costs.

L. Conveniently accessible to the general public to improve the utility of the facility and to promote its use among the residents. This applies to private facilities with limited access, as well, in case it is ever offered for dedication to the Township.

(Ord. 128, 7/19/2004, §425)

§427. Outdoor Lighting Requirements and Standards.

1. Outdoor lighting facilities shall be required for all off-street parking areas and off-street loading areas and for all driveways providing ingress and egress thereto and along all road and pedestrian ways in all major subdivisions and land developments. The requirements and standards of this Section shall also apply to sign, architectural and landscape lighting.

2. Lighting plans for all major subdivisions and land developments shall be submitted as part of the preliminary plan requirements of §304 of this Chapter. Such lighting plans shall include a schematic layout of all proposed lighting fixture locations and isofootcandle plots of individual fixture installations and ten (10) foot by ten (10) foot illuminance grid plots for multifixture installations that demonstrate full compliance with the intensity and uniformity standards of this Section. The lighting plans shall also include the lighting fixture manufacturers' description of the equipment (catalog cuts) including luminaires, glare control devices, lamps, standards as well as mounting heights and means, hours of operation of the lighting and maintenance schedule.

3. The Board of Supervisors may require the applicant to demonstrate that no nuisance glare or disabling glare will result from implementation of the proposed lighting plan, or if unavoidable, the provision of adequate measures to mitigate nuisance glare and disabling glare both on the site and on adjoining properties and uses.

4. Outdoor Lighting Design Standards and Illumination Standards.

A. All lighting facilities for major subdivisions, land developments and uses governed by this Section shall provide an illumination level utilizing the current recommended practices and standards of the Illuminating Engineering Society of North America (IESNA).

B. Illumination where required by this Section shall have the lighting intensities and uniformity ratios as provided in the Lighting Handbook of the Illuminating Engineering Society of North America (IESNA), 9th Edition, as follows:

Use	Maintained Footcandles	Uniformity Avg:Min
Parking, Multifamily		
Vehicular/Pedestrian Activity Low Activity	0.2 Min	4:1
Medium Activity	0.6 Min	4:1
Parking, Industrial/Commercial/ Institutional/Municipal		
High Activity (Regional Shopping Centers/Fast Food Facilities/Major Athletic/Civic/ Cultural Facilities	0.9 Min	4:1
Medium Activity (Community Shopping Centers, Office Parks, Hospitals, Commuter Parking Lots, Cultural/Civic/Recreational Facilities)	0.6 Min	4:1

Use	Maintained Footcandles	Uniformity Avg:Min
Low Activity (Neighborhood Shopping, Industrial Employee Parking, Schools, Church Parking)	0.2 Min	4:1
Streets, Local Residential	0.4 Min	6:1
Streets, Local Commercial	0.9 Avg	6:1
Walkways and Bikeways	0.5 Avg	5:1
Community Mailboxes	0.9 Avg	6:1
Building Entrances	5.0 Avg	N/A

Notes:

1. Illumination levels are maintained horizontal footcandles on the task, e.g. pavement or area surface.

2. Uniformity ratios dictate that average illuminance values shall not exceed minimum values by more than the product of the minimum value and the specified ratio, e.g. for commercial parking, high activity, the average footcandles shall not exceed 3.6 (0.9 x 4)

C. Lighting fixtures shall be of a type and design appropriate to the lighting application and sensitive to the architecture and overall character of the area in which they are located.

D. For lighting horizontal surfaces such as roadways, pedestrian ways, bikeways and parking areas, fixtures shall meet IESNA "full cutoff" criteria.

E. The use of floodlighting, spotlighting, wall mounted fixtures, decorative globes and other fixtures not meeting IESNA "full cutoff" criteria may be permitted by the Board of Supervisors, only when the applicant can demonstrate acceptable glare and light trespass control and approved by the Township Engineer.

F. Fixtures shall be equipped with or be capable of being retrofitted with light directing devices such as shields, visors or hoods when necessary to redirect offending light distribution.

5. Control of Nuisance Glare and Disabling Glare.

A. All outdoor lighting shall be aimed, located, designed, installed and maintained so as not to present a hazard (disabling glare) to drivers or pedestrians by impairing their ability to safely traverse, and so as not to create a nuisance by projecting or reflecting objectionable light (nuisance glare) onto a neighboring property or use.

B. Floodlights and spotlights shall be so installed and aimed so that they do not project their output into the windows of neighboring residences, adjacent uses, directly skyward or onto a roadway or pedestrian way.

C. Unless otherwise permitted by the Board of Supervisors for reasons of safety and security, all exterior lighting of streets and pedestrian ways in the Township shall be controlled by automatic switching devices, such as time clocks or combination motion detectors and photocells, to permit extinguishing light between 11 p.m. and dawn so as to mitigate nuisance glare and skyward light trespass.

D. When all-night, safety or security, lighting is permitted by the Board of Supervisors, the average site lighting intensity levels shall not exceed twenty-five (25) percent of the levels normally permitted by this Section.

E. Vegetative or other screens shall not be employed as the primary means of controlling glare, but rather glare control shall be achieved through the use of such means as cutoff fixtures, shields and baffles and the appropriate selection and application of fixture mounting height, wattage, aiming angle and fixture placement.

F. The intensity of illumination projected onto a residential property from an adjoining property shall not exceed 0.1 vertical footcandle anywhere on such residential property.

G. Fixtures meeting IESNA "full cutoff" criteria shall not be mounted in excess of twenty (20) feet above finished grade, in commercial, office and industrial developments nor in excess of fourteen (14) feet above finished grade in residential developments. Fixtures not meeting IESNA "full cutoff" criteria, when permitted by the Board of Supervisors, shall not be mounted in excess of sixteen (16) feet above finished grade in commercial, office and industrial developments nor in excess of ten (10) feet in residential developments, unless specifically approved by the Board of Supervisors.

H. Fixtures used for architectural lighting, e.g., facade, fountain, feature and landscape lighting, shall be aimed so as not to project their output beyond the objects intended to be illuminated and shall be extinguished between 11 p.m. and dawn, unless specifically approved by the Board of Supervisors.

I. When outdoor lighting is required in major subdivisions and land developments, such lighting shall provide illumination of street name signs so that they can be read by occupants of vehicles approaching the intersection when entering the area. The street name sign shall not be directly lighted, however the immediate area of the sign shall be lighted to maintain a minimum of one (1) footcandle per square foot. In addition, community mailboxes shall be illuminated.

6. Installation.

A. Electrical feeds for exterior lighting standards shall be placed underground.

B. Exterior lighting standards shall be placed a minimum of five (5) feet outside paved areas or on concrete pedestals at least thirty (30) inches high above the pavement or suitably protected by other means as approved by the Township.

7. Maintenance. Lighting fixtures and ancillary equipment shall be maintained by the owner or leasee of the property on which they are located, or if located within a public right-of-way, the owner of the right-of-way. Such maintenance shall be performed so as to continuously meet the requirements of this Section.

8. Inspection and Compliance.

A. The Township shall conduct a post-installation nighttime inspection to verify compliance with the requirements of this Section and if appropriate require remedial action, the cost of which shall be borne by the applicant.

B. Nuisance Glare and Inadequate Illumination.

(1) The owner of an exterior lighting installation that produces unacceptable levels of nuisance glare, skyward light, excessive or insufficient levels of illumination or otherwise does not conform to the requirements of this Section shall be notified thereof by the Township and shall be required to take remedial action.

(2) Remedial action must be completed within thirty (30) days of notification by the Township, after which the Township may levy a fine for as long as the hazard continues to exist.

9. Nonconforming Exterior Lighting. Any lighting fixture or lighting installation existing on the effective date of this Chapter that does not conform to the requirements of this Section shall be considered a legal nonconformance however shall be required to conform to the requirements of this Section when:

A. It is deemed to create a safety hazard.

B. It is replaced or relocated.

(Ord. 128, 7/19/2004, §426)

§428. Landscaping, Screening and Buffering.

1. A completely landscaped visual barrier, or landscape screen, shall be provided and continually maintained between any use for which this standard is required by the Township Zoning Ordinance [Chapter 27], and adjoining residential uses and districts. Such required screening and buffering shall conform to the requirements of this Section.

2. The provisions of this Section shall apply to the following development and construction activities:

A. All nonresidential building construction excluding agricultural buildings and buildings accessory to residential uses.

B. All residential dwellings excluding single-family detached dwellings not otherwise requiring subdivision and land development approval.

C. All parking areas that exceed six thousand (6,000) square feet in area.

D. All loading or storage areas for equipment or materials that exceed four thousand (4,000) square feet in area.

E. Construction of any of the following structures or facilities that exceed two thousand (2,000) square feet in ground coverage:

(1) Public utility structures and facilities.

(2) Liquid and solid waste collection, storage, conveyance and treatment facilities.

(3) Any other structure or facility of a similar character or impact.

F. Land disturbance activities, excluding those of an agricultural nature, exceeding one (1) acre.

G. Any activity for which a landscape buffer or screen is required, as a condition of approval, by the Zoning Hearing Board or the Board of Supervisors.

3. The applicant shall submit a landscape plan, prepared by a landscape architect, registered as such in the Commonwealth of Pennsylvania, that demonstrates compliance with all provisions of this Section and which indicates how the applicant's landscape planning and design is based upon the required existing resources and site analysis required in §303 of this Chapter.

4. Any portion of a lot or tract not used for buildings, other structures, loading or parking spaces and aisles, sidewalks and designated storage areas shall be planted and continually maintained with an all-season ground cover and otherwise shall be landscaped in accordance with a landscape plan approved by the Township. Landscaping shall comply with the minimum design and planting standards and the criteria for the selection of plant material of this Section.

5. No trees shall be planted within five (5) feet of any property line nor shall trees be planted within any utility easement or right-of-way.

6. Minimum Planting Standards.

A. The total number of plantings shall be no less than the total calculated from all columns in the following table.

Improvments/Conditions	Deciduous		Evergreen	
	Trees	Shrubs	Trees	Shrubs
Per 1,000 Sq. Ft. of Gross Building Area	2	4	1	4
Per 2,000 Sq. Ft. Parking or Loading Area	1	2	1	2
Per 100 Lineal Ft. of New and Existing Road Frontage (Measures on Both Sides where Applicable)	2	5	2	5
Per 100 Lineal Ft. of Existing Tract Boundary	1	3	1	5

B. Where the applicant can demonstrate to the satisfaction of the Board of Supervisors that existing vegetation and/or topographic conditions located within one hundred (100) feet of the existing tract boundaries or within one hundred (100) feet of the cartway of existing or new road segments will conceal, on a year-round basis, adjacent properties from view from such tract boundary or road segment, the linear footage of such tract boundary or road segment may be excluded from the calculation of required plantings.

C. Any fractional plantings resulting from the calculation of required planting shall be rounded up to the nearest whole number.

D. All plantings used to comply with the minimum required number of plantings shall be:

(1) Trees 2½ Inch Caliper, Minimum

(2) Shrubs 24 to 30 inches in Height, Minimum

(3) Evergreen plantings used to comply with the visual screening and buffering requirements shall be provided in accordance with §428(8)(D) below.

Plantings and their measurement shall conform to the standards of the American or U.S.A. Standard for Nursery Stock, ANSI or U.S.A.S. Z60.1 of the American Association of Nurserymen, as amended. All plant material used on the site shall have been grown within the same USDA hardiness zone as the site and shall be nursery grown unless it is determined by the Township that the transplanting of trees partially fulfills the requirements of this Section. The Board of Supervisors, upon recommendation of the Planning Commission, may waive or reduce the required number and/or size of plantings if the applicant can

demonstrate to the satisfaction of the Board that retaining existing plant material or other means of landscaping substantially achieves the objectives of this Section.

7. Criteria for Plant Material Selection.

A. Species selected by the applicant from the approved Plant List in the Appendix shall reflect a careful evaluation of the required existing resources and site analysis and in particular the following:

(1) Existing and proposed site conditions and their suitability for the plant material based upon the site's geology, hydrology, soils and microclimate.

(2) Specific functional and design objectives of the plantings, which may include but not be limited to: the provision of a landscape buffer, visual screening, noise abatement, energy conservation, wildlife habitat and aesthetic values.

(3) Maintenance considerations such as hardiness, insect and disease resistance, longevity and availability.

B. The applicant is encouraged to conform to the requirements of this Section through the use of nursery grown native tree and shrub species.

C. Species for shade trees shall be selected on the basis of hardiness, growing habit considering pedestrian and vehicular passage, minimal need for maintenance and compatibility with other features of the site and surrounding environs.

D. In order to promote disease protection, minimum maintenance, diverse natural plant associations and long-term stability of plantings, the applicant is encouraged to choose those combinations of species which may be expected to be found together under natural conditions on comparable sites.

8. Landscape Design Standards.

A. The minimum number of plantings shall be determined in accordance with §428(6), above, however additional plantings may be provided to further the objectives of this Section. The use of linear measurements to calculate the minimum number of plantings is not intended to specify a linear arrangement. Rather, groupings of plantings are encouraged consistent with the provisions of this Section.

B. The applicant shall provide the plantings and other landscaping improvements such as berms, solid fencing and/or walls, as necessary, to mitigate any adverse impacts, including visual impacts that the proposed activity will have on the site and adjoining properties as well as the Township overall and otherwise address all issues as identified in the review of the required existing resources and site analysis.

C. Plantings and other landscape improvements shall be provided according to a design in response to specific site conditions and which best mitigate adverse site activity impacts. The amount, density and types of plantings in any given location shall be based upon the natural features of the site, feasibility of using native species, proximity to existing dwellings, compatibility with adjacent uses, nature of views into an across the site and in consideration of privacy of residential uses that may be impacted.

D. Where a specific need(s) for visual screening or buffering have been identified, evergreen plantings shall be provided that are a minimum of eight (8) feet in height, measured from ground level, and planted at intervals of no less than eight (8) feet on center. Where approved by the Board of Supervisors, upon recommendation of the Planning Commission, the applicant may provide, in lieu of an immediate screen, an eventual screen (three (3) to five (5) years) to provide buffering for future development. Such eventual screen plantings shall be a minimum of two and one-half (2½) feet in height, measured from ground level, and planted at intervals of eight (8) feet on center.

E. Parking Lot Landscaping. All off-street parking areas shall be landscaped with trees and shrubs of varying species.

(1) Parking areas exceeding six thousand (6,000) square feet shall be bordered by planting areas at least ten (10) feet in width adjoining buildings and at least twenty (20) feet elsewhere, except where interrupted by access ways.

(2) Planting areas shall be placed so as to facilitate snow removal and proper surface water drainage and to provide for safe movement of traffic and pedestrians. Planting areas shall be elevated above the parking lot surface or bordered appropriately to prevent erosion or damage from vehicles. Bollards may be used to afford protection of trees.

F. Planting areas shall be selected and designed to reflect the natural landscape characteristics that existed prior to site disturbance as well as those environmental conditions to be created on the site.

G. The locations, dimensions and spacing of required plantings shall be adequate for their proper growth and maintenance, with consideration of the sizes of such plantings at maturity and their initial and future environmental requirements such as moisture and sunlight. In the selection of shade trees, consideration shall also be given to the aesthetic qualities of the site and to the protection of solar access. In the selection of the layout of landscape screens and buffers or the location and mix of the required plantings, consideration shall be given to the natural topographical setting of the site and the texture, coloration and compatibility of the varying plant species. It is strongly encouraged that improved landscapes be designed creatively in such a manner as to be attractive while maintaining the integrity of the natural landscape within which such landscapes are proposed.

H. Plantings shall be limited or carefully selected for locations where they may be disturbed or contribute to conditions hazardous to public safety. Examples of such locations include, but are not limited to parking area edges, underground and above ground utilities and sight triangles at intersections. No trees shall be planted closer than fifteen (15) feet from fire hydrants, streetlights or stop signs.

9. Conservation of Existing Vegetation and Natural Features. In accordance with §402(2), no portions of tree masses or trees of eight (8) inches DBH or greater shall be cleared unless a reforestation plan is prepared which demonstrates that two and one-half (2½) inch caliper trees, exclusive of street trees and buffer plantings, will replace those cleared. Such replacement trees shall be planted at a ratio of two (2) trees for each tree cleared. The applicant shall make all reasonable efforts to harmonize his plans with the preservation of existing trees. The areas surrounding all trees to be preserved shall not be disturbed within ten (10) feet of the drip line. Trees of twenty-five (25) inch DBH or greater shall not be disturbed.

A. When site disturbance necessitates the clearing of trees or portions of tree masses, the applicant shall be guided by the following criteria in the selection of vegetation for retention and clearing:

(1) Aesthetic values including, but not limited to, autumn coloration, types of flower or fruit, bark and crown characteristics and amount of dieback present.

(2) Susceptibility to disease and/or insect infestation.

(3) Species longevity.

(4) Wind firmness and capability of soil to hold trees.

(5) Existence of disease, rot or other damage. Such damaged trees should be removed.

(6) Protection of buildings and other structures.

(7) The size of trees at maturity.

B. The applicant shall exercise care to protect retained trees from damage during construction. The following procedures shall be utilized in order to protect such trees:

(1) Where trees are to be retained, no disturbance or construction shall be permitted within ten (10) feet of the drip line of the trees. Where trees to be retained are adjacent to proposed disturbance or construction, appropriate fencing, four (4) feet in height, shall be placed at ten (10) feet outside the drip line of such trees. Such fencing shall remain in place throughout the duration of construction activity. Roots shall not be cut within the drip line of retained trees.

(2) Trees within twenty-five (25) feet of a building or other structure or bordering entrances and exits to a building site or

site otherwise to be disturbed shall be protected by a temporary barrier.

(3) No material shall be nailed or otherwise attached that may cause damage to trees during construction or site disturbance.

(4) Tree trunks and exposed roots accidentally damaged during construction or site disturbance shall be protected from further damage by being immediately and professionally treated.

(5) Tree limbs accidentally damaged during construction or disturbance shall immediately be sawed flush to the trunk.

(6) Nondormant trees located adjacent to construction of site disturbance activity shall be given an application of the appropriate type and amount of fertilizer to aid in recovery from potential accidental damage.

(7) Construction debris or other debris shall not be stored or disposed of within ten (10) feet of the drip line of retained trees except for mulched vegetative matter used to prevent soil compaction.

10. Site Maintenance and Guarantee.

A. All landscape improvements to be provided in accordance with this Section shall be installed and maintained by accepted practices as recognized by the American Association of Nurserymen. Planting and maintenance of vegetation shall include, as appropriate and not limited to provisions for surface mulch, guy-wires and stakes, irrigation, fertilization, insect and disease control, pruning and weeding.

B. The applicant shall guarantee in a form acceptable to the Township that all landscape improvements required in accordance with this Section shall be installed and maintained in a healthy and/or sound condition, or otherwise be replaced by equivalent improvements, for a period of at least eighteen (18) months. After installation and prior to acceptance of the landscape improvements by the Township, the Township shall perform an inspection of such improvements for compliance with the approved landscape plan.

C. The installation of landscape improvements shall be guaranteed along with all other site improvements in accordance with Part 6 of this Chapter. The cost of the landscape improvements including material and installation shall be considered in determining the amount of the performance guarantee required. The applicant may be required to escrow sufficient additional funds for the maintenance and/or replacement of the installed plantings or other material during the eighteen (18) month replacement period.

(Ord. 128, 7/19/2004, §427)

§429. Natural and Historic Features Protection.

1. Consideration shall be shown, and limitations or restrictions shall be identified, for all natural features, such as large trees, watercourses, historic areas and structures, and similar community assets that, if preserved, will add attractiveness and value to the remainder of the subdivision. Trees shall be preserved wherever possible.

2. All uses and activities established after the effective date of this Chapter shall comply with the following standards. Site alterations, regrading, filling or clearing of vegetation prior to the submission of applications for zoning or building permits or the submission of plans for subdivision or land development shall be a violation of this Chapter. In the event that two (2) or more resources overlap, the resource with the greatest protection standard (the least amount of alteration, regrading, clearing or building) shall apply to the area of overlap.

A. Streams, watercourses, wetlands, wetland margins, lakes or ponds shall not be altered, regraded, developed, filled, piped, diverted or built upon except in strict compliance with the Pennsylvania Department of Environmental Protection regulations and where no other reasonable alternative is available.

B. In the event that a wetlands delineation, validated by the U.S. Army Corps of Engineers, is shown to vary from the wetlands boundary shown on the plan in accordance with §304(3)(A)(18), the Corps delineation will govern. The wetlands margin will then be measured from the Corps' delineated boundary.

3. Trails.

A. When a subdivision or land development proposal is traversed by or abuts an existing trail customarily used by pedestrians and/or equestrians, the applicant may be required to make provisions for the continued recreational use of the trail.

B. The applicant may alter the course of the trail, unless otherwise restricted by the terms and conditions under which the trail was granted, within the tract for which development is proposed under the following conditions:

(1) The points at which the trail enters and exits the tract remain unchanged.

(2) The proposed alteration exhibits quality trail design according to generally accepted principals of landscape architecture. The Township recommends the Department of Environmental Protection publication, Nonmotorized Trails, prepared by the Pennsylvania Trails Program of the Bureau of State Parks as a guide for the development of high quality trails.

(3) The proposed alteration does not run coincidentally with a paved road intended for use by motorized vehicles.

C. An applicant may propose and develop a new trail. If existing or proposed trails are available for use by the general public, the

easement for said trail may be credited toward the open space requirement described in §426.

D. Improvements to trails shall demonstrate adherence to principles of quality trail design, enhancing the enjoyment of the rural qualities of the Township.

E. Trails shall have a vertical clearance of no less than ten (10) feet.

F. Trails shall be located in an easement or right-of-way with a minimum width of twenty (20) feet.

G. The width of the trail surface may vary depending upon the type of use to be accommodated, but in no case shall be less than four (4) feet or greater than ten (10) feet.

H. Trails shall be constructed of material as approved by the Township Engineer.

I. The base and binder course for trails and bridges, where required, behind any lot, shall be installed prior to the issuance of a certificate of occupancy. The wearing course shall be installed at the time of the installation of the wearing course for the streets.

J. No trail shall be designed with the intent to accommodate motorized vehicles.

K. Trails and their easements or rights-of-way shall be offered for conveyance in fee simple to the Township.

4. Historic features and other points of interest shall be identified and preserved in accordance with the terms of the East Coventry Township Zoning Ordinance [Chapter 27] and may be credited toward open space requirements under the following conditions:

A. The feature being preserved shall be listed upon a Township, County, State and/or National roster or inventory of features, monuments, or places of historic or general interest, or the applicant shall by some other means demonstrate to the satisfaction of the Board of Supervisors that the said feature is of sufficient public interest to warrant preservation. Features may include, but shall not necessarily be limited to historically, culturally, or architecturally significant buildings, monuments, or sites; unique or historic landscape elements, such as historic gardens or Penn oaks; archaeological sites; and any other feature which shall be deemed by the Board of Supervisors to be of historic or cultural value to the Township.

B. The feature shall be situated upon a tract of land of sufficient size to preserve an impression, although not necessarily the exact condition, of the environs of the said feature prior to construction of the proposed development. The amount of credit toward open space requirements shall be equivalent to the size of this tract.

C. The historic feature shall not be moved.

D. The applicant may be required to provide interpretive signage explaining the significance of the feature.

E. The feature and the tract upon which it is located shall be maintained by the owner of the tract, a community association, a public agency, or a private conservation group which shall be responsible for the maintenance of the feature and its grounds.

F. The developer shall be responsible for improvements to the site deemed necessary by the Board of Supervisors to protect public safety.

G. The Township shall maintain a permanent record of all historic features that have been credited to open space requirements, as well as the amount of land per feature so credited.

(Ord. 128, 7/19/2004, §428)

Part 5

Mobile/Manufactured Home Parks

§501. Submission of Application and Review of Plans. The construction of a new mobile/manufactured home park, as permitted by the Township Zoning Ordinance [Chapter 27], or the alteration of an existing park shall be made only after the application and plans have been submitted in accordance with this Chapter. The application and plans shall be prepared and processed in accordance with Part 3 and the applicable standards incorporated in Part 4 of this Chapter and shall include the following:

A. Complete park layout showing lot sizes and dimensions, open space areas, and all improvements including streets, vehicular parking areas, water supply location, sewer and water lines, service buildings, sewage system, lighting facilities, walkways, refuse storage areas and disposal methods, recreation facilities and open space.

B. Plans for providing adequate management of surface drainage.

C. A Letter of Adequacy and Available Capacity from the Township regarding the ability to provide public sewer service. No individual or community sewer systems shall be permitted.

D. Details of the construction of the sewerage system, including size, slope, material, manhole and clean out construction and location.

E. Details of a public water supply system, including expected capacity, pressure, delivery rate and volume and distribution system, including size, materials and valve locations.

F. Construction of service buildings showing plumbing, heating, ventilation and other sanitary systems which are to be included.

G. Lighting facilities and electrical power line installation.

H. Anticipated number of parking spaces as would be permitted under available land area.

I. A copy of approved plans that will be kept on file by the reviewing health agency.

J. Phasing schedule and plans.

(Ord. 128, 7/19/2004, §500)

§502. Permits, Inspections and Fees.

1. Permits Required.

A. It shall be unlawful for any person to construct, alter, extend or operate a mobile/manufactured home park within East Coventry Township unless and until the applicant obtains:

(1) A permit issued by the Chester County Health Department in the name of the operator in accordance with 28 Pa. Code §§17.71 - 17.75.

(2) A mobile/manufactured home park permit issued by the Township in the name of the operator, which shall not be issued until a copy of the Chester County Health Department permit has been furnished, all permits for water supply and sewage systems shall have been obtained, and all other requirements contained herein have been complied with and final approval of the application has been granted by the Board of Supervisors.

(3) A building permit is issued by the Township after having paid a fee for each unit to be placed within the mobile/manufactured home park.

(4) Inspection and Issuance or Refusal of Permit. Upon receipt of the application for a permit, the Township shall:

(a) Verify the validity of the Chester County Health Department permit.

(b) Verify the issuance of a certificate of the Board of Supervisors granting a conditional use; verify the Planning Commissions' recommendations and the Supervisors' approval of the development plan; and, upon finding that all requirements of this Chapter have been met, shall thereupon issue a permit in the name of the operator; the permit shall be valid for one (1) year from the date of issue.

(c) Require annual inspection by Township.

(d) For yearly renewal of permit, there shall be a fee, payable to the Township of East Coventry and submitted to the Township with the application for renewal.

(5) Applicability to Existing Mobile/Manufactured Home Parks. Upon the effective date of this Chapter, the operators of any existing mobile parks shall be required to show the Township evidence of having obtained a permit from the Chester County Health Department, and within a period of one (1) year shall take the necessary steps to comply with the provisions of this Part; and, at the end of the one (1) year period, shall obtain a permit from the Township upon payment of the fee, and shall renew his permit each year thereafter. In the event that the Township shall find evidence of any condition that is not in accordance with the provisions of this Part, the Township shall refuse to issue, or renew, a permit, and notify the Chester County Health Department, accordingly. In the event that it is not feasible for the operator to comply literally with all of the provisions of this Part, the

Township shall provide guidance to the operator concerning the procedure for gaining a position on the agenda to bring an appeal to the Board of Supervisors. The Board shall decide to issue or deny the permit and, if issued, shall be done so without prejudice as long as a renewal of the Chester County Health Department permit is obtained. Any extension of an existing mobile/manufactured home park after the effective date of this Chapter shall be in strict accordance with the provisions herein.

2. Fees.

A. Fees for the initial application and preliminary and final approvals shall be prescribed by resolution of the Board of Supervisors.

B. The fee for the annual permit shall be prescribed by resolution of the Board of Supervisors and shall be submitted to the Township with the application for the annual permit.

C. Fees for the inspection of a mobile/manufactured home park during and following construction shall be as specified in §703 of this Chapter.

3. Inspections.

A. A mobile/manufactured home park shall be subject to inspection during any stage of construction and at any time during its operation by an authorized representative of the Township of East Coventry or other agency having jurisdiction, and such representative shall make known his presence and authorization to the operator at the time of each inspection.

B. The Township is hereby authorized to stop all work or other activity it finds to be in violation of the provisions of this or other applicable ordinances.

C. Upon receipt of the application for annual permit and before issuing such annual permit, the Township shall make an inspection of the mobile/manufactured home park to determine compliance with this Part. The Township shall thereafter notify the permitee of any instances of noncompliance with this Part and shall not issue the annual permit until the permitee has corrected all such violations.

4. Where the applicant or permitee believes that the Township has failed to follow procedures or has misinterpreted or misapplied any provision of this Chapter in the review of an application for a mobile/manufactured home park permit or an annual permit renewal, he may appeal such action to the Township Board of Supervisors in accordance with §909.1 of Act 247.

5. No permit issued under this Part shall be transferable to a different location. No person, holding a permit under this Part, shall extend or reduce the area of any mobile/manufactured home park, add any new facility or structure, until notice of such proposed changes shall have been given to the Township which shall ascertain, after investigation as in the case of an original application for a permit, that such proposed changes are

in accordance with all the requirements of this Part, and if so, grant approval.

(Ord. 128, 7/19/2004, §501)

§503. Discontinuation of Use. In the event a mobile/manufactured home park operator intends to discontinue operation of the park, the operator shall notify park residents and the Township one (1) year in advance of the intended closing date. Such notification to the Township shall include a plan for discontinuance that shall include the following:

A. The capping of all sewers.

B. The capping of all water lines.

C. The removal of all underground and above ground storage tanks.

D. A plan for the displacement of all park residents.

E. The removal of all signs.

F. A plan for securing structures and facilities proposed to remain on the property.

G. The posting of a bond, or other guarantee, suitable to the Township, to insure the completion of subsections (A) through (F), above.

(Ord. 128, 7/19/2004, §502)

§504. Density, Area and Dimensional Standards. Regulations governing the density of dwelling units in any mobile/manufactured home park and the dimensions of any mobile/manufactured home park or mobile/manufactured home lot therein shall be as specified in the East Coventry Township Zoning Ordinance [Chapter 27]. (Ord. 128, 7/19/2004, §503)

§505. Access Requirements. A safe and convenient vehicular access shall be provided from abutting public streets or roads to each mobile/manufactured home park. To ensure safe access, the following standards shall apply:

A. With the exception of those street standards specified in this Part, which standards shall control, the standards in Part 4 of this Chapter shall govern the design and construction of streets in a mobile/manufactured home park. (See "Residential Street Provisions," §413, Street Construction.)

B. Access. The entrance road connecting the mobile/manufactured home park with a public street or road shall be designated as, and constructed to the standards of, a collector road with a minimum pavement width of twenty-eight (28) feet. At least five

hundred (500) feet must separate entrance roads, if more than one (1) entrance road is permitted. No entrance to a mobile/manufactured home park shall be beyond one thousand (1,000) feet from access to an arterial road.

C. Interior Streets. All interior streets shall be designed and constructed to the same specifications as required for subdivisions, and shall be paved to a width of at least twenty-four (24) feet; all access streets, between interior streets and the public street, shall be paved to a width of at least twenty-four (24) feet; and, all interior streets shall be provided with vertical concrete curbs to subdivision standards herein.

D. Parking Areas.

(1) Off-street parking areas shall be provided in all mobile/manufactured home parks for the use of park occupants and guests. All off-street parking areas shall be paved in accordance with the provisions of §419 of this Chapter.

(2) The parking requirements of the Township Zoning Ordinance [Chapter 27] shall be applicable to all mobile/manufactured home parks.

(3) Required car parking spaces shall be so located as to provide convenient access to the mobile/manufactured home, but shall not exceed a distance of two hundred (200) feet from the manufactured or mobile/manufactured home that it is intended to serve.

(4) Two (2) required parking spaces shall be provided for onlot parking for each mobile/manufactured home.

(5) Onsite common parking areas shall be provided at a rate of one (1) parking space per each mobile/manufactured home lot. No single common parking area shall contain more than twenty (20) parking spaces.

(6) The parking and storage of recreational vehicles and all trailers in a mobile/manufactured home park shall not be permitted.

E. Sidewalks.

(1) All mobile/manufactured home parks shall provide concrete sidewalks, appropriately located along both sides of all streets and between the park streets and all community facilities provided for park residents.

(2) All sidewalks shall be constructed in accordance with the requirements and standards of §418 of this Chapter.

(Ord. 128, 7/19/2004, §504)

§506. Sewage Treatment and Disposal.

1. General. All mobile/manufactured home parks shall connect to and be served by the entity for sewer in the Township in accordance with that entity's regulations.

2. Individual Sewer Connections. Subject to the regulations of the entity for sewer in the Township and the current adopted Township Plumbing Code, the following represents minimum standards for sewer system connections:

A. Each mobile/manufactured home lot shall be provided with at least a four (4) inch diameter sewer riser pipe. The sewer riser pipe shall be so located on each lateral sewer connection to the mobile/manufactured home drain outlet with approximately a vertical position and there shall be provided a concrete apron at ground level with an expansion joint below the apron.

B. The sewer connection shall have a nominal inside diameter of not less than four (4) inches, and the slope of any portion thereof shall be at least one-fourth (¼) inch per foot. All joints shall be watertight.

C. All sewer connections shall be installed in accordance with the current adopted Township Plumbing Code and sanitary sewer specifications in effect at the time of construction.

D. Provision shall be made for plugging the sewer riser pipe when a mobile/manufactured home does not occupy the lot. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least one-half (½) inch above ground elevation.

(Ord. 128, 7/19/2004, §505)

§507. Water Supply.

1. General. All mobile/manufactured home parks shall be connected to the public water supplier, meeting the Insurance Services Office, Inc. (ISO) standards for volume, delivery rate and pressure, in East Coventry Township. Construction shall be in strict accordance with the water supplier's standards and the current adopted Township Plumbing Code at the time of construction.

2. Individual Water Riser Pipes and Connections. Subject to the water supplier's standards and the current adopted Township Plumbing Code, the following represents minimum standards for public water connections:

A. Individual water riser pipes shall be located within the confined area of the mobile/manufactured home stand at a point where the water connection will approximate a vertical position, thereby insuring the shortest water connection possible and decreasing susceptibility to water pipe freezing.

B. The water riser pipe shall have a minimum nominal inside diameter of one-half (½) inch and terminate at least four (4) inches above the ground surface. The water outlet shall be provided with a cap when a mobile/manufactured home does not occupy the lot.

C. Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipes and to protect risers from heaving and thawing actions of ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.

D. A shutoff valve below the frost line shall be provided near the water riser pipe on each mobile/manufactured home lot. Underground stop-and-waste valves are prohibited unless their type of manufacture and their method of installation are approved by the Township. A corporation cock shall be provided at the water main.

3. Fire Protection.

A. Fire protection facilities, meeting the requirements of the Insurance Services Office, Inc. (ISO) Fire Suppression Rating Schedule, Table 340, "Calculation of Needed Fire Flow," 6th Edition or later, shall be provided and shall otherwise meet the requirements of §422(4) and 515 of this Chapter.

(Ord. 128, 7/19/2004, §506)

§508. Outdoor Lighting Requirements and Standards. Standards for lighting shall conform to the provisions set forth in §427 of this Chapter. In addition, a driveway light on the right side of each driveway serving a mobile/manufactured home pad shall be required. (Ord. 128, 7/19/2004, §507)

§509. Electrical Distribution System.

1. General Requirements. Every park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with local electric power company's specifications regulating such systems and the National Electrical Code (NEC), and all utility lines shall be underground.

2. Power Distribution Lines. Electrical service conductors shall be located not less than eighteen (18) inches radial distance from water, sewer, gas or communications lines.

3. Individual Electric Connections. All exposed noncurrent carrying metal parts of mobile/manufactured homes and all other equipment shall be grounded by means of an approved grounding conductor run with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for mobile/manufactured homes or other equipment.

(Ord. 128, 7/19/2004, §508)

§510. Refuse Disposal and Recycling.

1. General Requirements.

A. The mobile/manufactured home park operator shall be responsible for the proper storage, collection, recycling and disposal of refuse.

B. The storage, collection, recycling and disposal of refuse in the mobile/manufactured home park shall be so conducted as to create no health hazard, rodent harborage, excess odor, insect breeding areas, accident or fire hazard or air pollution and shall comply with the Pennsylvania Department of Health regulations or other applicable agencies, governing mobile/manufactured home parks.

C. All refuse shall be stored, whether for recycling or disposal, in fly-tight, watertight, rodent-proof containers, which shall be located not more than two hundred (200) feet from any mobile/manufactured home space and no less than one hundred (100) feet from the mobile/manufactured home park boundary. Containers shall be provided in sufficient number and capacity to properly store all refuse.

D. Community refuse recycling and disposal containers shall be screened in such manner as approved by the Township.

E. Racks or holders shall be provided for all refuse recycling and disposal containers. Such container racks or holders shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them.

F. All refuse for recycling or disposal shall be collected at least once weekly. Where suitable collection service is not available from private agencies, the mobile/manufactured home park operator shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers.

(Ord. 128, 7/19/2004, §509)

§511. Fuel Supply and Storage.

1. Natural Gas System.

A. Natural gas piping system, when installed in mobile/manufactured home parks, shall be maintained in conformity with the required natural gas supplier's standards.

B. Each mobile/manufactured home lot provided with piped gas shall have an approved shut-off valve, installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.

2. Liquefied Petroleum Gas Systems (LPG).

A. All liquefied petroleum gas systems shall be installed in accordance with NFPA 58, 2001 Edition or later, (National Fire Protection Association, Liquefied Petroleum Gas Code).

B. Systems shall be provided with safety devices to relieve excess pressures and shall be arranged so that the discharge terminates at a safe location.

C. Systems shall have at least one accessible means for shutting off gas. Such means shall be located outside the mobile/manufactured home and shall be maintained in effective operating condition.

D. All LPG piping outside of the mobile/manufactured homes shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment and systems in mobile/manufactured homes. All outside piping and vessels shall be screened from view by a full and opaque evergreen landscaping or a solid fence or wall.

E. Vessels of more than twelve (12) and less than sixty (60) U.S. gallons gross capacity may be installed on a mobile/manufactured home lot and shall be securely, but not permanently, fastened to prevent accidental overturning.

F. No LPG vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile/manufactured home or any other structures unless such installations are specifically approved by the entity having jurisdiction.

G. No cylinder containing liquefied petroleum gas, bottled gas, or fuel oil shall be located in a mobile/manufactured home. Nor shall such cylinder containing liquefied petroleum gas, bottled gas or fuel oil be located within ten (10) feet of an exterior source of ignition, openings into direct-vent appliances, mechanical ventilation air intakes or other building openings.

3. Fuel Oil Supply Systems.

A. All fuel oil supply systems provided for mobile/manufactured homes, service buildings and other structures shall be installed and maintained in conformity with the rules and regulations of the entity having jurisdiction.

B. All piping from outside fuel storage tanks to mobile/manufactured homes shall be securely, but not permanently, fastened in place. Outside fuel storage tanks shall be double walled and shall be placed above grade, and shall be screened from view by a full and opaque evergreen landscaping or a solid fence or wall. All exposed above-grade piping shall also be screened from view by a full and opaque evergreen landscaping or a solid fence or wall.

C. All fuel oil supply systems provided for mobile/manufactured homes, service buildings and other structures shall have shut-off valves located within five (5) inches of storage tanks.

D. No fuel combustion unit shall be used in any mobile/manufactured home without being vented to the outside of the trailer.

E. Storage tanks located in areas subject to traffic shall be protected against physical damage.

(Ord. 128, 7/19/2004, §510)

§512. Stormwater Management. The provisions of this Chapter and the provisions of Chapter 9, Grading and Excavating, Part 1, Stormwater Management, of the East Coventry Township Code of Ordinances shall be applicable to all mobile/manufactured home park development. (Ord. 128, 7/19/2004, §511)

§513. Open Space, Landscaping, Screening and Buffering. The open space and screening and buffering criteria of §§426 and 428 of this Chapter shall apply to all mobile/manufactured home parks. (Ord. 128, 7/19/2004, §512)

§514. Community Buildings.

1. Where a community building is provided it must contain a toilet and lavatory. In addition, the mobile/manufactured home park may provide laundry facilities, storage facilities for use of occupants, management office and indoor recreation facilities for park residents and guests only.

2. Construction of all community buildings shall be in compliance with all applicable codes and shall be maintained in a clean, sanitary and structurally safe condition.

3. Ownership and maintenance of all community buildings shall be defined in the application for a mobile/manufactured home park.

4. All community buildings shall be equipped to provide accessibility for the handicapped in accordance with Pennsylvania Labor and Industry Standards.

(Ord. 128, 7/19/2004, §513)

§515. Fire Protection.

1. The mobile/manufactured home park area shall be subject to the rules and regulations of the applicable Fire Prevention Code where provided, and shall meet the standards and criteria for life and fire safety of Chapter 4 of NFPA 501A, National Fire Protection Association, Standard for Fire Safety Criteria for Manufactured Home Installations, Site and Communities, 2000 Edition or later.

2. Mobile/manufactured home park areas shall be kept free of litter, rubbish and other flammable materials.

3. Portable fire extinguishers of a type approved by the fire prevention authority shall be kept in public service buildings under park control.

4. Fire extinguishers of a type approved by the Fire Underwriter Laboratories (a BC Classification type) bearing the Underwriters label, shall be readily accessible within three hundred (300) feet of each mobile/manufactured home. It is required that mobile/manufactured home park owners or operators require each mobile/manufactured home unit to be equipped with a fire extinguisher, smoke detectors and carbon monoxide detectors.

5. Hydrants, as required by the Fire Prevention Code, shall be installed along all streets within the mobile/manufactured home park and space no greater than five hundred (500) feet apart.

(Ord. 128, 7/19/2004, §514)

§516. Maintenance of Common Areas and Facilities.

1. The operator/permitee of a mobile/manufactured home park shall be responsible for the proper repair and maintenance of all common facilities, including, but not limited to, roads, parking areas, sidewalks or pathways, trees and landscaping, common open space, water supply and sewage disposal systems, fire extinguishers and community buildings.

2. The operator/permitee of a mobile/manufactured home park shall, prior to issuance of any certificate of occupancy pursuant to final approval of an application for a new development or expansion, post with the Township a maintenance bond in a form acceptable to the Township Solicitor in an amount sufficient to cover for a period of eighteen (18) months, the costs of maintenance of all common areas and facilities described in §310 and subject to performance guarantees during their construction, said costs to be estimated by the Township Engineer or other representative.

(Ord. 128, 7/19/2004, §515)

Part 6

Construction and Acceptance of Improvements

§601. Construction Required.

1. The applicant shall construct all roads, streets, lanes or alleys, together with all other improvements whether public or private, including grading, paving, curbs, gutters, sidewalks, street lights, fire hydrants, water mains, street signs, shade trees, storm drainage facilities, sanitary sewers, landscaping, traffic control devices, open space and restricted areas and erosion and sediment control measures in conformance with the final plan as approved, and applicable provisions of the Pennsylvania Department of Transportation Specifications, Publication 408, dated 1987, or the latest revision thereto, or other applicable regulations.

2. No plat shall be finally approved for recording, and no building permits shall be issued until the applicant has completed all required improvements or has provided a performance guarantee in accordance with §310, hereof.

3. If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plat as set forth in this Section, the Township shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the final plat upon actual completion of the improvements depicted upon the approved final plat. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following: the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plat, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings.

4. On or before the completion of subdivision or land development improvements, the permanent stormwater management system for a tract shall be installed or constructed in accordance with the approved stormwater management plan. All such work shall be as specified in the approved plan. Continued functioning of these facilities shall be maintained, as necessary, in accordance with §311, for the maintenance bond period required by §§603 and 607 of this Chapter and Chapter 9, Grading and Excavating, Part 1, Stormwater Management, of the East Coventry Township Code of Ordinances.

5. All trenches or other excavations in existing or proposed Township streets shall be backfilled in accordance with the following (except where the standards of another agency apply):

A. Backfilling shall be done as promptly as possible.

B. The trench shall be backfilled with hand-placed screenings or 2B modified stone and compacted. The pipe shall be chocked in place and

the backfill shall be thoroughly mechanically tamped to a height of at least one (1) foot above the top of the conduit, pipe or pipe bell. All backfill shall be free from refuse, boulders, rocks, unsuitable organic material or other material that, in the opinion of the Township Engineer, is unsuitable.

C. When the pipe is located in a dedicated street or any place where paving (including driveways) may be placed, the remainder of the trench shall be backfilled with 2B modified stone, separated from screenings, if used, by filter fabric and promptly compacted. The backfill material shall be mechanically tamped in approximately six (6) inch layers.

D. Where openings have been made in existing Township roads, paving shall be restored in accordance with the paving standards contained in this Chapter. Openings made in State roads shall be restored in accordance with the Pennsylvania Department of Transportation Specifications. Permits shall be required before paving is opened in any existing State or Township road. Within one (1) year of the completion of new, or the repaving of existing roads in the Township, openings made by utility companies shall require the complete repaving, by the utility company, of such roads a minimum distance, in either direction of the opening, equal to the minimum lot width of the zoning district.

E. Where openings are made behind the curb line, work shall be as specified below. The opening shall be covered with good topsoil to a depth of six (6) inches and seeded or sod installed to the satisfaction of the Township Engineer.

F. Whenever the trenches have not been properly filled or if settlement occurs, they shall be refilled, compacted, smoothed off and finally made to conform to the surface of the ground.

G. Frozen earth shall not be used for backfilling, nor shall any backfilling be done when materials already in the trench are frozen.

H. Where excavated material, or any portion thereof, is deemed by the Township Engineer to be unsuitable for backfilling, the developer shall procure and place backfill material approved by the Township, and the unsuitable material disposed of properly.

6. At all times during the construction of the project, stone beds shall be positioned at all points exiting the site to facilitate the cleaning of mud and debris from all vehicles leaving the site.

7. No burning or burying of trash or debris anywhere on the site shall be permitted. To ensure that all trash and debris is removed, a trash container of adequate capacity shall be placed at appropriate locations on the work site.

(Ord. 128, 7/19/2004, §600)

§602. Inspections.

1. All land disturbance work shall be performed in accordance with an inspection and construction control schedule approved by the Township Engineer. No work shall proceed to a subsequent phase until inspected and approved by the Township Engineer who shall then file a report thereon with the Township. The construction or installation of all improvements shall be, at all times, subject to inspections by a representative of the Township. If such inspection reveals that work is not in accordance with approved plans and specifications, that construction is not being done in a workmanlike manner, or that erosion or sediment controls are failing to prevent accelerated erosion or waterborne sediment from leaving the site construction, such representative is empowered to require corrections to be made, and upon authorization by the Board of Supervisors to issue a cease and desist order, which shall provide that no further construction shall take place on the site including construction of buildings for which permits are held by the developer except for the construction necessary to remedy the defects cited.

2. The said cease and desist order shall be terminated upon the determination by Township representatives that the said defects or deviations from plan requirements have been corrected.

3. After commencement of initial earthmoving operations, the Township Engineer shall inspect at the following points in the development of the site, or of each stage thereof:

A. Upon completion of stripping, the stockpiling of topsoil, the construction of temporary stormwater management and erosion control facilities, disposal of all unsuitable materials, and preparations of the ground.

B. Upon completion of rough grading, but prior to placing topsoil, installing permanent drainage or other site improvements, or establishing covers.

C. During construction of the permanent facilities, at such time(s) as specified by the Township Engineer.

D. Upon completion of permanent stormwater management facilities, including established ground covers and plantings for that purpose.

E. Upon completion of final grading, vegetative control measures and all other site restoration work undertaken in accordance with the approved plan and permit.

F. The Township Engineer may make random inspections, as he deems necessary and appropriate.

4. No underground pipes, structures, subgrades or base course shall be covered until inspected and approved by the Township. A minimum of six (6) inspections by the designated representative shall be required. These inspections shall be effected as follows:

A. Excavation and completion of grade.

B. Excavation, installation and completion of drainage, structures, sewage systems or water supply systems.

C. Prior to placing first base course and between such base course.

D. Prior to placing binder course.

E. Prior to placing wearing course.

F. Final inspection in accordance with §602(1).

5. The applicant shall notify the Township Engineer at least forty-eight (48) hours in advance of commencement of any construction operations requiring an inspection.

6. In the review of any stormwater management plan, the Township Engineer shall have discretion to modify or waive the otherwise applicable inspection schedule called for in this Section.

7. The applicant shall reimburse the Township for the reasonable and necessary expense incurred for the inspection of improvements. Such reimbursement shall be based upon a schedule established by resolution, and revised form time to time. Such expense shall be in accordance with the ordinary and customary fees charged by the Township Engineer or consultant including wetland consultants for work performed for similar services in the Township, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the Township when fees are not reimbursed or otherwise imposed on applicants.

A. In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within ten (10) working days of the date of billing, notify the Township that such expenses are disputed as unreasonable or unnecessary, in which case the Township shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed engineer expenses.

B. If, within twenty (20) days from the date of billing, the Township and the applicant cannot agree on the amount of expenses which are [reasonable and] necessary, then the applicant and Township shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is necessary.

C. The professional engineer so appointed shall hear such evidence and review such documentation, as the professional engineer in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.

D. In the event that the Township and applicant cannot agree upon the professional engineer to be appointed within twenty (20) days of the billing date, then upon application of either party, the President Judge of the Court of Common Pleas of Chester County (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the Township Engineer nor any professional engineer who has been retained by, or performed services for, the Township or the applicant within the preceding five (5) years.

E. The fee of the appointed professional engineer for determining the reasonable and necessary expense shall be paid by the applicant in the event that:

(1) The amount of payment required in the decision is equal to or greater than the original bill.

(2) The amount of payment required in the decision is less, by up to one thousand dollars ($1,000.00), than the original bill.

If the amount of payment required in the decision is less, by over one thousand dollars ($1,000), than the original bill, the Township shall pay fifty (50) percent, and the applicant shall pay fifty (50) percent, of the fee of the appointed engineer.

(Ord. 128, 7/19/2004, §601)

§603. Maintenance Responsibilities.

1. The responsibilities for the control of erosion and sedimentation and the maintenance of stormwater management facilities, storm drainage systems and watercourses shall be in accordance with Chapter 9, Grading and Excavating, Part 1, Stormwater Management, of the East Coventry Township Code of Ordinances.

2. All recreation and/or open space areas created under the terms of this Chapter shall be first offered to the Township and should the Township refuse acceptance they then shall be owned and maintained by a private homeowners association as approved by the Township and supported by a bond.

(Ord. 128, 7/19/2004, §602)

§604. Release From Performance Guarantee.

1. When the applicant has completed all of the necessary and appropriate improvements, he shall notify the Board of Supervisors, in writing, by certified or registered mail, of the completion of such improvements and shall send a copy thereof to the Township Engineer. The Board of Supervisors shall, within ten (10) days after receipt of such notice, direct and authorize the Township Engineer to inspect all of the improvements. The Township Engineer shall file a report, in writing, with the Board, and shall mail a copy of the report to the developer by certified

mail. The report shall be made and mailed within thirty (30) days after receipt by the Township Engineer of the aforesaid authorization from the Board, and shall be detailed and shall indicate approval or rejection of the improvements, either in whole or in part. If the improvements or any portion thereof, shall not be approved or shall be rejected by the Township Engineer, the report shall contain a statement of reasons for such nonapproval or rejection.

2. The Board of Supervisors shall notify the developer, within fifteen (15) days of receipt of the engineer's report, in writing, by certified or registered mail, of the action of the Board with regard to approval, nonapproval, or rejection of improvements.

3. If the Board of Supervisors or the Township Engineer fail to comply with the time limitations as provided in this Section, all improvements will be deemed approved, and the applicant shall be released from all liability, pursuant to the performance guarantee.

4. If any portion of the improvements shall not be approved or shall be rejected by the Board of Supervisors, the applicant shall proceed to complete those improvements and, upon completion, the same procedure of notification as provided in this Section shall be followed.

5. The developer shall be responsible for maintenance of all subdivision or land development improvements until such improvements are offered for dedication and are accepted by the Township. In addition, ten (10) percent of the performance guarantee shall be held back by the Township until the developer has posted a maintenance guarantee as required by §607 and as-built plans are verified and accepted by the Township as provided in §605.

6. Partial releases of the performance guarantee during the period of construction shall be authorized as provided in §310.

(Ord. 128, 7/19/2004, §603)

§605. As-Built Plans. Within sixty (60) days after completion and Township approval and final inspection of the subdivision or land development improvements as shown on the final plan, and before Township acceptance of such improvements, the developer shall submit to the Board a plan showing actual locations, dimensions and conditions of streets and all other public or common private improvements, including easements showing geometry and monument locations certified by a registered engineer to be in accordance with actual construction. As-built plans shall show elevations and inverts to all manholes, pipes and roads.

A. The Township Engineer shall review the as-built plans, including all corrections, and shall make a recommendation to the Board of Supervisors.

B. The Board of Supervisors may approve or disapprove the as-built plans. If the Board approves the as-built plans, one (1) set of such plans indicating such approval shall be returned to the applicant and

one (1) set shall be retained for Township records. If the as-built plans are disapproved by the Board, one (1) set of plans so disapproved shall have a notation and date of such disapproval placed thereon and shall be returned, together with the reasons for disapproval set forth in writing, to the applicant, and the remaining set shall be retained for Township records.

C. The as-built plans shall be provided to the Township as one (1) set of reproducible (Mylar®) copies and three (3) sets of paper prints. The as-built plans shall also be provided to the Township on compact disc as follows:

(1) Digital spatial data shall be fully compatible with AutoCAD 2000® or earlier versions. Files must be provided in the AutoCAD® data exchange (.dxf) format. ArcInfo® data is acceptable in the .e00 format provided the data is determined to be acceptable. All data is subject to review and approval prior to acceptance.

(2) The data shall be provided in an uncompressed format on a standard CD-ROM compatible with the Windows® 95, 98, 2000 or NT operating systems.

(Ord. 128, 7/19/2004, §604)

§606. Dedication and Acceptance of Improvements.

1. Upon completion of any public improvements shown on an approved subdivision plan and within ninety (90) days after approval of such public improvements as herein provided, the developer shall submit written offer of such public improvements for dedication to the Township. Said offer shall include a deed of dedication covering said public improvements together with satisfactory proof establishing the developer's clear title to said property. Such documents are to be filed with the Township for review of the Township Solicitor. Deeds of dedication for public improvements may be accepted by resolution of the Board at a regular meeting thereof. The Supervisors may require that at least eighty (80) percent of the lots in any approved subdivision or land development (or phase thereof, if final plan approval has been in phases) have certificates of occupancy issued for buildings thereon prior to acceptance of dedication. Should the streets, even though constructed according to the specifications of this Chapter, deteriorate before the said eighty (80) percent of the lots have certificates of occupancy issued, such streets shall be repaired in a manner acceptable to the Board before being accepted by the Township.

2. If the developer fails to offer dedication of said improvements, then the Board may, in addition to any other remedies provided by law, require the applicant, or his heirs, successors, executors or assigns, to make an offer at any time in the future that the best interests of the Township are served by the dedication and acceptance of the public improvements.

3. The Township shall have no obligation to takeover and make public any street, other improvement or park, however, unless:

A. The required improvements, utility mains and laterals, monuments, markers, etc., shown on the approved final plans, have been certified by the Township Engineer as having been constructed in accordance with the provisions of this Chapter.

B. It is established to the satisfaction of the Board that there exists a need for the improvements to be taken over and made public.

4. The Township shall have no responsibility with respect to any park, street or other improvement, notwithstanding the use of the same by the public, unless the park, street or other improvement has been accepted by ordinance or resolution by the Board.

5. The Board may require that certain subdivision and land development improvements remain undedicated, with maintenance the responsibility of individual lot owners, a homeowner's association or similar entity, or an organization capable of carrying out maintenance responsibilities.

(Ord. 128, 7/19/2004, §605)

§607. Maintenance Guarantee. Where the Board of Supervisors accepts dedication of all or some of the required improvements following completion (whether such dedication is of the fee or of an easement), the Board shall require the posting of financial security to secure the structural integrity of the improvements and the functioning of the improvements in accordance with the design and specifications as depicted on the final plan. The security shall be in the form authorized for the deposit of the performance guarantee, as described in §310 of this Chapter, and shall be for a term of eighteen (18) months from the date of the acceptance of dedication and shall be in an amount equal to fifteen (15) percent of the actual cost of installation of the improvements so dedicated.

(Ord. 128, 7/19/2004, §606)

§608. Liability Insurance. If, in the opinion of the Township Engineer, the nature of any land disturbance work is such that it may create a hazard to human life or endanger adjoining property or property at a higher or lower elevation, or any street or street improvement, or any other public property, then the Township may require, upon the advice of the Township Engineer, that the applicant provide a certificate of insurance confirming that the applicant is insured against claims for damages for personal and bodily injury and property damage (including damage to East Coventry Township by deposit or washing of material onto municipal streets or other public improvements), which may arise from or out of the performance of the work, whether such performance be by the applicant, his subcontractor, or any person directly or indirectly employed by him. The certificate of insurance shall also list East Coventry Township as an additional insured, and be presented to the Township Manager prior to the disturbance work. The amount of such insurance shall be prescribed by the Township in accordance with its

determination of the risks involved to persons or property but in no event shall the amount be less than one hundred thousand dollars ($100,000) per occurrence. Such insurance shall be written by a company licensed to do business in Pennsylvania and shall be satisfactory to the Township. Neither issuance of a permit nor compliance with the provisions thereto or any condition imposed by the Township shall relieve any person from any responsibility for damage to persons or property otherwise imposed by law, nor shall it impose any liability upon the Township for damages to persons or property.

(Ord. 128, 7/19/2004, §607)

Part 6-A

Standard Construction and Material Specifications for Public Improvements

§601-A. Standard Specifications. The following standard construction and material specifications shall apply to the public improvements covered by such standard specifications as provided therein: "Standard Construction and Material Specifications for Public Improvements for East Coventry Township," revised May 4, 2007, numbered ARRO #5222.35, and prepared by ARRO Consulting, Inc. (Ord. 142, 8/6/2007, §1)

§602-A. Supplemental Nature of Standard Specifications. The standard construction and material specifications provided under §601-A shall not be exclusive but shall be in supplement to other provisions of this Chapter and/or provisions of other Township ordinances, rules and regulations, which apply to public improvements covered by such standard specifications, to the extent that such other provisions of this Chapter and/or provisions of other Township ordinances, rules and regulations are not inconsistent with such standard specifications. (Ord. 142, 8/6/2007, §1)

§603-A. Inconsistencies.

1. In the event of an inconsistency between (i) provisions of the standard construction and material specifications provided under §601-A, and (ii) other provisions of this Chapter and/or provisions of other Township ordinances, rules and regulations (other than those provisions specifically providing for the construction, installation or other completion of public improvements in a designated floodplain district), the provisions of the standard specifications shall govern.

2. In the event of an inconsistency between (i) provisions of the standard construction and material specifications provided under §601-A, and (ii) other provisions of this Chapter and/or provisions of other Township ordinances, rules and regulations that specifically provide for the construction, installation or other completion of public improvements in a designated floodplain district, the most restrictive provisions shall govern.

(Ord. 142, 8/6/2007, §1)

Part 7

Administration

§701. Enforcement.

1. Inspection revealing noncompliance with plans submitted under the provisions of this Chapter, including all supplementary data required, shall be sufficient grounds for withdrawal of building permits by the Township until correction thereof, or other penalties or remedies, including injunctive relief, as may be provided by law.

2. Preventive Remedies.

A. In addition to other remedies, the Township may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

B. The Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Chapter. This authority to deny such a permit or approval shall apply to any of the following applicants:

(1) The owner of record at the time of such violation.

(2) The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

(3) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.

(4) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

C. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Township may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

3. Enforcement Remedies.

A. Any person, partnership or corporation who or which has violated the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars ($500.00) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

B. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

C. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

(Ord. 128, 7/19/2004, §700)

§702. Records.

1. The Township shall assign a subdivision application number to all subdivision and land development applications, and all matters referring to an application should be filed in accordance with the subdivision case number. The Township shall keep a record of its findings, decisions, and recommendations relative to all plans filed with it for review.

2. All such records shall be public records.

(Ord. 128, 7/19/2004, §701)

§703. Fees and Costs.

1. No application for sketch plan, preliminary plan, or final plan approval shall be deemed submitted until the fees and escrow deposits, as set forth below, have been paid.

2. Subdivision or land development application fees (nonrefundable) and escrow deposits shall be submitted with any application for sketch plan, preliminary plan, or final plan approval to cover the costs of plan review and processing. The amounts of the application fees and escrow deposits shall be fixed by resolution of the Board of Supervisors. The escrowed funds

shall be used to reimburse the Township for actual expenditures incidental to these processes including, but not limited to, fees of the Township Engineer and Township Planner, and legal fees in excess of the fee for review of the Township's standard forms. Any costs incurred by the Township in excess of the amount held in escrow shall be fully reimbursed by the applicant prior to the issuance of any permits. Any unexpended balance in the escrow deposit shall become part of the second deposit required in §703(3).

3. Following final plan approval and recording and the establishment of any required performance guarantee, a second escrow deposit shall be established to cover the cost of inspections of improvements construction; materials or site testing; or maintenance costs prior to the acceptance of improvements by the Township. Any costs incurred by the Township in excess of the amount held in escrow shall be fully reimbursed by the applicant. The amount of the escrow deposit shall be fixed by resolution of the Board of Supervisors.

(Ord. 128, 7/19/2004, §703)

§704. Modifications and Waivers.

1. In any case in which an applicant demonstrates to the satisfaction of the Board of Supervisors that strict application of any provisions of this Chapter would be unreasonable and would cause unnecessary hardship as applied to the proposed subdivision or land development, the Board may grant a modification or waiver from the mandatory provision to grant relief from the unnecessary hardship; provided, however, that such modifications shall not be granted if it would be contrary to the public interest and have the effect of nullifying the intent and purpose of this Chapter.

2. In granting modifications and waivers, the Board of Supervisors may impose such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements so modified.

3. All requests for a modification or waiver shall be in writing and shall accompany and be a part of the application for preliminary plan approval. The request shall state, in full, the grounds and facts of unreasonableness or hardship on which the request is based, provision or provisions of the Chapter involved, and the minimum modification necessary.

4. A request for a modification or waiver shall be reviewed by the Planning Commission who shall make recommendation to the Board of Supervisors. The Board shall keep a written record of all action on all requests for modification or waiver.

(Ord. 128, 7/19/2004, §703)

§705. Appeals. Appeals from the actions of the Board of Supervisors with respect to any application for subdivision or land development approval shall be governed by the provisions of Act 247 as they may be amended from time to time, or any successor legislation thereto. (Ord. 128, 7/19/2004, §704)

§706. Amendments.

1. Power to Amend. The provisions of this Chapter may be, from time to time amended by the Board of Supervisors.

2. Procedure. The following requirements shall be observed prior to making any amendment to this Chapter:

A. Before voting on the enactment of a proposed amendment, the Board of Supervisors shall hold a public hearing thereon pursuant to public notice as defined by this Chapter, at which time the parties in interest and citizens shall have an opportunity to be heard. A brief summary setting forth the principal provisions of the proposed amendment and a reference to the place within the Township where copies of the proposed amendment may be secured or examined shall be incorporated into the public notice.

B. Proposed amendments shall be submitted to the Township Planning Commission for their findings and recommendations at least thirty (30) days prior to the date fixed for the public hearing on such proposed amendment, if the amendment has been prepared by an agency other than the Township Planning Commission. In addition, the proposed amendment shall be submitted to the County Planning Commission for their recommendations at least thirty (30) days prior to the date fixed for the public hearing on the amendment.

C. The findings of the Township Planning Commission shall be submitted to the Board of Supervisors, upon their request, in a written report.

D. Prior to the enactment of proposed amendments, the Township shall publish the proposed amendment once in a newspaper of general circulation in the Townships not more than sixty (60) days and not less than seven (7) days prior to passage. Publication of the proposed amendment shall include the time and place of the meeting, the place within the Township where copies of the proposed amendment can be obtained, and either the full text thereof or the title and a brief summary prepared by the Township Solicitor, setting forth all the provisions in reasonable detail. If the full text is not included:

(1) A copy thereof shall be supplied to a newspaper of general circulation in the Township at the time the public notice is published.

(2) An attested copy of the proposed amendment shall be filed in the County Law Library.

(3) In the event substantial changes are made in the proposed amendment, before voting upon enactment, the Board of Supervisors shall, at least ten (10) days prior to the enactment, re-advertise in a newspaper of general circulation in the Township, a brief summary setting forth all the provisions in reasonable detail, together with a summary of the changes.

E. Within thirty (30) days after enactment, the Board of Supervisors shall forward a certified copy of the amendment to the County Planning Commission.

(Ord. 128, 7/19/2004, §705)

Appendix

Hydric Soils

HYDRIC SOILS OF EAST COVENTRY TOWNSHIP, CHESTER COUNTY

The following hydric (wet) soils are found in East Coventry Township. Source: *The Soil Survey of Chester and Delaware Counties, 1959.*

1 **Bowmansville Silt Loam (Bo)** - These are deep, poorly drained soils on floodplains. They are flooded by normal high waters of streams.

Building. In terms of suitability for building, Bowmansville silt loam is classified as Group 13 for building sites. This group is unstable as sites for homes or other buildings.

2. **Croton Silt Loam (CrA - 0% - 3%) and Croton Silt Loam (CrB - 3% - 8%)** These soils are poorly drained soils on uplands.

Building. In terms of suitability for building, Croton silt loam is classified in Group 12 for building sites. This group is unsatisfactory as foundations for heavy structures. Commercial and residential structures will require that floors be raised above the level reached by the water table. The fill needs adequate drainage so that the water will not rise to the new level.

Septic Tanks. These soils are unsuitable as fields for septic tanks.

3. **Wehadkee Silt Loam (We)** - The Wehadkee series are deep, poorly drained soils on floodplains. Wehadkee silt loam has a high water table and is subject to frequent flooding.

Building. In terms of suitability for building, Wehadkee silt loam is classified as Group 13 for building sites. This group is unsuitable as sites for homes or other buildings.

Note: Although not classified as hydric soils, the Rowland soils series is classified as a floodplain soil. It is found along streams in East Coventry Township.

EAST COVENTRY TOWNSHIP

SUBDIVISION AND LAND DEVELOPMENT PLAN REVIEW
PROCESSING SCHEDULE

SKETCH PLAN

Submission of Plan and Application by Applicant	Acceptance of Plan and Application by Planning Commission	Professional Review* Received by Planning Commission	Planning Commission Meeting	Planning Commission Meeting	Comments of Planning Commission To Board of Supervisors	Decision of Board of Supervisors to Applicant
14 Consecutive Calendar Days	21 Consecutive Calendar Days	7 Consecutive Calendar Days	30 Consecutive Calendar Days	5 Consecutive Calendar Days	27 Consecutive Calendar	

63 Consecutive Calendar Days

90 Consecutive Calendar Days

*Township Engineer, Township Planner, Chester County Planning Commission, Other Technical Review as Required

PRELIMINARY PLAN

Submission of Plan and Application by Applicant	Acceptance of Plan and Application by Planning Commission	Professional Review* Received by Planning Commission	Planning Commission Meeting	Planning Commission Meeting	Comments of Planning Commission To Board of Supervisors	Decision of Board of Supervisors to Applicant
14 Consecutive Calendar Days	21 Consecutive Calendar Days	7 Consecutive Calendar Days	30 Consecutive Calendar Days	5 Consecutive Calendar Days	27 Consecutive Calendar Days	

63 Consecutive Calendar Days

90 Consecutive Calendar Days

*Township Engineer, Township Planner, Chester County Planning Commission, Other Technical Review as Required

FINAL PLAN

Submission of Plan and Application by Applicant	Acceptance of Plan and Application by Planning Commission	Professional Review* Received by Planning Commission	Planning Commission Meeting	Planning Commission Meeting	Comments of Planning Commission To Board of Supervisors	Decision of Board of Supervisors to Applicant
14 Consecutive Calendar Days	21 Consecutive Calendar Days	7 Consecutive Calendar Days	30 Consecutive Calendar Days	5 Consecutive Calendar Days	27 Consecutive Calendar Days	

63 Consecutive Calendar Days

90 Consecutive Calendar Days

*Township Engineer, Township Planner, Chester County Planning Commission, Chester County Health Department, Chester County Conservation District, Sewer Authority of Entity, Water Authority or Entity, Other Technical Review as Required

PLANT LIST

1. **Recommended Street Trees**

The following list is for street tree planting only; species listed should not be used in wet or natural areas. However, species marked with an asterisk (*) are suitable for planting in wet or natural areas.

Large Trees (over 40 feet in height) - Should be planted 40 feet on center

Acer rubrum "Red Sunset"	Red Maple
Acer saccharum "Green Mountain"	Sugar Maple
Celtis occidentalis*	Common Hackberry*
Gleditsia triacanthos "inermis"	Thornless Honey Locust
Platanus acerifolia (Liberty or Columbia varieties)	London Plane Tree
Quercus coccinea*	Scarlet Oak*
Quercus macrocarpa	Willow Oak
Quercus palustric*	Pin Oak*
Quercus rubra*	Northern Red Oak*
Quercus shumardii	Shumard Oak
Tilia cordata	Littleleaf Linden
Zelkova serrata	Japanese Zelkova

Medium Trees (30 to 40 feet in height) - Should be planted 30 feet on center

Acer campestre	Hedge Maple
Carpinus betulus	European Hornbeam
Carpinus caroliniana*	American Hornbeam*
Crataegus crusgalli inermis	Thornless Cockspur Hawthorn
Koelreuteria paniculata	Goldenrain Tree
Prunus serrulata "Kwanzan"	Kwanzan Cherry
Prunus sargenti	Sargent Cherry
Pyrus calleryana	Flowering Pear (Aristocrat or Redspire varieties)
Sophora japonica	Scholar Tree
Syringe reticulata	Japanese Tree Lilac

2. **Recommended Plant Material for General Landscaping, Screening and Buffering.**

In addition to the following lists, some recommended Street Trees from Section 1 above, may be suitable for General Landscaping purposes.

Native Trees for General Use

Acer saccharum	Sugar Maple
Cercis canadensis	Redbud
Cornus alternifolia	Pagoda Dogwood
Cornus florida	Flowering Dogwood
Diospyrus virginiana	Common Persimmon
Fagus grandifolia	American Beech
Fraxinus americana	White Ash
Ilex opaca	American Holly
Liriodendron tulipifera	Tulip Poplar
Prunus serotina	Black Cherry
Quercus alba	White Oak
Quercus coccinea	Scarlet Oak
Quercus falcata	Spanish Oak
Quercus prinus	Chestnut Oak
Quercus rubra	Red Oak
Quercus velutina	Black Oak
Sassafras albidum	Sassafras

Native Shrubs for General Use

Amelanchier laevis	Smooth Serviceberry
Corylus americana	American Hazelnut
Crataegus phaenopyrum	Washington Hawthorn
Crataegus punctata	Thicket Hawthorn
Crataegus virdis	Green Hawthorn
Hamamelis virginiana	Witchhazel
Kalmia latifolia	Mountain Laurel
Myrica cerifera	Wax Myrtle
Prunus americana	Wild Plum
Rhododendron atlanticum	Coast Azalea
Rhododendron periclymenoides	Pinxterbloom Azalea
Rhododendron viscosom	Swamp Azalea
Rhus copailina	Shining Sumac
Rhus glabra	Smooth Sumac
Rhus typhina	Staghorn Sumac
Sambucus canadensis	Elderberry
Vaccinium corymbosom	Highbush Blueberry
Vaccinium pallidum	Lowbush Blueberry
Viburnum acerifolium	Mapleleaf Viburnum
Viburnum dentatum	Arrowwood

Evergreen Trees

Abies concolor	White Fir
Ilex opaca	American Holly
Juniperus virginiana	Red Cedar
Pinus strobus	White Pine
Pinus au Fastigiata	Pyramidal White Pine
Pinus thunbergi	Japanese Black Pine
Pseudotsuga taxifolia	Douglass Fir
Thuja occidentalis	American Arborvitae
Tsuga Canadensis	Hemlock

Evergreen Shrubs

Ilex crenata	Japanese Holly
Ilex crenatat au Helleri	Helleri Holly
Juniperus horizontalis	Creeping Juniper
Kalmia latifolia	Mountain Lauel
Pinus mugo mugo	Mugo Pine
Rhododendron canadense	Catawba Rhododendron
Rhododendron carolinianum	Carolina Rhododendron
Taxus buccatta	English Yew
Taxus cuspidate	Japanese Yew

3. **Recommended Plant Material for Wet Areas**

The following list contains plant materials recommended for wet areas. Unless specifically stated, al plant species listed are native to this geographic area.

Native Trees for Moist Soils and Stream Banks

Acer negundo	Box Elder
Acer rubrum	Red or Swamp Maple
Acer saccharinum	Silver Maple
Alnus serrulata	Common Alder
Amelanchier canadensis	Downy Shadblow or Serviceberry
Asimina triloba	Pawpaw
Betula lenta	Sweet Birch
Betula nigra	River Birch
Carpinus caroliniana	American Hornbeam (Ironwood)
Carya cordiformis	Bitternut Hickory
Chionanthus virginicus	Fringetree
Fraxinus pennsylvanica	Green Ash
Liquidambar styraciflua	Sweetgum
Magnolia virginiana	Sweetbay Magnolia
Nyssa sylvatica	Black Gum
Platanus occidentalis	American Sycamore, Buttonwood
Populus heterophylla	Swamp Cottonwood
Quercus bicolor	Swamp White Oak
Quercus nigra	Water Oak
Quercus palustris	Pin Oak

Quercus phellos	Willow Oak
Salix nigra	Black Willow
Tilia americana	American Linden

Native Shrubs for Moist Soils and Stream Banks

Aronia arbutifolia	Red Chokeberry
Aronia prunifolia	Purple Chokeberry
Baccharis halimofolia	Groundsel Tree
Cephalanthus occidentalis	Button Bush
Clethra ainifolia	Summersweet (Sweet Pepperbush)
Cornus amomum	Silky Dogwood
Ilex glabra	Inkberry
Ilex laevigata	Smooth Winterberry Holly
Ilex verticillata	Winterberry
Itea virginica	Sweetspire
Leucothoe racemosa	Sweetbells, Fetterbush
Lindera benzoin	Spicebush
Lyonia ligustrina	Staggerbush
Rhododendron viscosum	Swamp Azalea
Rosa palustris	Swamp Rose
Salix discolor	Glaucus Willow, Pussywillow
Vaccinium corymbosum	Highbush Blueberry
Viburnum nudum	Smooth Witherod
Viburnum prunifolium	Black Haw
Viburnum recognitum	Northern Arrowwood

CHAPTER 22A

TRANSPORTATION IMPACT FEES

Part 1

Title; Purpose; General Findings and Conditions; Construction; Effects

§101. Title
§102. Purpose
§103. General Findings and Conditions
§104. Construction
§105. Effect on Zoning, Subdivision and PRD Regulations
§106. Effect on Development of Land and Building Permits

Part 2

Definitions; Previously-Adopted Documents

§201. General
§202. Definitions
§203. Previously Adopted Documents

Part 3

Transportation Impact Fees

§301. Imposition of Transportation Impact Fees
§302. Uses of Transportation Impact Fees
§303. Special Traffic Studies for New Nonresidential Land Developments and Subdivisions
§304. Uniform Applicability of Transportation Impact Fees
§305. Payment of Transportation Impact Fee as Condition to Issuance of Building Permit
§306. Calculation of Transportation Impact Fees
§307. Large Land Developments and Subdivisions
§308. Administration of Transportation Impact Fees
§309. Time, Method and Procedure of Payment of Transportation Impact Fees
§310. Credits
§311. Refunds
§312. Exemptions

Part 4

Transportation Services Areas; Transportation Impact Fee Schedule for Each Transportation Service Area

§401. Establishment of Transportation Service Areas
§402. Additional Transportation Service Areas or Subareas

§403. Establishment of Transportation Impact Fee Schedule for Each Transportation Service Area
§404. Use of Transportation Impact Fees

Part 5

Retroactive Application and Retroactive Transportation Impact Fees

§501. Retroactive Application
§502. Transportation Impact Fees on Land Developments, Subdivisions and PRDs, Subject to Retroactive Application

Appendix A

Transportation Impact Fee Schedule

Part 1

Title; Purpose; General Findings and Conditions; Construction; Effects

§101. Title. This Chapter shall be known as the "East Coventry Township Transportation Impact Fee Ordinance." (Ord. 110, 8/2/2001, §101)

§102. Purpose. The purpose of this Chapter is to establish a transportation impact fee program to insure that the transportation system in the Township is available and adequate to support new growth and development. To advance this objective, there is hereby created a transportation impact fee payable to the Township at the time of building permit issuance. (Ord. 110, 8/2/2001, §102)

§103. General Findings and Conditions. The Board of Supervisors hereby finds and declares that:

A. The conditions and standards for the determination and imposition of the transportation impact fee set forth herein are those set forth in Article V-A of the MPC and consist of the following:

(1) The Township has experienced considerable growth in the form of residential, commercial and industrial development in recent years.

(2) It is anticipated that such development will continue into the future and that such fixture development will create a substantial transportation impact upon the transportation facilities within one (1) or more areas of the Township.

(3) The Board of Supervisors is required to keep all roads open, in repair and usable for the safe and convenient travel by the public, and the fulfillment of such duty will entail substantial costs directly attributable to the transportation impact of such future development.

(4) Article V-A of the MPC establishes a comprehensive legislative scheme for the imposition of all or a portion of said costs upon such fixture development by way and in the nature of a transportation impact fee.

(5) The amount of such transportation impact fee shall be determined by the cost of the additional transportation improvements needed to meet minimum safety and capacity standards, which improvements shall be identified in a transportation capital improvements plan, considering the projected growth and development in designated transportation service areas.

(6) A transportation impact fee imposed upon residential and nonresidential development, in order to assist in the financing of specified major transportation capacity improvements in designated transportation service areas the demand for which is uniquely created

by such development, is in the best interest of the Township and its residents, is equitable and does not impose an unfair burden on such development.

(7) The analysis, advice and recommendations of the Transportation Impact Fee Advisory Committee.

(8) The land use assumptions.

(9) The roadway sufficiency analysis.

(10) The transportation capital improvements plan.

(11) Such other conditions and standards as the Board of Supervisors may, by resolution, identify from time to time as being relevant and material to the imposition of a transportation impact fee and consistent with the provisions of the Article V-A of the MPC.

B. The collection, disbursement and accounting of transportation impact fees shall be administered by the office of the Township Manager, subject to review, oversight and control by the Board of Supervisors.

C. The time, method and procedure for payment of transportation impact fees shall be as set forth Part 3 of this Chapter including, but not limited to, §309.

D. The procedure for credits against transportation impact fees shall be as set forth in §310 of this Chapter.

E. The procedure for refunds of transportation impact fees shall be as set forth in §311 of this Chapter.

F. Such exemptions from transportation impact fee requirements, as the Board of Supervisors may choose to enact, shall be as set forth in §312 of this Chapter.

(Ord. 110, 8/2/2001, §103)

§104. Construction. The provisions of this Chapter shall be liberally construed to effectively carry out its purposes, which are hereby found and declared to be in furtherance of the public health, safety, welfare and convenience. (Ord. 110, 8/2/2001, §104)

§105. Effect on Zoning, Subdivision and PRD Regulations. This Chapter shall not affect, in any manner, the permissible use of property, density of development, previously adopted design and improvement standards and requirements or any other aspect of the development of land or provision of public improvements which remain subject to applicable zoning, subdivision and PRD regulations of the Township, which regulations shall be operative and remain in full force and effect without limitation with respect to all such development. (Ord. 110, 8/2/2001, §105)

§106. Effect on Development of Land and Building Permits.

1. The provisions of this Chapter, including the transportation impact fees provided hereby, are in addition and supplemental to, and not in substitution of, any other requirements imposed by the Township on the development of land or the issuance of building permits. Nothing contained in this Chapter shall be deemed to alter or affect the existing ordinances and regulations of the Township regarding onsite improvements. In no event shall a property owner be obligated to pay for transportation capital improvements in an amount in excess of the amount calculated pursuant to this Chapter; provided, however, that a property owner may be required to pay, pursuant to Township ordinances, regulations or policies, for other public facilities in addition to the transportation impact fee for transportation capital improvements as provided herein.

2. Without limiting, but in furtherance of, subsection (1), nothing in this Chapter shall be deemed to alter or affect the existing power of the Township to require an applicant for Township approval of any new land development or subdivision from paying for the installation of onsite improvements

as provided for in this Chapter.

(Ord. 110, 8/2/2001, §106)

Part 2

Definitions; Previously-Adopted Documents

§201. General.

1. The captions and headings used in this Chapter are for convenience only and shall not control or affect the meaning or construction of any of the provisions of this Chapter.

2. Unless otherwise expressly stated, or where the context clearly indicates otherwise, the words and phrases defined in this Chapter, whether with initial capitalization, full capitalization or otherwise, shall be construed throughout this Chapter to have the meanings indicated in this Chapter.

3. The present tense of any word or phrase used in this Chapter includes the future, the singular number includes the plural and the plural the singular; and the masculine gender includes the feminine and neuter.

4. Unless specifically provided otherwise in this Chapter, any reference in this Chapter to any other ordinance of the Township, to any Federal or State law or statute, to any regulation, study, map, survey, report or other matter issued or prepared by the Board of Supervisors or any officer or official thereof, and/or by any Federal or State public body or any officer or official thereof shall include such other ordinance, such law or statute and such regulation, study, map, survey, report or other matter, with all amendments and supplements thereto, and any new ordinance, law, statute, regulation, study, map, survey, report or other matter substituted for the same, as in force at the time of application under this Chapter.

5. Unless specifically provided otherwise herein, any reference in this Chapter to any governmental agency, department, board, commission or other public body, or to any public officer or other public official, shall include an entity or official which or who succeeds to substantially the same functions as those performed by such public body or official at the time of application under this Chapter.

(Ord. 110, 8/2/2001, §201)

§202. Definitions.

1. The following words and phrases, when used in this Chapter, shall have the meanings given them in this Section, unless the context clearly indicates otherwise:

APPLICANT - shall have the same meaning given such word by the definition thereof in the East Coventry Township Subdivision and Land Development Ordinance [Part 2, §202 of Chapter 22].

ARTICLE V-A OF THE MPC - Article V-A of the MPC, as added by Act No. 1999-209, as amended, 53 P.S. §10501-A et seq.

BOARD OF SUPERVISORS - the Board of Supervisors of the Township.

COMPREHENSIVE PLAN - the comprehensive plan of the Township adopted by the Board of Supervisors pursuant to Article III of the MPC, 53 P.S. §10301 et seq.

DEVELOPMENT - any manmade additions, installations and/or changes to improved or unimproved real property including, but not limited to, buildings or other structures, streets and other paving, storm and sanitary sewers and facilities, water mains, wells and other public and private utilities, facilities and infrastructure, filling, grading and/or excavation of land and any other manmade additions, installations and/or changes that may be necessary, desirable or otherwise proposed in order to render real property suitable for the intended use or uses thereof. "Development" shall also mean and include a land development, subdivision and PRD.

EAST COVENTRY TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE - the East Coventry Township Subdivision and Land Development Ordinance of 1993, as amended, as codified at Chapter 22 of the Township of East Coventry Code of Ordinances.

EAST COVENTRY TOWNSHIP ZONING ORDINANCE - the East Coventry Township Zoning Ordinance of 1985, as amended, as codified at Chapter 27 of the Township of East Coventry Code of Ordinances.

LAND DEVELOPMENT - shall have the same meaning given such phrase by the definition thereof in the East Coventry Township Subdivision and Land Development Ordinance [Part 2, §202 of Chapter 22] and shall also mean and include PRD.

LAND USE ASSUMPTIONS - the land use assumptions, as set forth in the land use assumptions report, as adopted by the Township by Resolution No. 2001-6,[1] adopted by the Board of Supervisors.

MPC - the Pennsylvania Municipalities Planning Code, Act July 31, 1968, P.L. 805, No. 247, as reenacted and amended, 53 P.S. §10101 et seq.

NEW LAND DEVELOPMENT AND SUBDIVISION - a land development, subdivision or PRD, for which a preliminary or tentative application is filed on or after the effective date of this Chapter; and shall also mean a land development, subdivision and PRD under and subject to the retroactive application provisions of Part 5 of this Chapter.

PENNDOT - the Department of Transportation of the Commonwealth of Pennsylvania.

PRD - planned residential development as may be now or hereafter regulated or otherwise provided for in the East Coventry Township Zoning Ordinance [Chapter 27].

---

[1]Editor's Note: Resolution No. 2001-6 is on file at the Township office.

RESOLUTION NO. 2000-8 - Resolution No. 2000-8,[2] providing for the deposit of retroactive transportation impact fees, adopted March 6, 2000, by the Board of Supervisors.

ROADWAY SUFFICIENCY ANALYSIS - the roadway sufficiency analysis as adopted by the Township by Resolution No. 2001-7,[3] adopted by the Board of Supervisors.

SUBDIVISION - shall have the same meaning given such word by the definition thereof in the East Coventry Township Subdivision and Land Development Ordinance [Part 2, §202 of Chapter 22].

TOWNSHIP - the Township of East Coventry Township, Chester County, Pennsylvania.

TOWNSHIP ENGINEER - the professional engineer, licensed as such by the Commonwealth of Pennsylvania, duly appointed and employed by the Board of Supervisors as the engineer for the Township or engaged by the Board of Supervisors as an engineering consultant to the Township.

TOWNSHIP MANAGER - the person duly appointed as the Township Manager of the Township by the Board of Supervisors.

TRANSPORTATION CAPITAL IMPROVEMENTS PLAN - the Transportation capital improvements plan as adopted by the Board of Supervisors by Resolution No. 2001-8.[4]

TRANSPORTATION IMPACT FEE ADVISORY COMMITTEE - the East Coventry Township Impact Fee Advisory Committee as created by Resolution No. 2000-4[5] adopted by the Board of Supervisors.

TRANSPORTATION IMPACT FEE SCHEDULE - the transportation impact fee schedule, now or hereafter established under Part 4 of this Chapter, setting forth the transportation impact fee for each Transportation service area.

TRANSPORTATION SERVICE AREAS - the transportation service areas, including any subareas thereof, now or hereafter established under and by Part 4 of this Chapter.

TRANSPORTATION SERVICE AREA MAP - the transportation service area map appearing as Figure 3 in the transportation capital improvements plan.

TRIP GENERATION MANUAL - the Trip Generation Manual published by the Institute of Transportation Engineers, 6th edition and all subsequent editions, which edition and all subsequent editions are hereby adopted

---

[2]Editor's Note: Resolution No. 2000-8 is on file at the Township office.

[3]Editor's Note: Resolution No. 2001-7 is on file at the Township office.

[4]Editor's Note: Resolution No. 2001-8 is on file at the Township office.

[5]Editor's Note: Resolution No. 2000-4 is on file at the Township office.

by the Township.

2. The definitions of the words and phrases appearing in §502-A of the MPC, 53 P.S. §10502-A, are hereby adopted and fully incorporated into this Chapter by reference as if fully set forth at length herein; provided, that the definition of "transportation service area," appearing in §502-A shall also have the meaning given such phrase in subsection (1) above.

(Ord. 110, 8/2/2001, §202)

§203. Previously Adopted Documents. The following documents, previously adopted by the Board of Supervisors, are hereby fully incorporated by reference into this Chapter as though fully set forth at length herein:

A. Recommendations of the Transportation Impact Fee Advisory Committee set forth in and/or accompanying the documents identified in subsections (B) through (E), below.

B. Land Use Assumptions.

C. Roadway Sufficiency Analysis.

D. Transportation Capital Improvements Plan.

E. Transportation Service Area Map.

(Ord. 110, 8/2/2001, §203)

Part 3

Transportation Impact Fees

§301. Imposition of Transportation Impact Fees. There are hereby enacted transportation impact fees to be imposed upon new land developments and subdivisions for the purpose of offsite public transportation capital improvements authorized by Article V-A of the MPC and as described in the Transportation Capital Improvements Plan. Said transportation impact fees shall apply to all new land developments or subdivisions within the transportation service areas, and the imposition and payment of such transportation impact fees shall be a condition precedent to final approval of a new land development or a subdivision plan or issuance of a building permit for the new land development or subdivision. (Ord. 110, 8/2/2001, §301)

§302. Uses of Transportation Impact Fees. Transportation impact fees collected pursuant to this Chapter shall be expended for costs incurred for improvements that are attributable to a new land development or subdivision and designated in the Transportation Capital Improvements Plan for improvements within the transportation service area in which the new land development or subdivision is located. Additionally, such transportation impact fees may be used for the acquisition of land and rights-of-way, engineering, legal and planning costs and all other costs, including debt service related to road improvements within the transportation service area in which the new land development or subdivision is located, and including such proportionate amount of the roadway sufficiency analysis as is allowed under the provisions of the Article V-A of the MPC. (Ord. 110, 8/2/2001, §302)

§303. Special Traffic Studies for New Nonresidential Land Developments and Subdivisions. Where intended to assist in determining the appropriate amount of transportation impact fees for new nonresidential land developments or subdivisions only, the Township may authorize or require the preparation of special transportation studies to determine the traffic generation or circulation patterns in the new nonresidential land development or subdivision; provided, however, that no special studies shall be required where there is no deviation from the land use assumptions, used to create the Transportation Capital Improvements Plan, resulting in increased density, intensity or trip generation by the particular nonresidential land development or subdivision. The special study shall be prepared by a qualified traffic or transportation engineer, at the expense of the applicant, using procedures and methods established by the Township based on generally accepted transportation planning and engineering standards. Any such special studies required by the Township shall be submitted prior to the imposition of the transportation impact fee and shall be considered by the Township in increasing or reducing the amount of the transportation impact fee, as shown on the transportation impact fee schedule, for the new nonresidential land development or subdivision. (Ord. 110, 8/2/2001, §303)

§304. Uniform Applicability of Transportation Impact Fees. The transportation impact fee and other provisions of this Chapter shall be uniformly applicable to all land developments and subdivisions that occur within a designated transportation

service area. (Ord. 110, 8/2/2001, §304)

§305. Payment of Transportation Impact Fee as Condition to Issuance of Building Permit.

1. No building permit shall be issued for a new land development or subdivision in a transportation service area unless the applicant therefor has paid the transportation impact fee imposed by and calculated pursuant to this Chapter. The provisions of this Section shall not be in limitation of, but shall be in addition to, other provisions of this Chapter providing that imposition and payment of transportation impact fees shall be a condition precedent to final approval of a new land development or a subdivision plan or issuance of a building permit for a new land development or subdivision.

2. Prior to making an application for a building permit, an applicant may request a nonbinding transportation impact fee estimate from the Township, which shall be based upon the maximum development potential of the site pursuant to existing zoning regulations, unless the applicant specifies a lesser use of development.

(Ord. 110, 8/2/2001, §305)

§306. Calculation of Transportation Impact Fees.

1. The transportation impact fee for transportation capital improvements shall be based upon the total costs of the road improvements included in the Transportation Capital Improvements Plan within each transportation service area attributable to and necessitated by new land development or subdivision within the transportation service area, divided by the number of anticipated peak hour trips generated by all new land developments and subdivisions consistent with the land use assumptions and calculated in accordance with the Trip Generation Manual to equal a per-trip cost for transportation improvements within the transportation service area. The transportation impact fee for each transportation service area, as so calculated, shall be set forth in the transportation impact fee schedule.

2. The specific transportation impact fee for a specific new land development or subdivision within each designated transportation service area for road improvements shall be determined as of the date of preliminary land development or subdivision approval by multiplying the per-trip cost, as set forth in the transportation impact fee schedule for the applicable transportation service area, by the estimated number of trips to be generated by the new land development or subdivision using generally accepted traffic engineering standards.

3. The Board of Supervisors, pursuant to §303 of this Chapter, may authorize or require the preparation of a special transportation study in order to determine traffic generation or circulation for a new nonresidential land development or subdivision to assist in the determination of the amount of the transportation impact fee for such new nonresidential development or subdivision.

(Ord. 110, 8/2/2001, §306)

§307. Large Land Developments and Subdivisions.

1. There is hereby imposed an additional transportation impact fee upon new land developments and subdivisions which generate one thousand (1,000) or more new peak-hour trips, net of pass-by trips as defined by the current edition of the Trip Generation Manual, during the peak-hour period used for the calculation of transportation impact fees under §306 of this Chapter.

2. The applicant for any such new land development or subdivision shall perform a traffic analysis of development traffic transportation impact on highways, roads or streets outside of the transportation service area, in which the new land development or subdivision is located, but within the boundaries of the Township. Any such highways, roads or streets or parts thereof outside the transportation service area, in which such new land development or subdivision is located, but within the boundaries of the Township, that will accommodate ten (10) percent or more of land development or subdivision traffic and one hundred (100) or more new peak-hour trips shall be studied; and the applicant shall mitigate the traffic transportation impacts of the new land development or subdivision on such highways, roads and streets to maintain the predevelopment conditions after completion of the new land development or subdivision.

(Ord. 110, 8/2/2001, §307)

§308. Administration of Transportation Impact Fees.

1. Collection of Transportation Impact Fees. Transportation impact fees due pursuant to this Chapter shall be collected by the Township in the manner or manners prescribed herein prior to the issuance of a building permit for the applicable new land development or subdivision.

2. Establishment of Fund. Upon receipt of transportation impact fees, the Township Manager shall be responsible for the separate and proper accounting of such fees. All such fees shall be deposited in interest-bearing accounts in a bank authorized to receive deposits of Township funds. Interest earned by each account shall be credited to that account and shall be used solely for the purpose specified for funds of such account.

3. Establishment and Maintenance of Accounts. The Township Manager shall establish appropriate trust fund accounts and shall maintain records of such accounts whereby transportation impact fees collected can be segregated for each transportation service area or subarea thereof.

4. Maintenance of Records. In addition to the record maintenance requirements of subsection (3), the Township Manager shall maintain and keep adequate financial records for each account established under subsection (3), which records shall (i) show the source and disbursement of all revenues; (ii) account for all monies received; and (iii) insure that the disbursement of funds from each account shall be used solely and exclusively for the provision of projects specified in the Transportation Capital Improvements Plan for the particular transportation service area or subarea thereof.

Ord. 110, 8/2/2001, §308)

§309. Time, Method and Procedure of Payment of Transportation Impact Fees. The transportation impact fee for a specific new land development or subdivision shall be paid prior to the issuance of a building permit for the new land development or subdivision. The transportation impact fee shall be paid to the Township in cash, bank cashier's check, certified check or electronic fund transfer approved by the Township Manager and shall be administered in accordance with the provisions of §308 of this Chapter. (Ord. 110, 8/2/2001, §309)

§310. Credits.

1. Projects Not Contained in Transportation Capital Improvements Plan. Any applicant who shall perform, at his own expense and with the consent and agreement of the Board of Supervisors, offsite improvements which are not projects contained in the Transportation Capital Improvements Plan shall be eligible for a credit, against transportation impact fees otherwise due for the specific new land development or subdivision, for the value of such projects, under and subject to all the following:

A. All the criteria applicable to such credit, as provided by §505-A(d)(1)(3) of the MPC, 53 P.S. §10505-A(d)(1)-(3), shall be satisfied.

B. The amount the actual cost of such offsite improvements shall be approved by the Township Engineer.

C. The applicant shall enter into a written agreement with the Board of Supervisors prior to the issuance of any building permit for the specific new land development or subdivision. The agreement shall provide and establish (i) the estimated cost of the offsite improvements; (ii) the schedule for commencement and completion of the offsite improvements; (iii) that the offsite improvements be completed to Township and PennDOT standards and design criteria; and (iv) such other terms and conditions as deemed necessary by the Board of Supervisors.

E. The Board of Supervisors shall review the offsite improvements plan, verify costs and time schedules, determine whether the offsite improvements are eligible improvements for the credit and determine the amount of the applicable credit for such offsite improvements to be applied to the otherwise applicable transportation impact fee prior to issuance of any building permit for the specific new land development or subdivision.

F. In no event shall the amount of the credit exceed the amount of the transportation impact fee for the specific new land development or subdivision which would have been due without consideration of the credit. However, if the amount of the credit is calculated to be greater than the amount of the applicable transportation impact fee due, the applicant may use such excess credit toward the transportation impact fees imposed on other building permits for development on the same site and in the same ownership.

G. The applicant shall be required to supply financial security sufficient, in the judgment of the Township, to cover the cost of any such offsite improvements installed by the applicant for which credit

is sought.

2. Land Dedication. An applicant shall be entitled, as a credit against transportation impact fees otherwise due for a specific new land development or subdivision, in the amount equal to the fair market value of land dedicated by the applicant and accepted by the Township for future right-of-way, realignment or widening of existing roadways. The fair market value of any such land dedicated to and accepted by the Township shall be determined as of the date of the submission of the preliminary land development or subdivision application to the Township.

3. Projects Contained in Transportation Capital Improvements Plan. Any applicant who shall perform, at his own expense and with the consent and agreement of the Board of Supervisors, offsite improvements which are projects contained in the Transportation Capital Improvements Plan shall be entitled to a credit against transportation impact fees otherwise due for the specific new land development or subdivision, under and subject to all the following:

A. The amount the actual cost of such offsite improvements shall be approved by the Township Engineer.

B. The amount of the credit for such offsite improvements constructed by the applicant shall be the amount allocated in the in the Transportation Capital Improvements Plan, including contingency factors, for such work.

C. The applicant shall be required to supply financial security sufficient, in the judgment of the Township, to cover the cost of any such offsite improvements installed by the applicant for which credit is sought.

(Ord. 110, 8/2/2001, §310)

§311. Refunds. Transportation impact fees collected pursuant to this Chapter shall be refunded, together with interest earned thereon, to the payor of the transportation impact fees under and as provided in the following circumstances:

A. In that the event the Township completes or terminates the Transportation Capital Improvements Plan and there remain, at the time of completion or termination, undisbursed funds in the accounts established for purposes of completing the Transportation Capital Improvements Plan, the Township shall provide written notice by certified mail to the persons who previously paid the transportation impact fees which remain undisbursed of the availability of said funds for refund of the person's proportionate share of the fund balance. The notice shall be provided to the last known address provided by the payor of the transportation impact fees to the Township. The allocation of the refund shall be determined by generally accepted accounting practices. In the event that any of the funds remain unclaimed following one (1) year after the notice, the Township shall be authorized to transfer any funds so remaining to any other fund in the Township without any further obligation to refund said funds.

B. In that the event the Township fails to commence construction of any road improvements in any transportation service area within three (3) years of the scheduled construction date of the such road improvements

as set forth in the Transportation Capital Improvements Plan, any person who paid any transportation impact fees pursuant to the Transportation Capital Improvements Plan shall, upon written request to the Township, receive a refund of that portion of the fee attributable to the contribution for the uncommenced road improvement, plus interest accumulated thereon from the date of payment; provided, however, that no refund shall be payable or paid with respect to any such road improvements project actually commenced prior to the receipt by the Township of any such written refund request and the failure of the payor to make such written request, so that the Township receives the written request prior to the actual commencement of such road improvements project, shall be deemed a waiver of any right to such refund.

C. In the event that, upon completion of any road improvements project, the actual expenditures for the capital project are less than ninety-five (95) percent of the costs properly allocable to the transportation impact fees paid within the transportation service area in which the completed road improvements project is located, the Township shall refund the pro rata difference between the budgeted costs and the actual expenditures, including interest accumulated on such difference from the date of payment, to the person or persons who paid the transportation impact fees for such completed road improvements.

D. In the event that the new land development or subdivision for which transportation impact fees were paid has not commenced prior to the expiration of the building permit which was issued for the new land development or subdivision within the time limits established by applicable building codes within the Township, the transportation impact fees, with accumulated interest from the date of payment of the fees, shall be refunded to the payor of the fees. The payor, at his option, may roll over the transportation impact fees attributable to an expired building permit to cover fees incurred by a renewal of the expired building permit.

E. In the event that the building permit, as issued for new land development or subdivision, for which transportation impact fees were paid, is altered and such alteration results in a decrease in the amount of transportation impact fees for such land development or subdivision as determined under this Chapter, the difference between the amount of transportation impact fees paid and such decreased amount of transportation impact fees shall be refunded to the payor, with accumulated interest on the decreased amount, from the date of payment of the fees.

(Ord. 110, 8/2/2001, §311)

§312. Exemptions. [Reserved.] (Ord. 110, 8/2/2001, §312)

Part 4

Transportation Services Areas; Transportation Impact Fee Schedule for Each Transportation Service Area

§401. Establishment of Transportation Service Areas. Transportation service areas, denominated "transportation service area north" and "transportation service area south," and as shown and described on the transportation service area map and in and by the accompanying narrative appearing in the Transportation Capital Improvements Plan, are hereby established. (Ord. 110, 8/2/2001, §401)

§402. Additional Transportation Service Areas or Subareas. Additional transportation services areas or subareas, or combinations of subareas, may be designated by the Board of Supervisors from time to time consistent with the procedures set forth in Article V-A of the MPC and in consideration of the following factors:

A. The Comprehensive Plan.

B. Any standards for adequate public facilities incorporated in the Transportation Capital Improvements Plan.

C. The projected build-out and timing of land development and subdivision areas.

D. The need for and cost of transportation improvements which are not set forth in the Transportation Capital Improvements Plan, but are necessary to support projected land development or subdivision.

E. Such other factors as the Board of Supervisors may deem relevant.

(Ord. 110, 8/2/2001, §402)

§403. Establishment of Transportation Impact Fee Schedule for Each Transportation Service Area. The transportation impact fee schedule, which appears as "Appendix A" to this Chapter and which sets forth the transportation impact fee for each transportation service area and the calculation thereof, is hereby established. Appendix A is hereby fully incorporated by reference into this Chapter as though fully set forth at length herein. (Ord. 110, 8/2/2001, §403)

§404. Use of Transportation Impact Fees. Fees collected from development in each transportation service area or subarea shall be used exclusively to fund transportation improvement projects scheduled for that area or subarea. (Ord. 110, 8/2/2001, §404)

Part 5

Retroactive Application and Retroactive Transportation Impact Fees

§501. Retroactive Application. Notwithstanding the date on which this Chapter becomes effective, the provisions of this Chapter shall have retroactive application to a land development, subdivision or PRD for which a preliminary or tentative application is or has been filed prior to the effective date of this Chapter, but on or after March 5, 2000, the date of the first publication of Township's intention to adopt this Chapter; provided, however, that such period of retroactivity shall not exceed the eighteen (18) month period immediately following February 7, 2000, when Resolution No. 2000-4[6], creating the Transportation Impact Fee Advisory Committee, was adopted by the Board of Supervisors; and, further provided, that the transportation impact fees imposed on such land development, subdivision or PRD shall be in accordance with §502. (Ord. 110, 8/2/2001, §501)

§502. Transportation Impact Fees on Land Developments, Subdivisions and PRDs, Subject to Retroactive Application. The transportation impact fees imposed on a land development, subdivision or PRD identified in §501 shall not exceed (i) one thousand dollars ($1,000) per peak-hour trip; or (ii) the per peak-hour trip cost established in accordance with this Chapter, whichever is less. Such transportation impact fees shall be held, used and otherwise applied as provided in and by Resolution No. 2000-8.[7] (Ord. 110, 8/2/2001, §502)

---

[6]Editor'S Note: Resolution No. 2000-4 is on file at the Township office.

[7]Editor's Note: Resolution No. 2000-8 is on file at the Township office.

Appendix A

Transportation Impact Fee Schedule

1. Schedule of Transportation Impact Fees for Transportation Service Areas.

A. The following transportation impact fees for each transportation service area designated below are hereby established:

(1) Transportation service area north (TSA-North): **$2,159.67.**

(2) Transportation service area south (TSA-South): **$210.83.**

B. The transportation impact fees set forth above shall be assessed on a per weekday afternoon peak hour trip basis.

2. Calculation of Transportation Impact Fees.

A. TSA-North. The transportation impact fee for TSA-North, provided in subsection (1)(A)(1) of this schedule is calculated as follows, being the calculation set forth in Table 25 of the Transportation Capital Improvements Plan and the narrative accompanying the table:

$2,503,057,

being the total costs of road improvements included in the Transportation Capital Improvements Plan for TSA-North attributable to and necessitated by new land development or subdivision within TSA-North which total includes the sum of $10,432, being the pro rata share of costs incurred for the completion of the roadway sufficiency analysis attributable to development in TSA-North.

divided by

1,159,

being the total number of peak-hour trips generated by all new land developments and subdivisions within TSA-North.

equals

$2,159.67 transportation impact fee,
being a per-trip cost for transportation improvements within TSA-North.

B. TSA-South. The transportation impact fee for TSA-South, provided in subsection (1)(B)of this Schedule, is calculated as follows, being the calculation set forth in Table 25 of the transportation capital improvements plan and the narrative accompanying the table:

$60,720,

being the total costs of road improvements included in the transportation capital improvements plan for TSA-South attributable to and necessitated by new land development or subdivision within TSA-South which total includes the sum of $11,220, being the pro rata share of costs incurred for the completion of the roadway sufficiency analysis attributable to development in TSA-South.

divided by

288,

being the total number of peak-hour trips generated by all new land developments and subdivisions within TSA-South.

equals

$210.83 transportation impact fee,

being a per-trip cost for transportation improvements within TSA-South.

CHAPTER 23

SWIMMING POOLS

(Reserved to accommodate future ordinances)

CHAPTER 24

TAXATION, SPECIAL

Part 1

Per Capita Tax

§101. Authority for Enactment
§102. “Resident” Defined
§103. Imposition of Tax
§104. Collection

Part 2

Real Estate Transfer Tax

§201. Authority for Enactment
§202. Definitions
§203. Imposition of Tax
§204. Payment and Liability
§205. Evidence of Payment
§206. Duties of Realty Tax Collector
§207. Authority of Realty Transfer Tax Collector
§208. Affidavit Required with Certain Documents
§209. Prohibited Acts
§210. Interest Added to Unpaid Tax
§211. Recovery of Taxes and Interest
§212. Tax Constitutes Lien Against Property
§213. Penalties

Part 3

Real Property Tax Discounts and Penalties

§301. Levy Set
§302. Discounts
§303. Penalties

Part 4

Earned Income & Net Profits Tax

§401. Short Title
§402. Definitions
§403. Authority for Enactment
§404. Incorporation of Statute
§405. Imposition

§406. Declarations, Returns & Payments of Tax
§407. Collection at Source
§408. Administration
§409. Interest & Penalties
§410. Fines & Penalties for Violation of This Part
§411. Severability
§412. Effective Date

Part 5

Local Services Tax

§501. Short Title
§502. Definitions
§503. Levy of Tax
§504. Exemption and Refunds
§505. Duty of Employers to Collect
§506. Returns
§507. Dates for Determining Tax Liability and Payment
§508. Self-Employed Individuals
§509. Individuals Engaged in More than One (1) Occupation or Employed in More than One (1) Political Subdivision
§510. Nonresidents Subject to Tax
§511. Administration of Tax
§512. Suits for Collection
§513. Violations and Penalties
§514. Interpretation

(24, §101)

Part 1

Per Capita Tax

§101. Authority for Enactment. This Part is enacted under authority of the Local Tax Enabling Act, P.L. 1257, No. 511, December 31, 1965, 53 P.S. §§6901 et seq.(1982) as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania. (Ord. 8, 2/1/1965; as revised by Ord. 49, 11/3/1986)

§102. "Resident" Defined. The word "resident" as used in this Part shall mean every adult eighteen (18) years or older who lives within the Township. (Ord. 8, 2/1/1965; as revised by Ord. 49, 11/3/1986)

§103. Imposition of Tax. A per capita tax, for general revenue purposes, at the rate of ten dollars ($10.00) is hereby levied and assessed upon every resident for calendar year 1991 and for each year thereafter; provided that such tax shall not be levied and assessed upon any resident whose total income from all sources during the taxable year is less than five thousand dollars ($5,000.00). (Ord. 8, 2/1/1965; as revised by Ord. 49, 11/3/1986; and amended by Ord. 68, 12/26/1990, §1)

§104. Collection. All taxes, interests, costs and penalties imposed by this Part shall be collected by the Township tax collector. (Ord. 8, 2/1/1965; as revised by Ord. 49, 11/3/1986)

Part 2

Real Estate Transfer Tax

§201. Authority for Enactment. This Part is enacted under authority of the Local Tax Enabling Act, P.L. 1257, No. 511, December 31, 1965, 53 P.S. §§6901 et seq. (1982), as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania. (Ord. 9, 2/1/1965; as revised by Ord. 49, 11/3/1986)

§202. Definitions. As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

ASSOCIATION - a partnership, limited partnership, or any other form of unincorporated enterprise owned or conducted by two (2) or more persons.

CORPORATION - a corporation or joint stock association organized under the laws of this Commonwealth, the United States or any other state, territory, foreign country or dependency.

DOCUMENT - any deed, instrument or writing whereby any lands, tenements, hereditaments situate wholly or in part within the Township, or any interest therein, shall be quit-claimed, granted, bargained, sold, or otherwise conveyed to a grantee, purchaser,, or any other person, but not including:

1. transfers by will, mortgage or the intestate laws of the Commonwealth of Pennsylvania;

2. transfer by the owner of a previously occupied residential premises to a builder as part of the consideration from the purchaser of a new previously unoccupied single family residential premises;

3. transfer between corporations operating housing projects pursuant to the housing and redevelopment assistance law and the shareholders thereof;

4. transfer between non-profit industrial development agencies and industrial corporations purchasing from them;

5. transfer to non-profit industrial development agencies;

6. transfer between husband and wife;

7. transfer between persons who were previously husband and wife but who have since been divorced; provided that such transfer is made within three (3) months of the date of the granting of the final decree in divorce or the final decree of equitable distribution and the property or interest therein, subject to such transfer, was acquired by the husband and wife prior to the granting of the final decree in divorce;

8. transfer between parent or grandparents and child or spouse of such a child, or between parent or grandparents and trustee for the benefit of a child or the spouse of such child, or on a transfer between brother and sister, or brother and brother, or sister and sisters, or the spouse of such brother or sister, or on a transfer to

(24, §202(8), cont'd)

a conservancy which possesses a tax exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code, and which has as its primary purpose the preservation of land for historic, recreational, scenic, agricultural or open space opportunities, by and between a principal and straw party for the purpose of placing a mortgage or ground rent upon the premises;

9. correctional deed without consideration;

10. transfer to the United States, the Commonwealth of Pennsylvania, or to any of their instrumentalities, agencies, or political subdivisions, by gift, dedication or deed in lieu of condemnation, or deed of confirmation in connection with condemnation proceedings, or 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 year from the date of condemnation, leases, or in a conveyance to a trustee under a recorded trust agreement for the express purpose of holding title in trust as security for a debt contracted at the time of the conveyance under which the trustee is not the lender and requiring the trustee to make reconveyance to the grantor-borrower upon the repayment of the debt;

11. or on a transfer within a family from a sole proprietor family member to a family farm corporation;

12. or in any sheriff sale instituted by a mortgagee in which the purchaser of said sheriff sale is the mortgagee who instituted said sale; and

13. privilege, transaction, subject, occupation or personal property which is now or does hereafter become subject to state tax or license fee.

PERSON - a natural person, association or corporation. Whenever used in any clause prescribing and imposing a fine or imprisonment, the term "person" as applied to associations, shall mean partners or members thereof, and as applied to corporations, the officers thereof.

REALTY TRANSFER TAX COLLECTOR - the person designated by the Board of Supervisors to enforce and administer this Part.

VALUE - in the case of any document granting, bargaining, selling or otherwise conveying any land, tenement or hereditament, or interest therein, the amount of the actual consideration therefor, including liens, or other encumbrances thereon, or a commensurate part of the liens or other encumbrances thereon, where such liens or other encumbrances also encumber other lands, tenements or hereditaments; provided, that where such document shall set forth a small or nominal consideration, the "value", thereof shall be determined from the price set forth in or actual consideration for the property granted, bargained, sold or otherwise conveyed, which in either event, shall not be less than the fair market value amount of the highest assessment of such lands, tenements or hereditaments for local tax purposes.

(Ord. 9, 2/1/1965; as revised by Ord. 49, 11/3/1986)

§203. Imposition of Tax. After the effective date of this Part, on every document whereby any lands, tenements or hereditaments, or any interest therein, lying, being and situate, wholly or in part, within the boundaries of the Township, shall be granted, bargained, sold or otherwise conveyed, a tax for general revenue purposes is hereby imposed and assessed on each such document at the rate of one percent (1%), on every one hundred dollars ($100.00) of the value of the real estate, lands, tenements, or hereditaments, or any interest therein which is conveyed or transferred by said document; provided, that where any lands, tenements or hereditaments being situated partly within and partly without the boundaries of the Township are conveyed, such tax so levied shall be calculated on the valuation of that portion of such lands and tenements lying within the limits of the Township; provided further, that on all transactions where the value by which the tax is determined involves a figure not devisible by one hundred dollars ($100.00), no tax shall be collected on that part of the value or selling price over and above the highest even one hundred dollars ($100.00) valuation. (Ord. 9, 2/1/1965; as revised by Ord. 49, 11/3/1986)

§204. Payment and Liability. This tax shall be due and payable and shall be paid by the grantor or grantors named in the document at the time of the making and execution of same; provided, however, it shall be the duty of the grantee or grantees named in the said document to ascertain that the said tax has been paid by the grantor or grantors before accepting delivery of said document; provided further, that if said grantee or grantees accepts delivery of a document which does not reflect any official stamp or writing that the tax has been paid, the grantee or grantees shall become jointly or severally liable with the grantor or grantors for the payment of said tax. (Ord. 9, 2/1/1965; as revised by Ord. 49, 11/3/1986)

§205. Evidence of Payment. The payment of the tax imposed by this Part shall be evidenced by an official stamp affixed to every document indicating the amount of the tax paid. The person using or affixing said stamps shall write or stamp or cause to be written or stamped thereon the date upon which such stamps are affixed or used so that such stamps may not again be used. (Ord. 9, 2/1/1965; as revised by Ord. 49, 11/3/1986)

§206. Duties of Realty Transfer Tax Collector. The Realty Transfer Tax Collector shall prescribe, prepare and furnish adhesive stamps in such denominations and quantities as may be necessary for the payment of the tax imposed and assessed by this Part; provided that the Realty Transfer Tax Collector may prescribe such other method of evidencing the payment of the tax as he may deem advisable. (Ord. 9, 2/1/1965; as revised by Ord. 49, 11/3/1986)

§207. Authority of Realty Transfer Tax Collector. The Realty Transfer Tax Collector is hereby charged with the enforcement of the provisions of this Part and is authorized and empowered to prescribe, adopt, promulgate and enforce rules and regulations relating to:

1. the method and means to be used in affixing or cancelling stamps as provided in this Part;

2. the denominations and sale of stamps;

3. any other matter or thing pertaining to the administration and enforcement of the provisions of this Part.

(Ord. 9, 2/1/1965; as revised by Ord. 49, 11/3/1986)

§208. Affidavit Required with Certain Documents. Every document upon which a tax is imposed by this Part and which does not reflect the actual value of the land, tenements or hereditaments, or interest therein granted, bargained, sold or conveyed by said document shall be accompanied by an affidavit executed by a responsible person connected with the transaction, showing such connection and setting forth the true, full, complete and actual value thereof. (Ord. 9, 2/1/1965; as revised by Ord. 49, 11/3/1986)

§209. Prohibited Acts. 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. make use of any stamps to denote payment of any tax imposed by this Part without cancelling such stamp, as required by this Part, or as prescribed by the Realty Transfer Tax Collector; or

3. fail, neglect, or refuse to comply with, or violate the rules and regulations prescribed, adopted, and promulgated by the Realty Transfer Tax Collector under the provisions of this Part.

(Ord. 9, 2/1/1965; as revised by Ord. 49, 11/3/1986)

§210. Interest Added to Unpaid Tax. All taxes imposed by this Part not paid when due shall bear interest thereon at the rate of one-half of one percent (1/2 of 1%) per month until paid. (Ord. 9, 2/1/1965; as revised by Ord. 49, 11/3/1986)

§211. Recovery of Taxes and Interest. All taxes imposed by this Part together with interest from the due date shall be recovered as other debts of like character are recovered. (Ord. 9, 2/1/1965; as revised by Ord. 49, 11/3/1986)

§212. Tax Constitutes Lien Against Property. The tax imposed by this Part shall become a lien upon the lands, tenements, or hereditaments, or any interest therein, lying, being, and situate, wholly or in part, within the boundaries of the Township, which lands, tenements, hereditaments, or interest therein are described in or conveyed or transferred by the documents which is the subject of such tax imposed and assessed by this Part, said lien to begin at the time when the tax under this Part is due and payable and continue until discharged by payment or in accordance with the law. The Solicitor is authorized to file a municipal or tax claim in the Court of Common Pleas. (Ord. 9, 2/1/1965; as revised by Ord. 49, 11/3/1986)

§213. Penalties. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars ($300.00), and/or to imprisonment for a term not to exceed thirty (30) days. (Ord. 9, 2/1/1965; as revised by Ord. 49, 11/3/1986)

(24, §301)

Part 3

Real Property Tax Discounts and Penalties

§301. Levy Set. An annual Township tax, at the rate established by resolution, is annually levied upon all real property within East Coventry Township, Chester County, and made taxable for Township purposes, as ascertained by the last adjusted valuation for County purposes. [Consult the key to this codification the ordinance or resolutions which establish the annual millage.] (Ord. 39, 12/6/1982, §1)

§302. Discounts. All taxpayers, subject to the payment of the tax levied hereby, shall be entitled to a discount of two percent (2%) from the amount of such tax upon making payment of the whole amount thereof within two (2) months after the date of the tax notice. (Ord. 39, 12/6/1982, §2)

§303. Penalties. All taxpayers, subject to the payment of the tax levied hereby, who shall fail to make payment of such tax charged against them for four (4) months after the date of the tax notice shall be charged a penalty of ten percent (10%). Such penalty shall be added by the tax collector to the tax levied hereby, and shall be collected by him. (Ord. 39, 12/6/1982, §3)

(24, §401)

Part 4

Earned Income & Net Profits Tax

§401. Short Title. This Part shall be known as the "Earned Income & Net Profits Tax Ordinance of East Coventry Township". (Ord. 51, 6/1/1987, §1)

§402. Definitions. In addition to the definitions incorporated herein pursuant to §404 of this Part, the following words and phrases, for the purposes of this Part shall have the meaning indicated:

"THE LOCAL TAX ENABLING ACT" "ACT, " or any specific provision thereof, shall mean the Act of December 31, 1965, No. 511, P.L. 1257, as amended, 53 P.S. §6901 et seq., or the specific provision thereof, as the same now exists or as may be hereafter amended, supplemented, modified, or reenacted.

BOARD OF SUPERVISORS or BOARD - shall mean the Board of Supervisors of East Coventry Township, Chester County, Pennsylvania.

TOWNSHIP - shall mean East Coventry Township, Chester County, Pennsylvania.

(Ord. 51, 6/1/1987, §2)

§403. Authority for Enactment. This Part is enacted and ordained by and under authority of The Local Tax Enabling Act. (Ord. 51, 6/1/1987, §3)

§404. Incorporation of Statute. The provisions of The Local Tax Enabling Act, particularly but not limited to §413 thereof, 53 P.S. §6913, are incorporated into this Part by reference as though set forth fully at length with the following exceptions: (1) any option provided by said §413 shall be incorporated into this Part only to the extent that the option is hereby designated and selected hereunder; and (ii) to the extend as and where this Part provides otherwise. (Ord. 51, 6/1/1987, §4)

§405. Imposition of Tax. A tax for general revenue purposes is hereby levied and assessed upon earned income received and net profits made or earned by residents and non-residents of the Township during the period beginning July 1, 1987, and ending December 31, 1987, and thereafter during each succeeding calendar year, as follows:

1. Imposition of Tax on Residents.

   A. A tax at the rate of one half of one percent (.5%) upon earned income received by residents of the Township.

   B. A tax at the rate of one half of one percent (.5%) upon net profits made or earned by residents of the Township.

2. Imposition of Tax on Non-residents.

   A. A tax at the rate of one percent (1%) upon earned income received by non-residents for work performed or services rendered in the Township.

(24, §405(2)(B))

B. A tax at the rate of one percent (1%) upon net profits made or earned by non-residents from the operation of a business, profession, or other activity conducted in the Township.

(Ord. 51, 6/1/1987, §5)

§406. Declaration, Returns and Payments of Tax.

1. Net Profit.

A. Every taxpayer, who makes or earns net profits subject to the tax levied and assessed by this Part, during the period beginning July 1, 1987, and ending December 31, 1987, shall, on or before April 15, 1988: (1) make and file a final return, on a form prescribed or approved by the officer, showing the amount of such net profits and the total amount of tax due thereon; and (ii) pay the tax due thereon at the time of and together with the filing of the final return.

B. Every taxpayer, who makes or earns net profits subject to the tax levied and assessed by this Part, during the calendar beginning January 1, 1988, and thereafter during each succeeding calendar year, shall: (i) make and file a declaration of his estimated net profits for the current year and shall pay the tax due thereon in quarterly installments all as provided in and by Section 13 III A(1)(ii) of The Local Tax Enabling Act, 53 P.S. §6913 III A(1)(ii) and pursuant to and in accordance with all other provisions of the Act applicable to such declaration and quarterly payment; and (ii) shall make and file a final return and pay any tax due thereon or make demand for refund or credit, in the case of overpayment, all as provided in and by Section 13 III A(3) of Act, 53 P.S. §6913 III A(3), and pursuant to and in accordance with all other applicable provisions of the Act.

C. Every taxpayer, who makes or earns net profits subject to the tax levied and assessed by this Part and who discontinues business prior to December 31, 1987, or prior to December 31 of any succeeding calendar year, shall within thirty (30) days after the discontinue of business, file his final return pursuant to and in accordance with Section 13 III A(5) of The Local Tax Enabling Act, 53 P.S. §6913 III A(5).

2. Earned Income.

A. Every taxpayer, who receives earned income subject to the tax levied and assessed by this Part, shall make and file a final return and pay the balance of tax due or make demand for refund or credit, in the case of overpayment, all as provided in and by Section 13 III B., first paragraph, of The Local Enabling Act, 53 P.S. §6913 III B, first paragraph, and pursuant to and in accordance with other applicable provisions of the Act.

B. Every taxpayer, who is employed for a salary, wage, commission or other compensation and who receives any earned income subject to the tax levied and assessed by this Part that is not subject to collection at the source (as provided by §407 of this Part), shall comply with the following:

(24, §406(2)(B)(1))

(1) For such earned income received during the period beginning July 1, 1987, and ending December 31, 1987, the taxpayer shall, on or before April 15, 1988: (i) make and file a return setting forth the aggregate amount of earned income not subject to withholding from him during such period, together with the filing of the return. The filing and making of the return and payment required by this paragraph (1) may be combined with the making and filing of the final return and payment required under §406(2)(A) of this Part as the collector may prescribe.

(2) For such earned income received during the calendar year beginning January 1, 1988, and during each succeeding calendar year, the taxpayer shall make and file with the officer quarterly returns, together with payments of tax due thereon, all as provided in and by Section 13 III B(2) of The Local Tax Enabling Act, 53 P.S. §6913 III B(2), and pursuant to and in accordance with other applicable provisions of the Act.

C. A taxpayer, who receives earned income subject to the tax levied and assessed by this Part that consists solely of earned income the tax on which has been collected at the source (as provided by §407 of this Part), shall not be relieved thereby of the filing of a final return as required by §406(2)(A) of this Part.

(Ord. 51, 6/1/1987, §6)

§407. Collection at Source.

1. 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, as provided in and by Section 13 IV of The Local Tax Enabling Act, 53 P.S. §6913 IV, and pursuant to and in accordance with other applicable provisions of the Act: (i) within fifteen (15) days after effective date of this Part (in case of employers existing on such effective date) or within fifteen (15) days after becoming an employer (in case of employers coming into existence after such effective date), register with the officer; (ii) deduct the tax levied and assessed by this Part on earned income due his employee or employees; (iii) make and file quarterly and annual returns together with return withholding statements for each employee; (iv) pay the amount of tax so deducted with the quarterly returns; (v) furnish to each employee a return withholding statement; and (vi) upon the discontinuance of business prior to December 31 of the current year, file returns and withholding statements and make payments of the tax due.

2. Except as provided in and by §409 of The Local Tax Enabling Act, 53, P.S. §6909, every employer who willfully or negligently fails or omits to make the deductions required by this §407 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.

3. 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, levied and assessed by this Part, or from complying with requirements of this Part relating to the filing of declarations and returns.

(Ord. 51, 6/1/1987, §7)

§408. Administration. The tax levied and assessed by this Part, together with any fines, interests, and penalties imposed hereby and other provisions hereof, shall be collected, received, and administered by the income tax officer who shall be selected and designated from time to time by resolution of the Board of Supervisors, and who shall receive such compensation for his services and expenses as shall be determined from time to time by the Board all in accordance with and pursuant to Section 13 VI of The Local Tax Enabling Act, 53 P.S. §6913 VI. Such officer shall have all the powers and shall be subject to all the duties, obligations, and liabilities as set forth in the Act, including, without limitation, Sections 13 V and 13 VII., 53 P.S. §6913 V and VII. (Ord. 51, 6/1/1987, §8)

§409. Interest and Penalties. If for any reason the tax, levied and assessed by this Part, is not paid when due, interest at the rate of six percent (6%) per annum on the amount of said tax, and an additional penalty of one half of one percent (.5%) 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 therefor shall, in addition, be liable for the costs of collection and the interest and penalties imposed in this Section. (Ord. 51, 6/1/1987, §9)

§410. Fines and Penalties for Violation of this Part.

1. Any person who fails, neglects, or refuses to make any declaration or return required by this Part, any employer who fails, neglects, or refuses to register or to pay the tax, levied and assessed by this Part, which he has deducted from his employees, or 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 a 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 levied and assessed by this Part, shall, upon conviction thereof, before any district justice, or court of competent jurisdiction in Chester County, Pennsylvania, be sentenced to pay a fine of not more than five hundred dollars ($500.00) 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.

(24, §410(2))

2. Any person who divulges any information which is confidential under the provisions of this Part, shall upon conviction thereof before any district justice or court of competent jurisdiction, be sentenced to pay a fine of not more than five hundred dollars ($500.00) 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.

3. The penalties imposed under this Section shall be in addition to any other penalty imposed by any other section of this Part.

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

(Ord. 51, 6/1/1987, §10)

411. Severability. The provisions of this Part are severable. If any sentence, clause, section, or portion of this Part 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 portions of this Part. It is hereby declared as the intent of the Board of Supervisors that this Part would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or portion thereof not been included herein. (Ord. 51, 6/1/1987, §11)

§412. Effective Date. This Part shall become effective July 1, 1987. (Ord. 51, 6/1/1987, §12)

Part 5

Local Services Tax

§501. Short Title. This Part shall be known and may be cited as the "East Coventry Township Local Services Tax Ordinance." (Ord. 150, 10/13/2008, §I)

§502. Definitions. The following words and phrases, when used in this Part, shall have the meanings ascribed to them in this Section, except where the context or language clearly indicates or requires a different meaning:

EAST COVENTRY TOWNSHIP - the area within the corporate limits of East Coventry Township.

COLLECTOR - the person, public employee or private agency designated by East Coventry Township to collect and administer the tax herein imposed.

DCED - the Department of Community and Economic Development of the Commonwealth of Pennsylvania.

EARNED INCOME - compensation as this term is defined in Section 13 (relating to earned income taxes) of the Local Tax Enabling Act, the Act of December 31, 1965, P.L. 1257, §13, as amended, 53 P.S. §6913, as amended.

EMPLOYER - an individual, partnership, association, limited liability corporation, limited liability partnership, corporation, governmental body, agency or other entity employing one (1) or more persons on a salary, wage, commission or other compensation basis, including a self-employed person.

HE, HIS or HIM - indicates the singular and plural number, as well as male, female and neuter genders.

INDIVIDUAL - any person, male or female, engaged in any occupation, trade or profession within the corporate limits of East Coventry Township.

NET PROFITS - the net income from the operation of a business, profession, or other activity, as this term is defined in Section 13 (relating to earned income taxes) of the Local Tax Enabling Act, the Act of December 31, 1965, P.L. 1257, §13, as amended, 53 P.S. §6913, as amended.

OCCUPATION - any trade, profession, business or undertaking of any type, kind or character, including services, domestic or other, carried on or performed within the corporate limits of East Coventry Township for which compensation is charged or received, whether by means of salary, wages, commission or fees for services rendered.

TAX - the local services tax at the rate fixed in §505 of this Part.

TAX YEAR - the period from January 1 until December 31 in any year; a calendar year.

(Ord. 150, 10/13/2008, §I)

§503. Levy of Tax. For specific revenue purposes, an annual tax is hereby levied and assessed, commencing January 1, 2009, upon the privilege of engaging in an occupation with a primary place of employment within East Coventry Township during the tax year. Each natural person who exercises such privilege for any length of time during any tax year shall pay the tax for that year in the amount of fifty-two dollars ($52.00), assessed on a pro rata basis, in accordance with the provisions of this Part. This tax may be used solely for the following purposes as the same may be allocated by East Coventry Township from time to time: (A) emergency services, which shall include emergency medical services, police services and/or fire services; (B) road construction and/or maintenance; (C) reduction of property taxes; or (D) property tax relief through implementation of a homestead and farmstead exclusion in accordance with 53 Pa.C.S., Ch. 85, Subch. F (relating to homestead property exclusion). The Township shall use no less than twenty-five percent (25%) of the funds derived from the tax for emergency services. This tax is in addition to all other taxes of any kind or nature heretofore levied by East Coventry Township. The tax shall be no more than fifty-two dollars ($52.00) on each person for each calendar year, irrespective of the number of political subdivisions within which a person may be employed. (Ord. 150, 10/13/2008, §I)

§504. Exemption and Refunds.

1. Exemption. Any person whose total earned income and net profits from all sources within the Township is less than twelve thousand dollars ($12,000.00) for any calendar year in which the tax is levied is exempt from the payment of the tax for that calendar year. In addition, the following persons are exempt from payment of the tax:

A. Any person who has served in any war or armed conflict in which the United States was engaged and is honorably discharged or released under honorable circumstances from active service if, as a result of military service, the person is blind, paraplegic or a double or quadruple amputee or has a service-connected disability declared by the United States Veterans' Administration or its successor to be a total one hundred percent (100%) disability.

B. Any person who serves as a member of a reserve component of the armed forces and is called to active duty at any time during the taxable year. For the purposes of this subsection, "reserve component of the armed forces" shall mean the United States Army Reserve, United States Navy Reserve, United States Marine Corps Reserve, United States Coast Guard Reserve, United States Air Force Reserve, the Pennsylvania Army National Guard or the Pennsylvania Air National Guard.

2. Procedure to Claim Exemption.

A. A person seeking to claim an exemption from the local services tax shall annually file an exemption certificate with the Township and with the person's employer affirming that the person reasonably expects to receive earned income and net profits from all sources within East Coventry Township less than twelve thousand dollars ($12,000.00) in the calendar year for which the exemption certificate is filed. In the event the Township utilizes a tax collection officer, it shall provide a copy of the exemption certificate to that officer. The exemption certificate shall have attached to it a copy of all the employee's last

pay stubs or W-2 forms from employment within the Township for the year prior to the fiscal year for which the employee is requesting to be exempted from the tax. Upon receipt of the exemption certificate and until otherwise instructed by the Township or except as required by subsection (2)(B), the employer shall not withhold the tax from the person during the calendar year or the remainder of the calendar year for which the exemption certificate applies. Employers shall ensure that the exemption certificate forms are readily available to employees at all times and shall furnish each new employee with a form at the time of hiring.

B. With respect to a person who claimed an exemption for a given calendar year from the tax, upon notification to an employer by the person or by the Township that the person has received earned income and net profits from all sources within the Township equal to or in excess of twelve thousand dollars ($12,000.00) in that calendar year or that the person is otherwise ineligible for the tax exemption for that calendar year, or upon an employer's payment to the person of earned income within the Township in an amount equal to or in excess of twelve thousand dollars ($12,000.00), in that calendar year, an employer shall withhold the local services tax from the person under subsection (2)(C).

C. If a person who claimed an exemption for a given calendar year from the tax becomes subject to the tax for the calendar year under subsection (2)(B), the employer shall withhold the tax for the remainder of that calendar year. The employer shall withhold from the person, for the first payroll period after receipt of the notification under subsection (2)(B), a lump sum equal to the amount of tax that was not withheld from the person due to the exemption claimed by the person under this subsection, plus the per payroll amount due for that first payroll period. The amount of tax withheld per payroll period for the remaining payroll periods in that calendar year shall be the same amount withheld for other employees. In the event the employment of a person subject to withholding of the tax under this subsection is subsequently severed in that calendar year, the person shall be liable for any outstanding balance of tax due, and the Township may pursue collection under this Part.

D. Except as provided in subsection (2)(B), it is the intent of this subsection that employers shall not be responsible for investigating exemption certificates, monitoring tax exemption eligibility or exempting any employee from a local services tax.

3. Refunds. The Township Manager, in consultation with the Collector and DCED, shall establish procedures for the processing of refund claims for any tax paid by any person who is eligible for exemption, which procedures shall be in accord with provisions of the general municipal law relating to refunds of overpayments and interest on overpayments.[1] Refunds made within seventy-five (75) days of a refund request or seventy-five days after the last day the employer is required to remit the tax for the last quarter of the calendar year, whichever is later, shall not be subject to interest. No

[1]With respect to refunds, see 53 Pa.C.S. §8425; with respect to interest, see 53 Pa.C.S. §8426.

refunds shall be made for amounts overpaid in a calendar year that do not exceed one dollar ($1.00). The Township Manager or the Collector shall determine eligibility for refunds to exempt persons and provide refunds.

(Ord. 150, 10/13/2008, §I)

§505. Duty of Employers to Collect.

1. Each employer within East Coventry Township, as well as those employers situated outside East Coventry Township but who engage in business within East Coventry Township, is hereby charged with the duty of collecting the tax from each of his employees engaged by him or performing for him within East Coventry Township and of making a return and payment thereof to the Collector. Further, each employer is hereby authorized to deduct this tax from each employee in his or her employ, whether said employee is paid by salary, wage or commission and whether or not all such services are performed within East Coventry Township.

2. A person subject to the tax shall be assessed by the employer a pro rata share of the tax for each payroll period in which the person is engaging in an occupation. The pro rata share of the tax assessed on the person for a payroll period shall be determined by dividing the combined rate of the tax levied for the calendar year by the number of payroll periods established by the employer for the calendar year. For purposes of determining the pro rata share, an employer shall round down the amount of the tax collected each payroll period to the nearest one-hundredth (1/100) of a dollar. Collection of the tax shall be made on a payroll period basis for each payroll period in which the person is engaging in an occupation, except as provided in subsection (4) of this Section. For purposes of this subsection, "combined rate" shall mean the aggregate annual rate of the tax levied by the school district and the Township.

3. No person shall be subject to the payment of the local services tax by more than one (1) political subdivision during each payroll period.

4. In the case of concurrent employment, an employer shall refrain from withholding the tax if the employee provides a recent pay statement from a principal employer that includes the name of the employer, the length of the payroll period and the amount of the tax withheld and a statement from the employee that the pay statement is from the employee's principal employer and the employee will notify other employers of a change in principal place of employment within two (2) weeks of its occurrence. The employee's statement shall be provided on the form approved by DCED.

5. The tax shall be no more than fifty-two dollars ($52.00) on each person for each calendar year, irrespective of the number of political subdivisions within which a person may be employed. The Township shall provide a taxpayer a receipt of payment upon request by the taxpayer.

6. No employer shall be held liable for failure to withhold the tax or for the payment of the withheld tax money to the Township if the failure to withhold taxes arises from incorrect information submitted by the employee as to the employee's place or places of employment, the employee's principal office or where the employee is principally employed. Further, an employer shall not be liable for payment of the local services tax in an amount exceeding the amount withheld by the employer if the employer complies with the provisions of subsection (2) of §504 of this Part and this Section and remits the amount so withheld in accordance with this Part.

7. Employers shall be required to remit the local services taxes thirty (30) days after the end of each quarter of a calendar year.

(Ord. 150, 10/13/2008, §I)

§506. Returns. Each employer shall prepare and file a return showing a computation of the tax on forms to be supplied to the employer by the Collector. If an employer fails to file the return and pay the tax, whether or not the employer makes collection thereof from the salary, wages or commissions paid by him or her to an employee, except as provided hereafter in this Part, the employer shall be responsible for the payment of the tax in full as though the tax had been originally levied against the employer. (Ord. 150, 10/13/2008, §I)

§507. Dates for Determining Tax Liability and Payment. In each tax year, each employer shall use his or her employment records to determine the number of employees from whom such tax shall be deducted and paid over to the Collector on or before the thirtieth day following the end of each calendar quarter of each such tax year. (Ord. 150, 10/13/2008, §I)

§508. Self-employed individuals. Each self-employed individual who performs services of any type or kind or engages in any occupation or profession within a primary place of employment within East Coventry Township shall be required to comply with this Part and pay the pro rata portion of the tax due to the Collector on or before the thirtieth day following the end of each quarter. (Ord. 150, 10/13/2008, §I)

§509. Individuals Engaged in More than One (1) Occupation or Employed in More than One (1) Political Subdivision.

1. The situs of the tax shall be the place of employment on the first day the person becomes subject to the tax during each payroll period. In the event a person is engaged in more than one (1) occupation, that is, concurrent employment, or an occupation which requires the person working in more than one (1) political subdivision during a payroll period, the priority of claim to collect the local services tax shall be in the following order:

A. First, the political subdivision in which a person maintains his or her principal office or is principally employed.

B. Second, the political subdivision in which the person resides and works if the tax is levied by that political subdivision.

C. Third, the political subdivision in which a person is employed and which imposes the tax nearest in miles to the person’s home.

In case of dispute, a tax receipt of the taxing authority for that calendar year declaring that the taxpayer has made prior payment constitutes prima facie certification of payment to all other political subdivisions.

(Ord. 150, 10/13/2008, §I)

§510. Nonresidents Subject to Tax. All employers and self-employed individuals residing or having their places of business outside of East Coventry Township but who perform services of any type or kind or engage in any occupation or profession within East Coventry Township do, by virtue thereof, agree to be bound by and subject themselves to the provisions, penalties and regulations promulgated under this Part with the same force and

effect as though they were residents of East Coventry Township. Further, any individual engaged in an occupation within East Coventry Township and an employee of a nonresidential employer may, for the purpose of this Part, be considered a self-employed person, and in the event his or her tax is not paid, the Township shall have the option of proceeding against either the employer or employee for the collection of this tax as hereinafter provided. (Ord. 150, 10/13/2008, §I)

§511. Administration of Tax.

1. The Collector shall be appointed by resolution of the Township Council. It shall be the duty of the Collector to accept and receive payments of this tax and to keep a record thereof showing the amount received by him from each employer or self-employed person, together with the date the tax was received.

2. The Collector is hereby charged with the administration and enforcement of this Part and is hereby charged and empowered, subject to Township Council approval, to prescribe, adopt and promulgate rules and regulations relating to any matter pertaining to the administration and enforcement of this Part, including provisions for the examination of payroll records of any employer subject to this Part, the examination and correction of any return made in compliance with this Part and any payment alleged or found to be incorrect or as to which overpayment is claimed or found to have occurred. Any person aggrieved by any decision of the Collector shall have the right to appeal to the Court of Common Pleas of Chester County as in other cases provided.

3. The Collector is hereby authorized to examine the books and payroll records of any employer in order to verify the accuracy of any return made by an employer or, if no return was made, to ascertain the tax due. Each employer is hereby directed and required to give the Collector the means, facilities and opportunity for such examination.

(Ord. 150, 10/13/2008, §I)

§512. Suits for Collection.

1. In the event that any tax under this Part remains due or unpaid thirty (30) days after the due dates above set forth, the Collector may sue for the recovery of any such tax due or unpaid under this Part, together with interest and penalty.

2. If for any reason the tax is not paid when due, interest at the rate of six percent (6%) on the amount of such tax shall be calculated beginning with the due date of the tax and a penalty of five percent (5%) shall be added to the flat rate of such tax for nonpayment thereof. Where suit is brought for the recovery of this tax or other appropriate remedy undertaken, the individual liable therefor shall, in addition, be responsible and liable for the costs of collection.

(Ord. 150, 10/13/2008, §I)

§513. Violations and Penalties. Whoever makes any false or untrue statement on any return required by this Part, or whoever refuses inspection of the books, records or accounts in his or her custody and control setting forth the number of employees subject to this tax who are in his or her employment, or whoever fails or refuses to file any return required by this

Part shall be guilty of a violation and, upon conviction thereof, shall be sentenced to pay a fine of not more than six hundred dollars ($600.00) and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than thirty (30) days. The action to enforce the penalty herein prescribed may be instituted against any person in charge of the business of any employer who shall have failed or who refuses to file a return required by this Part. (Ord. 150, 10/13/2008, §I)

§514. Interpretation.

1. Nothing contained in this Part shall be construed to empower East Coventry Township to levy and collect the tax hereby imposed on any occupation not within the taxing power of the Township under the Constitution of the United States and the laws of the Commonwealth of Pennsylvania.

2. If the tax hereby imposed under the provisions of this Part shall be held by any court of competent jurisdiction to be in violation of the Constitution of the United States or of the laws of the Commonwealth of Pennsylvania as to any individual, the decision of the court shall not affect or impair the right to impose or collect said tax or the validity of the tax so imposed on other persons or individuals as herein provided.

(Ord. 150, 10/13/2008, §I)

CHAPTER 25

TREES

(Reserved to accommodate future ordinances)

CHAPTER 26

WATER

Part 1

Water Conservation

§101. Short Title
§102. General Policy; Applicability; Interpretation
§103. Definitions
§104. Water Conservation Performancè Standards and Restrictions for Plumbing Fixtures and Fittings
§105. Special Provisions
§106. Review and Modification
§107. Penalties

Part 1

Water Conservation

§101. Short Title. This Part shall be known and may be cited as the "East Coventry Township Water Conservation Ordinance." (Ord. 73, 4/6/1992, §1)

§102. General Policy; Applicability; Interpretation.

1. No water shall be provided for internal or external use to any residential, commercial, industrial, agricultural, recreational, governmental, or public building or structure of any kind, which is constructed or remodeled and in which plumbing, water piping and/or water-using fixtures are to be installed, extended or altered in any way, and for which construction or remodeling a permit is required to be obtained from the Township (or would be required but for an exemption from a permit requirement for public or governmental agencies), unless the new, extended or altered plumbing, water piping and/or other water-using fixtures therein conform to the standards and restrictions of §104 of this Part.

2. The provisions of this Part shall apply to any such building or structure for which such building permit is issued or required to be issued (or would otherwise be required to be issued but for such an exemption) on or after April 11, 1992.

3. In interpreting and applying this Part, the provisions hereof shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. Where the provisions of this Part impose greater standards or restrictions than those of any other ordinance, resolution or regulation of the Township, the provisions of this Part shall supersede and control. Where the provisions of any statute or of any other ordinance, resolution or regulation of the Township impose greater standards or restrictions than this Part, the provisions of such statute, ordinance, resolution or regulation shall supersede and control.

(Ord. 73, 4/6/1992, §1)

§103. Definitions. The following words and phrases, as used in this Part, shall have the meaning indicated:

ANSI - American National Standards Institute, Inc.

BOARD - the Board of Supervisors of the Township.

COUNTY - Chester County, Pennsylvania.

PERSON - includes a corporation, partnership and association, as well as a natural person.

PSI - pounds per square inch.

TOWNSHIP - East Coventry Township, Chester County, Pennsylvania.

(Ord. 73, 4/6/1992, §1)

§104. Water Conservation Performance Standards and Restrictions for Plumbing Fixtures and Fittings.

1. Water Closets and Associated Flushing Mechanisms. The water consumption of a water closet and associated shall not exceed an average of one and six tenths (1.6) gallons per flush cycle over a range of test pressures from twenty (20) to eighty (80) psi. The fixtures shall perform in accordance with the test requirements of the ANSI A122.19.2M and ANSI A112.19.6M.

2. Urinals and Associated Flushing Mechanisms. The water consumption of a urinal and associated flushing mechanisms shall not exceed an average of one and one-half (1.5) gallons per flush cycle over a range of test pressures from twenty (20) to eighty (80) psi. The fixtures shall perform in accordance with the test requirements of ANSI A122.19.2M and ANSI A112.19.6M.

3. Showerheads. The discharge rate of a showerhead shall not exceed three (3.0) gallons of water per minute over a range of test pressures from twenty (20) to eighty (80) psi. The fixture shall perform in accordance with the test requirements of ANSI A122.18.1M.

4. Faucets. The discharge rate for a sink or lavatory faucet shall not exceed three (3.0) gallons of water per minute over a range of test pressures from twenty (20) to eighty (80) psi. The fixture shall perform in accordance with the test requirements of ANSI A112.18.1M.

(Ord. 73, 4/6/1992, §1)

§105. Special Provisions.

1. Special Purpose Equipment. The performance standards and restrictions of §104 of this Part shall not apply to fixtures and fittings, such as emergency showers, aspirator faucets, and blowout fixtures, that, in order to perform a specialized function, cannot meet the specified standards and restrictions.

2. Exemptions. Any person may apply to the Board for an exemption to the provisions of this Part. The exemption may be granted by the Board upon proof (i) that some other device, system or procedure will save as much water as or more water than those complying with the provisions of this Part, or (ii) that the provisions of this Part cannot be complied with without undue hardship.

(Ord. 73, 4/6/1992, §1)

§106. Review and Modification. The Board may, from time to time, review, modify, add to, or remove the performance standards and restrictions provided in §104 of this Part. (Ord. 73, 4/6/1992, §1)

§107. Penalties. It shall be unlawful for any person to use or apply water within the Township in violation of the provisions of this Part, and upon conviction thereof, such person shall be sentenced to pay a fine not exceeding six hundred dollars ($600.00), plus costs. In default of the payment of such fine and costs, such person shall be liable to imprisonment in the county prison for a term not exceeding thirty (30) days. Each day that a violation of the provisions of this Part exists shall constitute a separate offense. (Ord. 73, 4/6/1992, §1)

CHAPTER 27

ZONING

Part 1

Introductory Provisions

§101. Short Title
§102. Statement of Community Development Objectives
§103. Interpretation
§104. Scope
§105. Other Applicable Regulations

Part 2

Definitions

§201. Interpretation
§202. Definitions

Part 3

Zoning Districts and Boundaries

§301. Establishment of Districts
§302. Zoning Map
§303. Zoning District Boundaries
§304. Federal, State, County or Municipal Owned Property
§305. Boundary Use Tolerances
§306. Municipal Uses

Part 4

Natural Features Protection

§401. Floodplain Districts
§402. Purpose
§403. General Floodplain Regulations
§404. FW Floodway Floodplain District Regulations
§405. FF Flood Fringe Floodplain District Regulations
§406. FA General Floodplain District Regulations
§407. Special Provisions for Certain Types of Development Within Floodplain Districts
§408. Floodplain District Warning and Disclaimer of Liability
§409. Steep Slope Conservation District
§410. Steep Slope Conservation District; General Provisions
§411. Steep Slope Designation and Interpretation of District Boundaries
§412. Uses Permitted by Right in the Steep Slope Conservation District
§413. Uses Permitted by Special Exception in the Steep Slope Conservation District
§414. Uses Permitted by Variance in the Steep Slope Conservation District
§415. Administration of the Steep Slope Conservation District Regulations

§416. Standards and Criteria for Review of Special Exceptions in the Steep Slope Conservation District
§417. Uses and/or Structures Rendered Nonconforming by Adoption of the Steep Slope Conservation District
§418. Seasonally High Water Table Soils and Wetlands
§419. Riparian Buffers
§420. Landscaping, Screening and Buffering

Part 5

FR Farm Residential District

§501. Specific Intent
§502. Use Regulations
§503. Area, Bulk and Dimensional Standards

Part 6

R-1 Residential District

§601. Specific Intent
§602. Use Regulations
§603. Area, Bulk and Dimensional Standards

Part 7

R-2 Residential District

§701. Specific Intent
§702. Use Regulations
§703. Area, Bulk and Dimensional Standards
§704. Clustered Single-Family Detached Residential Development Standards

Part 8

R-3 Residential District

§801. Specific Intent
§802. Use Regulations
§803. Area, Bulk and Dimensional Standards
§804. Clustered Single-Family Detached Residential Development Standards
§805. Adult Communities
§806. Additional Design Standards for the R-3 Residential District

Part 9

NC Neighborhood Commercial District and C Commercial District

§901. Specific Intent
§902. Use Regulations
§903. Single-Family Detached Dwelling Use of Certain Lots in the C Commercial District

§904. Area, Bulk and Dimensional Standards
§905. Other Requirements and Standards

Part 10

C-1 Commercial and Business Campus District

§1001. Specific Intent
§1002. Use Regulations
§1003. Single-Family Detached Dwelling Use of Certain Lots in the C-1 Commercial District and Business Campus District
§1004. Area, Bulk and Dimensional Standards
§1005. Other Requirements and Standards

Part 11

LI Limited Industrial District

§1101. Specific Intent
§1102. Use Regulations
§1103. Single-Family Detached Dwelling Use of Certain Lots in the LI Limited Industrial District
§1104. Area, Bulk and Dimensional Standards
§1105. Other Requirements and Standards

Part 12

Historic Resource Protection Standards

§1201. Statement of Intent and Purpose
§1202. General Provisions
§1203. Historic Resources Map
§1204. East Coventry Township Historical Commission
§1205. Demolition of Historic Resources
§1206. Modification to Use, Area and Bulk Regulations
§1207. Review of Proposed Rehabilitations, Enlargements or Alterations
§1208. Standards for Rehabilitation
§1209. Bonus Provisions
§1210. Certified Historic Districts

Part 13

General and Supplemental Regulations and Design Standards

§1301. Purpose
§1302. Reduction of Lot Area and Front Yard
§1303. Exemptions to Height Restriction
§1304. Prohibited Uses
§1305. Access, Highway Frontage and Interior Circulation
§1306. Parking Standards
§1307. Off-Street Loading
§1308. Traffic Impact Study Requirements

§1309. Landscape Screens
§1310. Landscape Design, Installation, and Maintenance Standards
§1311. Minimum Habitable Floor Areas
§1312. Conversion of Buildings or Dwellings
§1313. Swimming Pools
§1314. Sign Regulations
§1315. Home Occupations
§1316. Timber Harvesting Requirements
§1317. Public Utilities
§1318. Clear Sight Triangles/Obstructions to Vision
§1319. Accessory Uses and Accessory Buildings
§1320. Antennas Accessory to Dwellings - General Regulations
§1321. Interior Lots
§1322. Projections into Required Yards
§1323. Fire Suppression Devices
§1324. Height Limitation of Fences and Walls
§1325. Keeping of Domestic Animals
§1326. Stream Bank Restriction
§1327. Conservation Plan
§1328. Municipal Landfill
§1329. Single Principal Use
§1330. Physical Performance Requirements
§1331. Storage of Vehicles and Junk
§1332. Temporary Structures
§1333. Certain Nonconformities Resulting from the Taking of a Portion of a Lot for Public Purposes
§1334. Municipal Uses
§1335. Solar Energy Equipment
§1336. Wind Energy Equipment

Part 14

Conditional Use Process

§1401. Requirements and Procedures
§1402. Additional Requirements for Specified Conditional Uses
§1403. Criteria for Review of Conditional Use Applications
§1404. Clustered Single-Family Detached Residential Development Open Space and Other Open Space Design Standards
§1405. Standards for Communications Towers and Communications Antennas Permitted as Conditional Uses
§1406. Continuation by Conditional Use of Certain Nonconformities Resulting from the Taking of Portion of a Lot for Public Road Purposes

Part 15

Zoning Hearing Board

§1501. Establishment and Membership
§1502. Organization of the Zoning Hearing Board
§1503. Jurisdiction
§1504. Rules of Procedure, Expenditures and Fees

§1505. Meetings
§1506. Appeals and Applications to the Zoning Hearing Board
§1507. Notice of Hearing
§1508. Hearing Procedures
§1509. Standards for Review of a Special Exception
§1510. Standards for Review of a Variance
§1511. Burden of Proof; Conditions
§1512. Decision on Appeals and Requests
§1513. Appeals to Court
§1514. Expiration of Special Exceptions and Variances

Part 16

Administration

§1601. Zoning Officer
§1602. Use and Occupancy Permits
§1603. Floodplain/Zoning Permits
§1604. Fees and Expenses
§1605. Municipal Liability

Part 17

Amendments

§1701. Power of Amendment
§1702. Initiation of Amendment Proposals
§1703. Referral to Township and County Planning Commissions
§1704. Public Hearing and Notice
§1705. Enactment

Part 18

Enforcement

§1801. Enforcement Notice
§1802. Causes of Action
§1803. Enforcement Remedies

Part 19

Nonconforming Uses, Structures and Buildings

§1901. Nonconforming Use
§1902. Nonconforming Structure or Building
§1903. Nonconforming Sign
§1904. Identification and Registration of Nonconforming Uses, Nonconforming Structures or Buildings, and Nonconforming Lots
§1905. Temporary Nonconforming Use
§1906. Lots Nonconforming as to Area and Width Regulations, and Lots of Unusual Dimensions
§1907. Nonconformities in Floodplain Districts

Appendix A

[Reserved]

Appendix B

Developed Lot with Accessories

Zoning Map Amendments

Zoning Map

Part 1

Introductory Provisions

§101. Short Title. This Chapter shall be known, and may be cited as, the "East Coventry Township Zoning Ordinance of 2008." (Ord. 147, 8/11/2008, §100)

§102. Statement of Community Development Objectives. The objectives of this Chapter are derived from and conform to the comprehensive planning process and other planning activities of East Coventry Township and its policies for resource protection, land use, growth management, housing, circulation, and the provision of community facilities and services. The particular objectives for community development which East Coventry Township seeks to achieve through this Chapter are those contained in the East Coventry Comprehensive Plan of 2003, consistent with the requirements for such as prescribed in §606 of the Pennsylvania Municipalities Planning Code (MPC), Act 247, as amended. Those particular objectives, as articulated among the overall set of Community Goals and Objectives within the Comprehensive Plan, are as follows:

A. To preserve, protect and manage the Township's natural resources including streams and other water bodies, wetlands, woodlands, and wildlife habitats, preclude development in floodplains and on steep slopes and poor soils.

B. To protect the Township's valuable cultural and historic resources from degradation or destruction and promote the adaptive reuse of older buildings and structures, and enhance residents' experience of the Township's environmental resources through the protection of scenic landscapes and roads.

C. To conserve the Township's agricultural lands and encourage the long term viability of agricultural operations and the supporting agricultural industry.

D. To provide for development in an orderly manner that preserves the rural character of the Township by guiding higher density residential, commercial and industrial development to areas with accommodating zoning, compatible and supportive land uses, available infrastructure, and other urban facilities and services.

E. To provide for a variety of housing types and densities to meet current and future residents' needs. [Ord. 152]

F. To promote the use of flexible and creative planning, open space management, land stewardship, and engineering practices to facilitate protection and enhancement of the natural, cultural, agricultural, scenic, historic and recreational resources of the Township.

G. To promote innovative development designs that enhance their surroundings by means of building scale and orientation; incorporate surrounding historic and cultural features; provide proper traffic circulation, on-site parking and site access; incorporate high quality architecture and site landscaping; retain scenic views; and establish adequate buffers to separate incompatible land uses.

H. To promote a safe, efficient transportation system and to provide adequate and efficient community facilities and services within the Township.

(Ord. 147, 8/11/2008, §101; as amended by Ord. 152, 12/8/2008, §I

§103. Interpretation. In the interpretation and application of this Chapter, the provisions thereof shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. Where the provisions of this Chapter impose greater restrictions than those of any other ordinance or regulation, the provisions of this Chapter shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Chapter, the provisions of such statute, ordinance or regulation shall be controlling. Where the provisions of this Chapter impose time limitations on actions by the Township, its Board of Supervisors, its Planning Commission, the Township Engineer or any other agencies, which time limitations are not required by the Pennsylvania Municipalities Planning Code or other applicable statute, or which are shorter than required by the Pennsylvania Municipalities Planning Code or other applicable statute, the time limitations set forth in this Chapter shall be deemed directory and not mandatory, and any longer time periods provided by the Pennsylvania Municipalities Code or other applicable statute shall prevail. (Ord. 147, 8/11/2008, §102)

§104. Scope. From and after the effective date of this Chapter, the use of all land, every building or portion of a building erected, altered in respect to height or area, added to, or relocated, and every use hereinafter established within any building or property or use accessory thereto in East Coventry Township shall be in conformity with the provisions of this Chapter. Any building, structure or use of a building or land existing at the effective date of this Chapter which is not in conformity herewith may be continued, extended or changed only in accordance with the regulations herein contained relating to nonconforming buildings and uses. (Ord. 147, 8/11/2008, §103)

§105. Other Applicable Regulations. Specific references herein to other applicable regulations, e.g., Pennsylvania Department of Environmental Protection, are not in limitation of and do not waive the applicability of any other regulations not specifically referenced. Any applicable regulation more stringent than those herein shall apply. Preemption of any regulation herein by regulation of other authority shall not be presumed. Applicability of this Chapter shall be determined by the Zoning Officer in consultation with the Township Solicitor. Such determination shall be documented. (Ord. 147, 8/11/2008, §106)

Part 2

Definitions

§201. Interpretation.

1. Except as otherwise expressly stated in this Chapter or where the context clearly indicates otherwise, and subject to other provisions of this Section: (A) words and phrases appearing in this Chapter, which are defined in this Part or other provisions of this Chapter, shall be construed according to such definitions; and (B) words and phrases not defined in this Part or other provisions of this Chapter shall be construed according to their common and approved usage, provided that any such undefined words and phrases, which are technical words and phrases or such others as have acquired a peculiar and appropriate meaning, shall be construed according to such technical and appropriate meaning. Words used in the present tense include the future. The singular includes the plural and the plural the singular. The masculine gender includes the feminine and the neuter. The words “shall” or “must” are mandatory. The word “person” includes an individual, corporation, partnership, incorporated association or other similar entity. The words “includes” or “including” shall not limit the term to the specified example but is intended to extend its meaning to all other instances of like kind and character. The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for,” or “occupied for.”

2. Any reference in this Chapter to any ordinance of the Township, to any Federal or State law or statute, or to any regulation, study, map or survey issued or prepared by the Board of Supervisors, or any officer or official of the Township, and/or by any Federal or State public body, or a public officer or official thereof, shall include such ordinance, law, statute, regulation, study, map, and survey, with all amendments and supplements thereto, and any new ordinance, law, statute, regulation, study, map, and survey substituted for the same, as in force at the time of application hereunder.

3. Any reference in this Chapter to any governmental agency, department, board, commission or other public body or to any public officer or other public official shall include an entity or official which or who succeeds to the same functions as those performed by such public body or official at the time of application hereunder.

(Ord. 147, 8/11/2008, §200)

§202. Definitions.

ABANDONMENT - an intentional and absolute relinquishment and cessation of a use without intention to resume such use for a period of time, or the voluntary discontinuance of a use for a continuous period of time.

ACCESSORY BUILDING (STRUCTURE) - a subordinate building or structure, the use of which is entirely incidental to that of the principal or main building or structure, used for an accessory use and located on the same lot.

ACCESSORY USE - a use customarily incidental and subordinate to and located on the same lot occupied by the principal use to which it relates.

ADULT COMMUNITY - a residential community comprised of a combination of

dwelling types and providing amenities designed for persons aged fifty-five (55) and older; such a community must be governed by declarations of covenants, conditions and restrictions that limit the occupancy of dwellings to persons aged fifty-five (55) and older. However, a spouse younger than fifty-five (55) years of age, of a person aged fifty-five (55) years or over, shall be permitted occupancy. A person eighteen (18) years of age or younger may reside in the community for no longer than sixty (60) days.

ADULT-ORIENTED USE - any adult bookstore, adult cabaret, adult mini-picture theater, adult theater or massage establishment, as defined herein and which, under §5903 of the Crimes Code, 18 Pa.C.S. §5903, must exclude minors or may not knowingly distribute to minors.

A. ADULT BOOKSTORE - a commercial establishment, having as a substantial or significant portion of its stock in trade, whether for sale or rental, books, magazines, videos, novelties, or other materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specific sexual activities" as defined herein.

B. ADULT CABARET - a cabaret, tavern, theater, or club which features strippers, male or female impersonators or similar entertainers who exhibit, display, or engage nudity, sexual conduct or sado-masochistic abuse, as defined in §5903 of the Crimes Code, 18 Pa.C.S. §5903.

C. ADULT MINI-MOTION PICTURE THEATER - an enclosed building offering video presentations distinguishing or characterized by an emphasis on matters depicting, describing or relating to "specified sexual activities," as defined herein, for observation by patrons within private viewing booths and/or by use of token or coin operated projectors or other video machines.

D. ADULT THEATER - any business, indoor or outdoor, that exhibits a motion picture show or other presentation that, in whole or in part, depicts nudity, sexual conduct or sadomasochistic abuse, as defined in §5903 of the Crimes Code, 18 Pa.C.S. §5903.

E. MASSAGE ESTABLISHMENT - any establishment or business which provides the services of a massage or body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor or professional physical therapist licensed by the State. This definition does not include an athletic club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

AGRICULTURE - the cultivating of the soil, the raising and marketing of livestock and poultry, dairying and the marketing of products of the soil that are produced on the premises including, but not by way of limitation, nursery, horticultural and forestry products, but excluding commercial swine and commercial poultry facilities. The keeping of horses or dogs, and any similar animals considered as domestic pets, for domestic purposes shall not be considered an agricultural use.

AGRICULTURE, INTENSIVE - intensive agriculture shall include, but is not limited to, the following activities: the raising of poultry, mushroom

houses, fattening pens and hog farming, and similar agricultural activities. The characteristics of intensive farming shall include the following: relatively small lot areas, strong offensive odors, substantial stormwater runoff, large concentrations of animal waste, noise, extensive use of chemicals, compost and manure storage.

AGRICULTURAL PRODUCTS - for the purpose of permitting off-premises directional signs, under §1314(18) of this Chapter, agricultural products shall include only fruits, vegetables, flowers, and/or Christmas trees, (A) which are grown or raised on the subject property, and (B) which are grown or raised elsewhere and brought to the subject property for sale, provided that such products grown or raised elsewhere do not constitute more than forty percent (40%) of the total dollar value of agricultural products being offered for sale on the subject property at any particular time.

AGRICULTURAL SECURITY AREA - an area of the Township comprising more than five hundred (500) acres of land used for the agricultural production of crops, livestock and livestock products under the ownership of one (1) or more persons and designated as such by the procedures set forth in the Agricultural Area Security Law, Act of June 30, 1981, P.L. 128, No. 43, as amended, 3 P.S. §901 et seq.

AGRICULTURALLY SUITED SOILS - soils classified by the United States Department of Agriculture, Soil Conservation Service, in the Soil Survey of Chester and Delaware Counties, 1963. The term, unless otherwise specified, refers to Land Capability Classes I, II and III that are those soils that may be considered prime agricultural soils.

AMUSEMENT PARK - a commercial establishment, including permanent buildings and/or other structures erected for entertainment purposes. Such entertainment may include rides, booths for the conduct of games or sale of merchandise, buildings for shows and other forms of entertainment, and restaurants.

ANTENNA - a device used to collect and/or transmit wireless communications or radio signals including, but not limited to, omni-directional antenna (rod or whip), directional antenna (panel), parabolic antenna (dish) and repeaters and radio-domes. This definition shall not include private residence mounted satellite dishes, television antennas or amateur radio equipment including ham or citizen band radio antennas.

ANTENNA HEIGHT - the vertical distance measured from the base of the antenna support structure or the antenna, whichever is lower, to the top of the antenna support structure or antenna whichever is higher. If the antenna support structure is on a sloped grade, then the highest grade shall be used in calculating the antenna height.

ANTENNA SUPPORT STRUCTURE - a monopole structure designed and constructed to support an antenna, utilizing a single integral shaft without guy wires. No other structures shall be permitted.

APARTMENT - see "dwelling types."

APPLICANT - a landowner, developer or equitable owner, as hereinafter defined, who has filed an application for development, including his heirs, successors and assigns.

AREA STABILIZATION - the establishment and maintenance of a suitable vegetative cover; the application of mulches or mechanical devices such as a

wood fiber blanket or erosion control netting; the erection of dikes or other structures or barricades to prevent erosion.

ASSISTED LIVING COMMUNITY - a managed residential development, licensed by the Commonwealth of Pennsylvania, consisting of one or a combination of dwelling types, as defined herein and common facilities such as common rooms, entertainment facilities, auditorium, chapel, dining facilities, kitchen and food preparation facilities, laundry facilities, administrative offices, medical examination facilities, limited treatment and therapy facilities or similar uses, and providing assistance with activities of daily living such as meal service, laundry service, housekeeping, social and recreational activities and transportation, in a group setting to persons who require help or aid with activities of daily life, but do not require skilled nursing care.

ASSISTED LIVING FACILITY - see "personal care facility."

BARN - a structure designed to shelter animals weighing more than two hundred (200) pounds.

BASE FLOOD - the flood selected to serve as the basis on which the floodplain management provisions of this Chapter have been prepared; the one hundred (100) year flood.

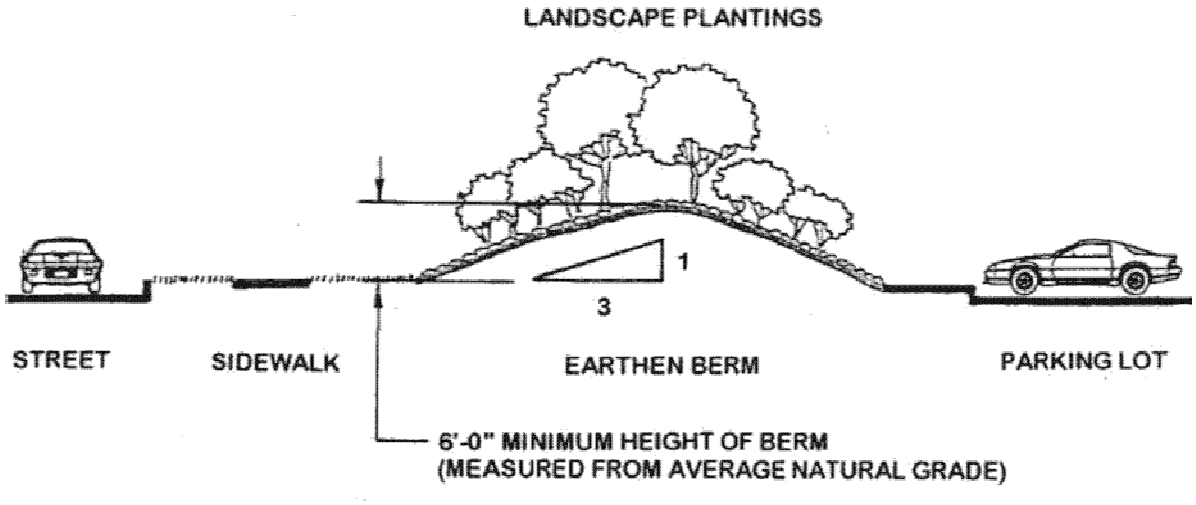
BASE FLOOD ELEVATION - the one hundred (100) year flood elevation. Within the approximated floodplain, the base flood elevation shall be established as a point on the boundary of the approximated floodplain that is nearest to the site in question.

BASEMENT - that portion of a building that is partly below and partly above grade and has at least one-half (1/2) its height, measured from the finished floor to the finished ceiling, below the average grade of the adjoining ground. A basement shall be counted as a story if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or is used for business or dwelling purposes, other than a game or recreation room and/or a garage.

BED-AND-BREAKFAST FACILITY - a dwelling containing guest rooms available for short-term overnight rental and providing breakfast service to overnight guests.

BERM - an earthen structure, a minimum of six (6) feet in height with a 1:3, height to width, slope along its length and at its ends, designed as an integral part of a landscape screen, as illustrated below.

(27, §202, cont'd)



BLOCK - an area of land bounded by streets, roads, or other types of rights-of-way.

BOARD OF SUPERVISORS - the Board of Supervisors of East Coventry Township, Chester County, Pennsylvania.

BRIGHTNESS - a term usually applied to the intensity of sensation resulting from viewing a surface, opaque or transmitting, from which light comes to the eyes. Everything that is visible has some degree of brightness.

BUFFER (BUFFER AREA, BUFFER YARD) - a designated area of land, containing a landscaped screen, as defined herein, between two (2) uses intended to protect one use from another use that is incompatible, or to provide privacy between two (2) uses, or intended to protect the view(s) of or from a use.

BUILDING - any structure, permanently located on the ground, having enclosing walls and a roof; a mobile home and a trailer used or to be used for human occupancy. [Ord. 152]

BUILDING CODE - the provisions of Part 1, entitled "Building Codes," and Part 2, entitled "Uniform Construction Code," of Chapter 5 of the Township of East Coventry Code of Ordinances, subject to the replacement of the provisions of Part 1 by the provisions of Part 2 as provided by §§204 and 207 of Part 2.

BUILDING COVERAGE - the ratio of the total ground floor area of all buildings on a lot to the total area of the lot on which they are located or the percentage of the lot area covered by buildings.

BUILDING FOOTPRINT - the calculated square footage of any building or structure as determined by the outside face of the foundation at grade level, and which includes any overhangs that are supported by posts or additional foundation support.

BUILDING HEIGHT - the vertical distance from the grade plane, as defined herein, to the average height of the highest roof.

Also see "basement." For structures other than buildings, see "height."

[Ord. 152]

BUILDING INSPECTOR - the officer or other designated authority charged with the administration and enforcement of the Building Code [Chapter 5, Part 1, §101].

BUILDING PERMIT - a document issued and signed by the Building Inspector authorizing the erection, alteration, or enlargement of a building or structure. The document shall indicate that the proposed activity complies with the applicable codes and ordinances of the Township.

BUILDING PRINCIPAL - a structure in which is conducted or intended to be conducted or designed to be conducted, the principal use of the lot on which the structure is located.

BUILDING SETBACK LINE (BUILDING LINE) -

A. Except in the case of an interior lot, the building setback line shall be a line, within and extending the full width of a lot, parallel to the street line and setback a distance therefrom equal to the depth of the minimum required front yard. To the extent that the street line is curved, the building setback line shall be concentric therewith. In the case of an interior lot (where preexisting or approved by relief), the building setback line shall be a line, within and extending the full width of the lot, which is (1) parallel to the intervening lot line nearest the street line, and (2) setback from such intervening lot line a distance equal to the depth of the minimum required front yard, or in the case of an existing interior lot of record, a distance equal to seventy-five (75) feet.

B. For the purpose of measuring lot width at and along the building setback line, the following shall apply:

(1) Except as otherwise provided in subsection (2), below, the building setback line, for the purpose of measuring lot width, shall be the minimum building setback line as defined in subsection (A), above.

(2) In the case of a lot having its entire street frontage within the turnaround, measured from reverse curve to reverse curve, of a cul-de-sac street, the building setback line, for the purpose of measuring lot width, shall be a curved line that is (a) parallel to and concentric with the street line, and (b) set back from the street line a distance equal to at least the depth of the minimum required front yard but in no case more than twice the depth of the minimum required front yard.

BULK - a term used to describe the size of buildings or other structures and their relationship to each other, to open areas such as yards and/or lot lines and includes: the size, height and floor area of a building or other structure; the relation of the number of dwelling units in a residential building to the area of the lot (usually called density); and all open areas in yard space relating to buildings and other structures.

BUS SHELTER - a frame-like structure enclosed on a minimum of two (2) sides built to mark an existing bus stop of a regional transportation system

and to shelter pedestrians from the weather while waiting for buses in a public or private regional transportation system. Bus shelters may contain limited advertising space in accordance with §1314, "Signs," of this Chapter.

CALIPER - the diameter of a tree, where required to be planted under this Chapter, measured in inches at six (6) inches from the ground surface.

CAMPGROUND OR RECREATIONAL VEHICLE PARK - a lot or land upon which two or more campsites or recreational vehicle sites, tents or other individual camping units are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreational or vacation purposes utilized on a seasonal basis.

CAMPSITE OR RECREATIONAL VEHICLE SITE - a plot of ground within a recreational vehicle park intended for the accommodation of a recreational vehicle, tent, or other individual camping unit for seasonal use.

CARPORT - a roofed-over structure, open on at least two (2) sides, used in conjunction with a dwelling for parking or other temporary storage of private motor vehicles.

CARTWAY - that portion of a street or alley paved or otherwise intended for vehicular traffic. Where vertical curbs are provided, the area between the sides of the curbs facing the cartway shall be included in the cartway.

CARTWAY, MINOR - a separate and subordinate cartway within the right-of-way of a major street or road which is parallel to, and connected at controlled intervals with, the principal cartway and which serves as the means of access to abutting lots; a service road.

CEMETERY - land used or intended to be used for the burial of the deceased, including crematories, mausoleums, mortuaries and pet cemeteries when operated in conjunction with the cemetery and located on such land as used for the cemetery.

CERTIFICATE OF APPROPRIATENESS - the approval statement signed by the Board of Supervisors which certifies the historical appropriateness of a particular request for the erection, alteration, reconstruction, restoration, demolition, or razing of all or part of any building or structure within a historic district and authorized the issuance of a building permit for said request.

CERTIFICATE OF USE AND OCCUPANCY - a document, signed, issued, and enforced by the Zoning Officer upon completion of construction of a new building or upon change or conversion of the structure or use of a building, which establishes that a building and its lot complies with all requirements and regulations as provided in this Chapter and other applicable codes, and that the same may be used for the intended use.

CERTIFIED HISTORIC DISTRICT - an historic district that has been delineated by the Township and certified for historical significance by the Pennsylvania Historical and Museum Commission in accordance with the Historic District Act.

CERTIFIED HISTORIC STRUCTURE - a building or structure identified by the Township which is listed in the National Register of Historic Places or located within a registered historic district and certified by the Secretary of the Interior as being of historical significance to the district.

CHURCH - a building used for divine public worship and education by a

congregation, but excluding buildings used exclusively for residential, burial, recreational or other uses not normally associated with worship. The term "church" shall also include temples, synagogues, mosques and other similar places of worship.

CLEAR-CUTTING - the felling of all trees on a tract of land or any portion thereof, at one time.

CLEAR SIGHT TRIANGLE - an area of unobstructed vision at a street intersection, defined by lines of sight between points at a given distance from the intersection measured on the centerlines of the streets.

CLUSTER DEVELOPMENT - an arrangement of residential structures that allows for grouping of the structures by reducing lot area and yard requirements and incorporating the remaining area as open space.

COMMERCIAL - a use of land or improvements thereto for the purpose of engaging in retail, wholesale or service activities for profit.

COMMERCIAL SWINE FACILITY - the raising of hogs or pigs for sale or for profit as the principal use on the lot, but not including the incidental raising of hogs or pigs as an accessory use to a principal agricultural use.

COMMERCIAL POULTRY FACILITY - the raising of any form of poultry for sale or for profit as the principal use on the lot, but not including the incidental raising of chickens, turkeys or geese for domestic consumption on the premises as an accessory use to a principal agricultural use.

COMMON AREA - any area or space designed for joint use of tenants occupying mobile home developments.

COMMON OPEN SPACE OR OPEN SPACE - a parcel or parcels of land or an area of water or a combination of land and water within a development site designed and intended for the use or enjoyment of the residents of a development and other neighborhoods, consisting of landscaped or natural terrain including lakes and streams. Common open space shall be substantially free of buildings (but may include such buildings or other improvements as are in the development plan as finally approved and as are appropriate for the recreational uses). Common open space shall not include street rights of way, yards, required areas for buildings, off-street parking areas or non-common open space functions. Common open space may include recreational uses such as tennis courts, squash courts, playgrounds, golf courses, swimming pools or other like uses. Common open space may also include stormwater detention or retention facilities provided that the area devoted to such facilities shall not be included as part of the required minimum open space area.

COMPREHENSIVE PLAN - the document adopted on May 19, 2003, by the Board of Supervisors, in accordance with the provisions of Act 247, as the Comprehensive Plan for the Township of East Coventry, including the Pottstown Metropolitan Regional Comprehensive Plan, dated August, 2005, and as adopted by the Board of Supervisors on December 19, 2005.

COMPLETELY DRY SPACE - for the purposes of administering the floodplain district provisions, a space that will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

CONDITIONAL USE - a use which is permitted in a particular zoning district pursuant to express standards and criteria prescribed for such use

in this Chapter. A conditional use is allowed (possibly with conditions attached) or denied upon application to the Board of Supervisors pursuant to public notice and hearing, and recommendation by the Planning Commission as set forth in Part 14.

CONDITIONAL USE DEVELOPMENT PLAN - the written and graphic material as described in Part 14 of this Chapter, §1402(F), and, as applicable, §§1404 and 1405.

CONDOMINIUM OR TIMESHARES - a form of ownership of real property including an undivided interest in a portion of a parcel, together with a separate interest in a space within a structure, subject to the provisions of the Pennsylvania Uniform Condominium Act, Act No. 82 of 1980, as amended, 68 Pa.C.S. §3101 et seq. A type of ownership and not a type of use wherein each dwelling unit is owned in fee by its occupant while the land and such appurtenances as driveways, parking areas, sidewalks, landscaping, swimming pools and other recreation facilities, street lighting, heating facilities, entrance lobbies, halls, elevators and on-site utilities remain under the ownership, with full responsibility for maintenance by the developer or any corporation holding title to such land and appurtenances, including any property owners association made up solely of the occupants.

CONSERVANCY/SANCTUARY LOT - a privately owned lot comprised primarily of open land. The purpose of the conservancy/sanctuary lot is to provide surrounding residents with visual access to open space land, while keeping the land under private ownership and maintenance. Except for the portion of the lot specifically designated for the house, yard and related accessory uses, the remainder must be deed restricted and used in conformance with the standards for open space as set forth in this Chapter. Public access to conservancy/sanctuary lots is not required.

CONSERVATION PLAN - a plan for the conservation of precipitation and soils meeting the standards established and revised from time to time by the Pennsylvania Department of Environmental Protection, the Chester County Conservation District and by the Natural Resources Conservation Service, U.S. Department of Agriculture. See §306(1) of the Subdivision and Land Development Ordinance [Chapter 22].

CONSTRUCTION - any disturbance of the existing surface of the land or the erection of structures thereon, including the cutting of trees or clearing of brush; provided, however that the entering upon the premises for purposes of surveying, staking, or the clearing of lines necessary to obtain data on existing conditions shall not be deemed "construction."

CONTINUING CARE RETIREMENT COMMUNITY (FACILITY) - a managed residential development, authorized to operate by the Commonwealth of Pennsylvania, designed to provide a range of senior housing options, specialized services, support and security and three (3) levels of health care including independent living, assisted living, and long-term and short-term skilled nursing care, together with an array of ancillary facilities intended to meet the social, recreational, cultural and religious needs of the residents.

CONVALESCENT CARE FACILITY - see "nursing home."

CONVENIENCE STORE - a retail establishment that sells a variety of prepared and non-prepared foods, beverages, over-the-counter drugs, sundries and household supplies, which may also include the retail sale of motor vehicle fuels provided such fuels sale is clearly incidental to the said

retail sale of foods, beverages, drugs, sundries and supplies.

CONVERSION - an alteration of a building, structure or land by change of use, theretofore existing, to a new use which imposes other special provisions of a law governing building construction, equipment, exits or zoning regulations. In the case of dwelling units, the creation of two (2) or more dwelling units within an existing single-family detached dwelling, with the resulting units each having independent kitchen, bath, and sleeping facilities.

COUNTY PLANNING COMMISSION - the Planning Commission of Chester County, Pennsylvania.

CUL-DE-SAC - a single access local street intersecting another street at one end and terminated at the other end by a permanent vehicular turnaround.

CULTURAL STUDIO - a facility used for providing to the public instruction in the performing arts, limited to dance, music, and theater, and the fine ads, including drawing, painting, photography and sculpture.

DAM SAFETY AND ENCROACHMENT ACT - Act of November 26, 1978, P.L. 1375, No. 325, as amended, 32 P.S. §693.1 et seq.

DATUM - used as a basis for calculations or measurements as a level from which elevations are measured in surveying.

DAY CARE CENTER - the land and buildings the principal use of which is the supervision and care of seven (7) or more individuals and including staffed professional supervision necessary to serve such purposes. Such use may, but need not, be in support of and operated by another nonresidential use. Education may be an ancillary use in connection with the day care function. Care shall be exercised on a daily basis only and the facilities of a day care center shall not include provisions for overnight accommodation. Operation of a day care center may be by a public agency, a private nonprofit organization or a private commercial entity and shall be licensed by the Commonwealth of Pennsylvania. This term shall include "child care center" and "day care home," the latter defined as a single-family detached dwelling where day care services are provided for as many as six (6) individuals, none of whom is related to the caregiver.

DBH - the diameter of a tree at breast height measured three and one-half (3.5) feet from the ground surface.

DECIBEL (dBA) - a unit for expressing the relative intensity of sounds on a scale from zero (0) for the average least perceptible sounds to about one hundred thirty (130) for the average pain level.

DEMOLITION BY NEGLECT - the absence of routine maintenance and repair which can lead to a building's or structure's structural weakness, decay and deterioration resulting in its demolition.

DEMOLITION OR DEMOLISH - the razing or destruction, whether entirely or in significant part, of the exterior of a building, structure, or site. Demolition includes the removal of a building or structure from its site or the removal, stripping, concealing or destruction of the facade or any significant exterior architectural features that are integral to the historic character of the resource, for whatever purpose, including new construction or reconstruction.

DENSITY, GROSS - the total number of dwelling units existing and/or to be constructed on a lot or tract divided by the total gross area thereof, as defined herein as "gross lot area" or "gross tract area," expressed in dwelling units per acre.

DENSITY NET - the total number of dwelling units existing and/or proposed to be constructed on a lot or tract divided by the total net area thereof, as defined herein as "net lot area" or "net tract area," expressed in dwelling units per acre.

DEPARTMENT OF HEALTH - the Department of Health of the Commonwealth of Pennsylvania, or its representative having jurisdiction in the Township.

DETENTION BASIN - a structure designed to retard surface water runoff for a period of time sufficient to provide for a reduced rate of discharge through a controlled outlet, and to retard the velocity and cause the deposition of sediment, and as a means of preventing erosion. For the purpose of calculating the net lot or tract area, the area of a detention basin shall be measured as the one hundred (100) year flood level plus a fifteen (15) foot perimeter buffer.

DEVELOPER - any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT/LAND DEVELOPMENT -

A. Any man-made change to improved or unimproved real estate including, but not limited to: the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

B. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

(1) A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot, or lots, regardless of the number of occupants, whether owners or renters.

(2) The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features.

(3) The following shall be excluded from the definition of development/land development: (a) the conversion of an existing single-family detached dwelling or a single-family semi-detached dwelling into not more than three (3) dwelling units unless such units are intended to be a condominium; and (b) the addition of an accessory building, including farm buildings, on a lot or lots, subordinate to an existing principal building.

DEVELOPMENT PLAN - the provisions for development including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets,

ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan," when used in this Chapter, shall mean the written and graphic materials referred to in this definition.

DEVELOPMENTAL DISABILITY - a disability of a person which has continued, or can be expected to continue indefinitely, which disability is attributable to mental retardation, cerebral palsy, epilepsy or autism; is found to be attributable to any other condition found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior to that of mentally retarded persons or requires treatment and services similar to those required for such persons; or is attributable to dyslexia resulting from such disability. A developmentally disabled person shall mean a person having a developmental disability as defined above.

DIRECT ILLUMINATION - a means of lighting a sign or other object by means of a light source which is located within or directly on the sign or other object to be lit.

DRIP LINE - a generally circular line around a tree, the circumference of which is determined by the outer reaches of the tree's widest branch points.

DRIVEWAY ORDINANCE - the East Coventry Township Driveway Ordinance, as codified at Part 1 of Chapter 21 of the Township of East Coventry Code of Ordinances.

DUMP - any lot upon which trash, debris and other refuse are periodically and illegally deposited; not a permitted use.

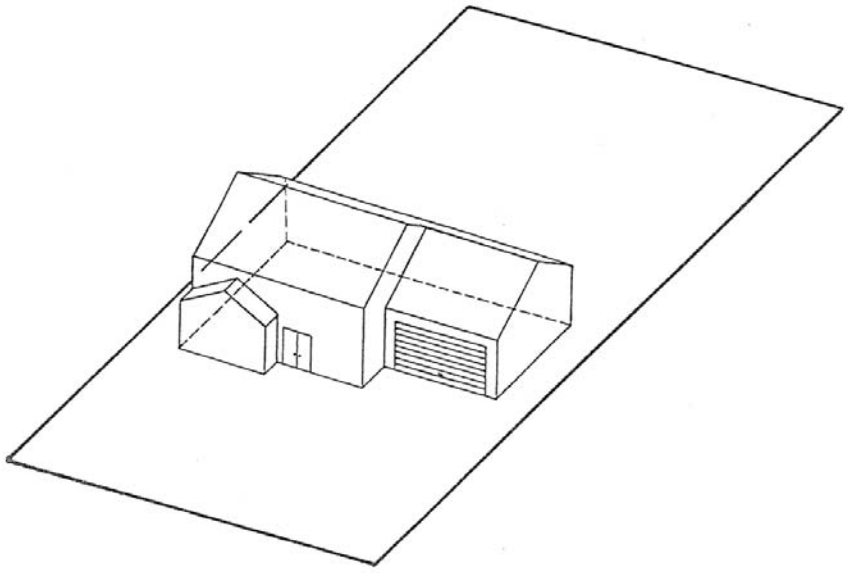
DWELLING - a building designed for and occupied by one (1) family exclusively for residential purposes, excluding hotel, rooming house, bed and breakfast, apartments, institutional home, and residential condominiums or timeshares.

DWELLING UNIT - a room or rooms within a building connected together, including apartments, constituting a separate independent housekeeping establishment for one (1) family only, for owner occupancy or for rental, lease or other occupancy on a weekly or longer basis, physically separated from any other rooms or dwelling units, and containing independent cooking and sleeping facilities.

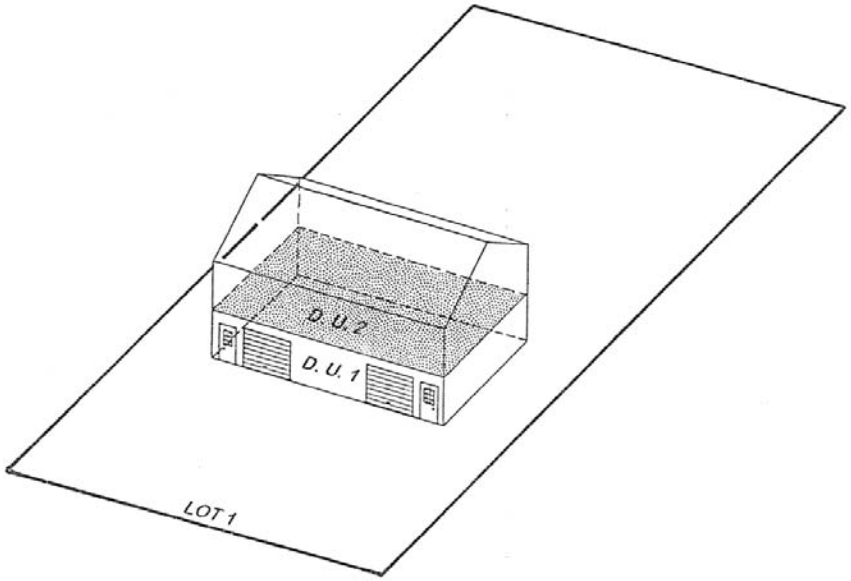
DWELLING TYPES - it is the intention to include within this definition of dwelling types all recognized housing types, architectural types or building types, or combinations thereof, including, but not necessarily limited to, single-family detached, single-family attached dwellings, duplex or twin dwellings, fourplex dwellings, condominiums, apartments, and the like, whether such dwelling units are for lease or for sale.

(27, §202, cont'd)

A. SINGLE-FAMILY DETACHED - a building designed for and occupied as a residence, containing one (1) dwelling unit and having no common or party wall with an adjacent dwelling.

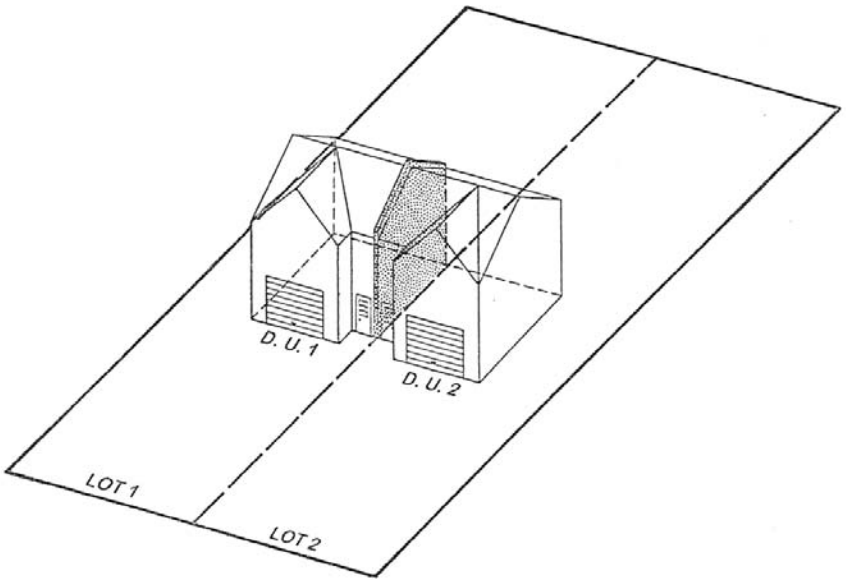


B. TWO-FAMILY DETACHED - a building designed for and occupied as a residence containing two (2) dwelling units and having no common or party wall with any adjacent dwelling.

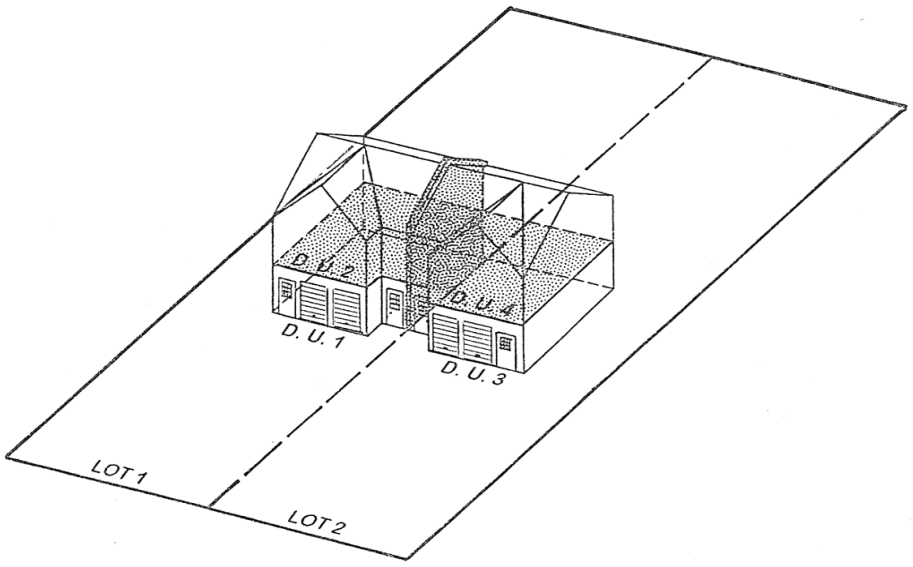


(27, §202, cont'd)

C. SINGLE-FAMILY SEMI-DETACHED - a building designed for and occupied as a residence, containing one (1) dwelling unit and having a common or party wall with another building, and having yards on all but one (1) side.

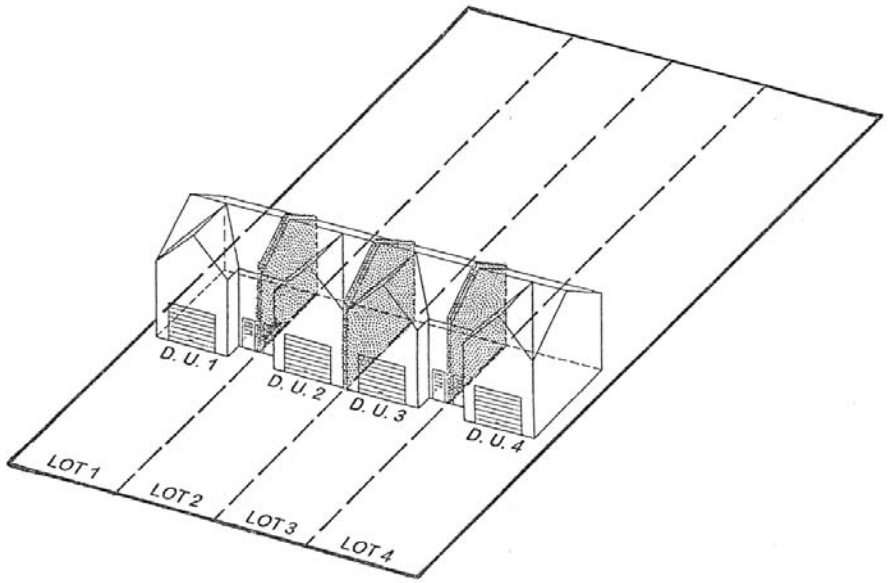


D. TWO-FAMILY SEMI-DETACHED - a building designed for and occupied as a residence, containing two (2) dwelling units and having a common or party wall with another building, and having yards on all but one (1) side.



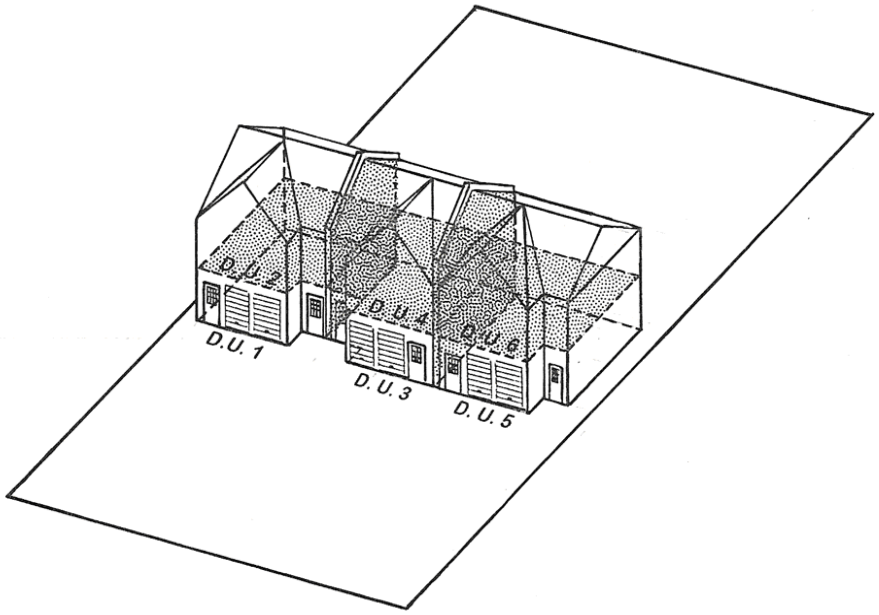
(27, §202, cont'd)

E. SINGLE-FAMILY ATTACHED - an attached building, arranged, designed and intended for the exclusive occupancy as a residence for one (1) family, each building separated by common, or party, wall which does not provide access between buildings, and each building having at least one (1) separate entrance from the outside. Each single-family attached building at the end of a building group shall have one (1) side yard in accordance with the applicable district regulations.



(27, §202, cont'd)

F. TWO-FAMILY ATTACHED - a building designed for and occupied as a residence, containing two (2) dwelling units and having two (2) or more common or party walls with other buildings, with the exception that a two-family attached building at the end of a building group shall have one (1) common or party wall with another building and shall have one (1) side yard in accordance with the applicable district regulations.



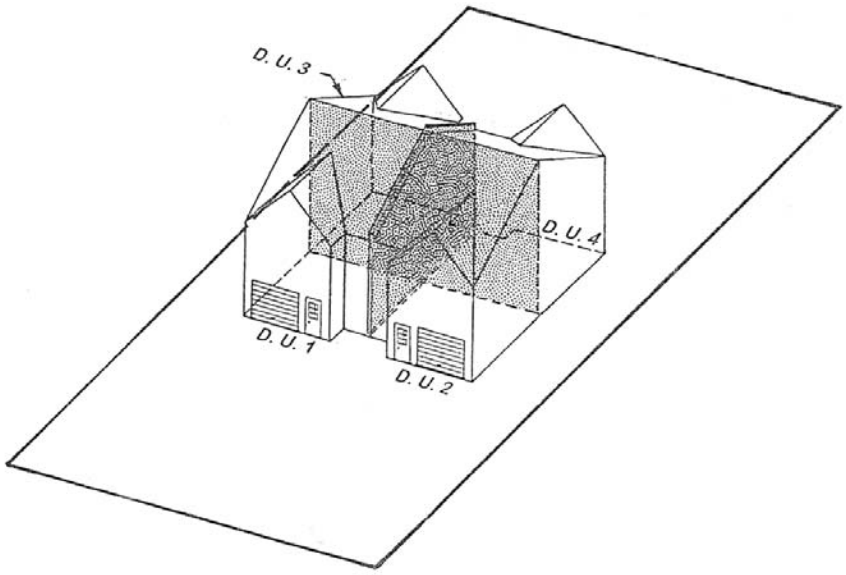
G. MULTI-UNIT - a building designed for and occupied as a residence, containing three (3) or more dwelling units. Multi-unit shall include, but not necessarily be limited to, apartment houses and garden apartments.

H. ROW HOME - a single-family attached dwelling as defined herein.

I. GARDEN APARTMENTS - a multi-unit building, not exceeding three (3) stories in height, containing three (3) or more separate dwelling units in which no more than six (6) dwelling units have common hallways and entrances. The term shall not be construed to include single-family attached dwellings.

(27, §202, cont'd)

J. Single-Family Attached (Adult Community) - A building designed for and occupied as a residence, containing four (4) dwelling units, each having two (2) common or party walls between it and another dwelling unit in the building.



DWELLING, MOBILE/MANUFACTURED HOME - a transportable, single-family detached dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation, including any addition or accessory structure, such as porches, sheds, decks, or additional rooms. For floodplain management purposes, the term "mobile home" includes "manufactured home," and also includes "park trailer," "travel trailer," and other similar vehicles placed on a site for more than one hundred eighty (180) consecutive days. For flood insurance purposes, the term "manufactured home" does not include "park trailer," "travel trailer," and other similar vehicles.

EARTH TONE COLOR - as applied to the light emitting diodes of electronically controlled signs, a color scheme that draws from a color palette of browns, tans, grays, and greens, such colors being muted and flat in an emulation of the natural colors found in soil and rocks.

EASEMENT - a permanent right granted for limited use of private land, normally for a public purpose (e.g., utility, drainage, public access). The owner of the property shall have the right to make any other use of the land that is not inconsistent with the rights of the grantee.

EASEMENT, CONSERVATION - a legal agreement between a property owner and an appropriate conservation organization or governmental entity through which the property owner establishes certain use restrictions over all or portions of the property for conservation purposes.

EDUCATIONAL USE - land and/or buildings specifically designed, arranged, and intended for the primary purpose of education, including pre-school,

elementary, and secondary schools, or colleges, either private or public, including schools relating to religious organizations and vocational schools.

EFFECTIVE DATE OF THE ZONING ORDINANCE - the effective date of this Chapter shall be _____ except that, with respect to the subject matter of any amendment to this Chapter, the effective date of this Chapter shall mean the date on which the particular amendment became or becomes effective.

ELECTRIC SUBSTATION/FACILITY - buildings or structures and equipment erected and used for the purpose of transmission, switching or transforming of electrical current between customers and the utility company facilities, not including the storage of materials, trucks, repair facilities or housing of repair crews, such buildings or structures being effectively screened to blend the installation with the surrounding landscape.

ENGINEER, TOWNSHIP - a professional engineer, licensed as such by the Commonwealth of Pennsylvania, duly appointed as the engineer for the Township.

EQUITABLE OWNER - a person who holds equitable title to real estate.

EQUITABLE TITLE - ownership by a person who does not have legal title to real estate; a trustor under a deed of trust.

ESSENTIALLY DRY SPACE - for purposes of administering the floodplain district provisions, a space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

ESTABLISHED FLOOD LEVEL - a point on the boundary of the floodplain area that is closest to the development site.

FACADE - any exterior face or front of a building.

FAMILY -

A. Any number of individuals, living together on a non-transient basis, legally related through blood, marriage, adoption or guardianship, including individuals placed for foster care by an authorized agency, or up to five (5) unrelated individuals living and cooking together and functioning as a single housekeeping unit using certain rooms and housekeeping facilities in common. Excluded from the definition of "family" are occupants of a club, fraternity house, lodge or rooming house.

B. A "family" shall also be deemed to include any number of mentally or physically handicapped persons occupying a dwelling unit as a single, nonprofit housekeeping unit, if such occupants are handicapped persons as defined in Title VIII of the Civil Rights Act of 1968, as amended, by the Fair Housing Amendments Act of 1988. Such unrelated individuals shall have the right to occupy a dwelling unit in the same manner and to the same extent as any family unit as defined in subsection (A) hereof.

FARM BUILDING - any building used for storing agricultural equipment or farm produce or products, housing livestock or poultry, or processing dairy products. The term "farm building" shall not include dwellings, but shall include a barn, silo, and incidental storage sheds.

FEEDLOT - any area where agricultural animals are held or maintained for

the purpose of feeding or fattening for sale when not incidental to a farm.

FENCE - a freestanding assembly of wood, glass, metal, plastic, wire, wire mesh, masonry or vegetation, singly or in combination with other materials, two and one-half (2 1/2) feet high or higher, erected to secure or divide one (1) property from another or part of a property from a remaining part, to assure privacy, to protect the property so defined or to enclose all or part of the property. A freestanding masonry wall is considered a fence. A fence is not deemed herein to be a "structure."

FILL - material, exclusive of structures, placed or deposited so as to form an embankment or raise the surface elevation of the land.

FIRE LANE EASEMENT - a right-of way for a vehicular access roadway or driveway for the orderly and free passage, in all seasons and under all weather conditions, of fire apparatus and other emergency equipment to all necessary areas around buildings, facilities, developments.

FLAG - a piece of cloth, or other material, commonly bunting, of varying size, shape, color, and design, usually attached by one (1) edge to a staff or cord and used as an ensign, standard or a symbol.

FLOOD - a general and temporary inundation of land areas caused by the overflow of streams, rivers or other waters of the Commonwealth of Pennsylvania.

FLOOD ELEVATION, REGULATORY - the one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1 1/2) feet.

FLOOD FRINGE - that portion of the one hundred (100) year floodplain outside the floodway.

FLOOD INSURANCE RATE MAP (FIRM) - the Flood Insurance Rate Map (FIRM) accompanying the Flood Insurance Study (FIS), effective September 29, 2006, and prepared for Chester County, Pennsylvania (all jurisdictions including East Coventry Township) by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study (FIS) as may be applicable to the Map.

FLOOD INSURANCE STUDY (FIS) - the Flood Insurance Study (FIS) accompanying the Flood Insurance Rate Map (FIRM), effective September 29, 2006, and prepared for Chester County, Pennsylvania (all jurisdictions including East Coventry Township) by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study (FIS).

FLOOD, ONE HUNDRED (100) YEAR - the highest level of flooding that, on the average, is likely to occur every one hundred (100) years, that has a one percent (1%) chance of occurring each year, as delineated by the Flood Insurance Rate Maps (FIRM) developed by the Federal Emergency Management Agency.

FLOODPLAIN - a relatively flat or low land area that is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse, and/or any area subject to the unusual and rapid accumulation of the surface waters from any source. The limits of a floodplain area shall be as provided in §303(2)(A) of this Chapter.

FLOODPLAIN, APPROXIMATED - the approximated floodplain, corresponding to Zone A on the Federal Emergency Management Agency Flood Insurance Rate

Maps, is the one hundred (100) year floodplain that is determined in the Federal Emergency Management Agency Flood Insurance Study by approximate methods. Because detailed hydraulic analyses are not performed for such areas, no base flood elevations or depths are shown within Zone A.

FLOODPLAIN DISTRICTS - the floodplain districts specifically described in Part 3 of this Chapter, including the FW Floodway Floodplain District, the FF Flood Fringe Floodplain District and the FA General Floodplain District. See Chapter 9, "Grading and Excavating," Part 1, "Stormwater Management," of the East Coventry Township Code of Ordinances.

FLOOD PLAIN MANAGEMENT ACT - Act of October 4, 1978, P.L. 851, No. 166, as amended, 32 P.S. §679.101 et seq.

FLOOD PROOFING - for purposes of administering the Floodplain District provisions, any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY - the designated area of the one hundred (100) year floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Chapter, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

FLOOR AREA - the total enclosed area in the horizontal planes of a principal structure, and all accessory structures as measured from the outside face of all exterior walls.

FLOOR AREA, HABITABLE - the sum of the horizontal areas of all rooms used for habitation, exclusive, of the hallways, stairways, unfinished basements not included in height calculations, daylight basements, attics, bathrooms, closets, unheated areas, rooms without at least one (1) window or skylight, garages and accessory buildings.

FOOT-CANDLE (FC) - a quantitative unit for measuring illumination equivalent to the illumination produced by a plumber's candle (standard source) measured at a distance of one (1) foot. One (1) lumen per square foot.

FRONT LOT LINE - see "lot line, front."

GARAGE - an accessory building, one (1) story in height, or part, one (1) story in height, of a principal building, but excluding attached or integrated garages of a dwelling unit, used for the storage of motor vehicles, not exceeding a gross vehicle weight which would require for its operation a commercial drivers license, or for the storage of materials or equipment owned and used by the owner or tenant of the premises, and for the storage of not more than two (2) motor vehicles or materials and equipment owned and used by persons other than the owner or tenant of the premises. A garage shall be limited to one (1) six hundred (600) square foot structure for each one (1) acre of lot area.

GARDEN SHED - an accessory structure, no greater than four hundred (400) square feet, for the storage of garden and lawn equipment or used as a workshop.

GEOLOGY AND WATERSHED BOUNDARIES MAP - Map 3, entitled "Geology and Watershed Boundaries," in the East Coventry Township Open Space, Recreation

and Environmental Resources Plan.

GLARE - brightness in the field of view that is sufficiently greater than the amount of light to which the eye is adapted, to cause annoyance, discomfort or loss of visual performance and visibility.

GOLF COURSE, PUBLIC OR PRIVATE - a tract designed and improved for the playing of golf, with a minimum of two thousand eight hundred (2,800) yards of play in nine (9) holes. A golf course may include accessory uses such as a club house, snack bar, golf equipment pro-shop, driving range and practice areas, provided that these uses are clearly incidental and subordinate to the use of the property as a golf course and are intended to serve the users of the golf course. Private golf courses may also include swimming pools, tennis courts, and other recreational facilities provided solely for use by club members and their guests. Uses excluded from this definition include driving ranges as a principal use and pitch-and-putt or miniature golf courses.

GRADE, EXISTING - the elevation, relative to a given datum, of the ground surface prior to any excavation or fill.

GRADE, FINISHED - the elevation, relative to a given datum, of the ground surface after completion of any excavation or fill.

GRADE, PROPOSED - the elevation, relative to a given datum, of the ground surface to be achieved by excavation or fill.

GRADE PLANE - a reference plane representing the average of the finished grade adjoining a building at the exterior walls. Where the finished grade slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six (6) feet from the building, between the building and a point six (6) feet from the building.

GROUP HOME - a dwelling operated by a responsible individual, family or organization with a program to provide a supportive living arrangement for individuals where special care is needed by the individual served due to age, emotional, mental or physical handicap. This definition shall expressly include facilities for the care of developmentally disabled persons. "Group homes" shall be licensed where required by an appropriate governmental agency, and a copy of such license must be delivered to the Township prior to the beginning of such use. "Group homes" shall be subject to the same limitations and regulations by the Township as a single-family dwelling. It is the express intent of this definition to comply with the requirements of the Fair Housing Amendments Act of 1988, P.L. 100-430.

HEALTH DEPARTMENT - the Chester County Health Department.

HEIGHT - for structures that are buildings, see "building height." For structures other than buildings, the height shall be the vertical distance measured from the elevation of the proposed mean level of the ground along the front of the structure to its highest point.

HELIPORT - an area to accommodate all phases of operation of rotor-wing aircraft (helicopters) with suitable space to allow development of service facilities as desired.

HELISTOP - an area on a roof or on the ground to accommodate touchdown and liftoff of rotor-wing aircraft (helicopters) for the purpose of picking

up and discharging passengers or cargo, with no service facilities.

HERBACEOUS - plants that have no woody parts. Stems and branches remain green and soft and die down to the ground in winter.

HISTORIC DISTRICT ACT - the Act of June 13, 1961, P.L. 282, No. 167, as amended, 53 P.S. §8001 et seq.

HISTORIC RESOURCE - all buildings, sites, structures, objects and districts that are shown on the Historic Resources Map.

HISTORIC RESOURCES INVENTORY - an official list, appropriately documented, of historic resources in the Township and their classification as Class I, Class II and Class III.

HISTORIC RESOURCES MAP - a map adopted as part of this Chapter showing historic properties and their respective classifications.

HISTORIC SITE - a place where a significant event or pattern of events occurred.

HISTORICAL COMMISSION OR COMMISSION - the East Coventry Township Historical Commission established and created under and by this Chapter.

HOME-BASED BUSINESS, NO IMPACT - a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions, to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.

B. The business shall employ no employees other than family members residing in the dwelling.

C. The display or sale of retail goods shall be limited to twenty (20) square feet of floor area, and there shall be no stockpiling of inventory of a substantial nature.

D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs, or lights.

E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical or electronic interference with radio or television reception, which is detectable in the neighborhood.

F. The business activity may not generate any solid waste or sewage discharge, in volume and type, which is not normally associated with residential use in the neighborhood.

G. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area.

H. The business may not involve any illegal activity.

HOME OCCUPATION - an activity conducted for profit by persons residing on the premises that is clearly subordinate to the principal use of the property as a single-family detached dwelling. Home occupations are divided

into two (2) categories:

A. MINOR HOME OCCUPATION - a home occupation that has little or no impact on the area in which it is located and is defined by the following characteristics:

(1) The occupation is conducted by the inhabitants of the dwelling.

(2) The occupation does not involve customer or client visits to the dwelling and there is no direct sales of products.

(3) There is no exterior indication including, but not limited to, signs, advertising or other display, that a home occupation is located on the premises.

(4) Commercial delivery and pickup of goods and supplies is limited to no more than once a week, exclusive of normal postal and parcel service typically serving a residential area.

(5) The floor area devoted to the occupation does not exceed twenty-five percent (25%) of the floor area of the dwelling or five hundred (500) square feet, whichever is less.

B. MAJOR HOME OCCUPATION - a home occupation that requires additional review and regulation because of its potential impact on the area in which it is located. A major home occupation is specifically defined as a home occupation that does not meet one (1) or more of the criteria that defines a minor home occupation.

HOMEOWNERS ASSOCIATION - an association comprised of homeowners or property owners, organized as a profit or nonprofit corporation or as an unincorporated association and operated under approved bylaws, for the purpose of administering the needs of residents through the maintenance of community-owned property.

HOSPITAL - an accredited medical facility within which the diagnosis, treatment and care, both inpatient and outpatient, of human ailments are performed, but excluding facilities for the mentally retarded and the emotionally disturbed.

HOTEL, MOTEL, INN - a building or buildings arranged or intended for sheltering six (6) or more tourists or transient guests for compensation which may provide individual cooking facilities for guests, and providing sufficient off-street parking facilities adjacent or convenient thereto.

HOUSE, ROOMING - a dwelling in which weekly or monthly sleeping accommodations are provided for non-owners for rent to not more than five (5) guests whether or not the serving of meals is included, provided that there shall be at least five (5) off-street parking spaces on the lot of the rooming house.

HYDRIC SOILS - a soil that formed under saturated conditions. See Appendix in the Township Subdivision and Land Development Ordinance [Chapter 22] for list of hydric soils.

ILLUMINANCE - the quantity of light measured in foot-candles or lux.

ILLUMINATION - the density of luminous flux on a surface.

IMPERVIOUS SURFACE - any surface that does not absorb precipitation or runoff. All buildings, including roof overhangs, parking areas, driveways,

roads, sidewalks, and other such areas in concrete or asphalt shall be considered components of impervious cover. In addition, other areas determined by the Township Engineer to be impervious within the meaning of this definition shall also be considered as contributing to total impervious cover. For purposes of determining compliance with maximum impervious cover limitations on any lot or tract, impervious cover shall be measured as a percentage of net tract area, defined herein.

INDIRECT ILLUMINATION - a means of lighting a sign or other object by means of a light source which is located beyond the sign or other object to be lit but which is directed or reflected upon the sign or other object.

INDUSTRIAL USE - any use permitted in the LI Limited Industrial Zoning District that involves the fabrication, production, repair, alteration and/or storage of a product(s) within a building and/or outdoors. Such uses do not include customer oriented retail sales.

INSTITUTIONAL HOME - a public or private benevolent establishment devoted to the shelter, maintenance and care of (A) minor children, (B) homeless, aged or infirm persons, or (C) members of a religious community.

INTERIOR DRIVE - a paved surface providing vehicular access within and between parking areas and/or loading areas.

JUNKYARD - an area of land with or without buildings used for storage of used and/or discarded materials, outside a completely enclosed building including, but not limited to, wastepaper, rags, metal, building materials, house furnishings, machinery, parts thereof, or vehicles, thereof, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. The deposit or storage on a lot of two (2) or more unlicensed, wrecked, or disabled vehicles, or the major part thereof, is a "junkyard" and shall not be permitted.

KENNEL - a not-for-profit establishment where five (5) or more pets are kept, trained, raised or bred, excluding boarding and grooming provisions unless as part of a private club's activities.

KENNEL, COMMERCIAL - a for profit establishment where five (5) or more pets, not owned by the owner or occupant of the premises, are kept, boarded, groomed, trained, raised or bred.

LABORATORY - a building or group of buildings within which the principal uses are facilities for scientific research, investigation, testing and experimentation, but not including the manufacture of products for sale.

LANDFILL - see "sanitary landfill."

LANDOWNER - the legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person, having a proprietary interest in land.

LANDSCAPE SCREEN - the use of plant material, walls, fencing or earthen berms, or combinations thereof, to: (A) aid in the concealment of such features as parking and loading areas; (B) to provide privacy and/or protection between two (2) incompatible land uses; or, (C) to provide a visual and/or sound barrier. Where a wall, fence or berm is employed, such structures shall be not less than six (6) feet in height. Plant material shall consist of evergreen and deciduous trees and/or shrubs not less than

eight (8) feet in initial height and not less than eight (8) feet in width (unless a greater width is otherwise required by this Chapter). No less than fifty percent (50%) of the plants shall be evergreen mixed throughout the length of such screen, so arranged or placed as to provide a hidden view, as defined herein (at initial planting, and when viewed six (6) feet from the ground surface) of an objectionable or incompatible use or activity during all seasons of the year.

LANDSCAPING - the planting of turf or other appropriate ground cover or the planting of deciduous and evergreen trees and shrubbery, other than for agricultural purposes, and including the maintenance and replacement thereof, for control of erosion, retention of precipitation, protection against elements or promotion of human comfort and welfare.

LAND DISTURBANCE - any activity that exposes soils, or alters topography and/or vegetation, except for removal of hazardous or invasive alien vegetation (see definition of "woodland disturbance"). Customary agricultural practices such as tilling, plowing, mowing and harvesting are excluded from the definition of land disturbance.

LEVEL OF SERVICE - a description of traffic conditions along a given roadway or at a particular intersection according to the Highway Capacity Manual, Transportation Research Board, 1994, and as amended thereafter.

LICENSE - as applied to mobile/manufactured home parks, shall mean written approval by the Township, a prerequisite of which shall be approval by the Department of Health and compliance with all applicable regulations of this Chapter and Part 5 of the Subdivision and Land Development Ordinance [Chapter 22].

LIGHT MANUFACTURING - the production or processing of materials by the employment of machines, soldering irons, stamping machines, kilns, aluminum banding devices and the like. Such activity is not likely to produce noises, odors, or other emissions detectable off the premises by a person having normal senses.

LIGHT TRESPASS - light emitted by a lighting installation, which extends beyond the boundaries of the lot on which the installation is sited.

LIVESTOCK - horses, cattle, sheep or other large animals kept or raised on an agricultural property or on any property meeting the provisions of this Chapter. A large animal is one which stands over thirty (30) inches at the shoulder or weighs over two hundred (200) pounds.

LOADING SPACE - an area of land, upon a lot or lots upon which a principal use is located, which is provided and maintained for the exclusive purpose of the temporary parking of a commercial motor vehicle for the loading and/or unloading of merchandise or other materials related to the principal use of the lot or lots.

LOFT - an additional partial story of a dwelling which shall not exceed five hundred and fifty (550) square feet of floor area and shall include no more than one (1) finished bedroom and one (1) bathroom.

LOT - a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

LOT AREA GROSS - the area of land contained within the property lines of a parcel, tract or lot as described in the deed or as shown on an approved

subdivision plan.

LOT AREA, NET - the gross lot area excluding the following areas:

A. Any area (1) within a street ultimate right-of-way; or (2) within any other ultimate right-of-way, whether public or private, that provides, or is intended to provide, access to more than one (1) lot by way of vehicular and/or pedestrian circulation.

B. Any area, easement or right-of-way to be used for emergency access.

C. Any existing easements or rights-of-way for gas, oil, natural gas, electric or communications transmission facilities, whether below or above grade, that do not exclusively serve the lot.

D. Any area comprising a stormwater management basin or drainage easement and/or a sanitary sewer easement.

E. Any area overlain by the floodplain district.

F. Any area of prohibitive slope.

G. Any area of seasonally high water table soils and hydric soils.

H. Any area of wetlands.

I. Any riparian buffer area.

The net lot area shall be used to determine the area, bulk, dimensional and density requirements as provided in this Chapter. By its nature, the process of determining the net lot area is an iterative process.

LOT, CORNER - a lot at the junction of and abutting on, two (2) or more streets or at the point of abrupt change in direction of a single street. Both yards adjacent to streets shall be considered front yards. One (1) remaining yard shall be a side yard and one (1) shall be a rear yard.

LOT, COVERAGE - the ratio or percentage of the total ground floor area of all buildings on a lot to the gross area of the lot on which they are located.

LOT DEPTH - the distance along a straight line drawn from the midpoint of the front lot line to the midpoint of the rear lot line.

LOT FRONTAGE - the uninterrupted linear or curvilinear extent of a lot measured along the street right-of-way from the intersection of one (1) side lot line to the intersection of the other side lot line.

LOT INTERIOR - a lawful pre-existing lot, existing as of December 31, 2002, or lot approved to provide relief, having limited frontage on a public or private road where such frontage is intended primarily to provide access to the lot. The strip of land used for access shall be a fee simple part of the lot. An interior lot shall include, without limitation, a flag lot.

LOT LINE - a property boundary line of any lot held in single and separate ownership, except that, in the case of any lot abutting a street, the lot line for such portion of the lot as abuts the street shall be deemed to be the same as the street line, and shall not be the centerline of the street, or any other line within the street line even though such may be the property boundary line.

LOT LINE, FRONT - front lot line shall mean the line separating such lot from the ultimate street right-of-way.

LOT LINE, REAR - a line opposite and most distant from the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line. In the case of a corner lot, any lot line that is not a front lot line or a side lot line.

LOT LINE SIDE - any lot line that is not a front or rear lot line. In the case of a corner lot, any lot line that intersects a front lot line may be considered a side lot line.

LOT, REVERSE FRONTAGE - a lot extending between and having frontage on an existing or proposed arterial, collector or local street, and a local street, and with vehicular access solely from the latter.

LOT WIDTH - the horizontal distance between the side lot lines of a lot (or in the case of a corner lot, between the side lot line and the opposite front lot line of the lot) measured at and along the building setback line. The measurement of lot width at and along the building setback line shall be as provided in and by the definition herein of "building setback line."

LOWEST FLOOR - for purposes of administering the floodplain district provisions, the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Chapter.

MAN-MADE AREA - areas of land which have been disturbed or changed by grading or filling to such extent that the natural soil conditions no longer prevail.

MARSH - a low, constantly wet area, often fed by small intermittent streams, that supports unique plant, animal and insect life.

MEADOW - a plant community or area of vegetation dominated by grasses and/or forbs, often managed through annual or seasonal mowing.

MEDICAL CLINIC - a facility for the examination and treatment of ill and afflicted human outpatients provided, however, that the patients are not kept overnight except under emergency conditions. This includes doctors and dental offices and clinics.

MINIMIZE - to reduce to the smallest amount or extent possible. "Minimize" shall not mean complete elimination but shall require that the most substantial efforts possible under the circumstances have been taken to reduce the adverse effect(s) of the action required to be minimized. "Minimize" shall include, but not be limited to, the requirement that the placement of dwellings and other structures and the locations of roads, stormwater management facilities, and other land disturbance shall be planned and designed to reduce the adverse effect(s) of the activity in question to the smallest amount possible under the circumstances consistent with otherwise permitted development.

MINOR REPAIR - the replacement of existing work with equivalent

materials for the purpose of a structure's routine maintenance and upkeep.

MITIGATION -

A. An action undertaken to accomplish one (1) or more of the following:

(1) Avoid and minimize impacts by limiting the degree or magnitude of the action and its implementation.

(2) Rectify the impact by repairing, rehabilitating or restoring the impacted environment.

(3) Reduce or eliminate the impact over time by preservation and maintenance operations during the life of the action.

B. If the impact cannot be minimized in accordance with subsections (A)(1) through (3) above, compensation for the impact by replacing the environment impacted by the project or by providing substitute resources or environments.

MOBILE HOME - see "dwelling, mobile/manufactured home."

MOBILE/MANUFACTURED HOME LOT - a parcel of land in a mobile/manufactured home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile/manufactured home.

MOBILE/MANUFACTURED HOME PAD - a concrete pad on which a mobile/manufactured home is placed at least six (6) inches in thickness with a base of at least six (6) inches of 2B stone and with at least six (6) tie-down rings to which the mobile/manufactured home shall be secured. The pad shall be equal in length and width to the dimensions of the mobile home to be placed thereon.

MOBILE/MANUFACTURED HOME PARK - a parcel of land under single ownership which has been planned and improved for placement of mobile homes for non-transient use, consisting of two (2) or more mobile home pads.

MULTI-UNIT DEVELOPMENT - any subdivision, other than for single-family detached dwellings and single-family semi-detached dwellings or any single lot on which two (2) or more principal uses exist or are proposed, regulated by special provisions of this Chapter.

MUNICIPAL SOLID WASTE - any garbage, refuse, industrial, lunchroom or office waste, and other material including solid, semi-solid (not greater than twenty percent (20%) liquid), or contained gaseous material resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities, excluding radiological and biological waste.

MUNICIPAL USE - any use owned, operated, conducted and/or maintained by the Township.

MUNICIPALITIES PLANNING CODE; ACT 247; MPC - the Act of July 31, 1968, P.L. 805, No. 247, as reenacted and amended, 53 P.S. §10101 et seq., known as the "Pennsylvania Municipalities Planning Code," together with amendments and supplements thereto and any new statutes substituted therefor, as in force at the time of application under this Chapter.

MUSEUM - an institution devoted to the procurement, care, study, display

and exhibition of objects of lasting interest or value.

NATIONAL HISTORIC PRESERVATION ACT - the National Historic Preservation Act of 1966, as amended, 16 U.S.C. §§470-470w-6.

NATIONAL REGISTER CRITERIA - standards promulgated by the Secretary of the Interior against which historic resources nominated to the National Register are evaluated.

NATIONAL REGISTER OF HISTORIC PLACES - a list maintained by the Secretary of the Interior composed of buildings, sites, structures, objects and districts of national, State or local significance in American history, architecture, archaeology, engineering and culture.

NATURAL CONDITIONS MAP - Map 4, entitled "Natural Conditions," in the East Coventry Township Open Space, Recreation and Environmental Resources Plan.

NATURAL SUCCESSION - the process by which landscapes are transformed, over time, from open, seasonal cover to more permanent vegetation. In the East, the natural change is from open space to woodland.

NET AREA/NET ACRE - see "tract area, net" and "lot area, net."

NEW MOBILE/MANUFACTURED HOME PARK - a parcel or contiguous parcels of land containing two (2) or more mobile home pads for rent for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including at a minimum the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets) is completed on or after the effective date of the floodplain regulations set forth in Part 4 of this Chapter.

NONCONFORMING LOT - a lot the area or dimension of which was lawful prior to the adoption or amendment of this Chapter but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

NONCONFORMING STRUCTURE - a structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions of this Chapter or amendment hereto where such structure lawfully existed prior to the enactment of this Chapter or amendment, or prior to the application of this Chapter or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

NONCONFORMING USE - a use, whether of land or of structure, which does not comply with the applicable use provisions of this Chapter or amendment hereto where such use was lawfully in existence prior to the enactment of this Chapter or amendment, or prior to the application of this Chapter or amendment to its location by reason of annexation.

NOXIOUS VEGETATION - plant material that is undesirable or offensive, due to threats to health or prolific and uncontrollable growth. For the purpose of this Chapter, noxious vegetation shall include, but not be limited to, ragweed, multiflora rose, Canada thistle, Japanese honeysuckle, oriental bittersweet, tree of heaven, poison ivy, and other invasive plants, as listed by the Pennsylvania Department of Conservation and Natural Resources, Bureau of Forestry.

NURSING HOME (FACILITY) - a facility, licensed by the Commonwealth of

Pennsylvania, that provides skilled nursing care and related medical or other personal services for twenty four (24) hours per day and seven (7) days per week to individuals who require full-time care or supervision, but do not require hospital care.

OBSTRUCTION - any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill structure, or matter in, along, across or projecting into any channel, watercourse or flood prone area, that may impede, retard, or change the direction of the flow of water either by itself or by catching or collecting debris carried by such water, or which is placed where the flow of the water might carry the same downstream to the damage of life and property. For purposes of the floodplain regulations provided in Part 4 and elsewhere in this Chapter, the planting, cultivation and harvesting of field and orchard crops or the grazing of livestock including the maintenance of necessary appurtenant agricultural fencing shall not be considered an "obstruction" subject to such floodplain regulations.

OFFICIAL MAP - a map adopted by ordinance pursuant to Article IV of the MPC.

ONE HUNDRED (100) YEAR FLOOD - see "flood, one hundred (100) year."

OPEN SPACE LANDS ACT - act of January 19, 1968, P.L. (1967) 992, No. 422, as amended by the Act of December 18, P.L. 994, No. 153, as amended, 32 P.S. §5001 et seq. (providing for the acquisition and preservation of open space lands).

OPEN SPACE MANAGEMENT PLAN - a plan which provides for the long-term management over time of private, public, or common open space.

OPEN SPACE, RECREATION AND ENVIRONMENTAL RESOURCES PLAN - the East Coventry Township Open Space, Recreation and Environmental Resources Plan, December 1992.

OPERATOR MOBILE HOME PARK - the owner of a mobile home park, or his authorized agent, who is duly licensed for maintaining a mobile/manufactured home park in the Township.

PARKING, OFF-STREET - a parking space or spaces as required by this Chapter, no part of which shall be located within any public or private street right-of-way.

PARKING LOT - an off-street surfaced area designed solely for the parking of motor vehicles, including driveways, passageways and maneuvering space appurtenant thereto.

PARKING SPACE - a reasonably level space designated for the parking of one (1) motor vehicle, surfaced to permit use under all weather conditions, the dimensions of which are consistent with §1306(B)(1) of this Chapter, exclusive of passageways, driveways or other means of circulation and access and to which there is access from a street, alley, or driveway.

PASTURE - a plant community or area of vegetation dominated by grasses which is actively or periodically grazed by livestock or which is managed through mowing.

PERIMETER BUFFER - an area to be used as a visual and/or auditory barrier, consisting of a mound, berm, or strip of land planted and maintained as an effective barrier separating parcels or uses of land.

PERSON - any individual, firm, trust, condominium, partnership, joint venture, unincorporated association, business association or corporation, whether public or private or other legal entity cognizable at law.

PERSONAL CARE FACILITY - a personal care home, licensed by the Commonwealth of Pennsylvania, that provides care to adults who do not require hospitalization or skilled or intermediate nursing care.

PENNDOT - the Commonwealth of Pennsylvania Department of Transportation.

PLANNED COMMERCIAL DEVELOPMENT - a contiguous area of land controlled by a single landowner and developed as a single entity for a number of commercial and other similar uses, the development plan for which may or may not correspond in lot size, bulk or other design standards in any one commercial district created from time to time under the provisions of this Chapter.

PLANNER, TOWNSHIP - a person duly designated by the Board of Supervisors to perform the duties of planner as specified herein.

PLAT - the map or plan of a subdivision of land, whether preliminary or final.

PLAT, RECORDED - the final plat, or engineering layout of streets and lots, easements, common open spaces and public grounds which has been duly approved by all necessary officials and bodies and recorded in the Office of the Recorder of Deeds of Chester County, West Chester, Pennsylvania.

PNDI - the Pennsylvania Natural Diversity Inventory.

POTENTIAL RARE, THREATENED, ENDANGERED (RTE) SPECIES SITES -

A. Sites in which Federally and/or State recognized RTE species of flora and/or fauna have been observed in the past, yet are not identified by the PNDI and/or the Chester County Natural Areas Inventory.

B. Sites which provided suitable habitat for Federally and/or State recognized RTE species of fauna.

POTTSTOWN METROPOLITAN REGION - the region consisting of the following municipalities: Borough of Pottstown (Montgomery County); Douglass Township (Montgomery County); East Coventry Township (Chester County); Lower Pottsgrove Township (Montgomery County); New Hanover Township (Montgomery County); North Coventry Township (Chester County); Upper Pottsgrove Township (Montgomery County); and West Pottsgrove Township (Montgomery County).

PRIME AGRICULTURAL SOILS - see "agriculturally suited soils."

PRINCIPAL USE - the single primary use of a building, other structure, or lot, serving as the basis for classification as to use category.

PUBLIC GROUNDS - areas of land or water that include parks, playgrounds and other public areas, and the sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.

PUBLIC HEARING - a formal meeting held pursuant to public notice by the Board of Supervisors, the Township Planning Commission or the Zoning Hearing Board intended to inform and obtain public comment prior to taking action in accordance with this Chapter and the Municipalities Planning Code.

PUBLIC MEETING - a forum held pursuant to notice under the Sunshine Act.

PUBLIC NOTICE - notice of a public hearing published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of any hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days, and the second publication shall not be less than seven (7) days, prior to the date of the hearing.

PUBLIC UTILITIES FACILITY - a building or structure and its equipment used for the transmission and exchange of telephone, radio telephone, gas, power, sewer and water facilities, provided that in a residential district these shall not include public business facilities, storage of materials, trucks or repair facilities or housing of repair crews.

PUBLIC UTILITY - an agency which, under public franchise or ownership, or under certificate of convenience and necessity, provides the public with communication, gas, power, rail, transportation sewer or water facilities or other similar service.

RECREATION, ACTIVE - those recreational pursuits that require physical alteration to the area in which they are performed. Such areas are intensively used and include, but are not limited to, playgrounds, ball courts and swimming pools. Active recreation shall exclude amusement parks.

RECREATION, PASSIVE - recreational pursuits that can be carried out with little alteration or disruption in the area in which they are performed. Such uses include, but are not limited to, hiking, biking and picnicking.

RECREATIONAL VEHICLE - a vehicle that is: (A) built on a single chassis, (B) four hundred (400) square feet or less when measured at the largest horizontal projection, (C) designed to be self-propelled or permanently towable by a light duty truck or car, and (D) designed as temporary living quarters for recreational, camping, travel or seasonal use and not for continued occupancy or use as a permanent dwelling. For the purposes of this Chapter, the term "recreational vehicle" shall also include a boat or other watercraft.

RECYCLING/COMPOSTING FACILITY - a location where materials such as paper, plastic, compost, glass and aluminum, which are no longer useful for their intended purpose, are temporarily accumulated for the manufacture of a new product(s) at such location or for transportation off the premises for use in the manufacture of a new product(s).

REFLECTOR - a surface or element of a luminaire designed to direct light in a desired direction.

REFORESTATION - the restocking of an area with forest trees, including natural regeneration as well as tree planting.

REGISTERED LANDSCAPE ARCHITECT - a professional registered as a landscape architect in the Commonwealth of Pennsylvania.

RELIGIOUS USE - a nonprofit use of land or a building as a place of worship, convent, monastery or similar religious institution including rectory and parish house.

RENTAL UNIT - an individual space offered for rent or lease within an apartment building, motel, rooming house, bed and breakfast, dormitory, or professional or commercial office building.

RESTAURANT - a building, or portion of a building, including an indoor seating area, whether open to the public or a private club, used for the purpose of furnishing meals to the public.

RESTAURANT, FAST-FOOD - an eating establishment where customers place orders at an inside, or outside, walkup window or service area and where food is either served for consumption within the building or is taken out for consumption away from the premises.

RESTAURANT, FAST-FOOD WITH DRIVE-IN SERVICE - a fast-food restaurant that also provides service to customers who remain seated in automobiles and said service is provided either through an exterior window or service area or directly to parked automobiles.

RETAIL OR RETAILING - a commercial activity that provides for the sale of commodities directly to consumers.

RETENTION BASIN - a reservoir, formed from soil or other material, designed to permanently retain stormwater runoff from a specified amount of stormwater runoff as defined by the Subdivision and Land Development Ordinance [Chapter 22], to detain temporarily additional stormwater runoff and/or to retain perennial or intermittent surface water flow from permanent or intermittent streams. Retention basins always contain water and include man-made ponds and lakes. For the purpose of calculating the net lot or tract area, the area of a retention basin shall be measured as the one hundred (100) year flood level plus a fifteen (15) foot perimeter buffer.

RIGHT-OF-WAY LEGAL - the total width of any land dedicated as a street, alley, crosswalk, utility or for any other public or private purpose, as reflected on a recorded subdivision plat, boundary plat, or dedication plat.

RIGHT-OF-WAY, ULTIMATE - the total width of any land which is expected to be needed for a street, alley, crosswalk, utility or for any another public or private purpose, including lands privately owned, but intended to be acquired by a public agency.

RIPARIAN BUFFER AREAS - any area within one hundred (100) feet of the top of the bank or five (5) feet from the water's edge at high tide along Pigeon Creek, Stony Run, Bickle's Run and the Schuylkill River, and tributary streams, within which no land disturbance is permitted. [Ord. 152]

ROAD OR ROADWAY - see "street."

ROOMING HOUSE - a building in which weekly or monthly sleeping accommodations are provided for rent to no more than five (5) persons whether or not the serving of meals is included. [Ord. 152]

SANITARY LANDFILL - an engineered facility where municipal solid waste and those residual wastes specifically designated as acceptable to the Pennsylvania Department of Environmental Protection are delivered for the purpose of disposal in and on the land in accordance with the rules and regulations of the Department of Environmental Protection. A sanitary landfill shall be owned and/or operated or under the complete control of the Township and/or an authority created by the Township for said purpose of operating said landfill. No other type of landfill, dump or public or private trash collection or transfer area shall be permitted anywhere within the Township.

SATELLITE TELEVISION ANTENNA - any apparatus (including without limitation any reflector, pedestal, base and/or other attachments, parts,

components and support structure or other elements) for, intended for or capable of the reception only of television waves or signals from a transmitter or a transmitter relay located in geostationary or other planetary orbit around the earth.

SCENIC RESOURCES - the views and vistas, scenic roads, environments and features as identified in the Township Open Space, Recreation and Environmental Resources Plan, Scenic Resources Map.

SCENIC RESOURCES MAP - Map 7, entitled "Scenic Roads and Views," in the East Coventry Township Open Space, Recreation and Environmental Resources Plan.

SCREEN (SCREENING) - see "landscape screen."

SEASONALLY HIGH WATER TABLE SOILS - those soils in which the groundwater surface is one (1) foot or less from the ground surface at certain or all times of the year. By name, these soils are: Bowmansville (Bo), Chewacla (Ch), Croton (CrA, CrB), Glenville (GnA, GnB, GnB2), Readington (RdA, RdB, RdB2), Rowland (Ro, Rp), Wehadkee (We), and Worsham (WoA, WoB, WoB2).

SELECTIVE CUTTING - the felling of certain, but not all, trees in an area for the purposes of: (A) removing dead, diseased, damaged, mature or marketable timber; (B) improving the quality of a tree stand or species; or (C) meeting personal domestic needs.

SERVICE STATION - structures, buildings, or area of land or any portion thereof that is used for the sale of gasoline or other motor vehicle fuels and which may or may not include facilities for lubricating, washing, sale of accessories, servicing and minor repair of motor vehicles, but not painting or body work or the sale of new or used automobiles. Any business or industry, but not including agricultural uses, dispensing gasoline for its own use and vehicles will be deemed to be a service station. A service station shall not include a convenience store as defined herein.

SEWAGE FACILITIES -

A. INDIVIDUAL, ON-SITE SANITARY SEWAGE DISPOSAL SYSTEM - the disposal of sewage by use of septic tanks, or other safe and healthful means, approved by the Chester County Health Department, within the confines of the lot on which the use is located.

B. COMMUNITY SANITARY SEWAGE COLLECTION, TREATMENT, AND/OR DISPOSAL SYSTEM - a sanitary sewage system in which sewage is carried from two or more individual dischargers by a system of pipes to one or more privately owned and/or maintained common treatment and disposal facilities, approved by the Chester County Health Department and the Pennsylvania Department of Environmental Protection. Treatment and disposal may occur either on-site or off-site.

C. PUBLIC SEWAGE SYSTEM - off-site system for the treatment and disposal of sewage in which sewage is conveyed by interceptor to a publicly operated treatment plant and disposed of through means approved by the Pennsylvania Department of Environmental Protection.

SHOPPING CENTER - a group of three (3) or more commercial establishments planned, developed, operated and managed as an integrated architectural unit providing convenient on-site parking and controlled vehicular and pedestrian access.

SIGN - any structure or part thereof or any device attached to a building or painted or represented thereon which shall display or include any letter, word, model, banner, pennant, insignia, device, trade flag, symbol or representation which is in the nature of, or which is used as an announcement, direction or advertisement for any purpose. A sign includes, without limitation, a billboard, neon tube, string of lights or similar device outlining or placed upon any part of a building or lot, but does not include the flag or insignia of any nation, group of nations, governmental agency or any political, educational, charitable, philanthropic, civic, professional, religious group.

SIGNABLE FACADE AREA - the rectangular, continuous area on the wall of a building which extends from the top line of windows and doors on one floor and the bottom line of the windows, roof or cornice above it and which is uninterrupted by architectural details or openings.

SIGN, ADDRESS DIRECTIONAL - non-illuminated signs used to direct persons to building locations in planned industrial parks by use of street addresses. Such signs shall not utilize business or development names, contain advertisements or any script other than street addresses.

SIGN, ANIMATED OR MOVING - any sign or part of a sign which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation.

SIGN AREA OR SIZE - the entire area within an actual or hypothetical single continuous perimeter enclosing the extreme limits of such sign, together with moldings, battens, cappings, nailing strips, latticing and platforms which are attached and are part of the sign proper and/or forming an integral part of the display. Signs which are composed of letters, words or representations only and which do not form a square or rectangular pattern shall be considered to include in sign area a square or rectangle as drawn at the outer limits of the letters, words or representations.

SIGN, AWNING - a sign that is mounted or painted on, or attached to, an awning that is otherwise permitted by this Chapter.

SIGN, BANNER - a graphic or sign which has its letters or design applied to cloth, canvas or other flexible material which is durable and weather-resistant.

SIGN, BILLBOARD - a sign which contains a commercial message and which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

SIGN, BULLETIN BOARD - a permanent sign which identifies an institution or organization on the premises on which the sign is located and which may contain the name of the institution or organization, the names of individuals connected with it and general announcements of events or activities occurring at the institution or general messages. Such a sign may contain movable letters, words or numerals.

SIGN, BUSINESS - a sign directing attention to a business, commodity or service conducted, sold or offered upon the same premises as those upon which the sign is maintained. This includes signs which identify or advertise home occupations.

SIGN, CANOPY - a sign that is mounted or painted on, or attached to a

canopy that is otherwise permitted by this Chapter.

SIGN, CHANGEABLE COPY - a sign that is designed so that the message on the sign can be easily and periodically altered.

SIGN, DEVELOPMENT - a temporary sign, indicating that the premises on which the sign is located is in the process of being subdivided and developed for construction of dwellings or other buildings. Such a sign includes all contractors on the site, and finance and sales information.

SIGN, DOUBLE-FACED - a freestanding sign with two identical faces of equal sign area which are back-to-back and not more than two (2) feet apart. In computing the area of a double-faced sign, only one (1) side shall be considered provided that both faces are identical. In V-type structures, the interior angle of which exceeds forty-five (45) degrees, both side shall be considered in computing the sign area.

SIGN, ELECTRONICALLY CONTROLLED - a sign, or any part thereof, upon which alphabetic and/or numeric, but not pictographic or symbolic, informational content can be changed or altered on a display screen composed of light emitting diodes, but not other sources of illumination, by a programmable microprocessor. Such signs shall not include the projection of messages or images by other means onto a sign face and shall not include video displays such as television screens, plasma screens, light emitting diode screens and holographic displays.

SIGN FACADE - see "sign, wall."

SIGN, FREESTANDING - a detached sign which shall include any sign, uprights or braces placed upon or in the ground and not attached to any building.

SIGN, GROUND - a freestanding sign which rests at or near the ground or curb level. [Ord. 152]

SIGN, HOME OCCUPATION - a sign containing only the name and occupation of a permitted home occupation.

SIGN, IDENTIFICATION - a sign displaying the nature, logo, trademark or other identifying symbol, address or any combination of the name, symbol and address of a building, business, development or establishment on the premises on which the sign is located.

SIGN, ILLUMINATED - a sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed towards the sign. See "direct illumination" and "indirect illumination."

SIGN, MARQUEE - a sign that is mounted or painted on or attached to a marquee that is otherwise permitted by this Chapter.

SIGN, OFFICIAL TRAFFIC - signs erected by PennDOT or the Township which are designed to regulate traffic, describe road conditions, supply directions or provide information.

SIGN, OFF-PREMISES - see "sign, billboard."

SIGN, ON-SITE DIRECTIONAL - a sign conveying instructions with respect to the premises on which the sign is maintained such as the entrance and exit of a parking area, a warning sign, a danger sign and similar information signs.

SIGN, POLITICAL - a temporary sign announcing or supporting political

candidates or issues in connection with any national, State or local election or referendum.

SIGN, PORTABLE - signs that can either be attached or mounted on wheels or transported by truck or trailer.

SIGN, PROJECTING - a sign which is attached directly to any building wall and which (perpendicularly) extends from that wall.

SIGN, REAL ESTATE - a temporary sign indicating the sale, rental or lease of the premises on which the sign is located.

SIGN, RESIDENTIAL - a sign located in a district zoned for residential purposes that does not contain any commercial message except for goods or services legally offered on the premises on which the sign is located.

SIGN, ROOF - any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure and extending vertically above the highest portion of the roof.

SIGN, TEMPORARY - a sign constructed of paper, cloth, canvas, plastic or other lightweight material intended to be displayed for a short period of time, normally less than thirty (30) days.

SIGN, TIME AND TEMPERATURE - a sign or a portion of a sign whose purpose is to indicate the time and/or temperature.

SIGN, UNDERCANOPY - a business sign, as defined above, with two (2) sides which is mounted under a canopy or cover extending over a pedestrian sidewalk in front of a business in a planned business center or shopping center. Such sign shall be erected over the entrance to the use to which it is incident, at a right angle to the wall and shall be for the purpose of identifying the business location to persons using the sidewalk.

SIGN, VEHICLE - a sign affixed or painted on a vehicle or trailer and parked at a specific location for a period of four (4) or more days so that its primary purpose is as a commercial message.

SIGN, WALL - a sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign.

SIGN, WINDOW - a sign that is applied or attached to the exterior or interior of a window or located in such manner within a building that the sign can be seen from the exterior of the structure through a window.

SINGLE AND SEPARATE OWNERSHIP - the ownership of a lot which ownership is separate and distinct from that of any abutting or adjoining lot.

SITE - a lot, tract, or parcel of land, or a contiguous combination thereof, on which grading, construction, or land development is taking place, or is proposed to take place; the location of the work.

SITE ANALYSIS - an analysis of the natural features on a site intended to promote a site design that is sensitive to the unique natural features of the landscape.

SITE RESTORATION - measures taken following completion of land disturbance activities which will stabilize the land surface and minimize exposure to possible erosion or sedimentation.

SLOPE - the ratio of the change in elevation (rise) over the horizontal

distance (run) as measured between consecutive contour lines, expressed as a percentage. See "steep slope areas."

SOLAR ENERGY EQUIPMENT - any device, structure or electronics that converts solar energy into electrical energy, heats water or produces hot air or similar function through the use of solar panels. The primary function of solar energy equipment is to reduce on-site consumption of energy produced by a public/private utility company. [Ord. 158]

SOLAR PANEL - a device containing one (1) or more receptive cells equal to or greater than two (2) square feet, the purpose of which is to convert solar energy into electrical or thermal energy. [Ord. 158]

SPECIAL EXCEPTION - a use which is permitted in a particular zoning district pursuant to express standards and criteria prescribed for such use in this Chapter. A special exception is allowed (possibly with conditions attached) or denied upon application to the Zoning Hearing Board pursuant to public notice and hearing as set for the in Part 15.

SPECIFIED SEXUAL ACTIVITIES -

A. Sexual conduct as defined in §5903(e) of the Crimes Code, 18 Pa.C.S. §5903(e).

B. Sexual excitement as defined in §5903(e) of the Crimes Code, 18 Pa.C.S. §5903(e).

C. Sadomasochistic abuse as defined in §5903(e) of the Crimes Code, 18 Pa.C.S. §5903(e).

SPECIMEN TREE - any tree equal to or exceeding twenty-four (24) inches dbh.

STABLE - any building, structure or portion thereof which is used, in whole or in part, for the shelter or care of equine. [Ord. 152]

STEEP SLOPE AREAS - areas where the slope measured between consecutive contour intervals is greater than or equal to fifteen percent (15%). Such measurement shall be based upon mapping of contour lines at the minimum interval applicable in accordance with the Township Subdivision and Land Development Ordinance [Chapter 22]. Where topographic data is not available and submission thereof not otherwise required, areas mapped as sloping fifteen percent (15%) or more on the Natural Conditions Map in the Township Open Space, Recreation and Environmental Resources Plan shall be considered steep slope areas, except where applicant has demonstrated otherwise to the satisfaction of the Township.

STEEP SLOPE, PRECAUTIONARY - areas of land with a slope between fifteen percent (15%) and twenty-five percent (25%), as defined in §411(1)(B) of this Chapter.

STEEP SLOPE, PROHIBITIVE - areas of land with a slope greater than twenty-five percent (25%), as defined in §411(1)(A) of this Chapter.

STORAGE FACILITY - a structure or group of structures used for the storage of customers' goods. Individual stalls or lockers are rented for such storage to different tenants.

STORAGE, OUTDOOR - the keeping of new or used materials, merchandise, products, equipment or vehicles for a continuous period greater than eight (8) hours. Excluded from this definition are the following:

A. Equipment, vehicles and materials which are used in connection with a construction project during the period of construction.

B. The loading or unloading of vehicles which are parked against a building so that all activity occurs within the building.

STORMWATER - any precipitation, but usually rainfall, which is sufficient to flow on any natural or impervious surface, frequently termed "run-off."

STORY - that portion of a building comprised between the surface of any floor and the surface of any floor or roof next above, but excluding attics. [Ord. 152]

STREAM - any watercourse with a defined bed and banks.

STREAM VALLEY - the streams identified in the Township Open Space, Recreation and Environmental Resources Plan, Geology and Watershed Boundaries Map of stream orders 1, 2, 3 and 4 together with their one hundred (100) year floodplains and hydric soils identified as very significant and significant.

STREET - a strip of land, including the entire ultimate right-of-way thereof, publicly owned, dedicated and accepted for public use, or privately owned, abutting and furnishing access to more than one (1) lot, primarily serving, or intended to serve, as a means of vehicular and pedestrian travel, and which may also be used to provide space for sewer, other utilities and sidewalks. The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, roadway, highway, lane, alley, service-street, marginal access street, road or similar terms. The following categories of streets are defined as follows:

A. ARTERIAL - a major street or highway with high vehicular speeds or high traffic volumes of considerable continuity and used primarily as a traffic artery between rural and urban areas. Arterial streets may be either principal arterials or minor arterials. Principal arterials serve major centers of activity and carry the highest proportions of area travel and most of the trips entering and leaving the Township, thus serving intra-area travel. Minor arterials interconnect with and augment the principal arterial system distributing travel to smaller centers of activity and allowing for more access to adjoining properties than principal arterials.

B. COLLECTOR - a major street which carries traffic from Local streets to arterial streets. Collector streets may be either major collectors or minor collectors. Major collectors may provide access to centers of activity, connect with principal arterials and allow for more access to adjoining properties than minor collectors. Minor collectors serve more to collect traffic from local streets and provide access to the smallest of activity centers.

C. LOCAL - every public or private street used for access to abutting properties. Local streets may be primary distributor roadways, secondary distributor roadways or local access streets. A primary distributor roadway is the highest order local street which moves traffic from lower order local streets to collector and arterial streets. A secondary distributor roadway is the middle order local street which carries traffic from local access streets to primary distributor roadways. A local access street is the lowest order local street which serves no through function and provides the greatest degree

of access.

STREET LINE - the dividing line between a lot and the outside boundary or ultimate right-of-way line of a public street, road, or highway legally open or officially platted; or between a lot and an undedicated street or road over which the owners or tenants of two (2) or more lots each held in single and separate ownership have the right-of-way.

STREET, MAJOR - an arterial street or collector street as defined herein.

STREET TREE - deciduous hardwood trees, having a caliper of not less than two and one half (2 1/2) inches, planted adjacent to and outside of a street right-of-way, such trees to be approved as to type by the Board of Supervisors.

STRUCTURAL ALTERATION - any change in, or addition to, the supporting structural members of a building, or other structure, such as the bearing walls, partitions, columns, beams or girders, or any change which could convert an existing building or other structure into a different structure, or adapt it to a different use.

STRUCTURAL UNIT - one (1) or more buildings enclosed by continuous exterior walls and a continuous roof.

STRUCTURE - any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to the land. Any form or arrangement of building materials involving the necessity of providing proper support, bracing, tying, anchoring or other protection against the forces of the elements.

STRUCTURE, TEMPORARY - a structure that is designed to be repeatedly erected or inflated, tents and inflatable structures or buildings that are picked up and moved.

SUBDIVISION - the division or re-division of a single lot, tract, or parcel of land by any means into two (2) or more lots, tracts or parcels or other divisions of land of land, including changes in existing lot lines, for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development. The subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwellings, shall be exempted from this definition.

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE - the Subdivision and Land Development Ordinance of East Coventry Township of 2004, as amended, as codified at Chapter 22 of the Township of East Coventry Code of Ordinances.

SUBJECT PROPERTY - for the purpose of permitting off-premises directional signs, under §1314(18) of this Chapter, for the sale of agricultural products, the property on which agricultural products are offered for sale.

SUBSTANTIAL DAMAGE - damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT -

A. Any reconstruction, rehabilitation, addition or other

improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the improvement.

B. Substantial improvement includes any repair, restoration or other improvement to structures that have incurred substantial damage regardless of the actual repair, restoration or other improvement work performed.

C. Substantial improvement however does not include either:

(1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications that have been identified by the local code enforcement official and which project is the minimum necessary to assure safe living conditions.

(2) Any alteration of a historic structure provided that the alteration does not preclude the continued designation of the structure as a historic structure.

SUNSHINE ACT - the Act of October 15, 1998, P.L. 729, No. 93, as amended, 65 Pa.C.S. §701 et seq.

SWIMMING POOL - a pool or tank capable of containing water to a depth greater than twelve (12) inches for the purpose of swimming and/or other water-related recreational activities. Farm ponds and stormwater basins are not swimming pools unless specifically designed for that purpose. For the purposes of this Chapter, a private swimming pool, accessory to a residential use and serving a single dwelling unit, shall not be considered a structure.

TELEPHONE CENTRAL OFFICE - a building and its equipment used for the transmission and exchange of telephone or radio telephone messages between subscribers and other business of a telephone company, providing that in residential districts a telephone central office shall not include public business facilities, storage of materials, trucks or repair facilities, or housing of repair crews.

TENANT HOUSE - a single-family detached dwelling permissible as a separate residence in addition to the principal dwelling on agricultural properties.

TIMESHARE - a development in which a purchaser receives the right in perpetuity, for life, or for a term of years, to the recurrent, exclusive use or occupancy of a lot, parcel, unit or segment of real property, annually or on some other periodic basis, for a period of time that has been or will be allotted from the use or occupancy periods into which the development has been divided.

TOWER - a support structure and the reception and/or transmission antennas upon it intended for the transmission and/or reception of radio, television, telephone or digital communications, including wireless communications.

TOWNSHIP - the Township of East Coventry, Chester County, Pennsylvania.

TOWNSHIP PLANNING COMMISSION - the Planning Commission of the Township.

TRACT - one (1) or more contiguous lots assembled and presented as a single property for purposes of subdivision or land development.

TRACT AREA, GROSS - the area of land contained within the property lines of a parcel, lot or tract as described in the deed or as shown on an approved subdivision plan.

TRACT AREA, NET - the gross tract area excluding the following areas:

A. Any area (1) within a street ultimate right-of-way; or (2) within any other ultimate right-of-way, whether public or private, that provides, or is intended to provide, access to more than one (1) lot by way of vehicular and/or pedestrian circulation.

B. Any area, easement or right-of-way to be used for emergency access.

C. Any existing easements or rights-of-way for gas, oil, natural gas, electric or communications transmission facilities, whether below or above grade, that do not exclusively serve the lot.

D. Any area comprising a stormwater management basin or drainage easement and/or a sanitary sewer easement.

E. Any area overlain by the floodplain district.

F. Any area of prohibitive slope.

G. Any area of seasonally high water table soils and hydric soils.

H. Any area of wetlands.

I. Any riparian buffer area.

The net tract area shall be used to determine the area, bulk, dimensional and density requirements as provided in this Chapter. By its nature, the process of determining the net tract area is an iterative process.

TRANSFER STATION - a facility where municipal solid waste is delivered for the purpose of compacting the material for subsequent transport by larger vehicles to a final disposal site or processing facility. A transfer station may include the collection, separation and cleaning of municipal solid waste material for the purpose of recycling.

TRUCK TERMINAL - an area and/or building for the maintenance and storage of trucks and where cargo is stored and where trucks load and unload cargo on a regular basis.

USE - any purpose for which a building or other structure or a lot or tract of land may be designed, arranged, intended, maintained or occupied, or any activity, occupation, business or operation carried on in a building or other structure on a lot or tract of land.

VARIANCE - relief granted by the Zoning Hearing Board from strict conformity with the terms of this Chapter pursuant to the provisions of Part 15 of this Chapter and Articles VI and IX of the Municipalities Planning Code.

VEGETATION, PERMANENT - perennial grasses, legumes or other long-lived plant materials, such as Crown Vetch, Fescues, and Bluegrasses, etc., depending upon the degree of refinement desired.

VEGETATION, TEMPORARY - fast growing grasses, usually annuals, such as rye, oats, sudan, or other appropriate cover to prevent erosion until

permanent vegetation can be installed.

VEHICLE AUCTION - an area of land with or without buildings used for temporary storage, display and wholesale sales of operable and licensed used autos, trucks, boats, motorcycles, or recreational vehicles that are in an operable condition. A vehicular auction is a commercial establishment, subject to the use, development, and design standards of the zoning district in which permitted, and other applicable ordinance provisions. Vehicles stored on-site shall remain intact and operable and shall not be dismantled, processed, salvaged, crushed, demolished, or sold in parts. See "junkyard" for comparison.

VIEW - the relative ability to see a given object from a designated location. Views shall be further classified as:

A. UNOBSTRUCTED - the ability to see most or all of an object; specifically where more than eighty-five percent (85%) of the object is visible.

B. FILTERED - the ability to see some of the object; specifically where fifteen percent (15%) to eighty-five percent (85%) of the object is visible.

C. HIDDEN - the ability to see little or none of the object; specifically where less than fifteen percent (15%) of the object is visible.

WAREHOUSING - the temporary storage of goods and materials within a building, generally for subsequent distribution to other locations, and not involving retail activities.

WATERCOURSE - a permanent or intermittent stream, river, brook, run, creek, channel, swale, pond, lake or other body of surface water, carrying or holding surface water, whether natural or man-made.

WATER HAZARD AREA - any area of land, whether natural or man-made which is, or may be, hazardous to the public health, safety or welfare as a result of either of the following conditions:

A. FLOODPLAIN - as defined herein.

B. HIGH WATER TABLE - soil in which the ground water exists at, or periodically rises to, a level too near the surface of the ground to permit a particular type of construction or installation.

WATER SUPPLY -

A. INDIVIDUAL SYSTEM - a safe, healthful, and adequate supply of water to a single user from a private well or spring located on the land of the user.

B. CENTRAL WATER SUPPLY SYSTEM - a system for supplying water from a common source or sources to all dwellings and other buildings within a development. The water supply source may be located on site and/or off-site. A central system can be further described as either of the following:

(1) PUBLIC WATER SUPPLY SYSTEM - a system that is owned by a municipality, a public company, or a private company and which serves more than a single community or subdivision and may be interconnected with other water supply systems.

(2) COMMUNITY WATER SUPPLY SYSTEM - a system that is owned by a municipality, a public company, or a private company which serves a single community or subdivision, is not interconnected with any other water supply system and meets the standards, which are applicable to a community water supply system under or pursuant to the Pennsylvania Safe Drinking Water Act, Act of May 1, 1984, P.L. 206, No. 43, as amended, 35 P.S. §721.1 et seq., for at least twenty-six (26) dwelling units.

WATERS OF THE COMMONWEALTH - any and all rivers, streams, creeks, lakes, rivulets, dammed water, ponds, springs, and all other bodies of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of the Commonwealth of Pennsylvania.

WETLANDS - areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas.

WETLANDS DELINEATION - the on-site method or process for identifying jurisdictional wetlands which is currently or hereafter adopted by the Pennsylvania Department of Environmental Protection.

WETLANDS DELINEATION REPORT - a document that describes the investigation procedures and findings of a wetlands delineation.

WHOLESALING - a commercial activity comprising the sale of commodities in large quantities or in bulk, to retailers or jobbers, rather than to consumers directly, including warehousing, loading and unloading, and shipping of such commodities.

WILDFLOWER - native or introduced plants found naturally in the landscape that are not dependant on man for their presence.

WIND ENERGY EQUIPMENT - any device, structure or electronics that converts wind energy into electrical energy through the use of a wind turbine. Wind energy equipment is intended to primarily reduce on-site consumption of energy produced by a public/private utility company. [Ord. 158]

WIND TURBINE - a device that converts wind energy into electricity through the use of a generator and includes the nacelle, rotor, tower, and base. A wind turbine is occasionally more commonly referred to as a windmill or wind generator. [Ord. 158]

WIRELESS COMMUNICATIONS FACILITY - the antenna, antenna support structure, wireless communications equipment building, and/or other structures and equipment that is licensed by the Federal Communications Commission for the specific purpose of receiving and/or transmitting wireless television, radio, telephone or digital communications. Such use shall not be considered a public utility.

WIRELESS COMMUNICATIONS EQUIPMENT BUILDING - an unmanned building or cabinet in which electronic receiving, relay, or transmitting equipment for a wireless communications facility is housed.

WOODLAND - an ecosystem characterized by a more or less dense and extensive tree cover. More particularly, a plant community consisting predominantly of healthy trees and other woody vegetation, well stocked and

growing more or less closely together.

WOODLAND DISTURBANCE -

A. Any activity which alters the existing structure of a woodland. Alterations include the cutting or removal of canopy trees, sub-canopy trees, under-story shrubs and vines, woody and herbaceous woodland floor species.

B. Any activity which constitutes a land disturbance, as defined herein, within a woodland.

C. Woodland disturbance does not include the selective cutting or removal of invasive alien trees, shrubs, vines or herbaceous species including Rosa multiflora (Multiflora Rose), Eleagnus umbellata (Autumn Olive), Lonicera japonica (Japanese Honeysuckle), Celastrus orbiculatus (Oriental Bittersweet), Acer platanoides (Norway Maple) and Polygonum perfoliatum (Mile-a-Minute Weed) and all poisonous plants.

WOODLAND MANAGEMENT PLAN - a description, by means of text and maps, of proposed actions involving the removal of trees from a tract of land. Such plan shall be prepared by a person(s) with demonstrable expertise in forest management and shall document measures to be taken: (A) to protect water quality; (B) to minimize impacts from skid trails and logging roads, landing areas and the tree removal process; and (3) to assure site restoration.

YARD OR SETBACK - an open, unoccupied space on the same lot with a building or other structure or use, open and unobstructed from the ground to the sky, except for permitted signs and fences.

A. YARD, FRONT - a yard extending the full width of the lot along the front lot line and extending in depth from the front lot line to the nearest point of the principal structure on the lot. See "lot, corner."

B. YARD, REAR - a yard extending the full width of the lot along the rear lot line and extending in depth from the rear lot line to the nearest point of the principal structure on the lot.

C. YARD, SIDE - a yard extending in depth on the lot along a side lot line from the front yard to the rear yard, and extending in width on the lot from such side lot line to the nearest point of the principal structure on the lot.

ZONING HEARING BOARD - the Zoning Hearing Board of the Township.

ZONING MAP - the map of the Township indicating the location of boundaries for each zoning district, as adopted by the Board of Supervisors. See §302 of this Chapter.

ZONING OFFICER - the officer appointed by the Board of Supervisors to administer the provisions of this Chapter in accordance with the literal terms hereof, and who shall have such other powers and duties as provided in Part 17 of this Chapter.

(Ord. 147, 8/11/2008, §201; as amended by Ord. 152, 12/8/2008, §I; and by Ord. 158, 12/14/2009, §I)

Part 3

Zoning Districts and Boundaries

§301. Establishment of Districts.

1. For the purpose of this Chapter, the Township is hereby divided into eight (8) base zoning districts which shall be designated as follows:

A. FR Farm Residential District

B. R-1 Residential District

C. R-2 Residential District

D. R-3 Residential District

E. NC Neighborhood Commercial District

F. C Commercial District

G. C-1 Commercial/Business Campus District

H. LI Limited Industrial District

The locations and boundaries of such base zoning districts shall be as delineated on the official Zoning Map on file in the Township offices.

2. Further, certain areas of the Township are, in addition to the otherwise applicable provisions of this Chapter, subject to the terms of zoning overlay districts as follows:

A. FW Floodway Floodplain District

B. FF Flood Fringe Floodplain District

C. FA General Floodplain District

D. SSCD Steep Slope Conservation District

E. HRPS Historic Resource Protection Standards

3. All of the above overlay districts shall be overlays on and supplements to the base zoning districts and the provisions of the overlay districts shall serve as additional regulations to the provisions of the base zoning districts.

4. In the event of a conflict between the provisions or requirements of any overlay district and those of the base zoning district, the provisions of the overlay district shall control.

5. In the event that any provision of the overlay districts is declared inapplicable as a result of any judicial, legislative or administrative action or decision, the other provisions of the overlay districts, and the provisions of the base zoning district shall remain applicable.

(Ord. 147, 8/11/2008, §300)

§302. Zoning Map.

1. Zoning Map.

A. Base Zoning Districts. The boundaries of the base zoning districts shall be shown on the map attached to and made part of this

Chapter. The map shall be known as the "Zoning Map of East Coventry Township." The official copy of the map shall be located and maintained in the Township offices and shall be available for public inspection. The map and all of the notations, references and data indicated thereon are hereby incorporated by reference into this Chapter. Whenever an amendment to this Chapter, involving a change of district boundaries, is approved and adopted by the Board of Supervisors, such change shall be promptly recorded or otherwise reflected on the Zoning Map.

B. Overlay Zoning Districts. The boundaries of the overlay zoning districts shall be as shown on and indicated in and by the studies, maps and surveys described and referred to in §303(1)(A) of this Chapter. The studies, maps and surveys are fully incorporated by reference in this Chapter and copies thereof shall be located and maintained for public inspection in the Township offices.

(Ord. 147, 8/11/2008, §301)

§303. Zoning District Boundaries.

1. Base Zoning District Boundaries.

A. The boundaries between base zoning districts are, unless otherwise indicated, the centerlines of streets, lanes, lakes and watercourses and rights-of-way of power lines, railroads and other public utilities or such lines extended or lines parallel thereto. Where the boundaries of a single district are indicated as including directly opposite sides of a street, lane, lake or watercourse or of the right-of-way of a power line, railroad or other public utility for any portion of its length, the district so indicated shall be construed to apply to and include the entire bed of such street, lane, lake or watercourse or right-of-way lying within such portion of its length.

B. Where uncertainty exists as to the location of any of the said boundaries as shown on the Zoning Map, the following rules shall apply:

(1) Where a district boundary is indicated as approximately following the centerline of a street, lane, lake or watercourse or right-of-way of a power line, railroad or other public utility, such centerline shall be construed to be such boundary.

(2) Where a district boundary is indicated as approximately following a lot or other property line, such lot or property line shall be construed to be such boundary.

(3) Where a district boundary divides a lot or traverses an undivided property, the location of such boundary, unless otherwise specified by figures on the Zoning Map, shall be determined by the use of the scale appearing on the map.

(4) Where figures are shown on the Zoning Map between a street and a district boundary, they shall indicate that the district boundary runs parallel to the street line at a distance therefrom equivalent to the number of feet so indicated unless otherwise specified. Where scaled distances do not agree with such figures, the figures shall control.

2. Overlay District Boundaries.

A. Overlay Floodplain District Boundaries.

(1) The overlay floodplain district boundaries shall include areas subject to inundation by waters of the one hundred (100) year flood and/or subject to periodic flooding and/or overflow. The bases for the delineation of these districts shall be:

(a) Those areas of the Township, which are subject to the one hundred (100) year flood as identified in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Map (FIRM).

(b) The Soils Survey of Chester and Delaware Counties, prepared by the Soil Conservation Service, U.S. Department of Agriculture, May, 1963, including, without limitation, the soil survey maps based thereon or the most recent revision thereof.

(c) The Zoning Map of East Coventry Township.

In the event of any inconsistency between or among any of the foregoing, the source materials described in subsection (a), above, shall prevail over those in subsections (b) and (c) and the source material described in subsection (b) shall prevail over the source material in subsection (c).

(2) The FW Floodway Floodplain District shall include the following areas:

(a) Those areas within the floodplain required to carry and discharge the waters of a one hundred (100) year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. These areas are specifically defined in the floodway data table of the Flood Insurance Study (FIS) and as shown on the accompanying Flood Insurance Rate Map (FIRM).

(b) The low area adjoining and including any water or drainage course or body of water subject to periodic flooding or overflow and delineated in the Soil Survey of Chester and Delaware Counties as either alluvial soils (as the same are specifically described hereafter) or water. Such alluvial soils include: Bowmansville (Bo), Chewacla (Ch), Congaree (Cn), Lindside (Ls), Melvin (Mn), Rowland (Ro) and (Rp) and Wehadkee (We). The Soil Survey Maps, prepared by the Soil Conservation Service, shall determine the boundaries of such alluvial soils.

(3) The FF Flood Fringe Floodplain District shall be that area of the one hundred (100) year floodplain not included in the FW, Floodway Floodplain, District. The bases for the outermost boundary of this district shall be the one hundred (100) year floodplain elevations contained in the Flood Profiles of the Flood Insurance Study (FIS) and as shown on the accompanying Flood Insurance Rate Map (FIRM).

(27, §303(2)(A), cont'd)

(4) The FA General Floodplain District shall be that floodplain area shown on the Flood Insurance Rate Map (FIRM) accompanying the Flood Insurance Study (FIS) but for which no detailed flood profiles or elevations have been provided. In determining the one hundred (100) year flood elevations in this district the following sources shall be used:

(a) Floodplain Information Reports, United States Army Corps of Engineers.

(b) Flood Prone Quadrangles, United States Geological Survey.

(c) Chester and Delaware Counties Soil Survey (Alluvial Soils), Soil Conservation Service, United States Department of Agriculture.

(d) Flood Control Investigations, Pennsylvania Department of Environmental Protection.

(e) Known high water marks from past floods.

In the event that the specific one hundred (100) year flood elevation cannot be determined from the foregoing sources, the applicant or appellant for the proposed use, development or activity in the area shall determine such elevation in accordance with hydrological and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by registered professional engineers who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations and other pertinent data as may be required by the Board of Supervisors shall be submitted by the applicant or appellant in sufficient detail to allow a thorough technical review by the Township.

(5) The boundaries of any floodplain district may be revised by the Board of Supervisors, in accordance with the provisions of Part 17 of this Chapter, where natural and/or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the United States Army Corps of Engineers, a River Basin Commission or other qualified agency or individual, which changes and/or studies support the revision. Prior to making any such revision, the Board of Supervisors shall obtain approval of and from the Federal Emergency Management Agency (FEMA) and/or other governmental agency having jurisdiction; provided, however that, in the case of a revision not initiated or otherwise originated by the Board of Supervisors or the Township Planning Commission, the burden and cost of obtaining such approval shall be upon the applicant for the revision.

(6) Initial interpretations of the boundaries of the floodplain districts shall be made by the Zoning Officer who may seek the advice and recommendation of the Township Engineer. Should a dispute arise concerning such interpretation, the Zoning Hearing Board shall make the necessary determination upon timely application of or appeal by the person disputing the interpretation and after hearing thereon in accordance with the provisions of Part

(27, §303(2)(A), cont'd)

15 of this Chapter and/or other law. In any such application or appeal, the person disputing the interpretation shall have the burden of proof (including the burdens of production and persuasion).

(Ord. 147, 8/11/2008, §302)

§304. Federal, State, County or Municipal Owned Property. Whenever Federal, State, County or municipal owned property is included in one or more zoning districts, it shall be subject to the provisions of this Chapter insofar as permitted by the Constitution and Laws of the United States and of the Commonwealth of Pennsylvania. (Ord. 147, 8/11/2008, §303)

§305. Boundary Use Tolerances. Where a lot is divided by a zoning district boundary line, the uses permitted in the less restrictive district may extend into that portion of said lot in the more restrictive district to the nearest lot line but in no case a greater distance than fifty (50) feet; provided, that full use is made of the less restrictive area before extension into the more restricted area of said lot; and, provided further, that in no case shall the use permitted in any zoning district be extended for any distance into any Floodplain, Steep Slope Conservation or Historic Resource Conservation Overlay District. (Ord. 147, 8/11/2008, §304)

§306. Municipal Uses. Municipal uses shall be permitted in all base and overlay zoning districts and shall be exempt from the minimum area, bulk and dimensional standards thereof. (Ord. 147, 8/11/2008, §305)

Part 4

Natural Features Protection

§401. Floodplain Districts. In the FW Floodway Floodplain District, the FF Flood Fringe Floodplain District, and the FA General Floodplain District, the following regulations apply: (Ord. 147, 8/11/2008, §400)

§402. Purpose. In addition to the general intent set forth in §102 of this Chapter, the specific purpose of the provisions of this Part is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

A. Regulating construction, development, uses, activities, and encroachments which, acting alone or in combination with other existing or future construction, development, uses, activities, or encroachments, will cause unacceptable increases in flood heights, velocities, and frequencies.

B. Restricting or prohibiting certain construction, development, uses, activities, and encroachments from locating within areas subject to flooding.

C. Requiring all permitted construction, development, uses, activities, and encroachments occurring in floodplain areas to be protected and/or made floodproof against flooding and flood damages.

(Ord. 147, 8/11/2008, §401)

§403. General Floodplain Regulations. The following regulations shall apply to all floodplain districts:

A. All construction, development, uses, activities, and encroachments occurring within any floodplain district shall be undertaken only in strict compliance with: (1) the provisions of this Chapter and all other applicable codes and ordinances, including, without limitation, the Building Code [Chapter 5, Part 1, §101] and the Subdivision and Land Development Ordinance [Chapter 22], as amended, and (2) all Federal and State law, including, without limitation, §404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334, and the Dam Safety and Encroachment Act.

B. Under no circumstances shall any construction, development, use, activity, or encroachment adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or other drainage facility or system.

C. Prior to any proposed alteration or relocation of any stream, other watercourse, drainage ditch, or other drainage facility or system within the Township: (1) all required permits or approvals shall be obtained form the Pennsylvania Department of Environmental Protection; (2) notification of the proposed alteration or relocation shall be given by the applicant to all affected adjacent municipalities, the Federal Emergency Management Agency, and the Pennsylvania Department of Community and Economic Development; and (3) the applicant shall certify

by a letter from a registered professional engineer that the flood carrying capacity within the altered or relocated portion of the stream, other watercourse, drainage ditch, or other facility or system, shall be maintained.

(Ord. 147, 8/11/2008, §402)

§404. FW Floodway Floodplain District Regulations. The FW Floodway Floodplain District shall consist of two (2) distinct areas; the floodway as defined in §303(2)(A)(2)(a) and the floodplain, as defined in §303(2)(A)(2)(a), and the following regulations apply:

A. No construction, development, use, activity or encroachment shall be permitted except where the effect of the same on flood height is fully offset by accompanying stream improvements which have been approved by all appropriate local, State, and Federal authorities.

B. Permitted Uses in the Floodway and Floodplain Areas. The following uses and activities are permitted provided that they are (1) in compliance with the provisions of the underlying base zoning district, (2) not prohibited by any other ordinance, and (3) do not require or involve structures, fill, or the storage of materials and equipment.

(1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.

(2) Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking, and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges, and hunting and fishing areas.

(3) Accessory residential uses such as yard areas, gardens, play areas, and pervious parking areas.

(4) Accessory industrial and commercial uses such as areas for pervious parking and loading.

C. Uses Permitted by Special Exception in the Floodway Area. The following uses and activities are permitted in the floodway area by special exception provided that they are (1) in compliance with the provisions of the underlying base zoning district, (2) not prohibited by any other Section of this Chapter, and (3) are undertaken, together with any construction and/or development, in strict compliance with the floodproofing provisions contained in this Chapter and other applicable codes and ordinances:

(1) Structures, except for mobile homes, accessory to the uses and activities described in subsection (B), above.

(2) Public improvements such as railroad and street crossings, bridges, transmission lines, pipe lines, and other similar uses.

(3) Water-related uses and activities such as marinas, docks, wharves and piers, if designed to minimize the impact on, and damages from flooding.

(4) Temporary uses such as circuses, carnivals and similar activities.

(5) Other similar uses and activities provided they cause no increase in flood heights and/or velocities.

D. Uses Permitted by Special Exception in the Floodplain Area. The following uses and activities are permitted in the floodplain area by special exception provided that they are (1) in compliance with the provisions of the underlying base zoning district, (2) not prohibited by any other section of this Chapter, and (3) are undertaken, together with any construction and/or development, in strict compliance with the floodproofing provisions contained in this Chapter and other applicable codes and ordinances:

(1) Utilities and public facilities such as water and sewage treatment plants and other similar or related uses.

(2) Storage of materials and equipment provided that they are not buoyant, flammable or explosive, and are not subject to damage by flooding, or provided that such material and equipment is firmly anchored to prevent flotation or movement, and/or can be readily removed from the area within the time available after flood warning.

Notwithstanding the foregoing, in no event shall any of the materials or substances listed in §407(1)(A) of this Part be stored within the floodplain area except as provided by and in full compliance with the provisions of §407 of this Part.

(Ord. 147, 8/11/2008, §403)

§405. FF Flood Fringe Floodplain District Regulations. In the FF Flood Fringe Floodplain District, the following regulations shall apply:

A. Permitted Uses. In the FF Flood Fringe Floodplain District, the development or use of land, and activities thereon, shall be permitted in accordance with the regulations of the underlying base zoning district provided that all such development, use, or activities shall be undertaken in strict compliance with the floodproofing and related provisions contained in this Chapter and all other applicable codes and ordinances.

B. Special Provisions for Certain Uses, Activities, and Development. See §407 of this Part for additional provisions concerning certain types of uses, activities, and development in the FF Flood Fringe Floodplain District. Notwithstanding any other provision of this Chapter to the contrary, no use, activity or development shall be permitted in the FF Flood Fringe Floodplain District that is prohibited by or does not comply with the provisions of §407 of this Part.

(Ord. 147, 8/11/2008, §404)

§406. FA General Floodplain District Regulations. In the FA General Floodplain District, the following regulations shall apply:

A. No construction, development, use, activity, or encroachments (including, without limitation, fill, grading, and/or substantial improvements to structures) shall be permitted unless the applicant or

appellant for the proposed construction, development, use, activity, or encroachment has demonstrated that the proposed undertaking, when combined with all other uses and anticipated construction, development, uses, activities, and encroachments, will not increase the water surface elevation above the regulatory flood elevation at any point. The engineering principle, equal reduction of conveyance, shall be used to make the determination of increases in flood heights. A registered professional engineer, licensed as such in the Commonwealth of Pennsylvania, shall prepare the necessary hydraulic calculations, reports and studies that are required in and by this Section.

B. In the floodway portion of the FA General Floodplain District, the only construction, development, uses activities, and encroachments permitted shall be those permitted in the FW Floodway Floodplain District, provided that the effect of the same on flood heights shall be fully offset by accompanying stream improvements.

C. No new construction or development shall be located within the area measured one hundred (100) feet landward from the top-of-bank of any watercourse.

D. All construction, development, uses, activities, and encroachments shall be undertaken in strict compliance with the regulations of the underlying base zoning district, and with the floodproofing and related provisions contained in this Chapter and all other applicable codes and ordinances.

E. See §407 of this Part for additional provisions concerning certain types of uses, activities, and development within the FA General Floodplain District. Notwithstanding any other provision of this Chapter to the contrary, no use, activity or development shall be permitted in the FA General Floodplain District that is prohibited by or does not comply with the applicable provisions of §407 of this Part.

(Ord. 147, 8/11/2008, §405)

§407. Special Provisions for Certain Types of Development Within Floodplain Districts.

1. Development That May Endanger Human Life.

A. In accordance with the Flood Plain Management Act and the regulations adopted thereunder by the Pennsylvania Department of Community and Economic Development, as required by the Act, any new or substantially improved structures which will be used for the production or storage of any of the following materials or substances or which will be used for any activity requiring the maintenance of a supply (more than five hundred fifty (550) gallons or other comparable volume or any amount of radioactive substances) of any of the following materials or substances[1] on the premises, shall be subject to the provisions of this Section, in addition to all other applicable provisions:

(1) Acetone

(2) Ammonia

[1]As amended from time to time by FEMA.

(3) Benzene

(4) Calcium carbide

(5) Carbon disulfide

(6) Celluloid

(7) Chlorine

(8) Hydrochloric acid

(9) Hydrocynaic acid

(10) Magnesium

(11) nitric acid and oxides of nitrogen

(12) Petroleum products (gasoline, fuel, oil, etc.)

(13) Phosphorous

(14) Potassium

(15) Sodium

(16) Sulphur and sulphur products

(17) Pesticides (including insecticides, fungicides, and rodenticides)

(18) Radioactive substances (insofar as such substances are not otherwise regulated)

B. Within the FW Floodway Floodplain District, any structure of the kind described in subsection (1)(A), above, shall be prohibited notwithstanding any provisions of this Chapter to the contrary.

C. Where otherwise permitted within the FF Flood Fringe Floodplain District or the FA General Floodplain District, any new or substantially improved structure of the kind described in subsection (1)(A), above, shall conform to the applicable National Flood Insurance Program requirements of 44 CFR, Ch. 1, Section 60.3 (10-1-00 Edition), including FEMA Technical Bulletins, and the following provisions, notwithstanding other provisions of this Chapter to the contrary:

(1) The structure shall be elevated or designed and constructed to remain completely dry up to at least one (1) foot above the one hundred (100) year flood elevation.

(2) To the extent that the structure, or part thereof, will be built at or below the regulatory flood elevation, it shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication Floodproofing Regulations, U.S. Army Corps of Engineers, June 1972, most recent edition, or with other equivalent watertight standards.

(3) The structure shall be designed to prevent pollution from the structure or activity during the course of a one hundred (100) year flood.

(4) The structure shall not be located within an area measuring one hundred (100) feet landward from the top-of-bank of any watercourse.

2. Obstructions and Activities Requiring Special Permits. Subject to and in accordance with the Flood Plain Management Act and the regulations adopted thereunder by the Pennsylvania Department of Community and Economic Development, the following obstructions and activities, if located partially or entirely within a floodplain district, shall be permitted only by a special permit issued by the Building Inspector, applied for and issued pursuant to and in accordance with the provisions of the Building Code [Chapter 5, Part 1, §101], provided that such obstructions and activities are otherwise permitted by and under the applicable use and other provisions of the floodplain district and underlying base zoning district in which the obstructions or activities are or to be located. The commencement of any of the following activities, or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:

A. Hospitals, public or private.

B. Nursing homes, public and private.

C. Jails or prisons.

3. Special Requirements for Mobile Homes.

A. Within the FW Floodway Floodplain District, mobile homes shall be prohibited.

B. When otherwise permitted within the FF Flood Fringe Floodplain District or FA General Floodplain District, all mobile homes and any additions or improvements thereto shall comply with the provisions of the Building Code [Chapter 5, Part 1, §101].

(Ord. 147, 8/11/2008, §406)

§408. Floodplain District Warning and Disclaimer of Liability.

1. The degree of flood protection sought by the provisions of this Part and otherwise in this Chapter is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and the restriction of bridge openings by debris. This Part and other provisions of this Chapter do not imply that areas outside the floodplain districts or that land uses permitted within such districts will be free from flooding or flood damages and not in limitation of the foregoing.

2. This Section and other provisions of this Chapter shall not create liability on the part of the Township or any officer or employee thereof for any flood damage that result from reliance on this Part, other provisions of this Chapter, or any administrative decision lawfully made hereunder.

(Ord. 147, 8/11/2008, §407)

§409. Steep Slope Conservation District. In addition to the general intent set forth in §102 of this Chapter, the specific purpose of this Section is as follows:

A. To promote the public health, safety and welfare by protection of steep slope areas.

B. To permit only those uses of steep slope areas which are compatible with the conservation of natural conditions and which maintain stable soil conditions by minimizing disturbances to vegetative ground covers and restricting the re-grading of steep slope areas.

C. To limit soil erosion and the resultant destruction of the land, siltation of streams and damage to the property of individuals.

D. To protect low-lying areas from flooding by limiting the increase in stormwater runoff caused by grading of slope areas, changes of ground cover or the erection of structures.

E. To maintain the ecological integrity and habitat value of steeply sloped areas, i.e., indigenous vegetation and wildlife, which could be adversely affected by otherwise permitted disturbances.

(Ord. 147, 8/11/2008, §408)

§410. Steep Slope Conservation District; General Provisions.

1. No area within the Steep Slope Conservation District shall hereafter be developed without full compliance with the terms of this Section and other applicable regulations. The Steep Slope Conservation District shall be deemed to be an overlay on any zoning district(s) now or hereafter enacted to regulate the development of land in the Township.

2. The Steep Slope Conservation District shall have no effect on the permitted uses in the underlying zoning district, except where said uses are intended to be located within the boundaries of the Steep Slope Conservation District, as defined herein, and said uses are in conflict with the permitted uses set forth in this Part.

3. In those areas of the Township where the Steep Slope Conservation District applies, the requirements of the Steep Slope Conservation District, to the extent they are more restrictive, shall supersede the requirements of the underlying zoning district.

4. Each application for construction or land disturbance within the Steep Slope Conservation District shall be submitted in accordance with §414, herein. Any area of the Steep Slope Conservation District that falls within the subject lot or lots shall be interpolated and shown on the site plan required under §414(1)(B) through shading of such area or areas.

5. Should the Steep Slope Conservation District boundaries be revised, to exclude previously included lands, as a result of legislative or administrative action or judicial decision, the zoning requirements applicable to the area in question shall revert to the requirements of the underlying zoning district(s) without consideration of this Part.

6. For any parcel or any part thereof on which the Steep Slope Conservation District is an overlay, should the underlying zoning classification(s) be changed as a result of legislative or administrative actions or judicial decision, such change(s) in classification shall have no effect on boundaries of the Steep Slope Conservation District, unless an amendment to said boundaries was included as part of the proceedings from which the subsequent change(s) originated.

7. It is not intended by this Section to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this

Part imposes greater restrictions, the provisions of this Part shall prevail.

8. The granting of a zoning permit or approval of a subdivision or land development plan within or near the Steep Slope Conservation District shall not constitute a representation, guarantee, or warranty of any kind by the Township, or by any official or employee thereof, of the practicability or safety of the proposed use, and shall create no liability upon the Township, its officials or employees. This Chapter does not imply that areas outside the Steep Slope Conservation District boundaries or land uses permitted within said Steep Slope Conservation District will always be totally free from the adverse affects of erosion.

(Ord. 147, 8/11/2008, §409)

§411. Steep Slope Designation and Interpretation of District Boundaries.

1. The Steep Slope Conservation District consists of two (2) areas which are delineated and defined as follows:

A. PROHIBITIVE SLOPE - prohibitive slopes are those of twenty-five percent (25%) or greater slope (e.g., sloping twenty-five (25) feet or more vertical over a distance of one hundred (100) feet horizontal). Slopes shall be deemed prohibitive when there are three (3) adjacent contour intervals of two (2) feet each such that, in aggregate, they delineate slope of at least twenty-five percent (25%).

B. PRECAUTIONARY SLOPE - precautionary slopes are those of fifteen percent (15%) to twenty-five percent (25%) slope (e.g., sloping fifteen (15) to twenty-five (25) feet vertical over a distance of one hundred (100) feet horizontal). Slopes shall be deemed precautionary when there are three (3) adjacent contour intervals of two (2) feet each such that, in aggregate, they delineate a slope between fifteen percent (15%) and twenty-five percent (25%).

2. Steep slopes shall be determined by either aerial photogrammetry with required control points producing an accuracy of +/- five-tenths (0.5) feet to the contour location or by field survey. The contour intervals shall be set forth at no more than two (2) feet per interval on slopes less than twenty-five percent (25%), and may be set forth at five (5) feet per interval on slopes of twenty-five percent (25%) or greater. On properties containing no slopes greater than ten percent (10%), U.S.G.S. seven and five-tenths (7.5) minute quadrangles may be used as the source of slope information, subject to the approval of the Zoning Officer upon the recommendation of the Township Engineer.

3. Where an interpretation is needed to locate the exact boundaries of the district, in relation to a given parcel, such determination shall be initially made by the Township Engineer. Any party seeking such a determination shall submit a topographic survey of the property and any other pertinent documentation for consideration. The Township Engineer shall make a written report of the results of his initial determination, a copy of which shall be provided to the Board of Supervisors.

4. Any party aggrieved by any such determination of the Township Engineer or other decision or determination regarding steep slopes under this

Part may appeal to the Zoning Hearing Board. The party contesting the location of the district boundary shall have the burden of proof in case of any such appeal.

(Ord. 147, 8/11/2008, §410)

§412. Uses Permitted by Right in the Steep Slope Conservation District.

1. In any part of the Steep Slope Conservation District, all grading shall be minimized, and no grading shall be undertaken within any area of the Steep Slope Conservation District except where approved in conjunction with a use permitted under the terms of this Section.

2. The following are the only uses permitted as of right in areas of prohibitive slope. Such uses also shall be in compliance with the base zoning district, and shall not involve the erection of buildings, construction of streets, installation of sewage disposal systems, or permanent removal of top soil unless replaced by approved engineered structures.

A. Parks and outdoor recreational uses, consistent with the goals of watershed protection.

B. Yard areas within the Steep Slope Conservation District.

C. Pastures and other agricultural activities such as tree farming that do not expose the soil to erosion on a regular periodic basis.

D. Logging and woodcutting, where such activity is limited to highly selective removal of trees and does not involve clear-cutting. Maximum precautions shall be taken to avoid destruction of or injury to under-story brush and trees.

E. The minimum possible grading for a driveway, which grade shall not exceed fifteen percent (15%), accessing a single-family dwelling or other building when it can be demonstrated that no other routing that avoids prohibitive slopes is feasible or economically reasonable.

F. The minimum possible installation of public or private transmission lines such as power, phone, gas, water, sewer or storm sewer lines when it can be demonstrated that no other routing that avoids prohibitive slopes is practicable or economically reasonable.

3. The following are the only uses permitted by right in areas of precautionary slope, provided they also are in compliance with the base zoning district and all other provisions of this Chapter.

A. All uses permitted in areas of prohibitive slopes.

B. Tree farming, forestry, and other agricultural uses when conducted in conformity with conservation practices, including minimum tillage methods, approved by the Natural Resources Conservation Service or the Chester County Conservation District.

C. Access roads for the passage of emergency vehicles in the event of fire or accident.

D. Accessory uses (except swimming pools), necessary for the operation and maintenance of the above permitted uses.

(Ord. 147, 8/11/2008, §411)

§413. Uses Permitted by Special Exception in the Steep Slope Conservation District.

1. Any of the following uses are permitted within the Steep Slope Conservation District when approved as a special exception by the Zoning Hearing Board in accordance with the provisions of Part 15 of this Chapter provided that the applicant demonstrates that there is no alternative that could avoid encroachment into areas of prohibitive slope:

A. Any structure permitted by right, special exception, or conditional use according to the terms of the underlying base zoning district.

B. Any road necessary to provide primary access to a use permitted by this Chapter, when no practical alternative exists in an area of lesser slope.

(Ord. 147, 8/11/2008, §412)

§414. Uses Permitted by Variance in the Steep Slope Conservation District.

1. Any use permitted by variance within the Steep Slope Conservation District when approved as a variance by the Zoning Hearing Board in accordance with the provisions of Part 15 of this Chapter:

A. Within any lot, areas classified as prohibitive slopes may be permanently disturbed for the installation of site improvements subject to the granting of a variance by the Zoning Hearing Board. On any lot, the total amount of impervious surface that may be installed within areas of prohibitive slope shall not exceed twenty percent (20%) of the total impervious area permitted according to the provisions of the underlying base zoning district.

B. Within any lot, areas classified as precautionary slopes may be permanently disturbed for the installation of site improvements, subject to the granting of a variance by the Zoning Hearing Board. On any lot, the total amount of impervious surface that may be installed within areas of precautionary slope shall not exceed forty percent (40%) of the total impervious area permitted according to the provisions of the underlying base zoning district.

(Ord. 147, 8/11/2008, §413)

§415. Administration of the Steep Slope Conservation District Regulations. Administration of this Section is governed by Part 16 of this Chapter. In addition, the following specific application procedure requirements shall apply:

A. Before a permit is issued for any construction or land disturbance activity on land within or affecting the Steep Slope Conservation District, the following material, in full or in pertinent parts, shall be submitted for review by the Zoning Officer or the Zoning Hearing Board. If the disturbed land contains no steep slopes the application may be reviewed by the Zoning Officer. Conversely, if the disturbed land contains steep slopes the application must be reviewed by the Zoning Hearing Board. No zoning permit shall be issued by the Zoning Officer and no special exception shall be granted by the Zoning

Hearing Board without the Township Engineer's review of this material and recommendation thereon.

(1) A grading plan of the property at a scale of no more than one hundred (100) feet to the inch which indicates existing grades and proposed grades, both at two (2) foot intervals, within the area of any proposed activity, disturbance, or construction. All areas of prohibitive and/or precautionary slope shall be shaded accordingly.

(2) A site plan indicating existing and proposed development, structures, other impervious surfaces, storm drainage facilities, and retaining walls. The site plan also shall located and identify existing vegetation and ground cover within areas of prohibitive and precautionary slopes, as well as proposed landscaping material to be installed.

(3) Architectural engineered plans, elevations, and sections with such specifications as may be pertinent.

(4) A statement, signed and sealed by a registered architect or engineer, providing construction methods to be used for foundations and other structural situations affected by steep slopes, and addressing methods to preserve the natural watersheds, and prevent soil erosion and excessive surface water runoff to adjacent properties and/or streets.

(5) Plans, profiles, and typical cross-sections of any proposed street, emergency access, or driveway within areas of prohibitive and precautionary slopes, sealed by a registered professional engineer.

(6) A sediment and erosion control plan, with construction narrative, setting forth the measures to control sediments generated on site by the proposed activity. The plan shall be prepared according to the standards and procedures established by the Natural Resources Conservation Service and the Pennsylvania Department of Environmental Protection.

(7) A statement, signed by the landowner or equitable owner at the time of the subdivision, land development, or building permit application, that there is a full understanding of access as it relates to steep slopes.

(Ord. 147, 8/11/2008, §414)

§416. Standards and Criteria for Review of Special Exceptions in the Steep Slope Conservation District.

1. In evaluating any application for a special exception within the Steep Slope Conservation District, the Zoning Hearing Board shall determine consistency of the proposal with the following:

A. Disturbance to particularly sensitive features of the site shall be minimized. Site planning emphasis should be given to the protection of:

(1) The areas of steepest slope, especially those exceeding twenty-five percent (25%).

(2) Soils with seasonal high water table.

(3) Underlying geology that comprises, or contributes to, a major groundwater resource, including the flow of existing springs.

B. Disturbance of steep slopes shall be minimized on the site and on adjacent lands within two hundred (200) feet of the site.

C. The proposed development, any impervious ground cover, and the resultant disturbance to the land and existing vegetative cover will not cause runoff and/or related environmental problems off the site.

D. Removal of, or disturbance to, existing vegetation on the site shall be minimized. The proposed impacts on existing vegetation shall be evaluated in terms of the potentially detrimental effects on slope stability, transportation and recharge of stormwater, aesthetic and traditional characteristics of the landscape, and existing drainage patterns. The Board may require mitigation measures as it deems appropriate.

E. The design and construction procedures and sediment and erosion control measures are such that there is no risk of damage or impairment to adjacent slopes, neighboring properties or down-slope watercourses as a result of the proposed activities.

F. Important visual qualities of the site shall, to the maximum extent feasible, be retained; in addition to vegetation, these may include hilltops, ridgelines, rock outcroppings and the natural terrain and contours of the site.

G. Road construction shall follow the natural topography, with cuts, fills and grading minimized.

H. Innovative, imaginative building techniques that are well suited to slope conditions shall be encouraged, consistent with other applicable codes and regulations.

I. The equilibrium of the slope, as characterized by the existing interrelationships among soil, water, and vegetation, shall be disturbed as little as possible.

J. Finished slopes of all cuts and fills shall not exceed thirty-three percent (33%), unless the applicant can demonstrate that steeper slopes can be stabilized and maintained adequately to the satisfaction of the Township.

K. Exposed cut slopes within or below prohibitive slopes shall be minimized so that engineered retaining walls or other structures are utilized to the greatest extent practicable to maintain the stability of the disturbed slopes and reduce the risk of harm by reason of erosion and potential slope failure resulting in mudslides.

L. In addition to all other applicable provisions of this Chapter, all activities within the Steep Slope Conservation District shall conform to the performance standards set forth in §§410 through 416, herein and §424 of Subdivision and Land Development Ordinance [Chapter 22] relating to stormwater management and sediment and erosion control.

(Ord. 147, 8/11/2008, §415)

§417. Uses and/or Structures Rendered Nonconforming by the Adoption of the Steep Slope Conservation District. Following the adoption of this Part, any use or structure which is situated within the boundaries of the Steep Slope Conservation District and which does not conform to the permitted uses specified in §§412, 413 and 414 herein shall become a nonconforming use or structure, regardless of its conformance to the district in which it is located without consideration of this Section. The expansion or continuance of said nonconforming use or structure shall be governed by the requirements of Part 19 of this Chapter. However, the Zoning Hearing Board shall also ensure that the standards contained in §1509 of this Chapter are applied to the expansion or change of said nonconforming use or structure. (Ord. 147, 8/11/2008, §416)

§418. Seasonally High Water Table Soils and Wetlands.

1. Seasonally high water table soils, as defined in Part 2, herein, shall not be disturbed by the construction of any structure or any subsurface sewage system. Such soils are those soils in which the groundwater is one (1) foot or less from the ground surface at certain times of the year and/or as noted in the Soil Survey of Chester and Delaware Counties, Pennsylvania as having a periodically seasonally high water table.

2. Wetlands shall be determined to exist where indicated by the use of the Criteria for Wetland Identification as outlined in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands as adopted by the Pennsylvania Department of Environmental Protection. Where wetlands are found to exist, the following procedures are applicable:

A. Should the existence of wetlands be indicated after a review of the requirements of subsection (2), above, a wetlands delineation shall be performed by a licensed professional engineer, hydrogeologist, soil scientist, or similarly qualified professional experienced in wetland ecology, with the selection of such party to be at the discretion of the applicant. Plans shall be submitted to the Township for review that show the delineation and indicate any disturbance of wetlands anticipated. The qualifications of the consultant performing the delineation shall be submitted with such plans. Further, unless it is clearly evident in such plans and/or by any field review of the Township Engineer that there are no designated wetlands or, if there are, that no disturbance to the designated wetlands is anticipated, the delineation performed shall be submitted to the appropriate regulatory agencies, including, but not limited to, the U.S. Army Corps of Engineers and the Pennsylvania Department of Environmental Protection for boundary confirmation and/or requisite wetland permits. All potential impact on wetlands shall conform to applicable regulations, as amended.

B. Should the Township conclude, after reviewing the information to be determined under subsections (2) and (2)(A), above, that wetlands exist, or exist to a greater extent on the site, contrary to the applicant’s findings, the Township may engage a separate consultant or an independent consultant to review the data and make such examinations in the field as are required to verify or determine the extent of discrepancy from the applicant’s wetland determinations. In the event

the Township finds the applicant's determination to be incorrect, the applicant shall be required to pay for the cost of the Township's determinations in this regard. In the event that the applicant's wetland determinations are found to be correct, the Township will bear the cost of the verification survey indicated.

C. Where wetlands exist and disturbance permits and/or mitigation activities are required, final plan approval or granting of applicable permits from the Township shall be contingent upon the applicant receiving all necessary wetlands permits, and/or waivers permit.

(Ord. 147, 8/11/2008, §417)

§419. Riparian Buffers.

1. Specified watercourses and their associated buffers shall be protected in accordance with the standards of this Section. A riparian buffer of one hundred (100) feet from the top of the bank or five (5) feet from the water's edge at high tide along Pigeon Creek, Stony Run, Bickle's Run and the Schuylkill River, and tributary streams shall be provided, within which no land disturbance shall be permitted except as provide in subsection .2. [Ord. 152]

2. The following uses and activities shall be permitted within the riparian buffer.

A. Regulated activities permitted by the Commonwealth of Pennsylvania (i.e., permitted stream crossing with a maximum ten percent (10%) disturbance).

B. Provision for unpaved trail access.

C. Selective removal of hazardous or invasive vegetative species as defined by the Pennsylvania Department of Environmental Protection.

D. Vegetation management in accordance with an approved landscape plan or open space management plan.

E. A soil or stream conservation project, including reforestation and stream bank stabilization, approved by the Chester County Conservation District.

(Ord. 147, 8/11/2008, §418; as amended by Ord. 152, 12/8/2008, §I)

§420. Landscaping, Screening and Buffering.

1. General Applicability. All persons undertaking any of the following activities shall comply with the provisions of §428 of the Subdivision and Land Development Ordinance [Chapter 22] and §§1309 and 1310 of this Chapter:

A. Building Construction.

(1) All nonresidential building construction, excluding agricultural buildings and buildings accessory to residential uses.

(2) All residential buildings, excluding single-family detached dwellings that do not require subdivision and land development approval.

B. Construction of the following parking areas and loading and storage areas:

(27, §420(1)(B), cont'd)

(1) All parking areas that exceed six thousand (6,000) square feet in area.

(2) All loading or storage areas for equipment or materials that exceed four thousand (4,000) square feet in area.

C. Construction of any of the following structures or facilities that exceed two thousand (2,000) square feet in ground coverage:

(1) Public utility structures and facilities.

(2) Liquid and solid waste collection, storage, conveyance, and treatment facilities.

(3) Stormwater management basins and related facilities, excluding individual on-lot basins that serve only one (1) dwelling.

(4) Any other structure or facility of a similar character or impact.

D. Land disturbance activities, excluding those of an agricultural nature, exceeding one (1) acre.

(Ord. 147, 8/11/2008, §419)

Part 5

FR Farm Residential District

§501. Specific Intent. It is the intent of this Part and this zoning district to provide for viable areas for agricultural uses and to protect farming operations from the impact of major residential and other developments. It is further the intent of this Part and this zoning district to ensure that lots are of sufficient net area, as defined in this Chapter, to accommodate on-lot water supply and sewage disposal facilities consistent with the Township's Act 537 Plan. (Ord. 147, 8/11/2008, §500)

§502. Use Regulations.

1. Uses Permitted by Right. A building or other structure may be erected or used and a lot may be used or occupied, by right, for any of the following purposes:

A. Agriculture, including farm ponds, provided that any structures used for the housing of livestock or poultry shall be located not less than one hundred (100) feet from any lot line.

B. Single-family detached dwellings.

C. Conversion of single-family detached dwellings subject to the provisions of §1312(2) of this Chapter.

D. No-impact home based business.

E. Forestry, in accordance with the provisions of §1316 of this Chapter.

F. The co-location of additional sets of communications antennas on an existing communications tower or other existing structure or building having a public purpose or benefit; provided, that major structural changes or additions are not required; and, further provided, that the first set of communications antennas on any structure or building must be approved as a conditional use subject to the standards for communications towers and communications antennas set forth in §1405 of this Chapter.

2. Conditional Uses. A building or other structure may be erected or used and a lot may be used or occupied when authorized as a conditional use for any of the following purposes:

A. Communications towers and antennas on a property, owned by East Coventry Township or a fire company or an emergency service provider, or on a building or structure having a public purpose or benefit subject to the standards for communications towers and communications antennas set forth in §1405 of this Chapter.

B. The first set of communications antennas on an existing or new tower, property, building or structure having a public purpose or benefit subject to the standards for communications towers and communications antennas set forth in §1405 of this Chapter.

3. Special Exceptions. A building or other structure may be erected

or used and a lot may be used or occupied when authorized as a special exception for any of the following purposes:

A. Electric substations, telephone central offices, other public utilities, and passenger stations for public transportation; provided, that no exterior storage of equipment, housing of repair or other employees or above ground storage of gaseous or liquid fuel shall be permitted; and, further provided, that any electric transmission lines which may be required shall be located within rights-of-way already owned or leased by the electric utility company.

B. Cemeteries excluding crematoria provided that such use shall be in accordance with the laws of the Commonwealth of Pennsylvania.

C. Private clubs for: swimming, tennis, golf, equestrian activities, including kennels and similar recreational activities but excluding recreation for the use of motorized vehicles or other motorized equipment provided that the principal activity shall not be one that is customarily operated as a business.

D. Communications antennas, mounted on an existing public utility transmission tower, or communications antennas mounted on a communications tower placed within or attached to an existing public utility transmission tower with an ancillary communications equipment building.

E. Any use of the same general character as uses specifically permitted in this subsection (3).

[Ord. 160]

4. Off-Street Parking. Off-street parking spaces, as defined in §202 of this Chapter, in the FR District, shall be provided in accordance with the provisions of §1306 of this Chapter. Limited on-street parking may be permitted only in accordance with the provisions of §1306(A)(1)(c) of this Chapter.

5. Signs. Signs shall be permitted in the FR District only in accordance with the provisions of §1314 of this Chapter.

6. Accessory Uses. Accessory uses to any of the foregoing permitted uses shall be permitted in the FR District only in accordance with §1319 of this Chapter.

7. Open Space and Recreation. All subdivisions and land developments in the FR District shall comply with the recreation and open space standards of §426 of the Subdivision and Land Development Ordinance [Chapter 22]. The design, disturbance, permitted uses, ownership, maintenance and management of open space shall comply with the applicable standards of §1404 of this Chapter.

8. Trails. Trails shall be provided for all subdivisions and land developments in the FR District in accordance with the Township approved trail plan.

(Ord. 147, 8/11/2008, §501; as amended by Ord. 160, 9/14/2009, §I)

§503. Area, Bulk and Dimensional Standards. The following standards shall be applicable to all uses.

A. Minimum Net Lot Area, Lot Width and Yards. The required minimum net lot area shall be calculated according to the definition of net lot area in §202 of this Chapter.

Minimum Net Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yards	Minimum Rear Yard
2 Acres	200 ft.	70 ft.	50 ft.	70 ft.

B. Building and Lot (or Site) Coverage. The maximum lot or site building coverage shall not exceed ten percent (10%) and the maximum total lot or site impervious coverage shall not exceed twenty-five percent (25%).

C. Height Regulations. The maximum height of all buildings and other structures, with the exception of communications towers and antennas, erected or enlarged in this district shall be:

(1) For any dwelling or any accessory building or structure, thirty-five (35) feet, not exceeding three (3) stories.

(2) For any non-dwelling building or other structure, thirty-five (35) feet, not exceeding three (3) stories.

(3) For farm structures and accessory structures, thirty-five (35) feet, except that such height may be increased to a maximum of ninety (90) feet; provided, that for every foot of height in excess of thirty-five (35) feet, there shall be added to each front, side and rear yard, measured from the structure to the property line or ultimate street right-of-way line, one (1) corresponding foot of additional width or depth.

D. Corner Lots. For each corner lot, each yard fronting on a street shall require a front lot depth.

(Ord. 147, 8/11/2008, §502)

Part 6

R-1 Residential District

§601. Specific Intent. It is the intent of this Part and this zoning district to provide for low density single-family detached housing, not exceeding one (1) dwelling unit per net tract acre, as defined in this Chapter. (Ord. 147, 8/11/2008, §600)

§602. Use Regulations.

1. Uses Permitted by Right. A building or other structure may be erected or used and a lot may be used or occupied, by right, for any of the following purposes:

A. Any use permitted by right in the FR Farm Residential District.

2. Conditional Uses. A building or other structure may be erected or used and a lot may be used or occupied when authorized as a conditional use for any of the following purposes:

A. Any use permitted as a conditional use in the FR Farm Residential District may also be permitted in the R-1 District as a conditional use.

3. Special Exceptions. A building or other structure may be erected or used and a lot may be used or occupied when authorized as a special exception for any of the following purposes:

A. Any use permitted as a special exception in the FR Farm Residential District may also be permitted in the R-1 District as a special exception except special exception uses permitted in §502(3)(C). [Ord. 160]

B. Electric substations, telephone central offices, other public utilities or passenger stations for public transportation, provided that no exterior storage of equipment or above ground storage of gaseous or liquid fuel shall be permitted.

C. Private clubs for swimming, tennis, golf, riding, or other recreation excluding recreation for the use of motorized vehicles or other motorized equipment provided that the principal activity shall not be one which is customarily conducted as a business. Gunning clubs or other clubs for the use of firearms are not permitted in this district.

D. Any use of the same general character as uses specifically permitted in this subsection (3).

4. Off-Street Parking. Off-street parking spaces, as defined in §202 of this Chapter, in the R-1 District, shall be provided in accordance with the provisions of §1306 of this Chapter. Limited on-street parking may be permitted only in accordance with the provisions of §1306(A)(1)(c) of this Chapter.

5. Signs. Signs shall be permitted in the R-1 District only in accordance with the provisions of §1314 of this Chapter.

6. Accessory Uses. Accessory uses to any of the foregoing permitted uses shall be permitted in the R-1 District only in accordance with §1319 of this Chapter.

7. Open Space and Recreation. All subdivisions and land developments in the R-1 District shall comply with the recreation and open space standards of §426 of the Subdivision and Land Development Ordinance [Chapter 22]. The design, disturbance, permitted uses, ownership, maintenance and management of open space shall comply with the applicable standards of §1404 of this Chapter.

8. Trails. Trails shall be provided for all subdivisions and land developments in the R-1 District in accordance with the Township approved trail plan.

(Ord. 147, 8/11/2008, §601; as amended by Ord. 160, 9/14/2009, §I)

§603. Area, Bulk and Dimensional Standards. The following standards shall be applicable to all uses.

A. Minimum Net Lot Area, Lot Width and Yards. The required minimum net lot area shall be calculated according to the definition of net lot area in §202 of this Chapter.

	Minimum Net Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yards	Minimum Rear Yard
With public sewage disposal and public water supply	3/4 Acre	125 ft.	50 ft.	30 ft.	50 ft.
With no public sewage disposal and/or no public water supply	1 1/2 Acres	150 ft.	60 ft.	40 ft.	50 ft.

B. Building and Lot (or Site) Coverage. The maximum lot or site building coverage shall not exceed ten percent (10%) and the maximum total lot or site impervious coverage shall not exceed twenty-five percent (25%).

C. Height Regulations. The maximum height of all buildings and other structures, with the exception of communications towers and antennas, erected or enlarged in this district shall be:

(1) For any dwelling, or any accessory building or structure, thirty-five (35) feet, not exceeding three (3) stories.

(2) For any non-dwelling building or other structure, thirty-five (35) feet, not exceeding three (3) stories.

(3) For farm structures and accessory structures, thirty-five (35) feet, except that such height may be increased to a maximum of ninety (90) feet provided that for every foot of height in excess of thirty-five (35) feet, there shall be added to each front, side and rear yard, measured from the structure to the property line or ultimate street right-of-way line, one (1) corresponding foot of additional width or depth.

D. Corner Lots. For each corner lot, each yard fronting on a street shall require a front lot depth.

(Ord. 147, 8/11/2008, §602)

Part 7

R-2 Residential District

§701. Specific Intent. It is the intent of this Part and this zoning district to provide for low density residential development not exceeding one and thirty-three hundredths (1.33) dwelling units per net tract acre where public sanitary sewage disposal and public water supply systems can be provided. It is also the intent of this Part to provide for, as a conditional use, clustered single-family detached dwellings not to exceed two (2) dwelling units per net tract acre, as defined in this Chapter. (Ord. 147, 8/11/2008, §700)

§702. Use Regulations.

1. Uses Permitted by Right. A building or other structure may be erected or used and a lot may be used or occupied, by right, for any of the following purposes:

A. Any use permitted by right in the R-1 Residential District.

2. Conditional Uses. A building or other structure may be erected or used and a lot may be used or occupied when authorized as a conditional use for any of the following purposes:

A. Any use permitted as a conditional use in the R-1 Residential District may also be permitted in the R-2 District as a conditional use.

B. Clustered single-family detached residential development in accordance with the provisions of §§704, 1401, 1402, 1403, and 1404 of this Chapter.

3. Special Exceptions. A building or other structure may be erected or used and a lot may be used or occupied when authorized as a special exception for any of the following purposes:

A. Any use permitted as a special exception in the R-1 Residential District may also be permitted as a special exception in the R-2 District.

4. Off-Street Parking. Off-street parking spaces, as defined in §202 of this Chapter, in the R-2 District, shall be provided in accordance with the provisions of §1306 of this Chapter. Limited on-street parking may be permitted only in accordance with the provisions of §1306(A)(1)(c) of this Chapter.

5. Signs. Signs shall be permitted in the R-2 District only in accordance with the provisions of §1314 of this Chapter.

6. Accessory Uses. Accessory uses to any of the foregoing permitted uses shall be permitted in the R-2 District only in accordance with §1319 of this Chapter.

7. Open Space and Recreation. All subdivisions and land developments in the R-2 District shall comply with the recreation and open space standards of §426 of the Subdivision and Land Development Ordinance [Chapter 22]. The design, disturbance, permitted uses, ownership, maintenance and management of open space shall comply with the applicable standards of §1404 of this Chapter.

8. Trails. Trails shall be provided for all subdivisions and land developments in the R-2 District in accordance with the Township approved trail plan.

(Ord. 147, 8/11/2008, §701)

§703. Area, Bulk and Dimensional Standards.

1. Single-Family Detached Residential Uses, Agricultural Uses and Nonresidential Uses. The following standards shall be applicable to single-family detached residential uses, agricultural uses and nonresidential uses.

A. Minimum Net Lot Area, Lot Width and Yards. The required minimum net lot area shall be calculated according to the definition of net lot area in §202 of this Chapter.

	Minimum Net Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yards	Minimum Rear Yard
With Public Sewage Disposal and Public Water Supply	3/4 Acre	125 ft.	50 ft.	30 ft.	40 ft.
With No Public Sewage Disposal and/or No Public Water Supply	1 1/2 Acres	150 ft.	60 ft.	40 ft.	50 ft.

B. Building and Lot (or Site) Coverage. The maximum lot or site building coverage shall not exceed fifteen percent (15%) and the maximum total lot or site impervious coverage shall not exceed thirty percent (30%).

C. Height Requirements. The maximum height of all buildings and other structures, with the exception of communications towers and antennas, erected or enlarged in this district shall be:

(1) For any principal or accessory structure, thirty-five (35) feet, not exceeding three (3) stories.

(2) For farm structures and accessory structures, thirty-five (35) feet, except that such height may be increased to a maximum of ninety (90) feet; provided, that for every foot of height in excess of thirty-five (35) feet, there shall be added to each front, side and rear yard, measured from the structure to the property line or ultimate street right-of-way line, one (1) corresponding foot of additional width or depth.

2. Corner Lots. For each corner lot, each yard fronting on a street shall require a front lot depth.

(Ord. 147, 8/11/2008, §702)

§704. Clustered Single-Family Detached Residential Development Standards. Clustered single-family detached dwellings shall be permitted as a conditional use in the R-2 Zoning District subject to the provisions of this Section and §§1401, 1402, 1403 and 1404 of this Chapter.

A. Eligibility Requirements. The following requirements shall apply to clustered single-family detached dwelling development:

(1) Ownership of a tract of land for development of clustered single-family detached dwellings shall be as prescribed in §1402(A) of this Chapter.

(2) Public sanitary sewage disposal and public water supply systems shall be required for the development of clustered single-family detached dwellings.

(3) The minimum gross tract size for a clustered single-family detached dwelling development shall be twenty (20) acres.

B. Density, Area, Bulk and Dimensional Standards.

(1) The minimum required open space shall be fifty percent (50%) of the gross tract area.

(2) The maximum density shall be two (2) dwelling units per net tract acre (2 DU/Net Acre). The net tract acreage shall be calculated according to the definition of net tract area in §202 of this Chapter.

(3) The minimum lot area shall be eighteen thousand (18,000) square feet.

(4) The minimum lot width, measured at the building setback line shall be eighty-five (85) feet.

(5) The minimum front yard setback shall be forty (40) feet.

(6) The minimum side yard shall be ten (10) feet and the minimum of both side yards shall be twenty-five (25) feet in aggregate.

(7) The minimum rear yard shall be fifty (50) feet.

(8) The maximum height of buildings and other structures shall be as provided in §703(1)(C).

(9) The maximum lot or site building coverage shall not exceed fifteen percent (15%) and the maximum total lot or site impervious surface coverage shall not exceed twenty-five percent (25%).

C. All clustered single-family detached residential developments shall comply with the requirements of §§702(4), 702(5), 702(6), 702(7) and 702(8) of this Chapter.

(Ord. 147, 8/11/2008, §703)

Part 8

R-3 Residential District

§801. Specific Intent. It is the intent of this Part and this zoning district to provide for medium density residential development not exceeding three (3) dwelling units per net tract acre, as defined in this Chapter, where public sanitary sewage disposal and public water supply systems can be provided. It is also the intent of this Part to provide for, as conditional uses, adult communities and clustered single-family detached residential developments not to exceed three (3) dwelling units per net tract acre, as defined in this Chapter. (Ord. 147, 8/11/2008, §800)

§802. Use Regulations.

1. Uses Permitted by Right. A building or other structure may be erected or used and a lot may be used or occupied, by right, for any of the following uses or combination of uses:

A. Any use permitted by right in the R-2 Residential District.

B. Two-family detached dwellings (duplex unit).

C. Two-family semi-detached dwellings.

D. Single-family semi-detached dwellings (twin unit).

E. Single-family attached dwellings.

F. Two-family attached dwellings.

G. Garden apartment dwellings.

2. Conditional Uses. A building or other structure may be erected or used and a lot may be used or occupied when authorized as a conditional use for any of the following purposes:

A. Any use permitted as a conditional use in the R-2 District may also be permitted in the R-3 District as a conditional use.

B. Clustered single-family detached residential developments in compliance with the provisions of §804 of this Part.

C. Adult communities in compliance with the provisions of §805 of this Part.

3. Special Exceptions. A building or other structure may be erected or used and a lot may be used or occupied when authorized as a special exception for any of the following purposes:

A. Any use permitted as a special exception in the R-2 Residential District may also be permitted in the R-3 Residential District.

B. Mobile home parks in accordance with the provisions of Part 5 of the Subdivision and Land Development Ordinance [Chapter 22].

C. Assisted living facility, provided that the facility is served with public water and public sewer. [Ord. 160]

D. Bed and breakfast.

E. Institutional home.

F. Public or parochial education, religious, charitable or philanthropic uses excluding any correctional or penal institutions or any facility designed or used for court adjudicated persons, provided such public or parochial education, religious, charitable or philanthropic use is served by public water and public sewer. [Ord. 160]

G. Convalescent care facility, provided such facility is served by public water and public sewer. [Ord. 160]

4. Off-Street Parking. Off-street parking spaces, as defined in §202 of this Chapter, in the R-3 District, shall be provided in accordance with the provisions of §1306 of this Chapter. Limited on-street parking may be permitted only in accordance with the provisions of §1306(A)(1)(c) of this Chapter.

5. Signs. Signs shall be permitted in the R-3 District only in accordance with §1314 of this Chapter.

6. Accessory Uses. Accessory uses to any of the foregoing permitted uses shall be permitted in the R-3 District only in accordance with §1319 of this Chapter.

7. Open Space and Recreation. All subdivisions and land developments in the R-3 District shall comply with the recreation and open space standards of §426 of the Subdivision and Land Development Ordinance [Chapter 22]. The design, disturbance, permitted uses, ownership, maintenance and management of open space shall comply with the applicable standards of §1404 of this Chapter.

8. Trails. Trails shall be provided for all subdivisions and land developments in the R-3 District in accordance with the Township approved trail plan.

(Ord. 147, 8/11/2008, §801; as amended by Ord. 160, 9/14/2009, §II)

§803. Area, Bulk and Dimensional Standards.

1. Single-Family Detached Residential Uses, Agricultural Uses and Nonresidential Uses. The following standards shall be applicable to single-family detached residential uses, agricultural uses and nonresidential uses.

A. Minimum Net Lot Area, Width and Yards. The required minimum net lot area shall be calculated according to the definition of net lot area in §202 of this Chapter.

	Minimum Net Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yards	Minimum Rear Yard
With Public Sewage Disposal and Public Water Supply	1/2 Acre	100 ft.	40 ft.	15 ft. (40 ft. aggregate)	40 ft.
With No Public Sewage Disposal and/or No Public Water Supply	1 1/4 Acres	150 ft.	50 ft.	30 ft.	50 ft.

B. Building and Lot (or Site) Coverage. The maximum lot or site building coverage shall not exceed fifteen percent (15%) and the maximum

(27, §803(1)(B), cont'd)

total lot or site impervious coverage shall not exceed thirty percent (30%).

C. Height Requirements. The maximum height of all buildings and other structures, with the exception of communications towers and antennas, erected or enlarged in this district shall be:

(1) For any principal or accessory structure, thirty-five (35) feet, not exceeding three (3) stories.

(2) For farm structures and accessory structures, thirty-five (35) feet, except that such height may be increased to a maximum of ninety (90) feet; provided, that for every foot of height in excess of thirty-five (35) feet, there shall be added to each front, side and rear yard, measured from the structure to the property line or ultimate street right-of-way line, one (1) corresponding foot of additional width or depth.

D. Corner Lots. For each corner lot, each yard fronting on a street shall require a front lot depth.

2. Two-Family Detached, Two-Family Semi-detached, Single-Family Semi-detached, Single-Family Attached, Two-Family Attached and Garden Apartment Residential Uses. The following standards shall be applicable to two-family detached, two-family semi-detached, single-family semi-detached, single-family attached, two-family attached and garden apartment residential uses.

A. All such residential developments shall have a minimum gross tract area of twenty-five (25) acres, within the R-3 District, and shall have direct access to an arterial or a collector street, with a minimum site width, at such street line, of four hundred (400) feet. In addition, public sewage disposal and public water supply shall be provided. The maximum density for any combination of such residential uses, including single-family detached uses, shall not exceed three (3) dwelling units per net acre.

B. Minimum Net Lot Area, Lot Width and Yards. The required minimum net lot area shall be calculated according to the definition of net lot area in §202 of this Chapter.

	Minimum Net Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yards	Minimum Rear Yard
Two-Family Detached (Duplex Units)	20,000 sq. ft. (Both Units)	100 ft. (Both Units)	40 ft.	20 ft.	40 ft.
Two-Family Semi-Detached	20,000 sq. ft. (Both Units)	100 ft. (Both Units)	40 ft.	20 ft.	40 ft.
Single-Family Semi-Detached (Twin Units)	10,000 sq. ft. (Each Unit)	80 ft. (Each Unit)	40 ft.	20 ft.	40 ft.
Single-Family Attached	3,500 sq. ft. (Each Unit)	26 ft.	40 ft.		30 ft.
	6,200 sq. ft. (End Unit)	46 ft. (End Unit)	40 ft.	20 ft.	30 ft.
Two-Family Attached	4,100 sq. ft. (Each Unit)	30 ft.	40 ft.		30 ft.
	7,400 sq. ft. (End Unit)	54 ft. (End Unit)	40 ft.	20 ft.	30 ft.

	Minimum Net Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yards	Minimum Rear Yard
Garden Apartment	5,000 sq. ft. (Per Unit)	144 ft. Maximum (Per Structure)	40 ft.		30 ft. (Exclusive of Buffering)

C. Building and Lot (or Site) Coverage.

(1) Two-Family Detached, Two-Family Semi-detached, and Single-Family Semi-detached. The maximum lot or site building coverage for two-family detached, two-family semi-detached, and single-family semi-detached shall not exceed twenty percent (20%) and the maximum total lot or site impervious coverage shall not exceed thirty percent (30%).

(2) Single-Family and Two-Family Attached Dwellings. The maximum lot or site building coverage for single-family attached dwellings shall not exceed forty percent (40%) and the maximum total lot or site impervious coverage shall not exceed sixty-five percent (65%).

(3) Garden Apartments. The maximum lot or site building coverage for garden apartment shall not exceed forty percent (40%) and the maximum total lot or site impervious coverage shall not exceed sixty percent (60%).

D. Maximum Building Length. The maximum length of a group of single-family attached buildings shall be one hundred and fifty seven (157) feet; the maximum length of a group of two-family attached buildings shall be one hundred and fifty (151) feet; and the maximum length of a garden apartment building shall be one hundred and forty-four (144) feet.

E. Minimum and Maximum Number of Single-Family Attached Buildings. The minimum number of single-family attached buildings in a group shall be three (3) buildings and the maximum number shall be six (6) buildings.

F. Minimum and Maximum Number of Two-Family Attached Buildings. The minimum number of two-family attached buildings in a group shall be three (3) buildings and the maximum number shall be five (5) buildings.

G. Height Requirements. The maximum height of all buildings and other structures shall be in conformance with the standards of subsection (1)(C).

H. Architectural Renderings. Any application for single-family attached and/or apartment developments shall be accompanied by architectural renderings which at a minimum shall show dwelling elevations, both front and rear, and garage entrances. The architecture of such proposed developments shall be designed to preserve and/or enhance the character of the surrounding community.

(Ord. 147, 8/11/2008, §802)

§804. Clustered Single-Family Detached Residential Development Standards. Clustered single-family detached dwellings shall be permitted as a conditional use in the R-3 Zoning District subject to the provisions of this Section and §§1401, 1402, 1403 and 1404 of this Chapter.

A. Eligibility Requirements. The following requirements shall apply to clustered single-family detached dwelling development:

(1) Ownership of a tract of land for development of clustered single-family detached dwellings shall be as prescribed in §1402(A) of this Chapter.

(2) Public sanitary sewage disposal and public water supply systems shall be required for the development of clustered single-family detached dwellings.

(3) The minimum gross tract area for a clustered single-family detached dwelling development shall be twenty (20) acres.

B. Open Space, Density, Area, Bulk, and Dimensional Standards.

(1) The minimum required open space shall be thirty-five percent (35%) of the gross tract area.

(2) The maximum density shall be three (3) dwelling units per net tract acre (3 DU/Net Acre). The net tract acreage shall be calculated according to the definition of net tract area in §202 of this Chapter.

(3) The minimum lot area shall be one third (1/3) acre.

(4) The minimum lot width, measured at the building setback line shall be seventy-five (75) feet.

(5) The minimum front yard setback shall be thirty-five (35) feet.

(6) The minimum side yard shall be ten (10) feet and twenty-five (25) feet in aggregate.

(7) The minimum rear yard shall be forty (40) feet.

(8) The maximum height of buildings and other structures shall be thirty-five (35) feet, not exceeding three (3) stories.

(9) The maximum lot or site building coverage shall not exceed twenty percent (20%) and the maximum total lot or site impervious surface coverage shall not exceed thirty-five percent (35%).

C. All clustered single-family detached residential developments shall comply with the requirements of §§802(4), 802(5), 802(6), 802(7) and 802(8) of this Part.

(Ord. 147, 8/11/2008, §803)

§805. Adult Communities. Adult communities as defined herein shall be permitted as a conditional use in the R-3 Zoning District subject to the provisions of this Section and §§1401, 1402, 1403 and 1404 of this Chapter.

A. Eligibility Requirements. The following requirements shall apply to adult community developments:

(27, §805(A), cont'd)

(1) Ownership of a tract of land for development of an adult community development shall be as prescribed in §1402(A) of this Chapter.

(2) Public sanitary sewage disposal and public water supply systems shall be required for an adult community development.

(3) The minimum gross tract area for an adult community development shall be twenty (20) acres within the R-3 District.

B. Permitted Uses. An adult community may consist of any combination of single uses permitted in the R-3 Residential District and any of the following uses:

(1) Residential Uses.

(a) Single-family detached dwellings.

(b) Single-family attached dwellings with a maximum of six (6) and a minimum of three (3) such attached dwellings per structure.

(c) Single-family attached (adult community) dwellings.

(d) Two-family detached dwellings (duplex unit).

(e) Single-family, semi-detached dwellings (twin unit).

(f) Single-family detached residential cluster developments meeting the requirements of §804 herein.

(g) Two-family, semi-detached dwellings.

(h) Garden apartment dwellings.

(2) Nonresidential Uses. Nonresidential uses shall be limited in size and scope to serve the adult community only and located within the community and not on the perimeter of the development.

(a) Community/commercial center.

(b) Indoor and outdoor recreational facilities.

(c) Central dining facility.

(d) Commercial facilities, including drug store, hairdresser, barber shop, doctors office, dentist office, and other commercial stores and shops that are intended to serve the needs of the adult community.

(3) Accessory uses, accessory only to the adult community and customarily incidental to such communities, including administrative offices and maintenance and security facilities for the management of the adult community, community swimming pools, hot tubs, decks, uncovered landings, porches, patios, off-street parking and accessory utility facilities.

C. Open Space, Density, Area, Bulk, Dimensional, Circulation and Design Standards.

(1) Open space shall be provided in accordance with §426 of the Subdivision and Land Development Ordinance [Chapter 22] and the applicable Sections of §1403(A) of this Chapter.

(27, §805(C), cont'd)

(2) The maximum density shall be three (3) dwelling units per net tract acre (3 DU/ Net Acre). The net tract acreage shall be calculated according to the definition of net tract area in §202 of this Chapter.

(3) Minimum Tract Boundary Setback. No principal structure, accessory structure, excepting a utility structure or parking lot in an adult community shall be located less than seventy-five (75) feet from a tract boundary, nor shall a vehicular access drive, exclusive of ingress and egress facilities and utilities structures, be located less than fifty (50) feet from a tract boundary. In instances where areas of single-family detached and semi-detached dwelling units in an adult community abut areas of existing single-family detached and semi-detached dwelling units, the setback of a principal structure may be reduced to fifty (50) feet. When a tract boundary abuts permanently protected open space, the setback of a principal structure may be reduced to fifty (50) feet. The seventy-five (75) foot setback shall, however, be maintained in all instances where a tract boundary abuts a public road right-of-way. This shall be the required buffer yard.

(4) Minimum Internal Setbacks.

(a) Setback from right-of-way 20 feet

(b) Building to building setback 30 feet

(5) Maximum Building Height. No structure may exceed thirty-five (35) feet in height nor contain more than three (3) stories.

(6) Maximum Coverage.

(a) Building coverage 35%

(b) Impervious surface coverage 50%

(7) Minimum Lot Width for Single-Family Attached (Adult Community) Dwelling. The minimum lot width for all single-family attached (adult community) dwellings shall be fifty (50) feet.

(8) Where individual residential lots are provided, the area, bulk and dimensional standards of §803, herein, shall apply.

(9) Internal Vehicular Circulation. The minimum paved roadway in an adult community shall be twenty-four (24) feet. In instances of one-way drives, the minimum paved road width shall be twelve (12) feet. The use of one-way roads for normal internal traffic circulation shall be prohibited.

(10) Pedestrian Circulation. An all-weather surface pedestrian circulation system, interconnecting all dwelling units, service areas, common facilities, recreational facilities and parking areas shall be provided and shall be a minimum of five (5) feet in width.

(11) Design Standards.

(a) Landscaping shall be provided in accordance with the provisions of §1310 of this Chapter.

(27, §805(C), cont'd)

(b) All natural features on the tract shall be protected in accordance with the provisions of Part 4 of this Chapter.

(c) Screening and buffering shall be provided in accordance with the provisions of §428 of the Subdivision and Land Development Ordinance [Chapter 22].

(d) Exterior Lighting. Exterior lighting shall be provided in accordance with the provisions of §427 of the Subdivision and Land Development Ordinance [Chapter 22].

(12) All adult community developments shall comply with the requirements of §§802(4), 802(5), 802(6), and 802(8) of this Part.

(13) Conditional Use Requirements. In addition to the requirements and standards of Part 14, the following shall be submitted as part of the conditional use application:

(a) Description of Development. The applicant shall describe in text and graphical format the general description of the proposed development, its ownership and management, proposed design and quantify all relevant information related to the development of the adult community. At a minimum, the description shall include the number and type of dwelling units and density, the number, types and floor areas of other residential and nonresidential uses, parking requirements, solid waste management, potential employment, the need for the development and the impacts of the development on the character of the community.

(b) Architectural Renderings. The applicant shall prepare and submit architectural renderings, as part of the conditional use application, which, at a minimum, shall show dwelling elevations, both front and rear, and garage entrances. The architecture of the proposed adult community development shall be designed to preserve and/or enhance the character of the surrounding community.

(14) Declaration of Covenants, Conditions and Restrictions. Prior to final conditional use approval of any subdivision or land development plan for an adult community by the Board of Supervisors, the applicant shall submit for review and record a declaration in a form acceptable to the Township, which shall provide for ownership in the adult community by persons fifty-five (55) years of age and older. The declaration shall also provide for maintenance of any common open space and common facilities such as, but not limited to, interior roads, any community facility, landscaped buffer, with the cost of said maintenance to be borne and shared by the residents of the community. The declaration shall also provide for the right, but not the obligation, of the Township to maintain and assess the aforesaid common open space and common facilities in the event of the failure or refusal of the association, after notice, to do so and may require financial security in form acceptable to the Township to secure the said maintenance obligations. In the event that the adult community is either a planned community or a condominium, the declaration creating either

shall serve as the declaration contemplated by this Section and shall include the provisions required hereby. The declaration of covenants, conditions and restrictions shall be recorded to be binding on each lot, condominium association or homeowners association with evidence of recordation submitted as a condition of final plan approval by the Board of Supervisors.

(Ord. 147, 8/11/2008, §804)

§806. Additional Design Standards for the R-3 Residential District. In addition to the area and development regulations established herein, the following additional requirements shall apply for the specific type of dwelling unit, when applicable:

A. The minimum space required between any type of two-family or single-family attached building faces (end-to-end, back-to-back, end-to-back or any combination thereof) shall not be less than forty (40) feet and the required minimum space between any building faces of abutting multi-unit structures shall not be less than sixty (60) feet, except that in an adult community, any building-to-building setback shall be a minimum of thirty (30) feet for all building types.

B. The aggregate length of the two (2) longest exterior walls of a garden apartment structure shall not exceed two hundred eighty-eight (288) feet and the building length shall be measured without deduction for any articulation of the exterior wall.

C. The-minimum distance between any permitted multi-unit dwelling, two-family dwelling or single-family attached dwelling and a single-family detached dwelling shall be one hundred twenty-five (125) feet.

D. Any proposed development with a single or mixture of permitted dwelling types shall be substantially in accordance with the Comprehensive Plan and shall consider the surrounding land features of the area including, but not limited to, residences, schools, parks, open space, width and grade of streets and location and arrangement of parking spaces, local and regional business areas and shopping centers, densities proposed for surrounding areas, and other such features as shall contribute to the harmonious development of the area, with due regard to the character of the neighborhood and its peculiar suitability for mixed dwelling unit types of use.

(1) If the development of any form of permitted multi-unit, two-family or single-family attached residential units is to be carried out in stages, each stage shall be so planned that the foregoing requirements and the intent of this Chapter shall be fully complied with at the completion of any stage.

E. In addition to the requirements for a land development plan as required by the Subdivision and Land Development Ordinance [Chapter 22], any plan proposing a single or mixture of dwelling types in the R-3 Residential District shall include, but not be limited to, the following:

(1) The substance of covenants, grants of easements, or other

restrictions to be imposed upon the use of land, buildings and structures including proposed grants and/or easements for public utilities.

(2) In the case of plans which call for development over a period in excess of two (2) years, a schedule showing the time within which applications for final plan approval of all parts of a multi-unit residential development are intended to be filed, and which shall be updated annually on the anniversary of submission for final plan approval.

(3) Floor area (in square feet) of dwelling units.

(4) Number of bedrooms per dwelling unit.

(5) Exterior vertical and horizontal building dimensions.

F. Service. In developments proposing single-family attached and/or multi-unit dwelling units, areas for loading and unloading of delivery trucks and other vehicles for the servicing of refuse collection, fuel and other service shall be provided and shall be adequate in size, and shall be so arranged that they may be used without blockage or interference with the use of accessways or automobile parking facilities.

G. Access. Provision shall be made for safe and efficient ingress and egress to and from public streets without undue congestion to or interference with normal traffic flow. The Planning Commission shall review and provide a written recommendation to the Board of Supervisors as to the adequacy of the thoroughfare to carry the additional traffic generated by the development as well as to the street frontage of the proposed district.

H. Outdoor Lighting. Outdoor lighting shall be provided and shall be in accordance with the provisions of §427 of the Subdivision and Land Development Ordinance [Chapter 22].

I. Landscaping, Screening and Buffering. A buffer area of at least twenty (20) feet in width shall be provided along street frontage occupied by multi-unit or single-family attached residential dwellings. There shall also be provided a buffer area, containing a landscape screen, of at least ten (10) feet in width along all adjoining property lines. Such buffer area and landscape screen shall conform to the buffering standards contained in §428 of the Subdivision and Land Development Ordinance [Chapter 22].

(Ord. 147, 8/11/2008, §805)

Part 9

NC Neighborhood Commercial District and C Commercial District

§901. Specific Intent. It is the intent of this Part and these commercial districts to provide for the retail shopping needs and personal service needs of Township residents and to provide for normal commercial operation not permitted elsewhere within the Township. (Ord. 147, 8/11/2008, §900)

§902. Use Regulations.

1. NC Neighborhood Commercial District Uses Permitted by Right. A building or other structure may be erected or used and a lot may be used or occupied, by right, for any of the following purposes:

A. Agriculture, including farm ponds, provided that any structures used for the housing of livestock or poultry shall be located not less than one hundred (100) feet from any lot line.

B. Business or professional office, financial institution, retail establishment for sale of dry goods, drugs, food, jewelry, variety and general merchandise, hardware, household furnishings and supplies, instruments, electronic appliances including repair service, and job printing. A multi-use building is permitted.

C. Restaurant, tea room, confectionery or other place serving food or beverages, provided that no outdoor counter or curb service, including drive-in restaurants, shall be permitted allowing outdoor consumption of food on the premises.

D. Personal service shop including barber, beauty salon, shoe repair, tailor, dressmaking, pick-up station for laundry and dry cleanings.

E. Single-family detached dwelling in accordance with all of the provisions of §803 of this Chapter.

F. No-impact home based business.

G. Forestry, in accordance with the provisions of §1316 of this Chapter.

H. The co-location of additional sets of communications antennas on an existing communications tower or other existing structure or building having a public purpose or benefit provided that major structural changes or additions are not required, and further provided that the first set of communications antennas on any structure or building must be approved as a conditional use subject to the standards for communications towers and communications antennas set forth in §1405 of this Chapter.

I. Public utility facilities and public facilities owned by East Coventry Township.

2. NC Neighborhood Commercial District Conditional Uses. A building or other structure may be erected or used and a lot may be used or occupied when authorized as a conditional use for any of the following purposes:

A. Communications towers and antennas on a property owned by East Coventry Township or a fire company or an emergency service provider, or on a building or structure having a public purpose or benefit subject to the standards for communications towers and communications antennas set forth in §1405 of this Chapter.

B. The first set of communications antennas on an existing or new tower, property, building or structure having a public purpose or benefit subject to the standards for communications towers and communications antennas set forth in §1405 of this Chapter.

C. Restaurant, tea room, confectionery or other place serving food or beverages including outdoor dining, but excluding restaurants with drive-in service.

3. NC Neighborhood Commercial District Special Exceptions. A building or other structure may be erected or used and a lot may be used or occupied when authorized as a special exception for any of the following purposes:

A. Service stations subject to the provisions of §1509 of this Chapter, and in the case of self-service gasoline filling stations, such stations shall be subject to the following requirements:

(1) The provision of adequate fire prevention devices as determined by the National Fire Protection Code.

(2) The provision of automatic shut-off devices to prevent accidental fuel discharge.

(3) The provision at all times of readily available employees or attendants to the pumps.

(4) That pumps are located not less than fifty (50) feet from the nearest cartway or road pavement and are protected, by steel posts, from moving traffic.

(5) The provision at all times of rigid safety warning signs.

(6) A minimum two (2) net acre site with a minimum lot width, measured at the street line, of two hundred (200) feet.

B. Communications antennas mounted on an existing public utility transmission tower, or communications antennas mounted on a communications tower placed within or attached to an existing public utility transmission tower, with an ancillary communications equipment building.

4. C Commercial District Uses Permitted by Right. A building or other structure may be erected or used and a lot may be used or occupied, by right, for any of the following purposes:

A. Any use permitted, by right, in the NC Neighborhood Commercial District.

B. Club, lodge, fraternal organization, health spa, place of worship, studio.

C. Passenger station for public transportation; utility substations; and public utility facility, including telephone central office.

D. Indoor theater, bowling lanes or other places of indoor recreation such as handball courts, racquetball courts, indoor tennis courts, health and fitness spas, and a facility such as a gymnasium. All other types of indoor recreation shall be permitted only as a special exception.

E. Automotive service and repairs; garages; sales agency for new automobiles including used car sales as an accessory use; automatic car wash facilities subject to the provision of a public water supply and the provision of water recycling facilities.

F. Newspaper printing, florist shop, greenhouse.

G. Any general retail sales outlet or personal service facility (except that adult book stores and adult only movie facilities, as defined in §202 under "adult-oriented use," are prohibited).

H. Hotel or motel, including dining and general meeting room facilities.

I. Animal hospital without outside kennels.

5. C Commercial District Conditional Uses. A building or other structure may be erected or used and a lot may be used or occupied when authorized as a conditional use for any of the following purposes:

A. Any use permitted as a conditional use in the NC Neighborhood Commercial District may also be permitted in the C Commercial District as a conditional use, provided that restaurants, tea rooms, confectioneries or other places serving food and beverages, including outdoor dining, under subsection (2)(C) shall not be permitted.

B. Bed and breakfast.

C. Used car lot without new car sales agency.

D. Undertaking establishment, self-service or hand laundry or cleaning establishment.

E. Wholesale establishments, lumber yard, building and plumbing supplies, farm machinery sales, warehousing for indoor storage only, and trucking incidental to such uses; provided, however, that truck terminals and exterior storage of truck terminals and exterior storage of trucking vehicles or trailers shall not be permitted.

F. Service station subject to the requirements of subsection (3)(A) herein.

G. A shopping center having a minimum lot width of four hundred (400) feet on an arterial or major collector street and subject to the submission of a land development plan meeting all requirements of the Subdivision and Land Development Ordinance [Chapter 22].

H. Any use of a similar type and character to the above uses permitted as a conditional use.

I. Any single commercial use which exceeds fifteen thousand (15,000) square feet of floor area.

J. Convenience store.

6. C Commercial District Special Exceptions. A building or other structure may be erected or used and a lot may be used or occupied when authorized as a special exception for any of the following purposes:

A. Any use permitted as a special exception in the NC Neighborhood Commercial District may also be permitted in the C Commercial District as a special exception, provided that service stations under subsection (3)(A) shall be permitted, per subsection (5)(F), as a conditional use.

7. Off-Street Parking. Off-street parking spaces, as defined in §202 of this Chapter, in the NC and C Districts, shall be provided in accordance with the provisions of §1306 of this Chapter. Limited on-street parking may be permitted only in accordance with the provisions of §1306(A)(1)(c) of this Chapter.

8. Signs. Signs shall be permitted in the NC Neighborhood Commercial and C Commercial Districts only in accordance with the provisions of §1314 of this Chapter.

9. Accessory Uses. Accessory uses to any of the foregoing permitted uses shall be permitted in the NC Neighborhood Commercial and C Commercial Districts only in accordance with the provisions of §1319 of this Chapter.

10. Open Space. All subdivisions and land developments in the NC and C Districts shall comply with the open space standards of §426 of the Subdivision and Land Development Ordinance [Chapter 22]. The design, disturbance, permitted uses, ownership, maintenance and management of open space shall comply with the applicable standards of §1404(A) of this Chapter.

11. Trails. Trails shall be provided for all subdivisions and land developments in the NC and C Districts in accordance with the Township approved trail plan.

(Ord. 147, 8/11/2008, §901)

§903. Single-Family Detached Dwelling Use of Certain Lots in the C Commercial District. Notwithstanding any provision of this Part or other provisions of this Chapter to the contrary, a building may be erected and used on an unimproved lot in the C District, and such unimproved lot by be used and occupied, by right, for a single-family detached dwelling and accessory uses thereto in accordance with §1319 of this Chapter, subject however to the following conditions:

A. That the lot shall have existed of public record, on and since January 1, 1993, as a lot held in single and separate ownership.

B. That the zoning district classification of the lot on January 1, 1993, shall have been R-1 Residential.

C. That the single-family detached dwelling shall be the only principal use of the lot.

D. That the erection, use and occupancy of the building and lot for such single-family detached dwelling and accessory uses shall be in accordance with the provisions of §703 of this Chapter, and other provisions of this Chapter applicable to a single-family detached dwelling principal use in the R-2 District and uses accessory thereto.

(Ord. 147, 8/11/2008, §902)

§904. Area, Bulk and Dimensional Standards. The following standards shall be applicable to all uses in the NC Neighborhood Commercial and C Commercial Districts.

A. Minimum Net Lot Area, Lot Width and Yards. The required minimum net lot area shall be calculated according to the definition of net lot area in §202 of this Chapter.

	Minimum Net Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yards	Minimum Rear Yard
With Public Sewage Disposal and Public Water Supply	1 Acre	150 ft.	50 ft.	30 ft. each	50 ft.
With No Public Sewage Disposal and/or No Public Water Supply	2 Acres	200 ft.	50 ft.	30 ft. each	50 ft.

B. Building and Lot (or Site) Coverage. The maximum lot or site building coverage shall not exceed twenty-five percent (25%) and the maximum total lot or site impervious surface coverage shall not exceed fifty percent (50%).

C. Height Regulations. The maximum height of all buildings and other structures, with the exception of communications towers and antennas, erected or enlarged in this district shall be:

(1) For any dwelling, or any accessory building or structure, thirty-five (35) feet, not exceeding three (3) stories.

(2) For any non-dwelling, or any accessory building or structure, thirty-five (35) feet, except that such height may be increased to a maximum of sixty-five (65) feet provided that for every foot of height in excess of thirty-five (35) feet there shall be added to each front, side and rear yard requirement one (1) corresponding foot of additional width or depth.

(3) For any farm structure (silo, bar, elevator, etc.), thirty-five (35) feet, except that such height may be increased to a maximum of ninety (90) feet provided for every foot of height in excess of thirty-five (35) feet, there shall be added to each front, side and rear yard requirement one corresponding foot of additional width or depth.

D. Corner Lots. For each corner lot, each yard frontage on a street shall require a front lot depth.

(Ord. 147, 8/11/2008, §903)

§905. Other Requirements and Standards.

1. Multi-use Commercial Buildings. In a multi-use commercial building having party walls, no side yard is required except at the ends of the structure.

2. Required Buffer. Within the setback area, a twenty-five (25) foot wide buffer area containing a landscape screen shall be required for all lots abutting a residential district or a residential use and shall utilize a berm with the landscape screen. When a yard abuts a nonresidential district or nonresidential use a buffer area of not less than twenty-five (25) feet in width containing a landscape screen shall be provided within the setback area. The landscape screen shall comply with §428 of the Subdivision and Land Development Ordinance [Chapter 22] and shall consist of plant material, walls, fencing, earthen berms or a combination thereof.

3. All applicable requirements of Part 13 of this Chapter shall apply to any permitted use in the NC Neighborhood Commercial District and the C Commercial District.

4. Outdoor Display of Merchandise. No merchandise, equipment or other products shall be stored or displayed for sale or otherwise on a lot within a front yard or side yard abutting a street, nor between a street line and the wall of a principal building, except that vehicles for sale may be stored or displayed within the front yard setback.

5. Parking areas and the parking of vehicles shall not be permitted within the front yard setback, except as provided in subsection (4), above.

6. Land Development Plan Required. A land development plan shall be required for two (2) or more uses or groups of uses on a lot.

(Ord. 147, 8/11/2008, §904)

Part 10

C-1 Commercial and Business Campus District

§1001. Specific Intent. It is the intent of this Part and this zoning district to provide for expanded commercial, light industrial and office campus uses within the Pennsylvania Route 724 business corridor. (Ord. 147, 8/11/2008, §1000)

§1002. Use Regulations.

1. C-1 Commercial and Business Campus District Uses Permitted by Right. A building or buildings including multi-use buildings or other structure may be erected or used and a lot may be used or occupied by right for any of the following purposes:

A. All uses permitted by right in the C Commercial District.

B. An office park, business campus or industrial park containing the uses otherwise permitted in the C Commercial District provided that the minimum net tract area shall be ten (10) acres and the minimum tract frontage on PA 724 shall be five hundred (500) feet.

C. Business or professional office, bank, passenger station for public transportation, restaurant, including outdoor dining, personal service shop, provided that such uses are planned and incorporated as an integral part of a permitted office park/industrial park/business campus development.

D. Wholesaling, warehousing and distribution excluding outdoor storage of raw materials, bulk storage or sale of coal, petroleum or other fuels.

E. Service stations meeting all requirements of §902(3)(A).

F. Printing facilities, assembly of components manufactured elsewhere, excluding the outdoor storage of raw materials; the sale of farm machinery, lumber, plumbing and building supplies, excluding the outdoor storage of raw materials.

G. Automotive sales and servicing.

H. Shopping center provided that the minimum tract frontage on PA 724 shall be one thousand (1,000) feet.

2. C-1 Commercial and Business Campus District Conditional Uses. A building or buildings including multi-use buildings or other structure may be erected or used and a lot may be used or occupied when authorized as a conditional use for any of the following purposes:

A. Any use permitted as a conditional use in the C Commercial District.

B. Any use of the same general character as those uses listed in subsection (1), above, when authorized as a conditional use.

3. C-1 Commercial and Business Campus District Special Exceptions. A building or buildings or other structure may be erected or used and a lot may be used or occupied when authorized as a special exception for any of the following purposes:

A. Communications antennas mounted on an existing public utility transmission tower, or communications antennas mounted on a communication tower placed within or attached to an existing public utility transmission tower, with an ancillary communications equipment building.

4. Off-Street Parking. Off-street parking spaces, as defined in §202 of this Chapter, in the C-1 District, shall be provided in accordance with the provisions of §1306 of this Chapter. Limited on-street parking may be permitted only in accordance with the provisions of §1306(A)(1)(c) of this Chapter.

5. Signs. Signs shall be permitted in the C-1 Commercial and Business Campus District only in accordance with the provisions of §1314 of this Chapter.

6. Accessory Uses. Accessory uses to any of the foregoing permitted uses shall be permitted in the C-1 Commercial and Business Campus District only in accordance with the provisions of §1319 of this Chapter.

7. Open Space. All subdivisions and land developments in the C-1 District shall comply with the open space requirements of §426 of the Subdivision and Land Development Ordinance [Chapter 22]. The design, disturbance, permitted uses, ownership, maintenance and. management of open space shall comply with the applicable standards of §1404(A) of this Chapter.

8. Trails. Trails shall be provided for all subdivisions and land developments in the C-1 District in accordance with the Township approved trail plan.

(Ord. 147, 8/11/2008, §1001)

§1003. Single-Family Detached Dwelling Use of Certain Lots in the C-1 Commercial and Business Campus District. Notwithstanding any provision of this Part or other provisions of this Chapter to the contrary, a building may be erected and used on an unimproved lot in the C-1 District, and such unimproved lot may be used and occupied, by right, for a single-family detached dwelling and accessory uses thereto in accordance with §1319 of this Chapter, subject however to all the following conditions:

A. That the lot shall have existed of public record, on and since January 1, 1993, as a lot held in single and separate ownership.

B. That the zoning district classification of the lot on January 1, 1993, shall have been R-1 Residential.

C. That the single-family detached dwelling shall be the only principal use of the lot.

D. That the erection, use and occupancy of the building and lot for such single-family detached dwelling and accessory uses shall be in accordance with the regulations of §703 of this Chapter, and other provisions of this Chapter applicable to a single-family detached dwelling principal use in the R-2 District and uses accessory thereto.

(Ord. 147, 8/11/2008, §1002)

§1004. Area, Bulk and Dimensional Standards. The following standards shall be applicable to all uses in the C-1 District:

A. Minimum Net Lot Area, Lot Width and Yards. The required minimum net lot area shall be calculated according to the definition of net lot area in §202 of this Chapter.

	Minimum Net Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yards	Minimum Rear Yard
With or Without Public Sewage Disposal and/or Public Water Supply	3 Acres	300 ft.	50 ft.	50 ft.	50 ft.

B. Building and Lot (or Site) Coverage. The maximum lot or site building coverage shall not exceed forty percent (40%) and the maximum total lot or site impervious coverage shall not exceed sixty percent (60%).

C. Density Regulations. The maximum density in the C-1 District shall be ten thousand (10,000) square feet of building area per acre with a total of one hundred and fifty thousand (150,000) square feet of building area per tract, and fifty thousand (50,000) square feet of building area per individual building.

D. Height Regulations. The maximum height of all buildings and other structures, with the exception of communications towers and antennas, erected or enlarged in this district shall be:

(1) For any dwelling or accessory building or structure, thirty-five (35) feet, not exceeding three (3) stories.

(2) For any non-dwelling building or other structure, thirty-five (35) feet, except that the height may be increased to a maximum of sixty-five (65) feet provided that for every foot of height in excess of thirty-five (35) feet there shall be added to each front, side and rear yard requirement one (1) corresponding foot of additional width or depth.

(3) For any farm structure (silo, barn, elevator, etc.) thirty-five (35) feet, except that such height may be increased to a maximum of ninety (90) feet provided that for every foot of height in excess of thirty-five (35) feet there shall be added to each front, side, and rear yard requirement one (1) corresponding foot of additional width or depth.

(Ord. 147, 8/11/2008, §1003)

§1005. Other Requirements and Standards. The following requirements and standards shall be applicable to all uses in the C-1 Commercial and Business Campus District:

A. Required Buffer. When a yard abuts a residential district or a residential use, a seventy-five (75) foot setback shall be required and such setback shall contain a buffer area of not less than forty (40) feet in width containing a landscape screen that shall utilize an earthen berm. When a yard abuts a nonresidential district or nonresidential use a buffer area of not less than twenty-five (25) feet in width containing a landscape screen shall be provided within the setback area. A buffer area within the setback shall not be required along any

(27, §1005(A), cont'd)

PA Route 724 frontage. The landscape screen shall comply with the §428 of the Subdivision and Land Development Ordinance [Chapter 22] and shall consist of plant material, walls, fencing, earthen berms or a combination thereof.

B. Parking, Loading and Service Area Landscaping. All off-street parking areas and loading and service areas shall be effectively landscaped in accordance with the provisions of §428 of the Subdivision and Land Development Ordinance [Chapter 22].

C. Outdoor Storage.

(1) All outdoor storage of finished products, supplies and equipment shall be fully screened from view from off the premises however industrial vehicles available for sale shall not require screening. All raw materials used for any permitted use shall be stored in a fully enclosed structure.

(2) No equipment or other products, except industrial vehicles for sale, shall be stored or displayed for sale on a lot within a front yard or side yard abutting a street, or between a street line and the wall of a principal building. Any industrial vehicles for sale shall be set back a distance of not less than fifty (50) feet from a right-of-way line or property line.

D. Multi-use Commercial Building. In a multi-use commercial building having party walls, no side yard shall be required except at the end of the structure. The minimum distance between buildings located on the same lot shall be thirty (30) feet.

E. Vehicular Ingress and Egress. Points of vehicular ingress and egress between a street and all off-street parking and service areas shall be so located and so controlled that vehicles can be moved from the parking and service areas to the street only by way of such designated points of ingress and egress. No parking area shall be permitted which may allow or encourage the backing of vehicles directly onto a street. Service streets shall be required. Access driveway intersection points with PA Route 724 shall be separated by a distance of four hundred (400) feet or greater.

F. Land Development Plan Required. A land development plan shall be required for two (2) or more uses or groups of uses on a lot.

G. All applicable requirements of Part 13 of this Chapter shall apply to any permitted use in the C-1 District.

(Ord. 147, 8/11/2008, §1004)

Part 11

LI Limited Industrial District

§1101. Specific Intent. It is the intent of this Part and this industrial district to provide for sufficient area within the Township to conduct office, warehousing and light industrial operations. (Ord. 147, 8/11/2008, §1100)

§1102. Use Regulations.

1. LI Limited Industrial District Uses Permitted by Right. A building or other structure may be erected or used and a lot may be used or occupied by right for any of the following purposes:

A. All uses permitted by right in the C-1 Commercial and Business Campus District.

2. LI Limited Industrial District Conditional Uses. A building or other structure may be erected or used and a lot may be used or occupied when authorized as a conditional use for any of the following purposes:

A. Any use permitted as a conditional use in the C-1 Commercial and Business Campus District may also be permitted in the LI Light Industrial District as a conditional use.

B. Any use of the same general character as those uses listed in subsection (1), above, when authorized as a conditional use.

C. Light manufacturing, provided that outdoor storage of products or equipment shall be permitted only when screened from view in accordance with the provisions of §428 of the Subdivision and Land Development Ordinance [Chapter 22]; and, further provided, that any use or activity which is noxious or offensive by reason of odor, dust, fumes, smoke, gas, vibration, noise or radiation, or which constitutes a public hazard by fire, explosion or otherwise, shall not be permitted.

All raw materials used in any permitted manufacturing or assembly process shall be stored in a fully enclosed structure. Farm equipment and industrial vehicles available for sale shall not require enclosures.

D. Laboratory for scientific research and development.

E. Commercial kennel, provided that a minimum setback of one hundred (100) feet from all property lines shall be provided.

3. LI Limited Industrial District Special Exceptions. A building or other structure may be erected or used and a lot may be used or occupied when authorized as a special exception for any of the following purposes:

A. Any use permitted as a special exception in the C-1 Commercial and Business Campus District may also be permitted in the LI Light Industrial District as a special exception.

B. Any use not elsewhere permitted in the Pottstown Metropolitan Region.

4. Off-Street Parking. Off-street parking spaces, as defined in §202 of this Chapter, in the LI District, shall be provided in accordance with the

provisions of §1306 of this Chapter. Limited on-street parking may be permitted only in accordance with the provisions of §1306(A)(1)(c) of this Chapter.

5. Signs. Signs shall be permitted in the LI District only in accordance with the provisions of §1314 of this Chapter.

6. Accessory Uses. Accessory uses to any of the foregoing permitted uses shall be permitted in the LI District only in accordance with the provisions of §1319 of this Chapter.

7. Open Space. All subdivisions and land developments in the LI District shall comply with the open space requirements of §426 of the Subdivision and Land Development Ordinance [Chapter 22]. The design, disturbance, permitted uses, ownership, maintenance and management of open space shall comply with the applicable standards of §1404(A) of this Chapter.

8. Trails. Trails shall be provided for all subdivisions and land developments in the LI District in accordance with the Township approved trail plan.

(Ord. 147, 8/11/2008, §1101)

§1103. Single-Family Detached Dwelling Use of Certain Lots in the LI Limited Industrial District. Notwithstanding any provision of this Part or other provisions of this Chapter to the contrary, a building may be erected and used on an unimproved lot in the LI District, and such unimproved lot may be used and occupied, by right, for a single-family detached dwelling and accessory uses thereto in accordance with §1319 of this Chapter, subject however to all the following conditions:

A. That the lot shall have existed of public record, on and since January 1, 1993, as a lot held in single and separate ownership.

B. That the zoning district classification of the lot on January 1, 1993, shall have been R-1 Residential.

C. That the single-family detached dwelling shall be the only principal use of the lot.

D. That the erection, use and occupancy of the building and lot for such single-family detached dwelling and accessory uses shall be in accordance with the regulations of §703 of this Chapter, and other provisions of this Chapter applicable to a single-family detached dwelling principal use in the R-2 District and uses accessory thereto.

(Ord. 147, 8/11/2008, §1102)

§1104. Area, Bulk and Dimensional Standards. The following standards shall be applicable to all uses in the LI District:

A. Minimum Net Lot Area, Lot Width and Yards. The required minimum net lot area shall be calculated according to the definition of net lot area in §202 of this Chapter.

	Minimum Net Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yards	Minimum Rear Yard
With or Without Public Sewage Disposal and/or Public Water Supply	3 Acres	300 ft.	75 ft.	75 ft.	75 ft.

B. Building and Lot (or Site) Coverage. The maximum lot or site building coverage shall not exceed thirty-five percent (35%) and the maximum total lot or site impervious coverage shall not exceed sixty percent (60%).

C. Density Regulations. The maximum density in the LI District shall be ten thousand (10,000) square feet of building area per acre with a total of three hundred thousand (300,000) square feet of building area per tract, and seventy-five thousand (75,000) square feet of building area per individual building.

D. Height Regulations. The maximum height of all buildings and other structures, with the exception of communications towers and antennas, erected or enlarged in this district shall be:

(1) For any dwelling, or any accessory building or structure, thirty-five (35) feet, not exceeding three (3) stories.

(2) For any non-dwelling building or other structure, thirty-five (35) feet, except that such height may be increased to a maximum of sixty-five (65) feet; provided, that for every foot of height in excess of thirty-five (35) feet, there shall be added to each front, side and rear yard requirement one (1) corresponding foot of additional width or depth.

(3) For any farm structure (silo, barn, elevator, etc.) thirty-five (35) feet, except that such height may be increased to a maximum of ninety (90) feet; provided, that for every foot of height in excess of thirty-five (35) feet, there shall be added to each front, side, and rear yard requirement one corresponding foot of additional width or depth.

(Ord. 147, 8/11/2008, §1103)

§1105. Other Requirements and Standards. The following requirements and standards shall be applicable to all uses in the LI District:

A. Required Landscaped Buffers. Within the setback area, a forty (40) foot wide buffer area containing a landscape screen shall be required for all lots abutting a residential district or a residential use, and shall utilize a berm with such landscape screen. When a yard abuts a nonresidential district or nonresidential use a buffer area of not less than twenty-five (25) feet in width containing a landscape screen shall be provided within the setback area. A buffer area within the setback shall not be required along any Route 724 frontage. The landscape screen shall comply with the §428 of the Subdivision and Land Development Ordinance [Chapter 22] and shall consist of plant material, walls, fencing, earthen berms or a combination thereof.

B. Parking, Loading and Service Area Landscaping. All off-street parking areas and loading and service areas shall be effectively landscaped in accordance with the provisions of §428 of the Subdivision and Land Development Ordinance [Chapter 22].

C. Outdoor Storage.

(1) All outdoor storage of finished products, supplies and equipment shall be fully screened from view from any point off the premises however farm equipment and industrial vehicles available for sale shall not require screening. All raw materials used for any permitted use shall be stored in a fully enclosed structure.

(2) No equipment or other products, except industrial vehicles for sale, shall be stored or displayed for sale on a lot within a front yard or side yard abutting a street, or between a street line and the wall of a principal building. Any industrial vehicles for sale shall be set back a distance of not less than fifty (50) feet from a right-of-way line or property line.

D. Multi-use Commercial Building. In a multi-use commercial building having party walls, no side yard shall be required except at the end of the structure. The minimum distance between buildings located on the same lot shall be thirty (30) feet.

E. Vehicular Ingress and Egress. Points of vehicular ingress and egress between a street and all off-street parking and service areas shall be so located and so controlled that vehicles can be moved from the parking and service areas to the street only by way of such designated points of ingress and egress. No parking area shall be permitted which may allow or encourage the backing of vehicles directly onto a street. Service streets shall be required. Access driveway intersection points with PA Route 724 shall be separated by a distance of four hundred (400) feet or greater.

F. Land Development Plan Required. A land development plan shall be required for two (2) or more uses or groups of uses on a lot.

G. All applicable requirements of Part 13 of this Chapter shall apply to any permitted use in the LI District.

(Ord. 147, 8/11/2008, §1104)

Part 12

Historic Resource Protection Standards

§1201. Statement of Intent and Purpose. It is the intent of this Part to provide a comprehensive framework for the preservation of historic sites, objects, buildings, structures, and districts in the Township. The protections and incentives of this Part are targeted toward the Township's most important historic resources and include delay of demolition, area and bulk waivers, and cluster bonuses, and provisions for demolition by neglect, enforceable under the Property Maintenance Code [Chapter 5, Part 1, §103] of the Township. This Part is created pursuant to Article I, Section 27 of the Pennsylvania Constitution for the following purposes:

A. To promote the retention of community character through preservation of the local heritage by recognition and protection of historic and cultural resources.

B. To establish a clear process by which proposed changes affecting historic resources are reviewed.

C. To encourage the continued use of historic properties and facilitate their appropriate rehabilitation and adaptive reuse.

D. To encourage the preservation of historic settings and landscapes.

E. To discourage the demolition of historic resources.

F. To utilize historic preservation as a tool for economic revitalization, and to promote the general welfare, education and culture of the Township.

(Ord. 147, 8/11/2008, §1200)

§1202. General Provisions.

1. Compliance. Any change to a historic resource shown on the Historic Resources Map shall occur only in full compliance with the terms of this Part and other applicable regulations.

2. Historic Resources Overlay. The Historic Resources Map shall be deemed an overlay on any zoning district now or hereafter enacted to regulate the use of land in the Township.

A. For any property shown on the Historic Resources Map, the requirements and opportunities contained in this Part shall supersede, with the consent of the landowner, the otherwise applicable requirements of the underlying zoning district.

B. Should the Historic Resources Map be revised as a result of legislative or administrative action or judicial decision, the zoning requirements and other regulatory measures applicable to the property in question shall be those of the underlying zoning district without consideration of this Part.

C. Preservation of Other Restrictions. It is not intended by this Part to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Part imposes greater restrictions, the provisions of this Part shall prevail.

(Ord. 147, 8/11/2008, §1201)

§1203. Historic Resources Map.

1. Classifications. The Historic Resources Map delineates three (3) classifications of historic resources in the Township, which are defined as follows:

A. Class I.

(1) Certified historic structures and certified historic districts.

(2) Contributing resources, i.e., buildings, sites, structures, and objects filed as such with the National Register of Historic Places or Bureau for Historic Preservation of the Pennsylvania Historical and Museum Commission.

(3) Buildings, sites, structures, objects, and districts which have received a Determination of Eligibility (DOE) for listing on the National Register of Historic Places or Pennsylvania Historical and Museum Commission listing.

(4) Resources that meet the National Register Criteria, as determined by the Bureau for Historic Preservation of the Pennsylvania Historical and Museum Commission.

B. Class II. Building, sites, structures, objects, and districts not meeting National Register criteria, but determined to be of historical or architectural significance to East Coventry Township and appropriately documented to that effect by the East Coventry Township Historical Commission.

C. Class III. Buildings, sites, structures, objects and districts included in the Historic Resources inventory of the East Coventry Historical Commission, and not included in Class I or Class II above.

2. Revisions. The Historic Resources Map may be revised from time to time by legislative action of the Board of Supervisors.

A. In considering any revision, including additions, deletions, or changes of classification to the Historic Resources Map, the Board of Supervisors shall receive a written recommendation from the Historical Commission.

B. The owner(s) of any property(s) that are the subject of any such proposed administrative action shall be given one (1) written notice, by certified mail, of the Board of Supervisors recommendation at least forty-five (45) days prior to the public hearing.

C. Historic Resources Inventory. The Historical Commission shall maintain an updated inventory of resources shown on the Historic Resources Map and their respective classifications.

(Ord. 147, 8/11/2008, §1202)

§1204. East Coventry Township Historical Commission.

1. Creation and Purpose.

A. There is hereby created and established in the Township a commission to be known as the "East Coventry Township Historical Commission."

B. The purpose of the Historical Commission is to serve, under and in accordance with the provisions of this Chapter, as an advisory body and resource to the Board of Supervisors, the Planning Commission, other agencies and officials of the Township, the citizens of the Township, and such other persons as the Board of Supervisors may direct, for advice and information on historic preservation and restoration.

2. Membership.

A. The Historical Commission shall be composed of not less than five (5) or more than fifteen (15) members.

B. All members of the Historical Commission shall be at the time of appointment and at all times while serving as members of the Historical Commission, residents of the Township.

C. At least one (1) member of the Planning Commission shall be appointed to the Historical Commission. This member shall be a full voting member of the Historical Commission as well as serving as a member of the Planning Commission.

D. All members of the Historical Commission shall serve without compensation, but, when authorized by the Board of Supervisors, may be reimbursed reasonable expenses, upon submission of a voucher, necessary to perform the duties and exercise the powers of the Commission.

3. Appointment, Term and Vacancy.

A. All members of the Historical Commission shall be appointed by the Board of Supervisors.

B. Except for the initial term of the members of the Historical Commission first appointed under this Part the term of each member of the Commission shall be for three (3) years or until his or her successor is appointed and qualified. The terms of the members of the Historical Commission first appointed under this Part shall be: two (2) members for one (1) year each; two (2) members for two (2) years each; and the remaining members for three (3) years each.

C. Members of the Historical Commission may succeed themselves. There shall be no limitation on the number of successive terms a resident may be appointed as a member of the Commission.

D. The Chairperson of the Historical Commission shall promptly notify the Board of Supervisors concerning any vacancies in the Commission. Any such vacancy shall be filled by the Board of Supervisors for the unexpired term.

E. At the request of the Board of Supervisors, the Historical Commission shall make recommendations to the Board of Supervisors for appointments to fill vacancies in the Commission.

4. Organization, Meetings and Conduct of Business.

A. The Historical Commission first appointed shall meet and organize at a public meeting of the Commission held within thirty (30) days after its appointment. Thereafter, the Commission shall meet and organize at a public meeting of the Commission held during the month of January of each year. At each such organization meeting, the Commission shall elect, from among its members, a Chairperson, a Vice Chairperson, a Secretary, and such other officer or officers as it may deem necessary. Each officer shall serve for a period of one (1) year or until his or her successor is elected. Officers may succeed themselves.

B. The Historical Commission shall hold such regular and special meetings, including work sessions and executive sessions, as necessary to perform its duties, exercise its powers and otherwise conduct such business as may properly come before it. The Commission shall keep and maintain minutes and other records of all its meetings and other activities. All meetings of the Commission, including the giving of meeting notices, conduct of meetings, actions taken at meetings, recording of votes, and keeping of meeting minutes, shall be in accordance with applicable provisions of the Sunshine Act and other law.

C. All official meetings of the Historical Commission shall be held in the Township Building. The Historical Commission shall conduct a minimum of one (1) meeting per month.

D. A majority of the members of the Historical Commission shall constitute a quorum. Any action to be taken at any meeting of the Commission shall require the affirmative vote of the majority of the members of the Commission present at the meeting.

E. The Historical Commission may make and alter rules and regulations to govern its procedures, including rules and regulations necessary for the conduct of its meetings and the maintenance of order. All such rules and regulations shall be consistent with the ordinances of the Township and other law.

F. The Historical Commission, from time to time as it deems necessary, may establish and appoint members of the Commission to one (1) or more committees for purposes of assisting the Commission with research, providing the Commission expertise, and performing such other duties and functions as may be assigned by the Commission. At least one (1) member of any such committee shall be, at the time of appointment and at all times while serving as a member of the committee, also a member of the Historical Commission. The chairperson of any such committee shall be also a member of the Commission at all times while serving as chairperson.

G. The Historical Commission shall maintain and keep on file full records of its actions. All records and files of the Commission shall be (1) kept and maintained in the Township Building or such other place as may be approved by the Board of Supervisors, (2) available for public inspection and copying at reasonable times, (3) in the possession of the Board of Supervisors, and (4) the property of the Township.

H. The Historical Commission shall annually prepare and submit to the Board of Supervisors, by March 1 of each year, a written report of its activities for the prior calendar year.

5. The Historical Commission shall, at the request of the Board of Supervisors, have the power and duty to do the following which shall be in addition to such other powers and duties set forth in this Part or otherwise provided by law:

A. Identify in the Township significant architectural and historical resources, related natural sites, and landscape features that preserve the integrity of such resources and sites; and develop and maintain a detailed inventory and map or maps of such resources, sites and features, including information thereof or related thereto appropriately classified. Such information shall include, but shall not be limited to, documentary evidence, illustrations, photographs, and other appropriate materials.

B. Create an awareness of the history of the Township from the time of the Native Americans to the present day, including the cultural, agricultural, business, educational, and religious endeavors of all persons who lived and/or worked in the Township throughout its history.

C. Research and record the history of the Township and serve as an advisory resource for owners of historic resources in the Township involved with the preservation and/or restoration of such resources.

D. Prepare and submit reports to or for the Board of Supervisors as may be necessary or appropriate or as may be requested from time to time by the Board of Supervisors. Such reports shall be in addition to the annual written report to be prepared and submitted by the Historical Commission to the Board of Supervisors under subsection (4)(H) of this Part.

E. Cooperate with and advise the Board of Supervisors, the Planning Commission, and all other Township agencies and officials, Township citizens, and such other persons as the Board of Supervisors may direct, in regard to the preservation and restoration of significant historical structures, sites and natural features, including the review of zoning, subdivision and/or land development proposals, and building and demolition permit applications, which proposals and applications have potential to impact on historic resources.

F. Consider, promote, and, with the approval of the Board of Supervisors, apply for technical and financial assistance, from all appropriate local, county, State, Federal, and other agencies, for the preservation and/or restoration within the Township of significant architectural and historical sites, related natural sites, and landscape features that preserve the integrity of such sites; and report to the Board of Supervisors all actions related to any of the foregoing.

G. Prepare and submit a yearly budget to the Board of Supervisors during the regular Township budget process for sums deemed necessary by the Historical Commission to perform its duties and exercise its powers. In accordance with the adopted budget, the Township Manager may approve expenditures up to the limit of the law.

H. In conjunction and cooperation with the Board of Supervisors, the Planning Commission and other appropriate public or private groups, to study the feasibility of creating Historic Districts in the Township pursuant to the Historic District Act.

I. Cooperate with the Board of Supervisors, the Planning Commission, and all other Township agencies and officials, regarding the possible acquisition and use of significant historic structures and sites, including conducting research and proposing the nomination of properties in the Township to the National Register of Historic Places in accordance with the provisions of the National Historic Preservation Act.

J. Hold meetings and recommend public hearings to the Board of Supervisors.

K. Maintain an updated list, which clearly identifies buildings, sites, structures, objects, and districts, and their respective classifications, on the Historic Resource Map.

L. Advise, or be party to, the Board of Supervisors or Zoning Hearing Board, on all requests for conditional use or special exceptions or variances affecting historic resources.

M. Perform such other duties and take such other actions as may be directed by the Board of Supervisors.

6. In order to perform its duties and exercise its powers, the Historical Commission may, with the consent of the Board of Supervisors, accept and utilize any funds, personnel, or other assistance made available by Chester County, the Commonwealth or the Federal government or any of their agencies, or from private sources. The Board of Supervisors, in accordance with applicable procedures of the Township and/or other law, may enter into agreements or contracts regarding the acceptance or utilization of such funds, personnel or other assistance by or for the Commission.

(Ord. 147, 8/11/2008, §1203)

§1205. Demolition of Historic Resources. Class I or Class II historic resources may not be demolished until the applicant obtains a permit under the Building Code [Chapter 5, Part 1, §101] and complies with the following additional procedures:

A. One (1) copy of the application for demolition shall be forwarded to the Historical Commission, together with recent interior and exterior photographs of the resource proposed for demolition, a site plan showing all buildings on the property, and explanation of the reasons for demolition and future uses of the site.

B. Within thirty (30) days of receipt of a complete application, at its regular or a special meeting, the Historical Commission shall meet to review the application for demolition. The applicant will be notified of the meeting and encouraged to present evidence or testimony pertaining to the demolition. In reviewing the application the Historical Commission shall take into account:

(1) The effect of demolition on the historical significance and architectural integrity of neighboring contributing historic resources.

(2) Economic feasibility of adaptively reusing the resource proposed for demolition.

(3) Alternatives to demolition of the resource.

C. Within thirty (30) days following conclusion at the meeting, the Historical Commission shall set forth its recommendation in a written report to the Board of Supervisors.

D. Within thirty (30) days of the review of the demolition application by the Historical Commission, the Board of Supervisors shall consider the application for demolition at a public meeting. The applicant will be notified of the meeting and encouraged to present evidence or testimony pertaining to the demolition. The Board of Supervisors may vote to authorize the permit, deny the permit, or delay authorization for a period not to exceed one hundred eighty (180) days from the date of initial application for a demolition permit, during which period the Township and applicant will explore alternatives to demolition.

E. Demolition by Neglect. Class I or Class II resources, identified on the Historic Resources Map shall be maintained in good repair and kept structurally sound and reasonably protected against decay and deterioration as enforceable under the Property Maintenance Code [Chapter 5, Part 1, §103] of the Township.

F. Enforcement.

(1) Fines and Penalties. Any person who violates the requirements of this Section shall be subject to the fines and penalties imposed under this Chapter in accordance with Part 19, as well as applicable fines and penalties imposed under all applicable Township Codes.

(2) The Board of Supervisors may withhold issuing any building permits for a minimum of six (6) months for a property which, as of the date of enactment of this Chapter, was occupied by a Class I or Class II historic resource that was demolished in violation of this Section.

(Ord. 147, 8/11/2008, §1204)

§1206. Modification to Use, Area and Bulk Regulations.

1. Board of Supervisors. The Board of Supervisors, through the granting of a conditional use, may approve requested modifications to the otherwise applicable lot size, lot dimension, or yard requirements for plans affecting Class I and Class II historic resources, in accordance with the criteria set under §1403 of this Chapter and provided the following additional criteria are met:

A. The granting of the conditional use is deemed by the Board of Supervisors to be necessary for the preservation of a Class I or a Class II Historic Resource.

B. The granting of the conditional use is deemed by the Board of Supervisors to have minimal detrimental effect on neighboring properties.

C. Any plans for the rehabilitation, alteration, or enlargement of a Class I or Class II historic resource shown on the application for conditional use must be in substantial compliance with the standards contained in §1208.

2. Conditional Use. The following uses, in addition to those otherwise permitted by right, special exception or conditional use, shall be permitted for Class I and Class II historic resources in the Township subject to the area and bulk standards of the zoning district in which such historic resources are located and the applicable design standards of Part 13, when approved as a conditional use by the Board of Supervisors, in accordance with the criteria of §1403 and the additional criteria set forth in subsection (3).

A. Business and professional office, excluding surgical offices and clinics.

B. Custom shop for making articles or products sold at retail on the premises, such as custom clothing, art, needlework, baked goods or confectionery.

C. Museum, gallery or cultural studio.

D. Specialty retail store, such as gift shop, antique shop or tack shop.

E. Home and business furnishing and decorating retail store.

F. Florist shop.

G. Cottage industry, such as a cabinet maker or similar trade.

H. Accessory use on the same lot.

I. Restaurant and/or bed and breakfast.

3. Zoning Hearing Board. The Zoning Hearing Board, through the granting of a special exception or variance, may approve requested modifications to the otherwise applicable lot size, lot dimension, or yard requirements for plans affecting Class I and Class II historic resources, in accordance with the criteria set under §§1509 and 1510 of this Chapter and provided the following additional criteria are met:

A. The granting of the special exception or variance is deemed by the Zoning Hearing Board to be necessary to the preservation of a Class I or Class II historic resource.

B. The granting of the special exception or variance is deemed by the Zoning Hearing Board to have a minimal detrimental effect on neighboring properties.

C. Any plans for the rehabilitation, alteration or enlargement of a Class I or Class II historic resource shown on the application for special exception or variance must be in substantial compliance with the standards contained in §1208.

D. East Coventry Historical Commission. The Historical Commission shall review the request for conditional use or special exception or variance and evaluate whether the proposed modifications are necessary to the preservation of the Class I or Class II historic resources. The Historical Commission also shall review any construction plans for their compliance with the standards in §1208. Recommendations shall be transmitted in the form of a written report to the Board of Supervisors or Zoning Hearing Board and shall indicate what specific changes in the plans would bring them into substantial compliance with §1208.

(Ord. 147, 8/11/2008, §1205)

§1207. Review of Proposed Rehabilitations, Enlargements, or Alterations.

1. Permits. Permits for the rehabilitation, enlargement and/or alteration of a Class I or Class II historic resource shall not be issued by the Zoning Officer prior to review and comment on the application by the Historical Commission, in accordance with the terms of this Section. Permits for Class I historic resources in certified historic districts shall be issued in accordance with §1210.

2. Zoning Officer. The Zoning Officer shall provide the Historical Commission with a copy of the application, together with any plans or diagrams required by this Chapter, one (1) week prior to the Historical Commission meeting.

3. East Coventry Historical Commission. The Historical Commission shall, within thirty-five (35) days of receipt of a complete application from the Zoning Officer, review the plans for compliance with the standards contained in §1208, below, and prepare a written report to the Zoning Officer, with a copy to be sent to the applicant, indicating whether the plans are in substantial compliance. The report shall make suggestions as to what specific changes in the plans would bring them into substantial compliance.

4. Issuance of Permit. Upon receiving a report of substantial compliance from the Historical Commission, and providing the plans satisfy all requirements of the Township, the Zoning Officer shall issue the permit.

5. If the Historical Commission's report indicates that the plans are not in substantial compliance, the Zoning Officer shall not issue the permit until:

A. The plans have been revised by the applicant in accordance with the Historical Commission's recommendations.

B. Forty-five (45) days have elapsed from the date of application, and all other requirements of the Township have been satisfied. The Historical Commission and the Board of Supervisors shall be notified of the "intent to issue a permit" fifteen (15) days prior to issuance.

(Ord. 147, 8/11/2008, §1206)

§1208. Standards for Rehabilitation.

1. Standards for Rehabilitation. Any proposed rehabilitation, alteration or enlargement of a Class I or Class II historic resource under §§1206 or 1207 shall be in substantial compliance with the standards and criteria set forth in subsections (1)(A) through (1)(J), below, provided however that subsection (1)(F) shall not apply to Class II historic resources.

A. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.

B. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed.

The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

C. All buildings, structures, and sites shall be recognized as products of their own time.

D. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

E. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.

F. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

G. The surface cleaning of structures shall be undertaken with the gentlest means possible. Cleaning methods that will damage the historic building materials shall not be undertaken.

H. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.

I. Design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.

J. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

2. Compliance. Determination of compliance with these standards shall be made by written report of the Historical Commission. For Class I historical resources only, the Historical Commission shall apply such standards by reference to the most current edition of the Secretary of Interior's Guidelines for Rehabilitating Historic Buildings.

(Ord. 147, 8/11/2008, §1207)

§1209. Bonus Provisions. In developments proposing to preserve historic resources deemed important to the Board of Supervisors, one (1) additional lot may be created in excess of the maximum number of lots otherwise permissible under the terms of this Chapter where such lot will contain a Class I or Class II historic resource to be preserved as part of the development plan. (Ord. 147, 8/11/2008, §1208)

§1210. Certified Historic Districts.

1. Certified Historic Districts. The provisions of this Section apply only to historic districts in the Township which have been certified by the Pennsylvania Historical and Museum Commission in accordance with the Historic District Act.

A. The boundaries of certified historic districts are shown on the Historic Resources Map.

B. The provisions of this Section apply to all land, buildings, and structures within the boundaries of certified historic districts.

C. Structures or buildings shall not hereafter be used, and no structure or building shall hereafter be erected, reconstructed, altered, restored, demolished, or razed, in whole or in part, without full compliance with the provisions of this Section and other applicable regulations.

2. Certificate of Appropriateness. No person shall commence any work for the erection, reconstruction, alteration, restoration, demolition, or razing of any building or structure located in whole or in part within the certified historic district without first obtaining a certificate of appropriateness with respect thereto from the Board of Supervisors as provided hereinafter.

A. Duties of the Zoning Officer. The Zoning Officer of East Coventry Township, or such other person or agency charged by the Board of Supervisors with the issuance of permits for the erection, demolition, or alteration of buildings or structures subject to the provisions of this Part, shall issue no permit for any such building changes until a certificate of appropriateness with respect thereto has been received from the Board of Supervisors.

B. Application for Permit. The application for a building permit for any building or structures subject to the provisions of this Part shall be filed with the Zoning Officer together with the filing fee required under the schedule of fees then in effect. The application shall include a written description of the proposed alteration, addition, reconstruction or rehabilitation; a site plan at a scale of one (1) inch to forty (40) feet; schematic architectural drawings of the proposed construction or changes at a scale of one (1) foot to one fourth (1/4) inch; and a materials list and disposition of existing materials.

C. Standards for Determining Appropriateness. In determining whether or not any proposed work for the erection, reconstruction, alteration, restoration, demolition, or razing of any building or structure within the certified historic district is appropriate to the district, the Board of Supervisors shall be guided by design guidelines adopted by the Township, the Secretary of the Interior's Guidelines for Rehabilitating Historic Buildings, as cited in §1208, above, and consider the following criteria, where relevant:

(1) Mass (height, bulk and nature of roof line).

(2) Proportions (height to width).

(3) Nature of yard space.

(4) Extent of landscaped areas versus paved areas.

(5) The nature of facade openings (doors and windows), their size, locations, and proportions.

(6) The type of roof (flat, gabled, hip, gambrel, mansard, etc.).

(7) The nature of projections (porches, etc.).

(8) The nature of the architectural details and style.

(9) The nature of the materials.

(10) Color.

(11) Texture.

(12) Ornamentation.

(13) Signs.

Where the proposed work is to be done on a historic structure within the district, then the primary basis for comparison shall be the structure itself (in its then-existing state as compared to its state after the proposed work), and the secondary basis for comparison shall be the effect of the proposed work on the district as a whole.

3. Public Meeting of the Board of Supervisors. Upon receipt of the written recommendation of the Historical Commission, the Board of Supervisors shall consider, at its next regularly scheduled meeting, the question of issuing a certificate of appropriateness authorizing a permit for the work proposed by the applicant. The applicant shall be given at least ten (10) days notice of the time and place of the meeting at which his application will be considered and shall have the right to attend and be heard regarding his application. All interested persons may appear and be heard at the meeting held by the Board of Supervisors.

A. Decision of the Board of Supervisors. Within thirty (30) days following the conclusion of the aforesaid public meeting, the Board of Supervisors shall, by official written communication to the applicant, either:

(1) Issue a certificate of appropriateness authorizing a permit for the proposed changes as submitted.

(2) Issue a certificate of appropriateness subject to specified changes and conditions not included in the application as submitted, but which would protect the distinctive historic character of the building, site, or area which is proposed to be changed.

(3) Deny a certificate of appropriateness with respect to the proposed changes as submitted.

B. Failure of the Board of Supervisors to so act within the said period shall be deemed to constitute a decision in favor of the applicant and a certificate of appropriateness shall thereupon be issued. In the event that approval is granted subject to conditions, the applicant may, within ten (10) days after receiving a copy of the official written communication from the Board of Supervisors, give notice of his refusal to accept all of the conditions, in which case the

Board of Supervisors shall be deemed to have denied a certificate of appropriateness. In the event the applicant does not, within the said period, notify the Board of Supervisors of his refusal to accept all of the said conditions, the approval, with all conditions, shall stand as granted.

C. Resolution of Board of Supervisors. The grant or denial of a certificate of appropriateness shall be in the form of a written resolution which shall include findings of fact related to the specific proposal and shall set forth the reasons of the grant, with or without conditions, or for the denial, referring to such of the criteria set forth in subsection (2)(C), hereof, which were relevant to its decision.

4. Appeals. Any decision of the Board of Supervisors under this Chapter, granting or denying a certificate of appropriateness or authorizing or refusing to authorize a modification in such certificate of appropriateness, shall be subject to review and appeal in the same manner and within the same time limitation as is provided for zoning appeals by the Pennsylvania Municipalities Planning Code.

5. Enforcement. The Zoning Officer, or such other person or agency charged by the Board of Supervisors with the enforcement of the provisions of this Part, shall review the progress and status of the proposed changes and render such reports thereon to the Board of Supervisors and to the Historical Commission as may be necessary to assure compliance with the provisions of this Part and the conditions of the certificate of appropriateness. Standard inspection reports shall be filed with the Board of Supervisors.

(Ord. 147, 8/11/2008, §1209)

Part 13

General and Supplemental Regulations and Design Standards

§1301. Purpose. This Part contains certain general and supplementary regulations and design standards that are common to all zoning districts unless stated as pertinent to a specific district herein. (Ord. 147, 8/11/2008, §1300)

§1302. Reduction of Lot Area and Front Yard.

1. No lot shall be so reduced that the area of the lot, or the dimensions of the required yards, shall be less than herein prescribed. The lot area shall not include any portion of the land set aside as right-of-way for a public street.

2. Modification of Front Yards.

A. Where an unimproved lot is situated between two (2) improved lots having on each a principal building within twenty-five (25) feet of the side boundary line of such unimproved lot, which extends into the required front yard of each such improved lot and has been so maintained prior to the effective date of this Chapter, the front yard depth of such unimproved lot may be the average depth of the front yards of such two (2) adjacent improved lots, notwithstanding the yard requirements of the zoning district in which it is located.

B. Where an unimproved lot adjoins only one (1) improved lot having a principal building thereon within twenty-five (25) feet of the common side lot line which extends into the required front yard of such improved lot and has been so maintained prior to the effective date of this Chapter, the front yard depth of such unimproved lot may be the average depth of the front yard of such adjacent improved lot and the front yard required in the zoning district in which such unimproved lot is located, notwithstanding the yard requirements of such zoning district.

C. The front yard of a proposed building in a Historic District may be decreased in depth to the average alignment of existing buildings within one hundred (100) feet on each side of the proposed building provided such calculation is limited to the same block. Such reduction may occur when alignment of existing buildings is less than the applicable front yard requirement.

(Ord. 147, 8/11/2008, §1301)

§1303. Exemptions to Height Restriction. The height limitations of this Chapter shall not apply to church spires, belfries, cupolas, transmission towers, chimneys, smoke stacks, ventilators, HVAC, water towers, parapet walls less than six (6) feet in height, elevators, flagpoles or other appurtenances usually located above the roof of a building or structure and not intended for human occupancy. The total height of such structures shall be no greater than the smallest horizontal distance between any facade of the structure and the property line closest thereto, or ninety (90) feet whichever dimension is less except that communications towers, including antennas, may be constructed to a maximum height of one hundred and ninety-

five (195) feet. When authorized by the Zoning Hearing Board as a special exception, an increase in the maximum height limit may be permitted where it is demonstrated that the structure incorporates safety features, which, in the event the structure is toppled, will prevent it from falling beyond the boundaries of the property. Additionally, the granting of such exception is contingent upon adherence to other applicable Township Codes. (Ord. 147, 8/11/2008, §1302)

§1304. Prohibited Uses. No use shall be permitted that is noxious or offensive by reason of odor, dust, smoke, gas, vibration, illumination or noise or which constitutes a public hazard whether by fire, explosion or otherwise as defined in §1330. (Ord. 147, 8/11/2008, §1303)

§1305. Access, Highway Frontage and Interior Circulation. In order to minimize traffic congestion and hazard, control street access and encourage orderly development of street highway frontage, the following shall apply:

A. Unless clearly impractical, all lots in a residential subdivision shall have direct access only to a local access street as defined herein.

B. Where lots are created having frontage on existing arterial or collector roadways, as defined herein, any proposed subdivision street pattern shall provide reverse frontage to local access streets within the subdivision, and all such lots shall be provided with a minimum rear yard of seventy-five (75) feet from the street line of any principal arterial roadway, minor arterial roadway, major collector roadway, minor collector roadway, primary distributor roadway or secondary distributor roadway, as defined herein.

C. All lots radiating from a cul-de-sac shall have a minimum of fifty (50) feet frontage at the street right-of-way line except where otherwise approved as a condition of approval for single-family attached dwellings.

D. Private driveways shall be permitted only in accordance with the provisions of Chapter 21, "Streets and Sidewalks," Part 1, "Driveways," of the East Coventry Township Code of Ordinances.

E. All driveways, aisles, maneuvering spaces, vehicular service areas or spaces between or around buildings, other than those relating to a dwelling, shall be adequately illuminated according to the provisions of §427 of the Township Subdivision and Land Development Ordinance [Chapter 22].

F. No loading or service area shall be located within front yard setback areas in any of the Commercial or Industrial Districts, except that, where this restriction is clearly impractical, the Board of Supervisors may authorize loading or service areas therein as a conditional use.

G. In the case of a shopping center, industrial park, professional office park or similar groupings of buildings constructed as part of an integrated plan, and in any other use where practicable, there shall not be more than two (2) access ways to any public street or highway for each four hundred (400) feet of frontage except where more specifically regulated by other provisions herein. All parking, loading

(27, §1305(G), cont'd)

or service areas, used by motor vehicles shall be located entirely within the lot line of the property. All access ways to a public street or highway shall be located not less than two hundred (200) feet, measured centerline to centerline, from the intersection of any street lines. All access ways shall be designed to conform to PennDOT specifications with regard to State roads and the subdivision requirements of the Township for local roads.

H. The developer shall be responsible for the design, construction and installation, and the cost thereof, for any necessary traffic control devices and/or highway modifications required by the Township and/or PennDOT.

I. Interior drives shall be designed to prevent blockage of vehicles entering or leaving the site. Drives may be one-way or two-way. Areas designed for loading and unloading, refuse collection, fuel delivery, and other service vehicles shall be arranged as to prevent blocking or interfering with access ways, the use of automobile parking facilities or pedestrian ways, and shall have adequate turnaround surface so egress to the street is in a forward direction.

J. A multi-unit or single-family attached residential, institutional, religious, commercial, or industrial building shall not be located more than one hundred fifty (150) feet from an open, improved and accessible fire lane easement as defined herein and no more than six hundred (600) feet from a duly dedicated, accessible and improved approved public or private street.

K. Fire lane easements shall have a minimum unobstructed right-of-way width of forty (40) feet and a fire lane shall be constructed within this right-of-way consisting of an all-weather surfaced cartway with a minimum width of twenty (20) feet as approved by the Chief of the appropriate Fire Company and the Board of Supervisors. The extension of fire lane easements shall have a minimum unobstructed right-of-way width of forty (40) feet, and a fire lane shall be constructed within this right-of-way consisting of an all-weather surfaced cartway with a minimum width of twenty (20) feet, and shall begin from one (1) or more existing and improved public streets.

L. Fire easements that curve, turn or change direction shall have a minimum centerline radius of sixty (60) feet. Fire lane easements containing reverse curves shall have a minimum centerline tangent length of fifty (50) feet between curves.

M. Dead-end fire lane easements shall be terminated with an unobstructed vehicular turnaround or cul-de-sac with a minimum right-of-way radius of sixty (60) feet and shall have a minimum surfaced radius of thirty-five (35) feet. Dead-end fire lane easements shall have a maximum length of five hundred (500) feet. The location of fire lane easements shall be coordinated with the extension of streets, sanitary sewers, water mains, storm sewers, and other drainage facilities and public utilities as contained in this Chapter and other applicable Township Codes and shall provide adequate access to buildings by firemen or other emergency services.

(Ord. 147, 8/11/2008, §1304)

§1306. Parking Standards. No building or structure shall hereafter be constructed, enlarged or altered and no use or activity shall be conducted or expanded unless provision is made for off-street parking facilities, either within a structure or in the open, and with proper and safe access from a street, to adequately serve the uses within the district according to the provisions of this Section.

A. Location.

(1) All required parking shall be on the same lot as the principal buildings except when permitted by the Board of Supervisors, subject to the following conditions:

(a) The owners of two or more establishments shall submit with their application for special exception, a site plan showing joint use, agreement and location of a common off-street parking area.

(b) Some portion of the common off-street parking area shall lie within two hundred (200) feet of an entrance, regularly used by patrons, into the buildings served thereby.

(c) Limited on-street parallel parking may be allowed if the applicant can demonstrate to the satisfaction of the Board of Supervisors that such parking is justified and will not cause any vehicular safety issues. Such on-street parking shall be in addition to the minimum off-street parking requirements of the zoning district.

(2) Areas devoted to parking may occupy no more than fifty percent (50%) of any required front, side or rear yard, except in the case of single-family attached dwellings such areas devoted to parking may occupy no more than seventy-six percent (76%) of any required front yard. Where it can be demonstrated that the application of such standards are clearly impractical, the Board of Supervisors, upon recommendation of the Planning Commission, may authorize parking areas in excess of such standards.

(3) No parking lot for off-street parking or for the storage or movement of motor vehicles shall directly abut a public street and shall be separated from the street line by a minimum of five (5) feet.

B. Size.

(1) Parking spaces shall have an approved all-weather surface, shall have convenient access in all seasons and shall meet the following dimensional standards:

	Angle of Parking Row to Parking Aisle			
	30°	45°	60°	90°
Depth of Parking Row	18'	20'	21'	19'
Width of Parking Space	9'	9'	9'	9'
Width of Aisle	11' (1 way)	13' (1 way)	18' (1 way)	25' (1 or 2 way)

	Angle of Parking Row to Parking Aisle			
	30°	45°	60°	90°

Parallel parking spaces shall be a paved minimum of twenty-three (23) feet in length and nine (9) feet in width.

[Ord. 152]

(2) The Board of Supervisors may approve the use of continuous curbs as wheel stops in which case the length of the parking space may be two (2) feet less than otherwise required, provided that the parking lot layout allows for a vehicle to overhang the continuous curb by two (2) feet. The overhang area shall be clear of all obstructions and shall not be regarded as any required landscape area or pedestrian circulation space.

C. Access and Interior Drives.

(1) Interior drives shall be clearly marked and maintained by adequate painting, marking, curbing and signs so that operators of vehicles intending to patronize such parking areas shall not impede traffic as a result of any confusion as to location of entrances and exits and manner of reaching them.

(2) All parking lots shall be so divided by permanent raised perimeter curbing and/or planting strips that access lanes are clearly defined and that moving traffic will be confined to designated access lanes.

(3) Where possible driveways shall be so constructed as to permit vehicles to turn around on the lot so as to eliminate the necessity of backing either on or off the lot.

D. Design and Maintenance.

(1) General On-Site Circulation.

(a) There shall be an adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading space. Pedestrian circulation between buildings shall be designed to prevent the unnecessary exposure of pedestrians to vehicular traffic.

(b) Roads, pedestrian walks, bicycle facilities and open space shall be designed as integral components of the overall site design and shall be properly related to existing and proposed buildings and appropriately landscaped.

(c) Pedestrian walks, appropriate also for wheelchairs, shall be provided along the paths of the most intense use, particularly from building entrances to parking areas and adjacent buildings. Such walks shall have a minimum width of five (5) feet, shall be landscaped and paved and shall be paved and graded to meet ADA standards.

(d) The materials used in the design of paving, lighting fixtures, retaining walls, fences, curbs and benches shall be

of good appearance, easily maintained and appropriate to their function.

(e) Ramps, providing access from parking areas to buildings, shall be provided for persons with disabilities in accordance with the Americans with Disabilities Act.

(f) Parking areas shall be designed so that a vehicle within the parking area will not have to enter a street to gain access to another part of the parking area.

(g) Access ways, parking areas and loading areas shall have clearly defined parking bays and traffic circulation lanes designated by markings, curbs, barriers and/or landscaped islands. To assist in traffic channelization, raised islands shall be placed at the ends of parking bays so that the end of the bay adjacent to a driving aisle or ring road is clearly delineated. Such islands shall be designed and landscaped so as not to impair visibility needed for traffic flow and turning movements.

(h) The design of access and traffic control and of interior circulation shall, in all other respects, comply with the requirements of §1305.

(2) General On-Site Parking Design. Parking areas shall have a dust-free, all-weather surface that shall be paved unless otherwise approved by the Board of Supervisors. Where recommended by the Township Engineer and approved by the Board of Supervisors, specially designed brick or block should be considered to increase on-site water retention for plant material and groundwater supplies and to reduce problems associated with runoff.

(a) Parking areas shall have a minimum slope of one percent (1%) in any direction to provide for drainage and a maximum slope of five percent (5%) for convenience and stormwater management.

(b) All parking bays shall be marked by durable painted lines at a minimum of four (4) inches in width and extending the entire length of the parking space or by curbs or other means to clearly indicate individual spaces. Signs or markers located on the surface of the parking lot shall be used as necessary to assure efficient and safe traffic operation.

(c) Lighting shall be provided to illuminate any off-street parking spaces to be used at night. Lighting facilities shall comply, in all applicable respects, with the standards and requirements of §427 of the Subdivision and Land Development Ordinance [Chapter 22].

(d) Parking area landscaping and screening shall be provided in accordance with the provisions of §428 of the Subdivision and Land Development Ordinance [Chapter 22].

(e) Any person operating or owning a parking lot shall keep it free of dust and loose particles and shall promptly remove snow and ice from the surface. Such person shall also

keep all adjacent sidewalks free from dirt, ice, sleet and snow and shall keep sidewalks in a safe condition for use by pedestrians. All signs, markers or any other method use to indicate the direction of traffic movement and the location of parking spaces shall be maintained in a neat and legible condition. Any walls or landscaping as well as surfacing and curbing of the parking lot shall be maintained in good condition throughout their use. In the event that a parking area is improperly maintained, The Board of Supervisors shall have the authority to prohibit the use of the area for parking purposes unless and until the proper maintenance, repair or rehabilitation has been completed.

(3) Any parking for five (5) or more vehicles on a lot which abuts a residential district or a lot for residential purposes, whether single-family or multi-unit shall be screened from the adjacent property by a landscape screen the entire length of the parking lot, according to the requirements of §428 of the Subdivision and Land Development Ordinance [Chapter 22].

(4) Handicapped Parking. Handicapped parking spaces shall be provided pursuant to the requirements set forth in the Americans with Disabilities Act, as amended. [Ord. 152]

E. Minimum Off-Street Parking Space Requirement. The following shall be the minimum number of off-street parking spaces required for each land use, activity, building or structure permitted by this Chapter. When the determination of the number of off-street parking spaces results in the requirement of a fractional space, any fraction shall count as one (1) space. Parking spaces required on an employee basis shall be based upon the projected maximum number of employees on duty or residing, or both, on the premises at any one (1) time and include any overlap of employees due to a shift change:

Use	Parking Spaces Per 1,000 sq. ft. Gross Floor Area	Other Standards
Residential Uses		
Single-Family Detached or Semi-Detached, Mobile Homes	-	2.0 per DU
Single-Family Attached, Multi-Unit	-	2.0 per DU, plus 0.75 per DU visitor spaces All visitor parking spots are off-lot [Ord. 152]
Adult Community		
Single-Family Detached, Single-Family Attached	-	2.0 per DU
Two-Family and Multi-Unit		1.5 per DU
Visitor		15% of total DU requirement
Nonresidential Uses		As required by this Table

(27, §1306(E), cont'd)

Use	Parking Spaces Per 1,000 sq. ft. Gross Floor Area	Other Standards
Home Occupation	-	2 in addition to DU requirement, plus 1 per employee, 6 maximum total parking spaces
Industrial Uses		
Warehouse, Storage Establishment, Wholesaling, Manufacturing	0.5	Plus 5.0 spaces
Mini-warehouse/Self Storage	-	3.5 per 1,000 sq. ft. of office
Research and Development, Laboratories	3.0	-
Electric Utility Facility	-	1.0 per employee, greatest shift plus 10% for visitors
Office Uses		
General	3.0	1.0 per employee
Government	3.5	1.0 per employee
Medical	4.0	1.0 per employee
Bank/Financial	4.0	Plus 6.0 stacking per drive-in lane
Commercial Retail Uses		
General	4.0	-
Shopping Center	4.5	-
Furniture, Carpet	1.0	Plus 5.0 spaces
Roadside Stand	-	1.0 per 250 sq. ft. of sales/display

(27, §1306(E), cont'd)

Use	Parking Spaces Per 1,000 sq. ft. Gross Floor Area	Other Standards
Hardware, Home Improvement	4.0	-
Building Materials	2.0	Plus 5.0 spaces
Automobile, Truck, Boat, Mobile Dwelling Unit, Trailer, Outdoor Equipment, Motorcycle Sales	-	5.0 space minimum plus 1.0 per 1,000 sq. ft. of floor and ground area of sales, service, display, and/or storage
Laundromat	20.0	-
Convenience Store	5.0	gas sales calculated separately
Supermarket	4.0	-
Commercial Service Uses		
Personal Service Businesses	4.0	-
Funeral Homes	8.0	-
Fitness Center/Health Club	10.0	-
Restaurant	9.0	Plus parking for one quarter of outdoor seating area, plus 1.0 per employee, greatest shift
Restaurant, fast food/take-out	15.0	Plus 6.0 stacking spaces per drive through lane
Veterinary Services, pet grooming	3.5	-
Kennel	0.5	Plus 5.0 space minimum
Drive-In Facility	-	6.0 per drive-in lane
All Other	4.0	-
Commercial Auto Service		
General, including vehicle repair	1.5	Or 4.0 per bay, whichever greater
Carwash (single car, automatic bay)	2.0	Plus 6.0 stacking spaces per bay and 2.0 drying spaces per bay
Carwash (multiple car, automatic bay)	4.0	Plus 12.0 stacking spaces per bay and 2.0 drying spaces per bay
Carwash (self wash bay)	-	3.0 per bay

(27, §1306(E), cont'd)

Use	Parking Spaces Per 1,000 sq. ft. Gross Floor Area	Other Standards
Gas Station	-	1.0 per pump plus 6.0 stacking spaces per island
Commercial Lodging		
Hotel, Motel	-	1.0 per guest room and 1.0 per employee of greatest shift, plus required spaces for any other facility
Bed and Breakfast	-	1.0 per guest room, plus 2.0 per dwelling unit
Campground	-	1.0 per camp space plus 1.0 per employee per shift
Institutional Uses		
Place of Public Assembly, Church	-	1.0 per 3seats or 10.0 per 1,000 sq. ft. of assembly area, whichever greater
Club, Association (no food service)	6.0	-
Club, Association (with food service)	10.0	-
Fire Station	-	4.0 per vehicle bay plus 10.0 per 1,000 sq. ft. public assembly area
Library, Museum	3.5	Plus 7.5 per 1,000 sq. ft. public assembly area
Assisted Living Facility, Nursing Home	-	1 per 2 beds
Day Care, Kindergarten, Preschool and Elder Day Care	4	Plus 1 per teacher/care giver, plus bus stacking lane(s) as required by the Board of Supervisors
School, Elementary or Junior High	-	2.0 per classroom plus 7.5 per 1,000 sq. ft. public assembly
School, Senior High, Trade, Vocational, College, University	-	10.0 per classroom, plus 7.5 per 1,000 sq. ft. public assembly
Group Homes, Institutional, Monasteries, Convents	-	0.75 per bedroom
Rooming and Boarding Houses	-	1.25 per guest room
Police Station	4.0	-

(27, §1306(E), cont'd)

Use	Parking Spaces Per 1,000 sq. ft. Gross Floor Area	Other Standards
Post Office	5.0	-
Hospital, Sanitarium	-	1.0 per 3 beds, plus 1.0 per employee greatest shift
Outdoor Recreation and Amusement		
Camps, day or youth	-	0.66 per 1,000 sq. ft. of area
Golf Course	-	3.0 per hole
Golf Driving Range, Rifle Range	-	1.0 per station
Park, Playground	-	0.2 per 1,000 sq. ft. of area
Equestrian Facilities	-	1.0 per 4 stalls, plus 0.5 per 1,000 sq. ft. of riding area
Swimming Pool	-	1.0 per 200 sq. ft. of pool surface, plus 1 per employee, greatest shift
Tennis Courts	-	3.0 per court
Athletic Fields	-	15.0 per field plus 1.0 per 4 permanent seats
All Other Active Uses	-	0.75 per 1,000 sq. ft. of area
All Other Passive Uses	-	5.0 minimum plus 1.0 per acre (under 50 ac.) or 1.0 per 3 acres (over 50 ac.)
Indoor Recreation and Amusement		
Swimming Pool	-	1.0 per 200 sq. ft. of pool surface, plus 1 per employee, greatest shift
Indoor Court Games	-	3 per court
Community Center, Auditorium, Stadium, Gymnasium	-	1.0 per 4 permanent seats or 10.0 per 1,000 sq. ft. of public assembly, whichever greater
All Other	-	1.0 per 4 permanent seats or 10.0 per 1,000 sq. ft. of public assembly, whichever greater
Outdoor Commercial Recreation and Amusement		

(27, §1306(E), cont'd)

Use	Parking Spaces Per 1,000 sq. ft. Gross Floor Area	Other Standards
General	-	5.0 minimum plus 0.66 per 1,000 sq. ft. of area
Outdoor Court Games	-	3.0 per court plus 1.0 per 4 permanent seats
Miniature Golf Course	-	2.0 per hole plus 1 per employee of greatest shift
Outdoor Arenas	-	1.0 per 3 permanent seats
Country Club, Golf Club	-	4.0 per hole, plus ancillary use requirements
Indoor Commercial Recreation and Amusement		
General	6.0	-
Amusement Park	-	Determined by Township
Bowling Lanes, Pool Room	-	4.0 per lane, 2.0 per pool table
Skating Rink	-	1.0 per 1,000 sq. ft. of skating surface
Theater, Assembly Room	-	1.0 per 4 permanent seats or 10.0 per 1,000 sq. ft. public assembly area

Other Uses. The Board of Supervisors shall determine with which of the preceding categories of parking regulation any unlisted use shall comply or may designate a standard for a use that does not conform to the preceding categories.

F. Shared Parking. Up to fifty percent (50%) of the parking spaces required for a theater or other place of primarily evening entertainment, for a church, for multi-unit dwellings or for a school may be provided and use jointly by banks, offices, certain retail stores, repair shops, service establishments and similar uses which are not normally open, used or operated during evening hours (beyond normal business hours of 8 a.m. to 5 p.m.) if specifically approved by the Board of Supervisors; provided, however, that written agreement assuring the retention for such purpose shall be properly drawn and executed by the parties concerned and approved as to form and execution by the Township Solicitor. Such an agreement shall be filed and made part of the application for a building permit. Approval of such shared parking may be rescinded by the Board of Supervisors and additional parking obtained by the owners in the event that the Board of Supervisors determines that the joint use of parking facilities is resulting in a public nuisance or otherwise adversely affecting the public health, safety or welfare.

G. Parking Reserve Area. The number of parking spaces to be constructed may be up to twenty-five percent (25%) less than the number required herein only when the following conditions are met to the satisfaction of the Board of Supervisors:

(1) Evidence is submitted firmly documenting that the special nature of the proposed occupancy or use of the building requires less parking area or spaces than required by subsection (E).

(2) The land development plan submitted by the applicant indicates that the location and layout of that portion of the required parking or loading area deemed unnecessary at the time of the application can and will be constructed on the site, according to the requirements of this Section, during the first six (6) years following full development of the lot. If, at the end of the sixth year following the full development of the approved plan, the parking reserve area or any part thereof has not been developed as an additional parking area, the applicant or the then present landowner may petition the Board of Supervisors for permission to develop or otherwise utilize the parking reserve area in accordance with the provisions of this Chapter, if the Board of Supervisors determines that this parking or loading is not necessary to the interest of the public health, safety or welfare.

(3) In no event shall that authorized portion of the required parking area that is not to be constructed, but reserved for possible future use, be counted as open space or other non-paved area required by other provisions of this Chapter.

(4) The parking reserve area shall be designed so that any required minimum area of vegetative cover would be maintained in the event that the parking reserve area is subsequently developed.

(5) The parking reserve area shall be landscaped according to an approved plan under the provisions of §428 of the Township Subdivision and Land Development Ordinance [Chapter 22].

(6) The parking reserve area shall have no building, whether temporary or permanent, erected on it at any time.

H. Shopping Center Parking.

(1) Except as specified in subsection (2), below, a minimum of four and one-half (4 1/2) parking spaces shall be provided for each one thousand (1,000) square feet of gross floor area, or fraction thereof, within the proposed shopping center. In addition, a parking reserve area, consistent with the terms of subsection (G) shall be designed and shown on the plan, so that, if developed, it would yield a ratio of five (5) parking spaces for each one thousand (1,000) square feet of gross floor area. If, at the end of the sixth year following full development of the shopping center, the parking reserve area or any part thereof has not been developed as an additional parking area, the applicant or the then present landowner may petition the Board of Supervisors for permission to develop or otherwise utilize the parking reserve area in accordance with the provisions of this Chapter.

(2) Office Use in a Shopping Center. A minimum of three (3)

parking spaces shall be provided for each one thousand (1,000) square feet of gross floor area or fraction thereof devoted to office use. An initial reduction of up to twenty-five percent (25%) of this required parking area may be permitted by the Board of Supervisors, provided that sufficient land is reserved and properly identified as such to meet the requirements of this Section, should the Board of Supervisors subsequently deem it necessary in the interest of the public health, safety or welfare.

I. Special Exception or Conditional Use. For any use permitted by special exception or conditional use, it shall be the burden of the applicant to present evidence of the parking needs of the proposed use. The Zoning Hearing Board, in granting a special exception, or the Board of Supervisors in granting conditional use approval, may attach specific parking requirements that vary from the requirements of this Part where the Board of Supervisors makes a decision using the conditional use criteria set forth in §1403 or the Zoning Hearing Board uses the special exception criteria set forth in §1509.

(Ord. 147, 8/11/2008, §1305; as amended by Ord. 152, 12/8/2008, §1)

§1307. Off-Street Loading. Adequate space shall be provided to accommodate the loading and unloading of trucks, tractors and trailers servicing any commercial, industrial or large-scale residential or institutional use. Loading berth space that is utilized for the location of trash collection or compaction facilities shall be provided for and shall be in addition to the loading space requirements of this Section.

A. Area of Loading Berths or Spaces. A required off-street loading berth or space shall be a minimum of fourteen (14) feet in width and sixty-five (65) feet in length, exclusive of aisle and maneuver area and shall have a vertical clearance of a minimum of sixteen (16) feet.

B. Access to Loading Area. Each required off-street loading berth or space shall be afforded appropriate means of vehicular access to a street, highway or alley in a manner that shall least interfere with traffic movement.

C. Loading Area Surfacing. All open off-street loading areas shall be constructed with a compacted select gravel base and surfaced with an all-weather dustless material, suitably designed for the intended use to a standard approved by the Township Engineer.

D. Loading Area Screening. All loading berths or spaces and truck circulation areas that abut a residential district or residential use shall be set back a minimum of forty (40) feet therefrom, unless completely screened by walls, solid fence, landscaping or a combination thereof, not less than six (6) feet in height. In no case shall loading berths or spaces and circulation areas be closer than fifteen (15) feet to a residential district or use.

E. Number of Loading Berths or Spaces. Buildings or uses with commercial, industrial or storage uses that exceed six thousand (6,000) square feet of gross area shall be provided with a minimum of one (1) off-street loading berth or space.

F. Location of Loading Berths or Spaces and Loading Circulation Areas. All required loading areas including loading spaces and loading

circulation areas shall be located on the same lot as the use to be served and no portion of vehicles to be loaded or unloaded shall project into any traffic lane. Loading, unloading and their circulation areas shall not be located between the building setback line and the street line.

G. Repair and Service. No motor vehicle service work of any kind, nor motor vehicle repair work of any kind, except emergency work, shall be permitted within any required loading area.

H. Space Allowed. Space allowed to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements of any off-street parking facilities or portions thereof. Required off-street parking spaces shall not be used for loading and unloading purposes except during hours when business operations are suspended.

I. Special Exception or Conditional Use. For any use permitted by special exception or conditional use, it shall be the burden of the applicant to present evidence of the loading needs of the proposed use. The Zoning Hearing Board, in granting a special exception, or the Board of Supervisors in granting conditional use approval, may attach specific loading requirements that vary from the requirements of this Part where the Board of Supervisors makes a decision using the conditional use criteria set forth in §1403 or the Zoning Hearing Board uses the special exception criteria set forth in §1509.

(Ord. 147, 8/11/2008, §1306)

§1308. Traffic Impact Study Requirements. The Board of Supervisors shall require a traffic impact study, consistent with acceptable standards, as proposed by the applicant and approved by the Board of Supervisors, for any proposed residential development in the Township which contains ten (10) or more proposed dwelling units, and may require a traffic impact study for any proposed nonresidential development. The traffic impact study shall conform to the requirements of §306(3)(D) of the Subdivision and Land Development Ordinance [Chapter 22]. (Ord. 147, 8/11/2008, §1307)

§1309. Landscape Screens.

1. Landscape screens or buffer plantings are required under the following circumstances:

A. Where any nonresidential use, excluding agricultural uses and uses accessory to single-family residential uses, abuts any residential use, or abuts any land in any residential zoning district.

B. Where any mobile home park abuts any other residential use, or any land in any residential zoning district.

C. Where any multi-unit use abuts any other residential use or any land in any residential zoning district.

D. Where required by the Zoning Hearing Board or where stipulated as a condition of conditional use approval by Board of Supervisors.

E. Where otherwise required by this Chapter or §428 of the Township Subdivision and Land Development Ordinance [Chapter 22].

2. Required screens shall consist of opaque fences or walls, vegetative plantings, landscaped berms or any combination thereof, providing

a year round visual screen, but in no case shall a screen interfere with motorists' visibility. Design of screens and selection of plant materials to be used shall be in accordance with the provisions of §1310, herein, and §428 of the Township Subdivision and Land Development Ordinance [Chapter 22] and shall be subject to review and approval by the Board of Supervisors.

(Ord. 147, 8/11/2008, §1308)

§1310. Landscape Design, Installation, and Maintenance Standards.

1. All required landscaping and screening shall be installed and maintained in accordance with a landscape plan as required by §428 of the Subdivision and Land Development Ordinance [Chapter 22]. The landscape plan shall depict all proposed plantings required to compliment, screen or accentuate building, roads, parking areas, sidewalks, walkways, sitting areas, service or maintenance structures, courtyards, and other site features and/or structures. Plant sizes, spacing and types shall be in accordance with §428 of the Subdivision and Land Development Ordinance [Chapter 22].

2. All required landscape plans shall be submitted at the time when all other required applications and/or plans are submitted (i.e., preliminary land development plan submission, conditional use approval application, etc.). Plans shall be based on and reflect the following objectives:

A. A design that is responsive to the functional and aesthetic characteristics of the tract or lot, and existing and proposed principle and accessory buildings and other structures.

B. A design that respects/incorporates existing topography, landscape, and other natural features such as hedgerows and woodlands.

C. A design that demonstrates an effective proposal for screening the proposed use or activity from the adjoining properties.

D. A design that creates visual interest for the users and/or residents of the proposed project, and enhances views.

E. A design that promotes effective management of stormwater to minimize soil erosion and sedimentation and creates opportunities for infiltration to the groundwater system.

F. The use of plant material which is: acclimated to local conditions; located and spaced to achieve required screening, compatible groupings and other effective purposes; and not injurious of persons or pedestrians and vehicular circulation.

Plans accompanying conditional use applications may be conceptual in nature but shall demonstrate the ability to achieve the above objectives.

3. Applicability. Except for individual lots existing at the time of adoption of this Section and occupied or intended to be occupied by single-family detached dwellings, the requirements of this Section shall apply to the following situations:

A. Screening. Any activities for which a landscape buffer or screening is required by this Chapter, or would be imposed by the Zoning Hearing Board as a special exception or by the Board of Supervisors for a conditional use approval.

B. Perimeter Buffer.

(1) Except as provided in subsection (3)(B)(2), below, the entire perimeter of any tract undergoing development shall be provided with a minimum twenty (20) foot wide planting strip which will act as a landscape screen separating uses. The planting strip may be included in private yard space or common open space or a combination thereof, and shall be designed and installed in compliance with the requirements of this Section.

(2) The Board of Supervisors may reduce the perimeter buffer requirement where any tract abuts similar uses such that the Board of Supervisors determines that screening is not necessary or where the applicant can demonstrate to the satisfaction of the Board of Supervisors that existing vegetation, structural and/or topographic conditions will conceal, on a year-round basis, development from view from adjacent tracts.

(3) Any part or portion of a lot or tract which is not occupied by buildings nor used for loading and parking spaces and aisles, sidewalks and designated storage areas shall be left in its natural state or shall be landscaped according to an overall landscape plan, prepared and approved as part of the development plan. A replacement program for non-surviving plants shall be included.

(4) All mechanical equipment not enclosed in a structure shall be fully and completely screened from view from any point in a manner compatible with the architectural and landscaping style of the remainder of the lot. Such screening shall be subject to site plan and architectural review by the Township.

(5) Water towers, storage tanks, processing equipment, fans, HVAC, skylights, cooling towers, vents and any other structures or equipment which rise above the crest of the roof line shall be architecturally compatible or effectively shielded from view from any dedicated street by an architecturally sound method, such as a parapet wall not to exceed six (6) feet in height, which shall be approved, in writing, by the Township before construction or erection of said structures or equipment.

(6) Landscaping shall be required within any parking area subject to the provisions of §428 of the Subdivision and Land Development Ordinance [Chapter 22].

4. Minimum Planting Standards. All required landscaping shall meet the minimum planting standards, criteria for selection of plant material, and design standards of §428(6) of the Subdivision and Land Development Ordinance [Chapter 22].

5. Landscape Design Standards.

A. All required landscaping shall meet the minimum landscape design standards of §428(8) of the Subdivision and Land Development Ordinance [Chapter 22], unless waived by the Board of Supervisors.

B. Street Trees. All required street trees shall meet the minimum shade tree and screen planting design standards of §420 of the Subdivision and Land Development Ordinance [Chapter 22], unless waived by the Board of Supervisors.

C. Berms.

(1) Landscaped berms shall be provided to screen from public view outdoor storage areas, parking areas, including truck and heavy equipment parking areas, storage and loading areas, trash dumpsters, and other permitted activities conducted outside of commercial, institutional and industrial buildings. Landscaped berms shall also be required for nonresidential subdivisions or land developments that adjoin any residential zoning district or existing residential use.

(2) Where required to screen outdoor activities, berms shall be low-profile and appropriately landscaped to a landscape screen a minimum of six (6) feet in height (not including plantings) measured from the crown of the adjoining public street.

(3) Where required to screen nonresidential uses from residential uses, landscaping shall be provided on both sides of the berms and shall be subject to the review and approval of the Township.

(4) Side slopes shall not exceed a three to one (3:1) ratio and berms shall be designed to blend adjoining topographic and landscape conditions.

(Ord. 147, 8/11/2008, §1309)

§1311. Minimum Habitable Floor Areas. The minimum habitable floor area of all dwellings shall be six hundred (600) square feet. (Ord. 147, 8/11/2008, §1310)

§1312. Conversion of Buildings or Dwellings.

1. An existing conforming nonresidential use of a building or other structure may be converted to another use permitted in the zoning district in which the building or other structure is located provided that if the building or other structure is located in a residential zoning district (including, but not limited to, the FR District), such conversion shall not cause a mixture of residential and nonresidential uses within the building or structure. All other standards and requirements of this Chapter shall be applicable.

2. A single-family detached dwelling, existing prior to the effective date of this Chapter may be converted into and used as a two-family dwelling or multi-unit dwelling when authorized as a special exception; and, provided that:

A. The plans for the conversion of single-family detached dwellings, where two (2) or more families are to be housed above the ground floor, shall be submitted to the Zoning Hearing Board accompanied by a certificate of approval by the Pennsylvania Department of Labor and Industry or such other governmental entity having jurisdiction of the subject matter of the conversion.

B. Such plans shall provide adequate and suitable off-street parking or storage space, at a safe distance from any street, for a minimum of two (2) vehicles per family, each parking space providing

direct access to street without requiring the movement of one (1) vehicle to afford access by the other vehicle.

C. Such dwelling shall be subject to the area, bulk and dimensional requirements of the zoning district within which the dwelling is located, except that there shall be a lot area not less than the product of the minimum lot area required in the zoning district times the number of families to be housed in the converted dwelling.

D. There shall be no external alterations of the dwelling except as may be necessary for reasons of safety and fire escapes. Outside stairways, where practicable, shall be located to the rear of the dwelling.

E. Each new dwelling unit shall have separate water supply and sanitary sewage disposal facilities, which may be provided by a new connection to existing systems provided that such existing systems are adequate and approved to serve the existing dwelling plus the new dwelling units.

(Ord. 147, 8/11/2008, §1311)

§1313. Swimming Pools. All swimming pools, whether above or below ground, shall be enclosed with a wall of a building or a fence or wall not less than four (4) feet in height and all gates, permitting access to swimming pools, shall be equipped with a key-operated locking device and shall be closed and locked at all times when the pool is not in use. Where a swimming pool is four (4) or more feet in height above ground, such fence or wall shall not be required if all approaches to the steps leading to such raised pool are thoroughly barricaded in an approved manner by a fence or gate which gate shall be equipped with a key-operated locking device and shall be locked at all times when the pool is not in use. (Ord. 147, 8/11/2008, §1312)

§1314. Sign Regulations.

1. Purpose. The intent of this Section is to provide standards for the regulation of signs as accessory uses within the various zoning districts of East Coventry Township, to protect the public health, safety and general welfare, and to prohibit the erection of signs in such numbers, sizes, designs and locations as may create a hazard to pedestrians and motorists. [Ord. 153]

2. General Regulations.

A. Any sign hereafter erected in East Coventry Township which is exposed to public view shall conform with the provisions of this Chapter and any other ordinance or regulation of East Coventry Township or the county, State or Federal government relating to the erection, alteration, or maintenance of signs. In the event of conflicting regulations, the most restrictive regulation shall prevail.

B. No sign, other than exempt signs, shall be erected without first obtaining a sign permit from the Zoning Officer. Permit applications for signs larger than two (2) square feet in area shall be accompanied by a plan, drawn to scale, showing details of the sign, its size and location on the building and/or lot. Permits for window signs and changeable copy signs shall be valid as long as there is no change

in the area, location and type of such signs which have been authorized by permit. Fees for sign permits shall be paid in accordance with a fee schedule adopted by the Board of Supervisors. All applications for sign permits shall be accompanied by the property owner's written consent, if the property owner is not the owner of the sign.

C. Before any permit will be issued for any sign erected and/or projecting over property used by the public, a certificate of insurance or an indemnity bond shall be posted with the Township by the owner of the sign and shall be maintained by the owner for and during all times that the sign is erected and/or projects over property used by the public. The amount of the certificate of insurance or bond shall be established from time to time by resolution of the Board of Supervisors and shall be payable to the Township. The form of the certificate or bond shall be satisfactory to the Township Solicitor.

D. Any sign deemed by the Zoning Officer to be illegal or without a permit shall be removed within three (3) days of written notification by the Zoning Officer. Any reoccurrence of a similar infraction on the premises by the owner or lessee shall be in violation of this Chapter and shall be punishable under Part 18 of this Chapter.

E. All signs shall be kept in a proper state of repair, in accordance with the requirements of the Township's Building Code [Chapter 5, Part 1, §101], Property Maintenance Code [Chapter 5, Part 1, §103], and any other pertinent regulations, and will be subject to annual inspection. Signs which fall into such a state of disrepair, or pose a threat to public safety, or are illegal shall be removed by the Township fifteen (15) days following notice by certified mail to the owner of record and the Township shall have the right to recover from said owner the full costs of the removal and disposal of such signs.

F. No sign other than traffic or similar official signs shall be erected within or project over the right-of-way, or easement, of any public street or sidewalk, except as modified by the Zoning Officer when conditions exist which allow a modification of this standard.

G. No sign shall be erected that is of such character, form, shape or color that it imitates or resembles any official traffic sign, signal or device, or that has characteristics which are likely to confuse or dangerously distract the attention of the operator of a motor vehicle on a public street.

H. No sign shall be erected at the intersection of any streets within a triangular area formed by the centerlines of the intersecting streets at a distance along such centerlines of seventy-five (75) feet from the point of intersection and the diagonal line connecting the endpoints of said lines. In no case shall any sign be so erected that it impedes the vision of motorists or pedestrians, or otherwise endangers their safety.

I. No sign shall be illuminated except by internal illumination or by concealed indirect lighting. Any illumination of signs in any district shall be so shielded that the source of light shall not be visible from any point off the lot on which the sign being illuminated is erected, and so that only the sign is illuminated thereby.

J. No sign shall be erected on any property containing information which states or implies that such property may be used for any purpose not permitted under the provisions of the zoning district in which the property to which the sign related is located.

K. No sign, except an off-site directional sign, shall be erected on any premises except as may be related to a lawful principal use or permitted accessory use on the premises.

L. All distances provided for in this Part shall be measured along straight lines between signs and from the near edge to the near edge of the sign or sign structure.

M. No sign shall be placed on any tree, telegraph, electric light, or public utility pole, or upon rocks or other natural features. “No hunting,” “no trespassing” and “private property” signs, not exceeding one and one-half (1 1/2) square feet in area and placed on trees, telegraph, electric light or public utility poles at intervals not less than fifty (50) feet shall be exempt.

N. The total area of all window signs, unless further restricted by district regulations, shall not exceed twenty-five percent (25%) of the glass area of the window in which placed.

N. No roof signs shall be allowed, and no sign shall project above the main cornice line of the building to which a sign is affixed.

O. Time and temperature signs shall be allowed in any district in which commercial or industrial uses are permitted, provided that they do not encompass more than twenty percent (20%) of the allowable area for the type of sign on which they are placed.

3. Freestanding Signs. Freestanding signs, except for directional signs or identification signs, shall comply with the following:

A. Freestanding signs shall be allowed only in a front yard outside of the street right-of-way. In no case shall a freestanding sign be placed within a street right-of-way.

B. For the purpose of computing the area of a freestanding double-faced sign, only one side shall be considered provided that both faces are identical. For V-type double-faced signs, the interior angle of which exceeds forty-five (45) degrees, both faces shall be considered in the computation of the sign area.

C. A freestanding sign and a projecting sign shall not be utilized together to identify the same establishment on the same street frontage; provided, however, that a freestanding identification sign for a shopping center or a planned office or industrial park may be used in conjunction with projecting identification signs for individual uses; provided, further, that the projecting signs do not exceed four (4) square feet in area.

4. Wall Signs.

A. Wall signs placed parallel to, and affixed directly upon, the facade of a structure shall not extend more than eighteen (18) inches beyond the plane of the wall to which they are attached.

B. Wall signs shall be allowed only on building sides containing entrances available to the general public.

C. Wall signs shall be allowed only for establishments with street level frontage of at least twenty (20) feet, except in the case of an establishment located on upper stories and occupying at least eighty percent (80%) of the total floor area of the building.

D. The area of all wall signs shall be determined by the signable facade area of the portion of the building to which it is attached, as herein defined.

E. Not more than one wall sign shall be allowed for each establishment with less than one hundred (100) linear feet of frontage on the building side to which it is attached. Additional wall signs shall be allowed for each additional one hundred (100) linear feet of frontage on the building side to which it is attached, up to a maximum of three (3) such wall signs. However, where multiple signs are used on a single building side, the area of the primary identification sign shall be not less than three (3) times larger than the area of the secondary signs, and the total area of all signs on a single building side shall not exceed the area of wall signs allowed herein.

5. Projecting Signs. Projecting signs, when allowed, shall comply with the following regulations:

A. No sign shall project more than four (4) feet from the face of the building.

B. No part of the sign shall be less than eight (8) nor more than twelve (12) feet above ground or walkway level.

C. Not more than one (1) projecting sign per establishment per street frontage shall be allowed.

D. No projecting sign shall be allowed within twenty-five (25) feet of another.

6. Changeable Copy and Marquee Signs. Changeable copy and marquee signs shall be allowed only as a conditional use subject to the following standards:

A. The need for the changeable copy or marquee sign as demonstrated by the public’s need to be apprised of special events, attractions, or similar time-related notices, provided that a changeable copy shall not be used to advertise merchandise or special sales events except prices of certain products, such as gasoline prices, which change at least on a monthly basis and notice of which is customarily provided to the passing general public.

B. All such signs shall be permanently affixed to the ground or to a structure.

C. Copy, on changeable copy signs, may be changed electronically or by means of moveable lettering. Electronically controlled signs, as defined in Part 2, herein, shall be allowed subject to the provisions of subsection (6)(L).

D. Changeable copy signs may not be located in any residential zoning district, except that changeable copy signs for churches, as defined in Part 2, herein, shall be allowed in residential districts, subject to the provisions of this Section.

E. Changeable copy signs may be freestanding signs, marquee signs, or canopy signs.

F. No more than one (1) changeable copy sign shall be allowed per use.

G. The sign area of a changeable copy sign shall be included in the total permissible sign area for a freestanding, marquee, or canopy sign, as the case may be.

H. No marquee sign shall project more than four (4) feet from the face of the building.

I. No part of the marquee sign shall be less than eight (8) feet or more than twelve (12) feet above ground or walkway level.

J. Not more than one (1) marquee sign per establishment shall be allowed.

K. No marquee sign shall be allowed within three hundred (300) feet of another.

L. Changeable copy electronically controlled signs shall be subject to all of the applicable provisions of this Section and the following design standards:

(1) The changeable copy electronically controlled portion of a sign shall comprise no more than thirty percent (30%) of the allowable sign area.

(2) Changeable copy electronically controlled signs shall be limited to one earth tone color, as defined in §202 of this Chapter, and the color red shall not be permitted.

(3) Changeable copy electronically controlled signs shall be located a minimum of two hundred and fifty (250) feet from any residential structure.

(4) The message on changeable copy electronically controlled signs shall remain static for one (1) continuous twenty-four (24) hour period and, when changed, such change shall be instantaneous.

(5) The message on changeable copy electronically controlled signs shall not blink, flicker, flash, scintillate or animate.

(6) Changeable copy electronically controlled signs shall be automatically controlled by a dimmer to reduce the level of lighting from sunset to 10:00 p.m. at which time, such sign shall be extinguished until dawn.

7. Canopy Signs.

A. Canopy signs are only allowed in conjunction with gasoline service stations and similar commercial uses where the canopy is required to provide cover and protection for outdoor equipment and service areas.

B. No more than one (1) canopy sign shall be allowed per canopy face and no more than two (2) such signs per canopy shall be allowed.

C. No part of the canopy sign shall be less than twelve (12) feet or more than twenty (20) feet above ground level.

D. A canopy sign may not encroach in the respective district's minimum required yard area.

E. The area of a canopy sign shall not exceed twenty percent (20%) of the area of the canopy face or fifty (50) square feet, whichever is less.

8. Awning Signs.

A. Awning signs may not be used in conjunction with wall signs.

B. Awnings and awning signs may not be illuminated internally.

C. Signs on awnings may only occur on the vertical hang of the awning, which is generally parallel with the building frontage. In the case of a curved awning, the sign shall occur in the lower half of the awning.

D. The area of an awning sign shall not exceed twenty percent (20%) of the entire portion of the building covered by the awning in its extended position and in no case shall be larger than the area otherwise allowed for wall signs.

E. No part of the awning shall be less than eight (8) feet above ground or walkway level.

9. Directory Signs.

A. Directory signs shall be located within the site or complex so as to allow motorists to leave the flow of traffic and safely read the directory, or, shall be placed at the main entrance to a building.

B. No more than one (1) directory sign per entrance driveway, street intersection or main entrance to a building shall be allowed.

C. Directory signs shall not exceed twelve (12) square feet in sign area.

D. Freestanding directory signs shall not exceed five (5) feet in height.

10. Billboards. Billboards, or outdoor advertising signs, shall only be allowed in the LI Limited Industrial District when approved as a special exception by the Zoning Hearing Board, provided that such signs do not exceed ten (10) feet in height and forty (40) feet in length and are located no closer than three hundred (300) feet to a street right-of-way.

11. Prohibited Signs. Any sign that is not allowed by the provisions of this Chapter is hereby prohibited, with the following signs specifically prohibited:

A. Mobile signs, bench signs, vehicle signs, permanent sidewalk, sandwich, or "A" frame signs, animated signs other than time and temperature signs, or signs that emit smoke, vapor, or noise.

B. Signs which flash, move, rotate, oscillate, or which outline the roof lines, doors, windows, or wall edges by illuminated tubing or strings of light for advertising purposes.

C. Pennants, streamers or similar devices constructed of cloth, light fabric, plastic, cardboard or other like material, or whirling or similar lighting devices or searchlights displayed for the purposes of

(27, §1314(11)(C), cont'd)

attracting the attention of pedestrians and motorists outside a building, except as specifically permitted elsewhere.

D. Any sign so erected, constructed, or maintained as to obstruct any fire escape, window, door or other opening, used as a means of ingress or egress.

E. Inflatable balloons and similar devices intended to attract attention.

F. Off-premise signs, other than allowed billboards.

G. Signs which interfere with sight distances at any location.

12. Exempted Signs. The following signs, and no other, are exempt from the need to secure sign permits:

A. Decorations for a recognized officially designated holiday provided they do not create a traffic or fire hazard, and provided that provision is made for their removal within thirty (30) days after the holiday.

B. Official municipal, County, State or Federal governmental signs.

C. Historic of memorial markers when approved by the Board of Supervisors upon recommendation from the Historical Commission and when not more than six (6) square feet in area.

D. Change in the copy of a changeable copy sign or marquee sign, once a permit for that sign has been issued.

E. Political signs provided that they are not more than eight (8) square feet in area. Political signs shall be allowed within forty (40) days prior to any municipal, county, State or national election or referendum and shall be removed within twenty (20) days after the election or referendum. No political signs shall be allowed within any street legal right-of-way. No political signs shall be permitted on private property without the consent of the owner or other person in control of the property. [Ord. 153]

F. Signs advertising meeting times and places of nonprofit service, government, religious, educational, charitable clubs or organization may be erected and maintained, provided that such signs do not significantly advertise any commercial establishment, activity, organization, product, goods or services except those of public utilities and provided that the purpose of such signs are for the public notification of a health, safety or welfare concern.

G. Street number designations, names on mailboxes or residences, postal boxes, "private property," "no hunting," "no trespassing," onsite directional and parking signs and warning signs are allowed in all zoning districts but are not considered in calculating sign area. No such signs shall exceed one and one-half (1 1/2) square feet.

H. Temporary Yard or Garage Sale Signs. Such signs may not exceed four (4) square feet in area and three (3) feet in height and shall not be located within the clear sight triangle pursuant to §1318, herein. One (1) sign for each street frontage shall be allowed on the premises where the sale is to be conducted and two (2) off-premises signs of the same size shall be allowed for a period not to exceed two

(2) consecutive days prior to the sale. Signs shall be removed within forty-eight (48) hours of the close of the sale.

I. Temporary real estate signs on the lot on which the real estate for rent, lease or sale is located. Said sign shall not be larger than six (6) square feet nor more than four (4) feet high. They must be removed within seven (7) days of the sale, rental, or lease of the premises to which the sign relates.

J. Temporary signs announcing an event sponsored by a nonprofit organization, provided that each sign is no greater than six (6) square feet and no higher than four (4) feet, and that such signs are only erected within fourteen (14) days prior to the event and removed within three (3) days after the event.

K. Emergency warning signs erected by a public utility, a pipeline company or contractor doing such work authorized or permitted by such utility or company. Such signs may be illuminated.

L. Flags of the United States, the States, county or municipality, foreign nations having diplomatic relations with the United States, and any other flag adopted and sanctioned by an elected legislative body of competent jurisdiction, provided that such flag shall not exceed sixty (60) square feet in area and shall not be flown from a pole that exceeds thirty-five (35) feet in height. Other flags shall be considered freestanding signs and shall be governed by such regulations that may apply in the zoning district in which such flag is located. Flags may be illuminated.

M. Residential freestanding signs provided that the size of the sign does not exceed four (4) square feet in area and four (4) feet in height. Such signs shall not be allowed within any street right-of-way.

N. Temporary signs of contractors, mechanics, painters, paperhangers and/or artisans, on the lot on which the contracting work is being performed. Said signs may not be larger than six (6) square feet nor more than four (4) feet high and must be removed within ninety (90) days of placement. [Ord. 152]

13. Temporary Signs. Temporary signs announcing the temporary, lawful sale of products, goods and/or services, or special events shall be allowed subject to the following requirements:

A. Advertising signs for special events, including banners or displays on private property within nonresidential zoning district constructed of cloth, light fabric or similar materials when approved by the Zoning Officer, for a period of not more than thirty (30) cumulative days in any one (1) calendar year. Such signs, when added to the sign area of any other temporary signs on the premises, shall not accumulate in size to exceed the sign area allowed for permanent signs within the district where located or be in a position or of a color that presents a hazard to pedestrians or motorists.

14. Signs in Residential Districts. In all residential zoning districts, signs are allowed for the following purposes only, and only under the following conditions:

A. General Provisions.

(27, §1314(14)(A), cont'd)

(1) A free-standing sign shall not exceed five (5) feet in height, except as allowed below.

(2) Only the following signs may be illuminated and then only in such a manner that the source of light shall not be visible from the street or from any normal vantage point:

(a) An identification sign of establishments whose services in an emergency are considered essential to public health, safety and welfare.

(b) An identification sign of a school, church, club, multi-unit housing development, or other allowed nonresidential use provided that said sign is illuminated only between the hours of sunset and midnight, prevailing time.

B. Signs for Residential Uses.

(1) Signs identifying a home occupation, or use accessory to a dwelling provided that such signs whether erected as wall signs or freestanding signs do not exceed two (2) square feet in total area and that not more than one (1) such sign is erected on, adjacent to, or facing each street frontage of any property in single or separate ownership, and that such sign is located on the same property as the use to which it relates.

(2) Signs identifying a residential major subdivision provided that one (1) such sign is allowed per each street frontage where the development has proposed a new street accessing an existing street. Only freestanding signs are allowed and they may be no greater in size than twenty-four (24) square feet, and no higher than five (5) feet.

(c) Signs identifying a multi-unit housing or adult community development; school, college, church, hospital, continuing care facility, municipal building, cemetery, club or other permitted use other than a dwelling or a use accessory to a dwelling provided that such signs, whether erected as wall signs or freestanding signs, do not exceed a total area along any one (1) street equal to one (1) square foot for every ten (10) lineal feet of street frontage or twenty-four (24) square feet, whichever is less.

C. Directional Signs on Premises.

(1) Directional signs may be erected only in conjunction with a real estate development, school, college, church, hospital, continuing care facility, municipal building, cemetery, farm, club or other use other than a dwelling or use accessory to a dwelling, and may be erected only on the lot to which it relates.

(2) No directional sign may exceed two (2) square feet in area and three (3) feet in height and shall not be located within a clear site triangle.

D. Directional Signs, Off-Premises. Off-premises directional signs may be erected only in conjunction with the uses listed in subsection (14)(C)(1), above, and shall not exceed two (2) square feet in area and three (3) feet in height. In addition such off-premises directional signs shall be limited to two (2), and shall be located near

the two (2) nearest street intersections provided that such signs are not located within a clear site triangle.

E. Temporary Project Development Signs. Temporary project development signs shall be allowed where final approval of a major subdivision or major site plan has been granted by the Board of Supervisors and which indicate the name of the development, developer, financier, or major contractor; provided that no more than one (1) sign per development is erected and the sign area does not exceed twenty-four (24) square feet in area and six (6) feet in height. All such signs shall be removed within fourteen (14) days of the issuance of a certificate of occupancy that permits the occupation of a building in the case of a permitted nonresidential development, or when fifty percent (50%) of the dwelling units in a residential development have been issued certificates of occupancy.

15. Signs in Commercial Districts. In the Commercial District signs are allowed for the following purposes only, and only under the following conditions:

A. General Provisions.

(1) No freestanding sign may exceed six (6) feet in height.

(2) No freestanding sign may be erected within the side yard required in the district in which it is located.

B. Business Identification Signs.

(1) Freestanding Signs.

(a) One (1) freestanding sign may be erected for each street frontage that contains at least three hundred (300) feet of street frontage and direct vehicular access from the street.

(b) In no case shall the total area of all such signs on any single sign pylon exceed forty (40) square feet.

(2) Wall Signs.

(a) The total area of all wall signs placed on or facing any one (1) street frontage on any lot shall not exceed twenty percent (20%) of the signable façade area of the ground floor of the portion of the building which it occupies or thirty-two (32) square feet, whichever is less.

(b) Each establishment with a direct entrance to the outside shall be entitled to a wall sign provided it does not exceed the area requirement above.

(c) Multiple uses without direct outside entrance may be identified by means of a common directory sign, not to exceed twelve (12) square feet.

(3) Projecting Signs. The total area of all projecting signs used to identify a single commercial use or establishment shall not exceed four (4) square feet.

(4) Marquee signs, as controlled by the general regulations.

(5) Awning signs, as controlled by the general regulations.

(6) Canopy signs, as controlled by the general regulations.

(7) Changeable copy signs, as controlled by the general regulations.

C. Signs for a permitted residential use shall be subject to the provisions of subsection (14)(B).

D. Directional signs shall contain no advertising and may be erected only upon the lot to which it relates. Directional signs shall not exceed four (4) square feet in area.

16. Signs in the Industrial District. In the Industrial District signs are allowed for the following purposes only, and only under the following conditions:

A. General Provisions.

(1) No freestanding sign shall exceed six (6) feet in height.

(2) No freestanding sign may be erected within the side yard required in the district in which it is located.

B. Identification Signs.

(1) Freestanding Signs.

(a) One (1) freestanding identification sign shall be allowed for each lot which has three hundred (300) feet or more of frontage on a public street. The maximum allowed sign background area shall be twenty-four (24) square feet.

(b) In the case of a complex of three (3) or more office buildings constructed, operated and identified as a unified project, one (1) freestanding identification sign shall be allowed for the total complex which has three hundred (300) feet or more of frontage on a public street; and, provided further, that the street offers direct vehicular access to the development. The maximum allowed sign area of the identification shall be thirty-two (32) square feet.

(c) Wall signs identifying the building or user of the building upon which it is placed, provided that no more than one (1) such sign is placed upon any building facade and that the total area of any such sign shall not exceed twenty percent (20%) of the signable facade area or twenty (20) square feet, whichever is less.

C. Directional Signs. Directional signs shall contain no advertising and may be erected only upon the lot to which it relates. No directional sign shall exceed two (2) square feet in area and three (3) feet in height.

17. Temporary Signs in Nonresidential Districts.

A. Project Development Signs. Project development signs shall be allowed where final approval of a major site plan or major subdivision has been granted by the Board of Supervisors and which indicates the name of the development, developer, financier, or major contractor; provided, that no more than one (1) sign per street frontage is erected

and the sign area does not exceed thirty-two (32) square feet and six (6) feet in height. All such signs shall be removed within fourteen (14) days of the issuance of a certificate of occupancy that permits the occupation of a building in the case of a nonresidential development, or when fifty percent (50%) of the dwelling units in a residential development have been issued certificates of occupancy.

B. Grand Opening Signs. Grand opening signs may be wall signs, freestanding signs, or banners, and are allowed provided that:

(1) Such signs are removed within thirty (30) days of the initial opening of the business or a change in the ownership of the premises on which the sign is located.

(2) Such signs shall not exceed the total sign area allowed on the premises for permanent signs. Such signs shall be allowed in addition to any permanent signage allowed. For the purposes of this subsection, the total sign area of banners shall not exceed that allowed for wall signs.

C. Special Sale Signs. Special sale signs may be wall signs or banners, and are allowed; provided, that:

(1) Such signs are allowed for two (2) thirty (30) day periods within a calendar year upon issuance of a permit.

(2) Such signs shall not exceed the total sign area allowed on the premises for permanent signs. Such signs shall be allowed in addition to any permanent signage allowed. For the purpose of this subsection, the total sign area of banners shall not exceed that allowed for wall signs.

18. Signs in Any Zoning District. Notwithstanding any provision of this Section to the contrary, the following types of signs shall be permitted within any zoning district, in addition to such other signs as may be allowed in any zoning district by other provisions of this Section:

A. Temporary off-premises directional signs, for the sole purpose of directing vehicles and/or pedestrians to a property in the Township on which agricultural products are offered for sale, in accordance with and subject to all the following:

(1) For the purposes of this subsection (18)(A), the definitions or agricultural products and subject property as provided in Part 2 of this Chapter shall apply.

(2) Not more than six (6) temporary off-premises directional signs, for each subject property, may be erected in the Township at any one (1) time.

(3) The location of each temporary off-premises directional sign must be approved by the Zoning Officer in advance of the issuance of the permit for each sign and the erection thereof. Notwithstanding the foregoing, in no event shall any such temporary sign be (a) attached to a utility pole, an off-site building, or a tree or other natural feature, (b) located within any street line, or (c) otherwise located so as to obstruct pedestrian or vehicular traffic.

(4) Each temporary off-premises directional sign shall be only a ground sign as defined in Part 2 of this Chapter.

(5) No temporary off-premises directional sign shall be animated or illuminated.

(6) The message communicated by each temporary off-premises directional sign shall state no more than:

(a) The name of the person or enterprise selling the agricultural products.

(b) The address of the subject property.

(c) A description of the agricultural product offered for sale consisting of no more than four (4) words, such as, for example, "Christmas trees" and "fresh fruits and vegetables."

(d) The distance from the sign to the subject property, naming intervening street intersections with travel instructions from each named intersection to the subject property.

(7) The message communicated by each temporary off-premises directional sign may contain descriptive words and/or pictorial representations but only as expressly provided by subsection (18)(A)(6).

(8) A sign permit, upon application to the Zoning Officer, shall be required for, and prior to the erection of, each temporary off-premises directional sign.

(a) A sign permit shall be required regardless of the area of the temporary off-premises directional sign, including but not limited to, any such sign with an area of two (2) square feet or less.

(b) In addition to compliance with all requirements applicable to each temporary off-premises directional sign provided in this subsection (18)(A)(8), and elsewhere in this Section and Chapter, no sign permit shall be issued until the following have been submitted: (i) a complete application for the sign permit fee; and (ii) where the applicant is not the owner of the property on which the sign is to be erected, the written consent of and signed by the owner of that property, indicating the agreement of the owner to the proposed erection and location of the sign on the property.

(c) No certificate of insurance or indemnity bond, as provided by subsection (2)(C), shall be required for issuance of the sign permit.

(d) Each sign permit shall be valid for a period of sixty (60) days after the date of issue, provided that permit may be renewed for two (2) additional periods of thirty (30) days each but not further. Such renewal shall require submission to the Zoning Officer of a complete application for the renewal and the payment of the required renewal fee. Each sign permit shall expire, and become null and void, at the end of such sixty (60) day period or any renewal period thereof.

(9) Each temporary off-premises directional sign shall be removed immediately upon expiration of the sign permit issued therefor. Any sign not so removed may be removed by the Township, at its discretion, and the applicant shall be liable for the cost of removal.

19. Nonconforming Signs. Nonconforming signs shall be amortized over seven (7) years, after certified mail notification by the Township.

A. All signs lawfully erected prior to the enactment of this Chapter or subsequent amendments, which are not in conformity with the provisions thereof, shall be deemed nonconforming signs as governed by Part 19 of this Chapter.

B. For the purpose of regulation and enforcement, the zoning officer shall make a video recording or photograph of all streets in the Township, showing all signs which existed at the time of the adoption of this Chapter. Without acceptable evidence to the contrary, the absence of a sign on the video recording shall be deemed to indicate that the sign did not exist at the time of adoption and is not therefore a legal sign.

C. Any of the following shall invalidate a sign permit or require a nonconforming sign to conform to the provisions of this Chapter.

(1) The removal of an existing sign from the premises, including a change in sign copy.

(2) An alteration in the structure of a sign support, and/or a change in the mechanical facilities.

(3) A change in the material of the sign, for example, from wood to plastic.

20. Abandoned Signs. No person shall maintain or permit to be maintained on any premises owned or controlled by him or her, a sign which has been abandoned. An abandoned sign for the purpose of this Chapter is a sign located on, and/or related to the use of a property which becomes vacant and unoccupied for a period of six (6) months or more; any sign which was erected for an occupant or business unrelated to the present occupant in business; or any sign which related to a time event, or purpose which is past. Any such abandoned sign shall be abated by the owner or person controlling the property within thirty (30) days of the date of abandonment as herein defined. Any sign identifying an abandoned use, as provided for by this Chapter, shall itself be considered abandoned and shall be removed and permit voided.

(Ord. 147, 8/11/2008, §1313; as amended by Ord. 152, 12/8/2008, §I; and by Ord. 153, 2/9/2009, §I)

§1315. Home Occupations. Home occupations are permitted as an accessory use to a single-family detached dwelling use, in any residential zoning district, subject to the following requirements:

A. Home Occupation. An occupation conducted within a room or rooms of a single-family detached dwelling which is clearly secondary and customarily incidental to the residential use. Such occupation shall be limited to attorneys, accountants, architects, engineers, teachers, artists, artisans and craftsmen, musicians, telephone calling

services, caretakers, day care homes, and in publicly sewered areas only, barbershops and beauty parlors. A home occupation must meet the following restrictions:

(1) Such an occupation shall provide its service to one (1) individual at a given time, except as to a residential day care home.

(2) Such an occupation shall be conducted only within the confines of the residence with no exterior storage or use permitted, except as to a residential day care home.

(3) Such an occupation shall be located only in a single-family detached dwelling. Only one (1) home occupation shall be permitted per residence.

(4) Such an occupation shall be restricted to hours of operation commencing at 7:00 a.m. and concluding at 9:00 p.m.

(5) Such an occupation shall be conducted by one (1) owner, or resident lessee, of the dwelling and only two (2) nonresident employees.

(6) Retail sales of goods not produced on the premises provided that such sales shall be limited to not more than twenty (20) square feet of shelf space and the sale of such goods are related to the primary home occupation.

(7) The available floor space within the dwelling to be used for the home occupation shall be limited to twenty-five percent (25%) of the existing floor space, or five hundred (500) square feet, whichever is less.

(8) No more than four (4) off-street parking spaces shall be provided.

(9) An approved home occupation once commenced is prohibited from being changed to any other permitted home occupation without a new use and occupancy permit.

(10) Such occupation shall not create any adverse traffic parking, noise or aesthetics impact upon the abutting properties or the neighborhood.

(11) A home occupation shall not require or cause any exterior alteration to the residence, structure or to the property except for permitted additional parking and a single permitted sign.

(12) The use of a dwelling for a home occupation shall adhere to the legal occupancy regulations for that dwelling as established by the Fire Marshall.

(13) Only those products or good produced on the premises shall be exchanged, transferred or sold to the customer on the premises, but nothing herein shall be construed to prohibit manufacturers' representatives, realtors or others from selling items which exist, or are delivered, elsewhere.

(14) The term "home occupation" shall neither be construed to include hospital, clinic, restaurant, automobile repair shop or the

manufacture, handling or storage of explosives, the overnight parking of vehicles used in transporting garbage, asphalt, tar, gasoline or other fuel in bulk, nor shall the term include any activity which is or may be in comparable degree to any of the foregoing noxious or offensive by reason of odor, dust, smoke, gas, vibration, illumination or noise, or which is or may be dangerous to the public health, safety or welfare.

(Ord. 147, 8/11/2008, §1314)

§1316. Timber Harvesting Requirements. Where required by this Chapter a timber harvesting plan, prepared in accordance with this Section, shall be approved by the Township prior to any harvesting operations.

A. Timber Harvesting Plan.

(1) The timber harvesting plan shall address all applicable erosion and sedimentation control and stream crossing regulations as provided in Chapter 102, Erosion Control Rules and Regulations, issued under Act of June 22, 1937, P.L. 1987 (Clean Streams Law), and Chapter 105, Dam and Waterway Management Rules and Regulations, issued under Act of 1978, P.L. 1375, No. 325 (Dam Safety and Encroachments Act).

(2) The timber harvesting plan shall address, in specific detail, the following:

(a) Design of haul and skid road system and skid trails.

(b) Water control structures.

(c) Stream crossings.

(d) Log landings.

(e) Maintenance.

(f) Road and log landing retirement area.

(g) Location of anticipated operation in relation to Township and State roads, including ingress and egress.

(h) Location of property boundaries of the tract on which the harvesting will take place and the boundaries of the proposed harvest area.

(i) Description of the harvesting method to be employed.

(j) Total existing base area.

(3) The timber harvesting plan shall be available at all times at the harvesting site.

(4) The Zoning Officer shall be notified at least five (5) working days prior to the start of the harvesting and within five (5) prior to the completion of the harvesting.

B. The following requirements shall govern all timber harvesting operations:

(1) The boundaries of the area to be harvested shall be clearly marked by attaching posters to the boundary trees prior to the harvest to avoid inadvertent harvest off-site.

(2) Felling or skidding on or across any public road is prohibited without the express written consent of the Township or the Pennsylvania Department of Transportation whichever is responsible for the maintenance of such roads.

(3) Tops or slash shall not be left within forty (40) feet of a public road or adjacent property boundary.

(4) A harvesting setback of forty (40) feet shall be established along any public road or adjacent property boundary, and harvesting shall be limited to one third (1/3) of the basal area of the harvest in a ten (10) year period.

(5) Litter and debris resulting from a timber harvesting operation shall be completely removed from the site before vacated by the operator.

(6) All haul roads, skid roads, skid trails and log landings shall be retired properly including seeding of herbaceous species as recommended by the Chester County Conservation District or the Pennsylvania Department of Conservation and Natural Resources, Bureau of Forestry.

(Ord. 147, 8/11/2008, §1315)

§1317. Public Utilities.

1. Applicability. This Chapter shall not apply to any existing or proposed building, or extension thereof, or to any land, used or to be used by a public utility corporation, if, upon petition of the corporation, the Public Utility Commission shall, after public hearing, decide that the present or proposed situation or use of the building or land in question is reasonably necessary for the convenience or welfare of the public.

2. Lot Area and Coverage. Minimum lot area and maximum coverage regulations of this Chapter shall not apply to electric substations, pumping stations and other facilities of a public utility, which are otherwise permitted in any zoning district, provided, however, that the required yard setbacks and maximum height regulations for single-family detached residential uses, agricultural uses and non-residential uses with no public sewage disposal and/or no public water supply in the R-3 Zoning District shall apply regardless of the zoning district in which any such electric substation, pumping station or other facility is actually located. [Ord. 152]

(Ord. 147, 8/11/2008, §1316; as amended by Ord. 152, 12/8/2008, §1)

§1318. Clear Sight Triangle/Obstructions to Vision. On any corner lot, no wall, fence, sign, temporary sign or other structure shall be erected or altered which obstructs the clear sight triangle; and, no hedge, tree, shrub or other growth shall be planted which may then or ultimately obstruct the view. A clear sight triangle shall be provided at each intersection as measured from points seventy-five (75) feet distant from the centerlines of intersecting streets. (Ord. 147, 8/11/2008, §1317)

§1319. Accessory Uses and Accessory Buildings. Accessory uses authorized in this Chapter shall include, but not by way of limitation, the following:

A. Uses Accessory to Agriculture. Greenhouses; roadside stands

for sale of products produced on the premises; barns; keeping, breeding and management of livestock and poultry; and preparation of products produced on the premises for use and the disposal thereof by marketing or otherwise; but no barn, poultry house or similar structure shall be erected nearer to any lot line than one hundred (100) feet.

B. Uses Accessory to Dwellings.

(1) Shelter for pets, private stable (refer to §1325, herein) and chicken house (having an area of no more than one hundred seventy-five (175) square feet); except that no such stable or chicken house shall be erected other than to the rear of such dwelling and at a distance of not less than one hundred (100) feet from the rear and side property lines thereof and from any dwelling thereon. No fowl or animal shall be maintained without a suitable building therefor.

(2) Private greenhouse not to be located in the required front yard, but can be located in the side or rear yard, not closer than ten (10) feet from any property line.

(3) Garage, as defined in §202 of this Chapter, unattached to a dwelling, not to be located in the required front yard, but can be located in the side or rear yard, not closer than twenty (20) feet from any property line.

(4) Private swimming pool located only in the rear yard of the principal building not closer than twenty (20) feet from any property line.

(5) Except as and to the extent permitted under and by §1315 of this Part (providing for home occupations as accessory uses in any residential zoning district), uses authorized in this Chapter as accessory to a dwelling shall not be deemed to include a business, hospital, clinic, animal hospital, barber shop, beauty parlor, other personal service shops, tea room, hotel, or any similar use.

(6) Antenna connected to or servicing radio equipment operated by a resident of the dwelling who is the holder of a valid and current amateur radio license duly issued by the Federal Communications Commission. The antenna shall be subject to and comply with the provisions of §1320 of this Part.

(7) The renting of rooms, including a kitchen and bathroom, within the dwelling in which the lessor resides to not more than two (2) persons, with or without the provision of daily meals for such persons.

(8) Satellite television antenna subject to and complying with the provisions of §1320 of this Part.

C. Uses Accessory to Public Park. Customary recreational, refreshment, and service uses and buildings in any public park, reservation, playground or other recreational area.

D. Tool Sheds, Leans-To, Storage Buildings Accessory to All Residential Dwellings. Any tool shed, lean-to or storage building for lawn maintenance or household storage, and not exceeding four hundred (400) square feet in area, and which is clearly accessory to a residen-

tial dwelling unit, shall be located in the rear yard of the principal structure and at least ten (10) feet from any property line.

E. Uses Accessory to Commercial Activities. Any commercial activity involving the sale of equipment or materials may, while open for business, have an outdoor display area comprising not more than twenty-five percent (25%) of the indoor area; and outdoor storage of goods for sale shall be located in the rear yard of the principal building or structure.

F. Uses Accessory to Industrial Activities. Security quarters when authorized as a special exception, lunch room facilities for exclusive use of employees, indoor warehousing, and outdoor storage when screened in accordance with the provisions of §428 of the Subdivision and Land Development Ordinance [Chapter 22].

G. Solar Energy and Wind Energy Equipment. Solar energy equipment and wind energy equipment shall be permitted as an accessory structure in all zoning districts, subject to and in accordance with the provisions of §§1335 and 1336, respectively, of this Part. [Ord. 158]

(Ord. 147, 8/11/2008, §1318; as amended by Ord. 158, 12/14/2009, §I)

§1320. Antennas Accessory to Dwellings - General Regulations. Any antenna authorized by this Chapter, as an accessory use to a dwelling (including, without limitation, an antenna connected to or servicing radio equipment operated by a resident of the dwelling who is the holder of an amateur radio license, or a satellite television antenna), shall be subject to and comply with the following:

A. The antenna may be (1) attached to a dwelling or a permitted accessory building to the dwelling, or (2) freestanding but only on the same lot as the dwelling.

B. Whether the antenna is attached to the dwelling or a permitted accessory building, or is freestanding.

(1) No portion of the antenna may be erected within or extend into the front yard of the dwelling, notwithstanding that the front yard may be greater than the required minimum front yard for the dwelling.

(2) The antenna may be erected within or extend into the required minimum side yard or rear yard for the dwelling; provided, that no portion of the antenna shall be closer than ten (10) feet to the nearest lot line.

C. Notwithstanding other provisions of this Chapter to the contrary.

(1) The total height of the antenna, as determined in subsection (C)(2), below, shall not exceed the shortest distance between the antenna and the nearest lot line.

(2) For purposes of this subsection (C), the total height of the antenna shall be the vertical linear distance measured to the highest point on the antenna from.

(a) The lowest point on the antenna, in the case the antenna is attached to the dwelling or a permitted accessory building.

(b) The lowest point on the antenna which touches the surface of the ground, in the case the antenna is freestanding.

D. The antenna shall be of noncombustible and corrosive resistant material.

E. The antenna shall be erected, installed and maintained at all times in accordance with the specifications of its manufacturer, including, but not limited to, base, construction, anchoring and guying requirements, load limitations (including, without limitation, wind, ice and snow load limitations), and lightning protection. The antenna shall also be erected, installed and maintained at all times in accordance with applicable provisions of the Building Code [Chapter 5, Part 1, §101]. In the event of any inconsistency between the manufacturer's specifications and the applicable provisions of the Building Code [Chapter 5, Part 1, §101], the provisions of the Building Code [Chapter 5, Part 1, §101] shall supersede and control.

F. The antenna shall, at all times, be used, operated and maintained in compliance with all applicable regulations of the Federal Communications Commission, the physical performance requirements of §1330 of this Chapter (including, but not limited to, §1330(B) concerning radioactivity and electrical disturbances and other law.

G. The antenna shall, at all times, be used, operated and maintained only for the private lawful reception and/or transmission, as the case may be, of signals or waves on conventional equipment in or on the dwelling or a permitted accessory building to the dwelling, or on the lot on which the dwelling is located. Without limiting the generality of the foregoing, a satellite television antenna shall be used only for the lawful reception of satellite-delivered signals to be viewed privately on television sets in or on the dwelling or a permitted accessory building to the dwelling, or on the lot on which the dwelling is located.

H. Not more than one (1) antenna, the erection of which requires the issuance of a building permit under the Building Code [Chapter 5, Part 1, §101], shall be erected, installed or maintained outside on a lot (whether attached to the dwelling or a permitted accessory building to the dwelling, or freestanding); provided, that two (2) antennae, the erection of each of which requires the issuance of such building permit, may be located outside on the same lot if one (1), and only one (1), of such antennae is a satellite television antenna that is greater than twenty-four (24) inches in diameter. There shall be no limitation on the number of satellite antennae that are twenty-four (24) inches and less.

(Ord. 147, 8/11/2008, §1319)

§1321. Interior Lots.

1. Existing Interior Lots of Record. An existing lot of record for which access to a public road is by a relatively narrow strip of land may be built upon only when authorized by a special exception. In computing the area of such lots, the area of the strip of ground connecting the lot with the public road shall not be considered. All buildings and other structures to be located on such lots shall be not closer than seventy-five (75) feet from surrounding lot lines, and the strip of ground connecting the lot with the public road shall have a minimum width of thirty-two (32) feet, and shall be used as an access strip to only the particular lot in question. The Zoning Hearing Board shall consider the suitability of the strip of ground which connects the lot with the public road for use as an access driveway, and shall assure that any such access driveway is hard surfaced and otherwise complies with the requirements of the Township Driveway Ordinance [Chapter 21, Part 1].

2. Creation of Interior Lots. The creation of interior lots is prohibited.

(Ord. 147, 8/11/2008, §1320)

§1322. Projections into Required Yards. A structure or part of a structure shall not be erected within or shall not project into any minimum required yard in any district, except that:

A. An enclosed porch, not more than fourteen (14) feet in height, may be erected to extend into a required front or rear yard a distance of not more than ten (10) feet, provided that in no case shall it extend into such front or rear yard more than one-half (1/2) the existing depth of the yard.

B. A terrace, platform or landing place, not covered by a roof, canopy or trellis, which does not extend above the level of the first floor of the building, may be erected to extend into a required yard a distance of not more than twelve (12) feet, provided that it shall not extend into such yard more than forty percent (40%) of the existing depth or width of the yard.

C. A porte-cochere, temporary garage, or car port, may be erected over a driveway in a required side yard, provided that such structure is:

(1) Not more than fourteen (14) feet in height and twenty (20) feet in length.

(2) In compliance with all standards of the Zoning District in which it is located.

(3) Entirely open on at least three (3) sides, exclusive of the necessary supporting columns and the customary architectural features.

(4) Located a minimum distance of twenty (20) feet from the side lot line.

D. A buttress, chimney, cornice, pier, or pilaster of a building may project not more than eighteen (18) inches into a required yard.

E. Open, unenclosed fire escapes, steps, bay windows and balconies may project not more than three (3) feet into a required yard.

(Ord. 147, 8/11/2008, §1321)

§1323. Fire Suppression Devices. Any multi-unit structure, commercial structure or permitted industrial structure, and any structure greater than thirty-two (32) feet in height shall be subject to the requirement for the provision of fire suppression devices in accordance with the Building Code [Chapter 5, Part 1, §101]. Water storage devices may also be required to meet specified fire flow requirements. (Ord. 147, 8/11/2008, §1322)

§1324. Height Limitation of Fences and Walls. A residential fence or wall, excepting a retaining wall, or a wall of a building permitted under the terms of this Chapter, over six (6) feet in height, shall not be erected within any of the required yards, unless that portion of the fence or wall which exceeds six (6) feet in height has a ratio of open space to solid area of at least four-to-one (4:1). Utilities and governmental fences shall be permitted up to eight (8) feet in height. (Ord. 147, 8/11/2008, §1323)

§1325. Keeping of Domestic Animals. The keeping, raising or boarding of four (4) hoofed animals, including horses, for domestic purposes including a stable (See §1319(B)(1)) for same shall require a minimum lot area of not less than three (3) acres regardless of the zoning district in which said property is located. The above requirements shall be applicable for one (1) such animal and for each additional such animal kept on the lot, parcel or premises, one (1) additional acre of lot area shall be required. The above requirement shall be enforced regardless of whether the animals are kept for domestic purposes or for the temporary boarding of animals for other parties. (Ord. 147, 8/11/2008, §1324)

§1326. Stream Bank Restriction. An on-site sewage disposal system, or any part thereof, which is otherwise permitted by other provisions of this Chapter or other law, shall not be located nearer to the bank of any perennial stream than one hundred (100) feet, or such other distance as may be provided by the floodplain district regulations of this Chapter, whichever distance is greater. (Ord. 147, 8/11/2008, §1325)

§1327. Conservation Plan. A building permit shall not be issued for any type of construction until a conservation plan has been approved in accordance with §306(1) of the Subdivision and Land Development Ordinance [Chapter 22]. (Ord. 147, 8/11/2008, §1326)

§1328. Municipal Landfill.

1. A municipal landfill owned and operated by the Township or owned and operated by an authority created by the Board of Supervisors is permitted as a use by right in the LI Limited Industrial District. All other landfills, dumps, refuse disposal areas, refuse transfer stations and the like are prohibited in all of the zoning districts of the Township.

2. If a landfill is erected within the Township in accordance with the above ownership requirements, all required approvals and permits shall first be obtained from the Pennsylvania Department of Environmental Protection in accordance with Title 25, Chapter 75, of the Pennsylvania Code, Solid Waste Regulations, adopted August 2, 1971, as amended.

(Ord. 147, 8/11/2008, §1327)

§1329. Single Principal Use. Except as otherwise provided by this Chapter the use of any lot shall be limited to a single principal use, with accessory uses as authorized herein. (Ord. 147, 8/11/2008, §1328)

§1330. Physical Performance Requirements. Land, buildings, structures or premises in any zoning district, or any mobile home park, shall not be used, altered, or occupied in a manner as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive or other hazard; noise or vibration; smoke, dust odor, or other form of air pollution; electrical or other disturbance; glare; liquid or solid refuse or wastes; conditions conducive to the breeding of rodents or insects, or other substance, condition, or element, in any manner or amount as to adversely affect the surrounding area. The following shall be applicable to all zoning districts:

A. Fire and Explosive Hazards. All activities and all storage of flammable and explosive material at any point shall be provided with adequate safety devices against the hazards of fire and explosion, and adequate firefighting and fire-suppression equipment and devices as detailed and specified by the Department of Labor and Industry and the laws of the Commonwealth of Pennsylvania. All buildings and structures and activities within such buildings and structures shall conform to the Building Code [Chapter 5, Part 1, §101], the Fire Prevention Code, and all other applicable ordinances if and when adopted by the Township. Any explosive material shall conform to the requirements of Chapter 211, Title 25, Rules and Regulations, Pennsylvania Department of Environmental Protection, for storage, handling and use of explosives.

B. Radioactivity or Electrical Disturbances. There shall be no activities which emit dangerous radioactivity at any point. There shall be no radio or electrical disturbance adversely affecting the operation of equipment belonging to someone other than the creator of the disturbance. If any use is proposed which incorporates the use of radioactive material, equipment or supplies, such use shall be in strict conformity with Chapters 221, 223, 225, 227 and 229, Title 25, Article V, Pennsylvania Department of Environmental Protection, Rules and Regulations.

C. Smoke, Ash, Dust, Fumes, Vapors and Gases. There shall be no emission of smoke, ash, dust, fumes, vapors or gases which violate the Pennsylvania Air Pollution Control Laws, including the standards set forth in Chapter 123 (Standards for Contaminants) and Chapter 131 (Ambient Air Quality Standards), Article III, Title 25, Pennsylvania Department of Environmental Protection, Rules and Regulations.

D. Liquid and Solid Wastes. There shall be no storage of or discharge at any point into any public or private sewer system, or watercourse or into the ground, of any materials in such a way or of such a nature, as will contaminate or otherwise cause the emission of hazardous materials in violation of the laws of the Commonwealth of Pennsylvania, and specifically Chapters 73, 75, 95, and 97, Title 25, Pennsylvania Department of Environmental Protection, Rules and Regulations.

E. Glare. No direct or sky-reflected glare whether from spotlights, floodlights, searchlights or other sources shall be visible

from adjoining public streets or adjacent lots when viewed by a person standing on ground level.

F. Odor. No use shall emit odorous gases or other odorous matter in such quantities as to be offensive at any point on or beyond its lot lines. The guide far determining such quantities of offensive odors shall be the fifty percent response level of Table I, Odor Thresholds in Air, "Research on Chemical Odors: Part I, Odor Thresholds for 53 Commercial Chemicals," October 1968, Manufacturing Chemists Association, Inc., Washington, DC.

G. Noise. The sound level of any operation (other than operations involved in the construction or demolition of structures, emergency alarm signals or time signals) shall not exceed the decibel levels in the designated octave bands as stated below. The sound-pressure level shall be measured from a sound level meter and an octave bank analyzer that conform to specifications published by the American Standards Association. American National Standard Specification for Sound Level Meters, S 1.4-1971, American National Standards Institute, Inc., New York, New York, and the American Standard Specification for an Octave, Half Octave, and Third Octave Bank Filter Sets, S 1.11-1966 or 1971, American Standards Association Inc., New York, New York shall be used. Sound-pressure levels shall be measured one hundred (100) feet from the property line of the property upon which the emission occurs. The one hundred (100) feet shall be measured onto property adjacent to the property upon which the emission occurs. The maximum permissible sound-pressure levels for smooth and continuous noise shall be as follows:

Frequency Band (Cycles per Second) (Hertz)	Maximum Permitted Sound-Pressure Level (Decibels)
0-150	67
150-300	59
300-600	52
600-1200	46
1200-2400	40
2400-4800	34
above 4800	32

If the noise is not smooth and continuous or is radiating during sleeping hours, one (1) or more of the corrections below shall be added to or subtracted from each of the decibel levels given above.

Type of Operation or Character of Noise	Corrections in Decibels
Noise occurs between the hours of 10:00 p.m. and 7:00 a.m.	-3
Noise occurs less than five percent (5%)of any one (1) hour period	+5

Type of Operation or Character of Noise	Corrections in Decibels
Noise is of periodic character (hum, scream, etc.) or is of impulsive character (hammering, etc.). (In the case of impulsive noise, the correction shall apply only to the average pressure during an impulse, and impulse peaks shall not exceed the basic standards given above.)	-5

[Ord. 152]

(Ord. 147, 8/11/2008, §1329; as amended by Ord. 152, 12/8/2008, §1)

§1331. Storage of Vehicles and Junk. The exterior storage of automotive vehicles and trucks is prohibited in all residential zoning dis tricts; provided, however, that not more than one (1) temporarily immobilized automotive vehicle may be stored on any residential property at any time and, provided further that if the storage of such temporarily immobilized vehicle exceeds a period of six (6) months, within thirty (30) days written notice from the Zoning Officer, such vehicle shall be removed from the residential premises. Junkyards or the exterior storage of such materials which comprise a junkyard shall be prohibited in all zoning districts within the Township. (Ord. 147, 8/11/2008, §1330)

§1332. Temporary Structures. The erection of temporary structures in excess of one hundred (100) square feet and used for commercial or industrial purposes shall require a temporary use permit and shall comply with all of the area, bulk and dimensional standards of the zoning district in which it is located. (Ord. 147, 8/11/2008, §1331)

§1333. Certain Nonconformities Resulting from the Taking of a Portion of a Lot for Public Purposes. Whenever an existing lot and/or an existing building or other structure on an existing lot becomes nonconforming, or more nonconforming, with respect to one (1) or more applicable areas and/or dimensional requirements, as a result of the taking of a portion of the lot for public purposes, the following shall apply:

A. The lawful use of the lot and/or the lawful use, location and/or size of the building or other structure on the lot, as existing on the effective date of the taking, may remain and continue after the effective date of the taking, provided that the nonconformity, with respect to each applicable area and/or dimensional requirement, resulting from the taking, is not more than fifty percent (50%) of the applicable requirement, or does not increase an existing nonconformity of the same applicable area and dimensional requirement beyond fifty percent (50%) of that requirement.

B. Where the nonconformity, with respect to each applicable area and dimensional requirement, resulting from the taking, is more than fifty percent (50%) of the applicable requirement, or increases an existing nonconformity of the same applicable area and/or dimensional requirement beyond fifty percent (50%) of that requirement, the lawful use of the lot and/or lawful use, location, and/or size of the building or other structure on the lot, as existing on the effective date of the taking, may remain and continue after the effective date of the taking only when authorized as a conditional use.

C. The conditional use under subsection (B) shall be allowed or denied by the Board of Supervisors pursuant to the standards and other provisions set forth in §1406 of this Chapter.

D. Each lawful use of the lot and/or the lawful use, location and/or size of the building or other structure on the lot, as existing on the effective date of the taking and permitted to remain and continue as provided by subsection (A) or by conditional use as provided by subsection (B), shall be considered (to the extent the nonconformity of such use, location and/or size with respect to an applicable area and/or dimensional requirement results from or is increased by the taking) a nonconforming, or more nonconforming, use, building or structure, as of the effective date of the taking, for purposes of Part 19 and other provisions of this Chapter including, but not limited to, §§1901(B), 1901(C), 1901(D), 1901(E), 1902(B), 1902(C), 1902(4), 1902(5), 1902(6), 1906, and 1908. Where a lawful use of the lot and/or the lawful use, location and/or size of the building or other structure on the lot is permitted to remain and continue by conditional use under subsection (B), the provisions of this subsection (D) shall be subject to the decision of the Board of Supervisors granting the conditional use, including any conditions attached to the grant.

E. In the case the lot is undeveloped and the lawful lot area and/or lot width of the lot becomes nonconforming, or more nonconforming, as a result of the taking, the lot shall be considered a nonconforming, or more nonconforming, undeveloped lot with respect to lot area and/or lot width as of the effective date of the taking for purposes of Part 19 and other provisions of this Chapter including, but not limited to, §1906. [Ord. 166]

F. The taking shall not extinguish any lawful nonconformity of the lot and/or the building or other structure on the lot, which nonconformity exists on and immediately prior to the effective date of the taking, to the extent that such nonconformity does not result from the taking.

G. For purposes of this Section, the following definitions shall apply:

APPLICABLE AREA AND/OR DIMENSIONAL REQUIREMENTS - the requirements of this Chapter, providing for minimum lot area, minimum lot width, maximum building coverage, maximum impervious coverage, and/or minimum front, side and/or rear yards, applicable to a lot and/or to the location and/or size of a building or other structure on a lot.

EFFECTIVE DATE OF THE TAKING - where the taking is by condemnation by the exercise of the right of eminent domain, the date on which the Township files a declaration of taking; or where the taking is by deed, the date on which the Township accepts the deed.

LAWFUL - when modifying the use of a lot, the use, location and/or size of a building or other structure on a lot, or the lot area or lot width of a lot, shall mean a use, location, size, lot area or lot width that, on and immediately prior to the effective

date of the taking, (a) complies with applicable provisions of this Chapter, or (b) to the extent not complying, is lawfully nonconforming.

PUBLIC PURP0SES - such purposes shall include, but shall not be limited to, providing additional width or length to an existing public road, relocating an existing public road, or relocating a proposed new road in a subdivision or land development in order to align, or better align, the new road with an extensive public road; providing public parks, providing public utilities infrastructure, and other governmental facilities and services.

TAKING - a taking shall include: (a) condemnation by the Township, for public purposes, of a portion of a lot by the exercise of the right of eminent domain; (b) acceptance by the Township of a deed, in lieu of condemnation, conveying to the Township a portion of a lot for public purposes; or (c) acceptance by the Township of a deed, conveying to the Township a portion of a lot for public purposes as required or requested by the Township in and by a specific resolution therefor duly adopted by the Board of Supervisors.

H. The provisions of this Section including, but not limited to, subsection (F), shall not apply in any case where monetary compensation is paid or payable by the Township to the owner of a lot and/or other party in interest for the taking of a portion of the lot for public purposes.

(Ord. 147, 8/11/2008, §1332; as amended by Ord. 166, 4/12/2010, §V)

§1334. Municipal Uses. Except as may be otherwise provided in this Chapter with respect to a particular municipal use, a municipal use (A) may be located by right in ay zoning district, as may be determined by the Board of Supervisors to be reasonably necessary for the convenience or welfare of the Township, and (B), except for this Section, shall not be subject to any provision of this Chapter, including but not limited to bulk, area, and dimensional standards. (Ord. 147, 8/11/2008, §1333)

§1335. Solar Energy Equipment. Any solar energy equipment authorized by this Chapter shall be considered accessory structures and the generation of energy or heat as an accessory use to the principal use in any zoning district and shall be subject to and comply with the following:

A. Solar energy equipment shall be located on the same lot as the principal use.

B. Solar energy equipment shall comply with all minimum side and rear yard setback and height requirements of the applicable zoning district.

C. Power generated by solar energy equipment shall not exceed 50 kilowatts of maximum output capacity per principal residential use or 100 kilowatts of maximum output capacity per principal nonresidential use. There shall be no commercial use of the solar energy equipment for generation of energy, except for energy purchased by a public utility in accordance with law or other government regulations.

D. Solar panels shall comply with the physical performance requirements contained in §1330 of this Chapter.

E. The solar energy equipment shall meet and be installed in accordance with all applicable requirements of the Township Building Code as defined in Part 2, §202, of this Chapter.

F. No free-standing solar energy equipment shall be located in the front yard. Solar energy equipment affixed to the roof of the principal structure and visible from the front yard shall be permitted.

(Ord. 147, 8/11/2008; as added by Ord. 158, 12/14/2009, §I)

§1336. Wind Energy Equipment. Any wind energy equipment authorized by this Chapter shall be considered accessory structures and the generation of energy as an accessory use to the principal use in any zoning district and shall be subject to and comply with the following:

A. Wind energy equipment shall be located on the same lot as the principal use.

B. Power generated by wind energy equipment shall not exceed 50 kilowatts of maximum output capacity for residential uses or 100 kilowatts of maximum output capacity for non-residential uses. There shall be no commercial use of the wind energy equipment for generation of energy, except for energy purchased by a public utility in accordance with law or other government regulations.

C. No wind energy equipment shall be located in the front yard.

D. Wind energy equipment shall comply with all minimum side and rear yard setback requirements of the applicable zoning district.

E. Wind energy equipment shall not exceed a height of 145 feet. The height of a wind turbine shall be measured from the average approved finished grade at the perimeter of the base of the turbine to the highest vertical point of the rotor at its maximum vertical position.

F. Only a single pole or monopole structure shall be permitted for the wind turbine. The pole shall be self-supporting upon its foundation without the use of guy wires or other supports.

G. Wind turbines shall not be artificially lighted.

H. Wind energy equipment shall comply with all applicable requirements of the Federal Aviation Administration.

I. Wind turbines shall be set back from any occupied building, property line, street ultimate right-of-way, utility building or structure, utility right-of-way or easement, or liquid fuel source a distance of not less than 1.5 times the height measured from the average approved finished grade at the perimeter of the base to the highest vertical point of the rotor at its maximum vertical position.

J. Clearly visible warning signs concerning falling objects shall be placed within the rear yard setback at one hundred (100) foot intervals, to the extent possible, to warn against ice and rotor throws. Signs are to be placed a minimum of three (3) feet from the ground and be a minimum of one (1) square foot, but not exceeding two (2) square feet in surface area.

K. Wind turbines shall be equipped with a braking system to limit rotor rotation speed to within the design limits.

L. The minimum height of the lowest position of the wind turbine rotor shall be fifteen (15) feet above the surface of the ground.

M. Ladder or steps affixed to a wind turbine shall not be provided any lower than fifteen (15) feet above its base.

N. The design color and other visual features of the wind turbine shall be white, off-white or grey.

O. All exterior utilities, cables, electrical lines, and other connections shall be located in a conduit and buried underground to the maximum extent possible.

P. All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

Q. There shall be no antennae, advertising or other items or material affixed to or otherwise placed on the wind energy equipment, except those required for safety or identification of manufacturer.

R. Operation of the wind energy equipment shall comply with the physical performance requirements of §1330 of this Chapter.

S. The wind energy equipment shall meet and be installed in accordance with all applicable requirements of the Township Building Code.

(Ord. 147, 8/11/2008; as added by Ord. 158, 12/14/2009, §I)

Part 14

Conditional Use Process

§1401. Requirements and Procedures.

1. Nothing in this Section shall be construed to relieve the owner or his agent, the developer, or the applicant for a conditional use approval from obtaining approval in accordance with the Subdivision and Land Development Ordinance [Chapter 22], or other applicable ordinances.

2. The requirements of this Section and the standards for specific types of conditional uses found elsewhere in this Chapter shall be deemed an element of the definition under which a conditional use permit may be granted. The failure of the applicant to demonstrate compliance with these requirements, at the discretion of the Board of Supervisors, can be deemed either a basis for establishing conditions or limitations on an approval or the basis for a denial of a conditional use application.

3. General Requirements.

A. An application for a conditional use shall be filed with the Township and presented to the Board of Supervisors and shall state the following:

(1) The name and address of the applicant.

(2) The name and address of the owner of the property to be affected by the proposed conditional use application.

(3) Evidence of authorization to act on behalf of the property owner(s) where the applicant is other than a legal or equitable owner of the property.

(4) A description and location of the property on which the conditional use is proposed.

(5) A statement of the present zoning classification of the property in question, the improvements thereon and the present use thereof.

(6) A statement of the Section(s) of this Chapter that authorizes the conditional use and the standards and other requirements for the design of said conditional use.

(7) A narrative description of the site’s suitability for the proposed use or development.

(8) An accurate description of the proposed improvements, additions, uses and development proposed to be made under the application indicating the size of such proposed improvements and additions and the materials and general construction thereof. In addition there shall be attached a plot plan of the property in question, indicating the location and size of the improvements now erected thereon, the location and size of the improvements proposed to be erected thereon and the location of the proposed uses and development.

(9) A narrative description of the proposed use or developments consistency with the purposes and objectives of the Comprehensive Plan.

(10) A narrative description of the proposed use or developments consistency with the character of the surrounding uses and the Township in general.

B. An application for a conditional use shall be filed with the Township on such forms as may be prescribed for such purpose and shall be accompanied by the application fee, as adopted by resolution of the Board of Supervisors from time to time. No application shall be received for filing unless accompanied by the required fee.

4. Procedures.

A. Upon receipt of a complete application for conditional use approval per subsection (3), above, the Township shall submit the application for recommendation to the Planning Commission. Upon receipt of the application, the Planning Commission shall review the conditional use request with the applicant at its next regularly scheduled meeting or at a special meeting at the discretion of the Planning Commission. In either case, such review shall take place within forty-five (45) days of submittal to the Planning Commission, including the forwarding of any recommendations to the Board of Supervisors. The Planning Commission may extend its period of deliberation beyond forty-five (45) days upon written authorization by the applicant. If the Planning Commission does not transmit its recommendations to the Board of Supervisors by the date set by the Board of Supervisors for public hearing for consideration of the conditional use application, the Board of Supervisors shall proceed to consider such application without the recommendation of the Planning Commission. Should the applicant submit new or revised plans for development under the application for conditional use approval during the period of review by the Planning Commission, the forty-five (45) day review period shall start anew and prior plans shall be deemed withdrawn.

B. After review by the Planning Commission, the Board of Supervisors shall hold a public hearing on the conditional use application in accordance with the following procedures:

(1) Notice of the hearing shall be given to the public by publication in a newspaper of general circulation in the Township in accordance with the requirements for public notice established in the Municipalities Planning Code. Abutting property owners shall be notified in writing no less than twenty (20) days prior to the scheduled hearing. Additionally, like notice thereof shall be given to the applicant, the Zoning Officer, and to any person who has made timely written request for same. Notice of the hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the date of the hearing. The failure of any person or entity to receive notice given pursuant to this Section shall not constitute grounds for any court to invalidate the actions of the Township for which the notice was given. The Board of Supervisors shall conduct its first hearing on the application within sixty (60) days from the date the application is filed with the Township, and said hearing shall be

completed within one hundred (100) days after the completion of the applicant's case in chief, unless extended by written authorization from the applicant. The hearing may be conducted by the Board of Supervisors, a member of the Board of Supervisors, or an independent attorney appointed by the Board of Supervisors.

(2) The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board of Supervisors and any other person, including civic or community organizations, permitted to appear by the Board of Supervisors. The Board of Supervisors shall have the power to require that all persons who wish to be considered parties submit written requests on such forms as the Board of Supervisors may provide for that purpose.

(3) The Chairman or Acting Chairman of the Board of Supervisors shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

(4) Formal rules of evidence shall not apply but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

(5) The Board of Supervisors shall keep a record of the hearing proceedings. Copies of the stenographic or graphic material received in evidence shall be made available to the Township at no cost thereto, and to any party at cost.

(6) The Board of Supervisors shall render a written decision within forty-five (45) days after the last hearing before the Board of Supervisors. Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons for the final decision.

(7) A copy of the final decision shall be delivered to the applicant and the parties before the Board of Supervisors personally or mailed to them not later than the day following the date of the decision.

(8) Appeals from a determination of the Board of Supervisors pursuant to any application for a conditional use shall be only as prescribed and within such times permitted by the applicable provisions of the Municipalities Planning Code.

C. In granting conditional use approval, where such use is authorized under this Chapter, the Board of Supervisors may also attach such conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of the Municipalities Planning Code and this Chapter. Conditional uses shall be subject to compliance with the particular standards contained in this Chapter and criteria defined in the application review process. The standards described shall be deemed additional and shall in no way impair any other applicable standard from this Chapter or any other Township ordinance. The applicant shall be responsible for demonstrating compliance with all standards and criteria required for conditional use approval. The conditions of approval may include, but need not be limited to:

(1) Provisions for additional utility or traffic safety facilities.

(2) Securing of additional easements or property to assure proper site design.

(3) Modification to the applicable design standards as more fully set forth in Part 13 of this Chapter.

D. The applicant shall have the burden to prove by a preponderance of the evidence that the proposed use will comply in all respects with this Chapter and other applicable Township ordinances, and County, State or Federal legislation. The Board of Supervisors may retain such consultants as necessary to review and certify the accuracy of submitted plans and documents, the reasonable and necessary charges for which shall be borne by the applicant. When the applicant does not provide information as required, then it shall be presumed that the proposed use is not in accordance with the requirements applicable for the granting of conditional use approval.

E. Any grant of conditional use approval shall be deemed null and void twenty-four (24) months from the date of such approval if, within that period, no application is made for a building permit, a use and occupancy permit, or subdivision or land development approval, as appropriate, unless so extended by the Board of Supervisors.

Any request to extend the twenty-four (24) month expiration period shall be properly filed with the Zoning Officer thirty (30) days in advance of the expiration date. The request shall include the reason why the extension is required, a reasonable estimate of the time needed to obtain the necessary approvals, and a qualified statement that there has been no change in the conditional use application or the neighborhood in which the property is located. Failure to diligently pursue necessary approvals shall not be grounds for an extension. The Board of Supervisors may grant up to one additional twenty-four (24) month extension provided a reasonable argument is presented. No more than one (1) such extension shall be granted per conditional use approval.

(Ord. 147, 8/11/2008, §1400)

§1402. Additional Requirements for Specified Conditional Uses. In addition to the requirements and procedures established in §1401, herein, the following requirements shall be applicable to conditional uses as specified in this Chapter:

A. Ownership. The tract of land under application for a conditional use approval shall be in single ownership, or shall be the subject of an application filed jointly by the owners of the entire tract, and shall be under unified control. If the ownership of the entire tract is held by more than a single person or entity, the application shall identify and be filed on behalf of all of the owners. Approval of the plan shall be conditioned upon agreement by the applicant or applicants that the tract shall be developed under single direction in accordance with the approved plan. No site preparation or construction shall be permitted other than in accordance with the approved plan. If ownership of all or any portion of the tract changes subsequent to approval of the plan, no site preparation or construction

by such new owner or owners shall be permitted unless and until such owner or owners shall review the terms and obligations of the approved plan and agree in writing to be bound thereby with respect to development of the tract.

B. Sewer and Water Facilities. The applicant shall demonstrate evidence of adequate water supply and sewage disposal capability. The tract of land shall be served by a water supply system and a sewage system deemed acceptable by the Board of Supervisors upon recommendation of the Township Engineer. Such facilities shall be designed and constructed in compliance with §§421 and 422 of the Subdivision and Land Development Ordinance [Chapter 22] and the East Coventry Township Sewage Facilities (Act 537) Plan.

C. Development Stages and Permits. The development of a tract carried out in either a single phase or in stages shall be executed in accordance with a development agreement. The owner, developer, and Township shall enter into said agreement embodying all details regarding compliance with this Chapter to assure the binding nature thereof on the overall tract and its development, which agreement shall be recorded with the final development plan.

D Stormwater Management. The control of erosion and sediment during construction, and the ongoing management of stormwater on the tract, shall be accomplished in accordance with the provisions of Chapter 9, "Grading and Excavating," Part 1, "Stormwater Management," of the East Coventry Township Code of Ordinances.

E. Covenants and Restrictions. The language, terms and conditions of any proposed covenants or restrictions shall be subject to review and recommendation by the Township Solicitor.

F. Conditional Use Development Plan. The application for conditional use approval shall be accompanied by a unified, overall site plan covering the entire tract, regardless of any intended phasing of development. The plan shall be prepared with sufficient detail to adequately illustrate the proposed development uses and non-development uses of the tract, including (where appropriate), reserve areas for possible future expansion; coordinated internal and external vehicular and pedestrian circulation; well related, convenient and efficient parking and loading areas; agreeable surroundings that provide comfort, safety, and convenience for prospective residents, customers, and/or workers; and high quality design in terms of building relationship, facade treatment, signage, lighting, landscaped and planted buffers and screens, as well as other natural and constructed amenities in furtherance of the comprehensive planning objectives of the Township.

G. Natural and Cultural Resources Analysis. The applicant shall provide an inventory of the tract's natural features and systems, cultural resources, and visual amenities that may be impacted by the proposed conditional use. The inventory shall be prepared in graphic (at a scale of one (1) inch = one hundred (100) feet) and narrative form on the site or in such proximity as to be affected by the proposed conditional use:

(1) Surface waters.

(2) Natural drainage patterns, including swales, intermittent streams, etc.

(3) Floodplain districts as defined in Part 4 of this Chapter.

(4) Wetlands under the jurisdiction of the Pennsylvania Department of Environmental Protection or the U.S. Army Corps of Engineers.

(5) Soils with seasonably high water table.

(6) Soils with shallow depth to bedrock.

(7) Geologic formations, particularly in relation to areas of groundwater recharge.

(8) Biotic resources as mapped and described in the Open Space, Recreation, and Environmental Resources Plan, and patterns of vegetation, including tree masses, rare or extraordinary individual species, any tree of eight (8) inches or greater DBH and areas serving as habitat for wildlife (species of wildlife dependent upon the site for habitat shall be identified).

(9) Scenic resources as mapped and described in the Open Space, Recreation, and Environmental Resources Plan, and any other visual amenities of the site (e.g., topography, vegetation, water) considered unique, scenic, and/or that should be incorporated into the design of any future use.

(10) Sites and structures of historical or cultural significance including, but not limited to, those sites recorded in the Open Space, Recreation and Environmental Resources Plan, the Comprehensive Plan, the Historic Resources Inventory, and the Chester County Historic Sites Survey of 1982.

The applicant shall indicate how any or all of the inventoried resources will be affected by the proposed development, and shall describe mitigating measures to be employed in addressing these impacts. The development impacts and the proposed mitigating measures shall be described in narrative form, and their locations on the site and beyond shall be mapped at a scale of one (1) inch = one hundred (100) feet.

H. Traffic Analysis. The Board of Supervisors, at its sole discretion, may require the applicant to provide traffic studies demonstrating feasible compliance with the objectives of this Chapter and the Comprehensive Plan. Such studies shall estimate traffic volumes, turning movements, and levels of service at intersections, and potentially unsafe conditions existing prior to development as well as may be reasonably expected to occur after proposed development and shall suggest action(s) to mitigate any anticipated reduction of level of service or other negative impact to traffic conditions resulting from development as proposed. In addition the Township shall engage its traffic engineer to review such traffic analyses provided by the applicant and to conduct traffic studies as the traffic engineer may deem necessary. The applicant shall reimburse the Township for such traffic analyses as may be conducted by the Township's traffic engineer.

In granting conditional use approval, the Board of Supervisors may attach conditions requiring specific improvements to provide for safe and convenient access for residents, visitors, employees, and emergency service personnel and vehicles.

I. Fiscal Impact Assessment. The Board of Supervisors, at its sole discretion, may require the applicant to provide an assessment of the economic and fiscal impacts that will result from the proposed development. The assessment shall include a profile of the Township, County and School District revenues to be generated by the proposed development and the costs that it will impose on the Township, County and School District. The information shall be related to the initial, if staged, and completed subdivision or land development.

J. Community Facilities and Services Assessment. The Board of Supervisors, at its sole discretion may require the applicant to provide an assessment of the facility and service needs required for the proposed development. Where applicable, the assessment shall consider, in terms of existing capabilities and the need for additional or expanded capabilities, the following:

(1) Schools.

(2) Park and recreation areas.

(3) Libraries.

(4) Hospitals and other health care facilities.

(5) Fire protection.

(6) Police protection.

(7) Emergency medical services.

(Ord. 147, 8/11/2008, §1401)

§1403. Criteria for Review of Conditional Use Applications. The following criteria shall be used by the Planning Commission and the Board of Supervisors in evaluating a proposed conditional use. It shall be the burden of the applicant to demonstrate compliance with all applicable criteria:

A. An applicant for conditional use approval shall have the burden of demonstrating to the satisfaction of the Board of Supervisors that provision is made to adequately reduce or minimize any noxious, offensive, dangerous or hazardous feature or features thereof, as the case may be. The Board of Supervisors may deny conditional use approval where the applicant has failed to do so or where any use otherwise is deemed to be dangerous or potentially dangerous to the public health, welfare or safety or which constitutes or may constitute a public hazard whether by fire, explosion or otherwise.

B. The use(s) proposed shall be limited to those authorized as conditional uses within the zoning district in which the lot or parcel is situated. The property subject to a conditional use application shall be suitable for the use desired.

C. The size, scope, extent and character of the conditional use desired shall be consistent with the spirit, purposes and intent of the

Comprehensive Plan, the Open Space, Recreation and Environmental Resources Plan, and this Chapter.

D. The proposed use at the location set forth in the application shall be in the public interest and serve the public health, safety and general welfare.

E. Consideration of the character and the type of development in the area surrounding the location for which the request is made, and a determination that the proposed use is appropriate in the area and will not injure or detract from the use or value of the surrounding properties or from the character of the neighborhood.

F. The development, if more than one (1) building, will consist of a harmonious grouping of buildings or other structures.

G. There will be no adverse affect of the proposed conditional use upon the logical, efficient and economical extension of public services and facilities, such as public water, sewers, police and fire protection, recreational opportunities, open space and public schools and, where necessary, adequate arrangements for expansion or improvement of such services and facilities are ensured.

H. The design and use of any new construction and proposed change in use of existing buildings will be compatible with the existing designs and uses in the immediate vicinity and that the proposed design or use shall be compatible with the character of the neighborhood.

I. If the development is to be carried out in progressive stages, each stage shall be so planned that the conditions and intent of this Chapter shall be fully complied with at the completion of any stage.

J. The location and layout of the proposed use is suitable with respect to probable effects upon highway traffic, and assures adequate access arrangements in order to protect major streets and highways from undue congestion and hazard. The proposed use will not lower the level of service on adjacent road segments and intersections as defined by the most recent edition of the Highway Capacity Manual from the Transportation Research Board. As a policy, proposed projects should incorporate designs that will assure safe and efficient access and maintain a level of service "C," as a minimum, on all adjacent road segments and intersections.

K. The interior traffic circulation shall provide safe and convenient circulation for all users, including pedestrian and vehicular modes of transit. The applicant shall demonstrate that sufficient safeguards such as parking, traffic control, screening, and setbacks can be implemented to remove any potential adverse influences the use may have on adjoining uses. In addition, all emergency access design considerations shall be addressed and incorporated into the proposed plan.

L. The adequacy of sanitation and public safety provisions, where applicable, and the necessity to provide a certificate of adequacy of sewage and water facilities from a governmental health agency in any case where required or deemed necessary.

M. Sufficient land area shall be available to be able to effectively screen the proposed conditional use from adjoining different

uses if required by the Board of Supervisors.

N. Consideration of any other development impacts and/or proposed mitigation identified by the submitted site analyses.

O. Consideration of likelihood of market success of proposed use(s), as indicated by market analyses, where required.

P. Uses shall meet the provisions and requirements of the Subdivision and Land Development Ordinance [Chapter 22] and all other applicable ordinances of the Township.

Q. The Board of Supervisors may impose such conditions, in addition to those required, as are necessary to assure that the intent of this Chapter is complied with, which conditions may include, but are not limited to, harmonious design of buildings, planting and its maintenance as a sight or sound screen, the minimizing of noise, glare, and noxious, offensive or hazardous elements and adequate standards of parking and sanitation.

R. If the Board of Supervisors approves the application and accompanying conditional use development plan, such approved plan shall accompany any application for subdivision and land development as prescribed by the Subdivision and Land Development Ordinance [Chapter 22], and such approved plan shall accompany any application for a building permit.

(Ord. 147, 8/11/2008, §1402)

§1404. Clustered Single-Family Detached Residential Development Open Space and Other Open Space Design Standards. Clustered single-family detached residential development permitted as a conditional use in the R-2 Residential and R-3 Residential Districts shall comply with all of the open space and design requirements and standards of this Section. All other types of subdivisions and land developments, wherein open space is required, shall comply with all of the standards of subsection (A) except subsection (A)(1), specifying the minimum amount of open space, for which §426 of the Subdivision and Land Development Ordinance [Chapter 22] shall be applicable.

A. Open Space Standards.

(1) The minimum required amount of the gross tract area to be provided as open space shall be as specified in §§704(B)(1) or 804(B)(1), of which a minimum of twenty-five percent (25%) shall be suitable for active recreational purposes. All required open space shall be contiguous and shall not consist of narrow and small irregularly shaped areas.

(2) The following resources may be included in the required open space to the maximum extent possible:

(a) Stream channels, floodplains, hydric soils, high water table soils, wetlands, riparian buffers.

(b) Precautionary and prohibitive slopes that adjoin watercourses and other water bodies where disturbance would have a negative impact on water quality.

(c) Woodlands that provide the ecological functions of

soil stabilization and protection of streams, wetlands and wildlife habitat.

(d) Habitats of wildlife species that are endangered, threatened, or are of special concern.

(e) Hedgerows, groups of trees, large individual trees, and other landscape elements that are of botanical or historic significance.

(f) Prime agricultural soils.

(g) Historic sites.

(h) Scenic viewsheds and visually prominent topographic features, e.g., ridgelines.

(i) Existing trails.

(3) Open Space Design. The design of the open space shall conform to the standards of §426(4) of the Subdivision and Land Development Ordinance [Chapter 22], except where non-intensive agriculture is permitted as an open space use.

(4) Open Space Uses. Only the following uses shall be permitted in the open space:

(a) Conservation of the open space land in its natural state.

(b) Non-intensive agricultural uses. Other agricultural uses may be permitted by special exception.

(c) Pastureland for horses used only for recreation purposes and equestrian-related structures provided that the impervious surface of such structures is limited to three percent (3%) of the open space.

(d) Forestry in accordance with the timber harvesting provisions of §1316 of this Chapter.

(e) Golf courses, excluding driving ranges and miniature golf facilities, provided that the area of the open space occupied thereby shall be limited to fifty percent (50%) and structures, parking and accessways shall not be included in the minimum required open space.

(f) Easements for stormwater management facilities, vehicular and pedestrian access, sanitary sewer and water lines, and other public facilities.

(g) Utility rights-of-way, excluding utilities structures, may traverse open space areas however shall not be included in the calculation of the minimum required open space.

(5) Disturbance of Open Space Land.

(a) Designated open space shall be permanently restricted from future subdivision and land development.

(b) Disturbance of open space land shall be minimized and shall be limited to the construction of active recreation

facilities, trails, stormwater management facilities, and vehicular and pedestrian access where necessary.

(c) Disturbance to land, including forestry subject to the provisions of §1316 herein, containing natural resources shall be in compliance with the resource protection standards of Part 4 of this Chapter and §429 of the Subdivision and Land Development Ordinance [Chapter 22].

(6) Ownership and Maintenance of Open Space.

(a) Open Space and Facilities Ownership. Open space land may be owned by the Township, a homeowners association, a land trust, a conservation organization recognized by the Township, or by a similar entity approved by the Township, or may remain in private common ownership.

(b) Offer of Dedication. The Township may, but shall not be obligated, to accept dedication in the form of fee simple ownership of open space land. Where the Township accepts dedication of open space land that contains improvements, the Board of Supervisors may require the posting of financial security, in an amount up to fifteen percent (15%) of the installation cost to ensure structural and functional integrity of such improvements for a term not to exceed eighteen (18) months from the date of acceptance of dedication.

(c) Homeowners Association. The designated open space land and associated facilities may be held in common ownership by a homeowners association which shall be formed and operated under the following provisions:

(i) The developer shall provide the Township with a description of and proof of incorporation of the association, a copy of its bylaws and proof of adoption thereof, a copy of the declaration of covenants, easements or restrictions or similar document(s) regulating the use and maintenance of the open space and associated facilities. The conditions and timing of transfer of the control of the association from the developer to the homeowners shall be identified.

(ii) The association shall be organized, operated and financed by the developer prior to the sale of any lots within the development.

(iii) Membership in the association shall be mandatory for all owners, and successors, of dwellings in the development.

(iv) The association shall be responsible for the maintenance and insurance of the open space and facilities owned by the association, enforceable by liens placed by the homeowners association. Maintenance obligations may also be enforced by the Township, which may place liens to recover its costs.

(v) The members of the association shall share equitably the costs of maintaining the open space and facilities owned by the association. Shares shall be defined within the association bylaws or declaration. Association dues shall be structured to provide for both annual operating costs and to cover projected long-range costs capital costs related to repair or replacement of facilities.

(vi) In the event of a proposed transfer, within the methods herein permitted, of open space and facilities by the homeowners association, or of the assumption of maintenance of such open space and facilities by the Township, notice of such action shall be given to all members of the association.

(vii) The association shall have or employ adequate staff to administer and provide continuous and proper maintenance of the open space and facilities.

(viii) The homeowners association may lease open space lands to any other qualified person, or corporation, for operation and maintenance of such lands, but such a lease agreement shall provide: (a) that the residents of the development shall have, at all times, access to the open space lands contained therein (except that access to land that is actively farmed shall be limited by the nature of the agricultural operation); (b) that the open space lands to be leased shall be maintained for the purposes set forth in this Chapter; and (c) that the operation of open space facilities may be for the benefit of the residents only, or may be open to the residents of the Township, at the election of the developer and/or homeowners association. All leases shall be subject to the approval of the Board of Supervisors and any transfer or assignment of the lease shall be further subject to the approval of the Board. Lease agreements so entered upon shall be recorded with the Recorder of Deeds of Chester County within thirty (30) days of their execution and a copy of the recorded lease shall be filed with the Township.

(ix) Homeowners association documentation approved by the Township shall be recorded with the final subdivision and land development plans, and proof of recording thereof shall be provided to the Township prior to the issuance of any building permits. At the time of preliminary plan submission, the applicant shall provide draft homeowners association documentation with sufficient detail to demonstrate compliance with this Section.

(d) Condominiums. Open space land and associated facilities may be held in common by the unit owners as a condominium, the documents for which shall be approved by the Board of Supervisors. Such condominium documents shall be in

conformance with the Pennsylvania Uniform Condominium Act of 1980, as amended. All common open space land shall be "common elements" or "limited common elements." To the degree applicable, condominium documents shall comply with the provisions of subsection (A)(6)(c) above. Condominium documents shall be recorded with the final subdivision and land development plans. At the time of preliminary plan submission, the applicant shall provide draft condominium documents with sufficient detail to demonstrate compliance with this Section.

(e) Dedication of Easements. The Township may, but shall not be obligated to, accept easements for public use of any portion or portions of designated open space land, title of which is to remain in common ownership by condominium unit owners or a homeowners association, as applicable.

(f) Transfer of Easements to a Private Conservation Organization. Upon approval of the Township, an owner may transfer easements to a private, nonprofit organization recognized by the Township, among whose purposes it is to conserve open space and/or natural resources, provided that:

(i) The organization is acceptable to Board, and is a bona fide conservation organization with perpetual existence.

(ii) The conveyance contains appropriate provision for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions.

(iii) A maintenance agreement acceptable to the Board is entered into by the developer and the organization.

(g) Private Ownership of Open Space. Designated open space may be retained in ownership by the applicant or may be transferred to other private parties subject to compliance with all standards and criteria for open space herein. All or portions of the designated open space may be included within an individual lot, e.g., a working farm, where approved by the Board of Supervisors, and the Board may require that the owner of such privately owned open space be responsible for the maintenance thereof.

(h) Open Space and Facilities Maintenance. The cost and responsibility of maintaining the open space and associated facilities shall be borne by the homeowners association, condominium association, conservation organization, or property owner, as outlined in the following sections.

(i) Required Open Space Management Plan. The applicant shall provide a plan for the long-term management of the designated open space including maintenance and management of any stormwater management or any other approved facilities located therein.

(i) Open Space Management Plan Information. The open space management plan shall include a narrative discussion of: (a) the manner in which the designated open space and any facilities included therein will be owned and by whom it will be managed and maintained; (b) the conservation, land management and agricultural techniques and practices which will be used to conserve and perpetually protect the designated open space, including conservation plan(s) approved by the Chester County Conservation District where applicable; (c) the professional and personnel resources that will be necessary in order to maintain and manage the property; (d) the nature of public or private access that is planned for the designated open space; and (e) the source of the financial resources available for such management, preservation and maintenance on a perpetual basis.

(ii) At the time of preliminary plan submission, the applicant shall provide a draft open space management plan with sufficient detail to demonstrate compliance with the provisions herein.

(iii) The Board of Supervisors shall require that the management plan be recorded, in the Office of the Recorder of Deeds of Chester County, with the final subdivision and land development plan.

(iv) The management plan shall contain a provision that permits change to such plan upon written application to the Board of Supervisors. Approval of such application by the Board shall not be unreasonably withheld or delayed provided: (a) the proposed change is consistent with the purposes of preservation of open space set forth in herein, and with the approved subdivision and land development plans; and (b) any such change would not obligate the Township to manage and maintain the open space and facilities.

(j) Provisions for Maintenance of Open Space. In the event that a homeowners association, condominium association, conservation organization, any successor organization, or any owner of the open space shall fail to maintain such land in reasonable order and condition in accordance with the development plan, the open space management plan and/or association or condominium documents as applicable, the Township may serve written notice upon the owner of record, setting forth the manner in which the owner of record has failed to maintain the open space land in reasonable order and condition and directing the owner to remedy the same within twenty (20) days. Upon default by any owner, homeowners association, conservation organization, or other entity responsible for maintenance of designated open space and/or associated facilities, where such maintenance is required under the terms of the open space

management plan, homeowners association or condominium documents, any subdivision and/or land development plan for the property, the zoning approval for the property, or under any applicable requirements of any Township ordinances, permits or approvals, or where such maintenance is otherwise necessary to abate a nuisance, emergency, hazard or other condition threatening persons or property or the public health, safety or welfare, the Township may, but shall not be obligated, to take the following actions:

(i) Upon thirty (30) days advance written notice to the person, association or entity responsible for such maintenance (or any such lesser period as may be specified in the notice in instances of emergency) and the failure of the responsible individual, entity or association within such thirty (30) day period (or such lesser period in the event of an emergency) to perform the necessary maintenance and otherwise remedy the condition set forth in the Township's notice, to enter upon the open space, accessing the same through any other lands of such entity, association or individual as may be necessary, to perform such maintenance and take any other action necessary to correct the condition provided in the Township's notice.

(ii) Any and all costs incurred by the Township in connection with such notice and maintenance shall be paid by the responsible individual, entity or association within ten (10) days after written demand by the Township. Upon failure of the responsible individual, entity, or association to pay such costs by the time required, there shall be added thereto interest at the rate of fifteen percent (15%) per annum as well as all costs incurred by the Township in collection thereof.

(iii) All such costs of maintenance, remediation, notices, and collection, including court costs and attorney's fees, shall constitute a municipal lien and be enforceable as such against the responsible entity, individual or association. Such lien shall extend to all property of such individual, entity or association within the development containing the affected open space. In the case of an association, such lien shall apply, pro rata, against all lot owners who are members of the association, in addition to applying to the affected open space.

(k) Open Space and Facilities Performance Guarantee. Where intended as common or public amenities, all landscape improvements, plantings, accessways, and recreational facilities within designated open space areas shall be provided by the developer. Financial security shall be in the same form and adhere to the same conditions as provided in Section 310 of the Subdivision and Land Development Ordinance [Chapter 22].

B. Clustered Residential Development Design. Clustered residential developments shall be designed in conformance with four (4) step design process as provided in §304(3)(G) of the Subdivision and Land Development Ordinance [Chapter 22].

(Ord. 147, 8/11/2008, §1403)

§1405. Standards for Communications Towers and Communications Antennas Permitted as Conditional Uses.

1. The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a communications tower, if applicable, and communications antennas.

2. The applicant shall demonstrate that the proposed communications tower and communications antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

3. The applicant shall demonstrate that the proposed communications systems and antennas will not cause radio frequency interference with other communications facilities.

4. Communication towers shall comply with all applicable Federal Aviation Administration regulations, applicable Commonwealth Bureau of Aviation regulations and applicable airport zoning regulations.

5. Any applicant proposing construction of a new communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communications antennas on an existing communications tower or public utility transmission tower. A good faith effort shall require that all owners of potentially suitable existing structures within a one-quarter (1/4) mile radius of the proposed communications tower site be contacted and that one (1) or more of the following reasons for not selecting such structure apply:

A. The proposed antennas and related equipment would exceed the structural capacity of the existing structure or building and its reinforcement cannot be accomplished at a reasonable cost.

B. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for the existing structure and the interference cannot be prevented at a reasonable cost.

C. Such existing structures or buildings do not have adequate location, space, access or height to accommodate the proposed equipment to allow it to perform its intended function.

D. Addition of the proposed antennas and related equipment would result in electromagnetic radiation exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

E. A commercially reasonable agreement could not be reached with the owners of such structures or buildings.

6. Access shall be provided to the communications tower and communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width. The

access shall be improved to a width of at least ten (10) feet with a dust-free surface for its entire length.

7. Only monopole structures may be used for a new communications tower, except if attached to an existing structure or building.

8. A communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the zoning district.

9. Recording of a plat of subdivision shall not be required for a leased parcel on which a communications tower is proposed to be constructed.

10. The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function with the ability to support a minimum of four (4) separate sets of communications antennas.

11. The maximum height of any communications tower, including communications antennas and lightning rods, shall be one hundred ninety-five (195) feet.

12. If a new communications tower is constructed, the minimum distance between the base of the Tower and the nearest property line shall be the largest of the following:

A. One hundred and twenty percent (120%) of the antenna height as measured from the mean ground elevation.

B. The minimum setback of the zoning district in which it is located.

C. Fifty (50) feet.

13. The base of a communications tower shall be landscaped so as to provide an effective screen of the foundation and base and the communications equipment building from abutting properties.

14. The communications equipment building shall comply with the height and yard requirements of the applicable zoning district.

15. If the provisions of subsection (12)(A) cannot be met, the applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed communications tower will be designed and constructed in accordance with all governing construction and engineering codes, except that the wind loading and seismic loading requirements of such codes shall be increased by an additional twenty percent (20%).

16. An applicant proposing communications antennas to be mounted directly on a public utility transmission tower shall provide evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the tower, considering wind and other loads associated with the antenna location. This requirement may not be applicable if the communications antennas will be mounted on a new structure that is placed within and/or attached to an existing public utility transmission tower (for example, the use of a "Ft. Worth" pole attached to the interior or exterior of an existing public utility transmission tower).

17. An applicant proposing communications antennas to be mounted on or

attached to a public utility transmission tower or other structure or building shall provide:

A. Detailed construction and elevation drawings indicating how the antennas will be mounted on the structure for review by the Township Engineer for compliance with the Building Code [Chapter 5, Part 1, §101] and other applicable law.

B. Evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted, so that installation and maintenance of the antennas and communications equipment building can be accomplished.

18. The applicant shall submit a copy of its current Federal Communications Commission license, the name, address and emergency telephone number for the operator of the communications tower and a certificate of insurance evidencing general liability coverage in the minimum amount of one million dollars ($1,000,000) per occurrence and property damage coverage in the minimum amount of one million dollars ($1,000,000.00) per occurrence covering the communications tower and communications antennas.

19. All guy wires associated with guyed communications towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.

20. The site of a communications tower shall be secured by a fence with a maximum height of eight (8) feet to limit accessibility by the general public. Barbed wire shall be placed above the top of the fence to discourage climbers. Anti-climbing devices shall be installed or access devices shall be removed from the communications tower to discourage unauthorized climbers.

21. No signs or lights shall be mounted on a communications tower or communications equipment building, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency that has jurisdiction.

22. Communications antenna shall be mounted on a communications tower, except as may be otherwise required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency that has jurisdiction.

23. Communications towers shall be protected and maintained in accordance with the requirements of the Uniform Construction Code [Chapter 5, Part 2].

24. If a communications tower remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the communications tower within six (6) months of the expiration of such twelve (12) month period.

25. One (1) off-street parking space shall be provided.

26. The applicant shall demonstrate that the denial of the conditional use shall have the effect of prohibiting the provision of wireless communication services. For the purposes of the foregoing, "the denial of the conditional use shall have the effect of prohibiting the provision of wireless communications services" if a significant gap in the availability of service will result from the denial of the conditional use.

(Ord. 147, 8/11/2008, §1404)

§1406. Continuation by Conditional Use of Nonconformities Resulting from the Taking of a Portion of a Lot for Public Road Purposes.

1. Whenever an existing lot and/or an existing building or other structure on an existing lot becomes nonconforming, or more nonconforming, with respect to one (1) or more applicable areas and/or dimensional requirements, as a result of a taking of a portion of the lot for public road purposes, and the nonconformity, with respect to each applicable area and dimensional requirement, resulting from the taking, is more than fifty percent (50%) of the applicable requirement, or increases an existing nonconformity of the same applicable area and dimensional requirement beyond fifty percent (50%) of that requirement, the lawful use of the lot and/or lawful use, location and/or size of the building or other structure on the lot, as existing on the effective date of the taking, may remain and continue after the effective date of the taking only when authorized by conditional use as required by §1333(B) of this Chapter.

2. The conditional use required by §1333(B) of this Chapter shall be allowed or denied by the Board of Supervisors pursuant to the following standards:

A. The applicant shall demonstrate that no unsafe conditions or adverse environmental impacts have been created on the lot, or in or to the building or other structure on the lot, as a result of the lot, building or structure being rendered nonconforming or more nonconforming, with respect to one or more applicable areas and/or dimensional requirements, by the taking.

(1) Such unsafe conditions shall include, but shall not be limited to:

(a) The potential for personal injury to occupants of the lot or of the building or other structure on the lot.

(b) The potential for property damage on the lot or to or in the building or other structure on the lot.

(2) Such adverse environmental impacts shall include, but shall not be limited to:

(a) The potential for increased levels of vehicle emissions on the lot or from the building or other structure on the lot.

(b) The potential for increased noise levels on the lot or from the building or other structure on the lot.

(c) The potential for loss of privacy on the lot or in the building or other structure on the lot.

(3) The applicant may propose, for consideration by the Board of Supervisors, measures to mitigate the potential for such unsafe conditions and adverse environmental impacts.

B. The applicant shall demonstrate that no unsafe conditions to the traveling public (motorist or pedestrian) or to any person (motorist or pedestrian) entering or leaving the lot, have been created on the lot as a result of the lot, or the building or structure thereon, being rendered nonconforming or more nonconforming, with respect to one or more applicable areas and/or dimensional requirements, by the taking.

(1) Such unsafe conditions shall include, but shall not be limited to:

(a) Decreased clear sight triangle or sight distance at the intersection of a driveway on the lot and the abutting street.

(b) The increased potential for personal injury to the traveling public or to persons entering or leaving the lot, whether or not the result of condition (a).

(c) The increased potential for damage to property of the traveling public, or of persons entering or leaving the lot, whether or not the result of condition (a).

(2) The applicant may propose, for consideration by the Board of Supervisors, measures to mitigate the potential for such unsafe conditions to the traveling public (motorist or pedestrian) or to any person (motorist or pedestrian) entering or leaving the lot unsafe conditions.

3. In granting the conditional use required by §1333(B) of this Chapter, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as the Board of Supervisors may deem necessary to implement the purposes of the Municipalities Planning Code and this Chapter.

4. The following words and phrases, as used in this Section, shall have the same meanings as such words and phrases are defined and used in §1333(G) of this Chapter: "lawful"; "applicable area and/or dimensional requirements"; "taking"; "public purposes"; and "effective date of the taking."

(Ord. 147, 8/11/2008, §1405)

Part 15

Zoning Hearing Board

§1501. Establishment and Membership.

1. There shall be a Zoning Hearing Board consisting of five (5) residents of the Township, appointed by the resolution of Board of Supervisors in accordance with Article IX of the Municipalities Planning Code. Their terms of office shall be five (5) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Zoning Hearing Board shall promptly notify the Board of Supervisors of any vacancy that occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board and alternates shall hold no other office, or have membership on any other committee or commission, in the Township.

2. The Board of Supervisors may, by resolution, appoint at least one (1) but no more than three (3) residents of the Township to serve as alternate members of the Zoning Hearing Board. The term of the alternate members shall be three (3) years. The alternate members shall hold no other office, or sit on any other committee or commission, in the Township. An alternate may participate in any proceeding or discussion of the Zoning Hearing Board, but shall not be entitled to vote as a member of the Zoning Hearing Board, or be compensated as a member as provided herein unless designated as a voting member in accordance with the provisions of §1502(2) of this Part.

3. Any member of the Zoning Hearing Board may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors, taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

(Ord. 147, 8/11/2008, §1500)

§1502. Organization of the Zoning Hearing Board.

1. The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall not be less than a majority of all the members of the Zoning Hearing Board, but the Zoning Hearing Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Zoning Hearing Board, as provided in §908 of the Municipalities Planning Code.

2. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Zoning Hearing Board shall designate as many alternate members to sit on the Zoning Hearing Board as may be needed to provide a quorum. Any alternate member shall continue to serve on the Zoning Hearing Board in all proceedings involving the matter or case for which the alternate was initially appointed, until the Zoning Hearing Board has made a

final determination of the matter or case. Designation of an alternate member pursuant to this subsection shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

3. The Zoning Hearing Board may make, alter and rescind the rules, regulations and forms for its procedures, such as are consistent with the ordinances of the Township and the laws of the Commonwealth of Pennsylvania. Copies of rules, regulations and forms adopted by the Zoning Hearing Board shall be prepared and shall be made available for inspection by any interested person in the Township Offices.

4. The Zoning Hearing Board shall keep full public records of its business which records shall be the property of the Township, and shall submit a report of its prior year activities to the Board of Supervisors once a year, prior to March 1, of each year, and at such other times as may be requested by the Board of Supervisors.

(Ord. 147, 8/11/2008, §1501)

§1503. Jurisdiction. The Zoning Hearing Board shall function in strict accordance with and pursuant to §909.1(a) of the Municipalities Planning Code, and shall have all powers set forth therein including, but not limited to, the following:

A. To hear and decide appeals from a determination of the Zoning Officer including, but not limited to, the granting or denial of any permit or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

B. To hear and decide applications for special exceptions authorized by this Chapter in accordance with the standards and criteria set forth in §1509. The Zoning Hearing Board may attach such reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this Chapter and the Municipalities Planning Code.

C. To hear and decide applications for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant. A variance may be granted only after the Zoning Hearing Board has made the findings as required in §1510 of this Part. In granting a variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this Chapter and the Municipalities Planning Code.

D. To conduct hearings and make such decisions and findings in connection with substantive challenges to the validity of any provisions of this Chapter and any other Township land use ordinance as authorized by §909.1(a)(1) of the Municipalities Planning Code.

E. To exercise jurisdiction over all other proceedings over which the Zoning Hearing Board is given jurisdiction pursuant to the Municipalities Planning Code.

(Ord. 147, 8/11/2008, §1502)

§1504. Rules of Procedure, Expenditures and Fees.

1. The Zoning Hearing Board may make, alter or rescind rules of procedure in accordance with the several provisions of this Chapter as to the manner of filing appeals, applications for special exceptions or variances, and as to the conduct of the business of the Zoning Hearing Board. In all cases the rules of procedure shall be consistent with Article IX of the Municipalities Planning Code.

2. Within the limits of funds appropriated by the Board of Supervisors, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the Zoning Hearing Board, including any alternate members when designated in accordance with this article, may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors. In no case, however, shall the amount of compensation exceed the rate authorized for the members of the Board of Supervisors.

3. Any applicant before the Zoning Hearing Board shall deposit with the Township the appropriate filing fee established by resolution of the Board of Supervisors in accordance with the terms of §1604.

4. The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead associated with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

(Ord. 147, 8/11/2008, §1503)

§1505. Meetings. Meetings of the Zoning Hearing Board shall be held at the call of the Chairman and at such other times as the Zoning Hearing Board may determine. Unless otherwise required or permitted by law, all meetings of the Zoning Hearing Board shall be open to the public. The Zoning Hearing Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if a member is absent or fails to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed with the Township and shall be a public record. (Ord. 147, 8/11/2008, §1504)

§1506. Appeals and Applications to the Zoning Hearing Board. Appeals to the Zoning Hearing Board may be filed by an affected landowner, any officer or agency of the Township or any person aggrieved. Applications for a variance or special exception may be filed by any landowner, or any tenant with permission of the landowner. All applications, appeals and other matters to and before the Zoning Hearing Board shall be filed in accordance with the applicable procedures provided and established by this Chapter, the Pennsylvania Municipalities Planning Code, other law, and/or the rules and regulations of the Zoning Hearing Board. All applications, appeals and other matters shall be initiated by an application for hearing which shall be filed with the Township on forms specified by the Township. Applications shall be accompanied by all exhibits and supplemental material required by the application, or by this Chapter, the Pennsylvania Municipalities Planning Code, or the rules and regulations of the Zoning Hearing Board, and all required filing and other fees. Each application, appeal or other matter shall refer to the specific provisions of this Chapter, any other ordinance,

and/or the Pennsylvania Municipalities Planning Code which are involved and relied upon as authority for the authorization, permissions, approval or other relief sought.

A. Appeal from Determination of the Zoning Officer. In the case of any appeal from a determination of the Zoning Officer, the Zoning Officer, upon the filing of the appeal, shall transmit to the Zoning Hearing Board all papers constituting the record upon which the determination was based and the appeal taken.

B. Application for Special Exception or Variance. An application for a special exception or a variance under or from the terms of this Chapter shall be filed with the Zoning Hearing Board, and shall include:

(1) The name and address of the applicant.

(2) The name and address of the owner of the real estate in question.

(3) A statement of the present zoning classification of the property in question, the improvements thereon, and the present use thereof.

(4) A statement of the section of this Chapter under or from which the special exception or variance is requested, and, the reasons, legal and factual, why the application should be granted.

(5) An accurate description of the improvements, additions, uses and development proposed to be made under the application, if any, indicating the size of such proposed improvements and additions, and the materials and general construction thereof. In additions there shall be attached a plot plan of the property in question, indicating the location and size of the improvements now erected thereon the location and size of the additions and improvements' proposed to be erected thereon, and the location of the proposed uses and development.

C. Application for Special Exception or Variance in the Floodplain District - Additional Standards of Review and Procedures. In addition to the information required in subsection (B), above, an application for a special exception or variance concerning property located in a floodplain district shall include or be accompanied by the following:

(1) Detailed engineering studies indicating the effects on drainage and streams on all adjacent properties as well as the property in question.

(2) An application for amending the boundaries of the Floodplain District if the boundaries will be affected by the use, activity or development proposed by the special exception of variance.

(3) In determining applications and appeals for special exceptions and variances involving property in any floodplain district, the Zoning Hearing Board shall, consider all relevant factors, criteria and procedures specified in other Sections of this Chapter, and, in addition, shall consider the following factors, criteria, and procedures:

(a) The danger to life and property due to increased flood heights or velocities caused by encroachments. No special exception or variance shall be granted for any proposed use, development, or activity that will cause any increase in flood levels in the FW Floodway Floodplain District, or the floodway portion of the FA General Floodplain District.

(b) The danger that materials may be swept on to other lands or downstream to the injury of others.

(c) The proposed water supply and sanitation system and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

(d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

(e) The importance of the services provided by the proposed facility to the community.

(f) The requirements of the facility for a waterfront location.

(g) The availability of alternative locations not subject to flooding for the proposed use.

(h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

(i) The relationship of the proposed use to the Comprehensive Plan and floodplain management program for the area.

(j) The safety to access to the property in times of flood for ordinary and emergency vehicles.

(k) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.

(l) That all structures and buildings involved in the variance or special exception appeal or application shall be designed and constructed so as to resist a one hundred (100) year flood.

(m) That the use, activity, or development proposed by the special exception or variance shall not result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, and shall not create nuisances or cause fraud on or victimize the public.

(n) That the use, activity or development proposed by the special exception or variance shall not conflict with other local regulations, ordinances or laws.

(o) Except for a possible modification of the freeboard requirement involved, no variance shall be granted to or from

any requirements pertaining specifically to types of development, obstructions or activities regulated under the provisions of §407 of this Chapter including without limitation those types of development activities and obstructions requiring a special permit.

(4) The Zoning Hearing Board shall request, at least forty-five (45) days prior to the public hearing, the review and recommendation of the following agencies:

(a) The Chester County Conservation District.

(b) The Township Planning Commission.

(c) The Chester County Planning Commission.

(d) Other planning agencies deemed necessary by the Zoning Hearing Board to assist in determining the impact of the proposed use.

(5) The Zoning Hearing Board may refer any application and appeal and accompanying documentation pertaining to the special exception or variance to the Township Engineer or other qualified person or agency, other than those set forth above, in evaluating the use, activity or development proposed by the special exception or variance in relation to flood heights and velocities, and the adequacy of the plans for protection and other related matter.

(6) Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant or appellant in writing that the granting of the variance may result in increased premium rates for flood insurance, and that such variance may increase the risks to life and/or property.

(7) The Zoning Hearing Board shall maintain a complete record of all variance, special exception, and other requests with respect to property in the floodplain districts. In addition, the Zoning Hearing Board shall prepare and submit to the Board of Supervisors, at such time and in such manner as the Board of Supervisors shall direct, an annual report of all variances, special exceptions, and other requests granted by the Zoning Hearing Board. Such report shall be included in the annual report of the Township to the Federal Emergency Management Agency.

(Ord. 147, 8/11/2008, §1505)

§1507. Notice of Hearing. Notice shall be given by the Township, except as otherwise noted herein, of any public hearing stating the location of the building or lot and the general nature of the question involved and shall be given as follows:

A. By giving public notice as defined in §202 of this Chapter and otherwise consistent with the Municipalities Planning Code of the hearing, and including, but not necessarily limited to, the following information: name of the applicant and type of application being heard; brief description of the request; date, location and time of the hearing; location and times when the application can be reviewed by the public or copies of such application to be obtained at a reasonable cost; and Township contact person.

B. By mailing a notice thereof to the applicant, the Zoning Officer, the Township and any person who has made timely request for same or who shall have registered their names and addresses for this purpose with the Zoning Hearing Board.

C. By the applicant mailing, by certified mail, notice, satisfactory to the Zoning Hearing Board, thereof to the owner, if his address is known, or to the occupant of any lot on the same street within five hundred (500) feet of the lot in question and of every lot not on the same street within a five hundred (500) foot radius of said lot; provided that failure to mail the notice required by this subsection shall not invalidate any action taken by the Zoning Hearing Board, and further provided that the notice required by this subsection shall not be interpreted to grant, in any manner or to any extent, legal standing or other right, not otherwise provided by law, to any owner or occupier to participate at the hearing before the Zoning Hearing board and/or in any subsequent appeal proceedings.

D. By posting notice thereof conspicuously on the affected tract of land at least one (1) week prior to the hearing.

E. The failure of any person or entity to receive notice duly given pursuant to this Section shall not constitute grounds for any court to invalidate the actions of the Zoning Hearing Board for which the notice was given.

(Ord. 147, 8/11/2008, §1506)

§1508. Hearing Procedures. The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:

A. The first hearing shall be commenced within sixty (60) days from the date of receipt of the applicant’s application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant. Any party aggrieved by the schedule or progress of the hearings may apply to the Court of Common Pleas of Chester County for judicial relief. The hearing shall be completed no later than one hundred (100) days after the completion of the applicant’s case in chief, unless extended for good cause upon application to the Court of Common Pleas of Chester County.

B. The hearing shall be conducted by the Zoning Hearing Board or the Zoning Hearing Board may appoint any member, or an independent attorney, as a hearing officer. The decision or, where no decision is called for, the findings shall be made by the Zoning Hearing Board; however, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Zoning Hearing Board and accept the decision or findings of the hearing officer as final.

C. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person including civic or community organizations permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board shall have power to require that all

persons who wish to be considered parties enter appearances in writing on forms provided by the Zoning Hearing Board for that purpose.

D. The chairman or acting chairman of the Zoning Hearing Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

E. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

F. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

G. The Zoning Hearing Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or hearing officer or shall be paid by the person appealing from the decision of the Zoning Hearing Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copies or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

H. The Zoning Hearing Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

(Ord. 147, 8/11/2008, §1507)

§1509. Standards for Review of a Special Exception. The Zoning Hearing Board shall hear and decide all requests for a special exception and must determine that the following standards and criteria are met before granting the request:

A. The proposed development or change is consistent with the spirit, purpose and intent of this Chapter.

B. The size, scope, extent and character of the special exception request is consistent with the Comprehensive Plan and promotes the harmonious and orderly development of the zoning district involved.

C. The proposed special exception is an appropriate use consistent with the character and type of development in the area surrounding the location for which the request is made and will not substantially impair, alter or detract from the use of surrounding property or of the character of the neighborhood in light of the zoning classification of

the area affected; the effect on other properties in the area; the number, extent and scope of nonconforming uses in the area; and the presence or the absence in the neighborhood of conditions or uses which are the same or similar in character to the condition or use for which applicant seeks approval.

D. The proposed special exception is suitable with respect to traffic and highways in the area and provides for adequate access and off-street parking arrangements in order to protect major streets and highways from undue congestion and hazard.

E. All arterial or collector roadway frontage will be developed so as to limit the total number of access points and encourage the frontage of building on parallel marginal roads or on roads perpendicular to the arterial or collector roadway.

F. The proposed special exception is reasonable in terms of the logical, efficient and economical extension of public services and facilities, such as public water, sewers, police, fire protection, and public schools, and ensures adequate arrangements for the extension of such services and facilities in specific instances.

G. Conditions are being imposed on the grant of the request necessary to ensure that the general purpose and intent of the property adjacent to the area included in the proposed special exception is adequately safeguarded with respect to harmonious design of buildings, aesthetics, planting and its maintenance as a sight or sound screen, landscaping, hours of operation, lighting, numbers of persons involved, allied activities, ventilation, noise, sanitation, safety, smoke and fume control and the minimizing of noxious, offensive or hazardous elements.

H. The proposed special exception protects and promotes the health, safety and general welfare of Township residents.

(Ord. 147, 8/11/2008, §1508)

§1510. Standards for Review of a Variance. The Zoning Hearing Board may grant a variance provided that all of the following findings are made where relevant in a given case as required by §910.2 of the Municipalities Planning Code:

A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Chapter in the neighborhood or district in which the property is located.

B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

C. That such unnecessary hardship has not been created by the applicant.

D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance the Zoning Hearing Board may attach such reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this Chapter and the Municipalities Planning Code.

(Ord. 147, 8/11/2008, §1509)

§1511. Burden of Proof; Conditions. To the maximum extent permitted by law, all burdens of proof and persuasion shall be upon the applicant in connection with any variance, special exception, or other application or appeal before the Zoning Hearing Board. In allowing a variance or special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of this Chapter and the Municipalities Planning Code. (Ord. 147, 8/11/2008, §1510)

§1512. Decision on Appeals and Requests.

1. The Zoning Hearing Board or hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this Chapter or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Zoning Hearing Board shall make the hearing officer’s report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to a final decision or entry of findings, and the Zoning Hearing Board’s decision shall be entered no later than thirty (30) days after the report of the hearing officer. Where the Zoning Hearing Board fails to render a decision as required by this subsection, or fails to commence and/or complete the required hearing as provided in §1508 of this Chapter, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Zoning Hearing Board to meet or render a decision as hereinabove provided, the Zoning Hearing Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in this Section. If the Zoning Hearing Board shall fail to provide such notice, the applicant may do

so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

2. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Zoning Hearing Board not later than the last day of the hearing, the Zoning Hearing Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

(Ord. 147, 8/11/2008, §1511)

§1513. Appeals to Court. Appeals from decisions of the Zoning Hearing Board shall be to the Court of Common Pleas of Chester County, to the extent permitted by and in accordance with the provisions of the Municipalities Planning Code and/or other applicable law. (Ord. 147, 8/11/2008, §1512)

§1514. Expiration of Special Exceptions and Variances.

1. Any approval of a special exception or variance request shall be deemed null and void twenty-four (24) months from the date of such approval if, within that period, no application is made for a building permit, use and occupancy permit, sedimentation and erosion control permit, subdivision or land development approval, or any other approval or permit required by the Township to proceed with construction, occupancy, or use pursuant to the special exception or variance, unless so extended by the Zoning Hearing Board pursuant to subsection (2), below.

2. The twenty-four (24) month expiration period may be extended by the Zoning Hearing Board provided, that such request for an extension shall be properly filed with the Zoning Officer at least thirty (30) calendar days in advance of the expiration date. The request shall include the reason why the extension is required, a reasonable estimate of the time needed to obtain the necessary approvals, and a qualified statement that there has been no change in either the circumstances giving rise to the grant of relief or the neighborhood in which the property is located. Any request for an extension shall require a resubmission of the application, public notice and payment of fees as required for the initial application. Failure to diligently pursue necessary approvals shall not be grounds for an extension. The Zoning Hearing Board may grant up to one (1) additional twenty-four (24) month extension provided a reasonable argument is presented. No more than one (1) such extension shall be granted per special exception or variance approval.

(Ord. 147, 8/11/2008, §1513)

Part 16

Administration

§1601. Zoning Officer. For the administration of this Chapter, a Zoning Officer, who shall not hold any elective office in the Township, shall be appointed by the Board of Supervisors. The Zoning Officer shall meet such qualifications as the Board of Supervisors may establish from time to time and shall demonstrate to the satisfaction of the Board of Supervisors a working knowledge of municipal zoning. The Zoning Officer shall have such powers and duties as provided in this Chapter or otherwise by law and when authorized by the Board of Supervisors institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment pursuant to this Section.

A. Powers and Duties of the Zoning Officer. It shall be the general power and duty of the Zoning Officer to administer this Chapter in accordance with its literal terms. The Zoning Officer shall not have the power to permit any construction or any use or change of use which does not conform to the provisions of this Chapter.

B. In addition to other powers provided in and by this Chapter, the Municipalities Planning Code, and/or other law, the Zoning Officer shall have the following specific powers and duties:

(1) To provide the initial interpretation of the provisions of this Chapter and the enforcement thereof.

(2) To receive and examine all applications for use and occupancy and sign permits to determine compliance with this Chapter.

(3) To issue permits for use and occupancy and signs only when in accordance with the provisions of this Chapter.

(4) To revoke, by order, permits which were issued under a mistake of fact or contrary to the law or to provisions of this Chapter.

(5) To record and file all applications for permits and accompanying plans and documents and keep them for public record at the Township.

(6) To make reports as the Board of Supervisors may require.

(7) To issue permits for use and occupancy and signs by special exception and/or variance only after approval for such use and occupancy, and signs has been so ordered by the Zoning Hearing Board in accordance with the requirements of this Chapter, or by a court of appeals, subject to any stipulations contained in such order.

(8) To issue permits for use and occupancy, signs and demolition by conditional use only after approval for such use and occupancy and signs has been so ordered by the Board of Supervisors in accordance with the requirements of this Chapter, or by a court of appeals, subject to any stipulations contained in such order.

(9) To require that all lots shall have plastic-capped iron corner pins set by a registered surveyor and that the application for a building permit and the accompanying plot plan shall contain all of the information necessary to enable him to ascertain whether the proposed use, building, construction or alteration complies with the provisions of this Chapter. No building permit shall be issued by the Building Inspector unless the Zoning Officer certifies that the proposed use, building, construction or alteration complies with the provisions of this Chapter.

(10) To inspect nonconforming uses, buildings and lots and to keep a filed record of such nonconforming uses and buildings as a public record.

(11) Upon the request of the Board of Supervisors or the Zoning Hearing Board, present to such bodies facts, records, and any similar information on specific requests to assist such bodies in reaching its decision.

(12) To be responsible for the administration of the National Flood Insurance Program in the Township as it relates to those areas where records must be maintained relative to the types of land use permitted and occurring within the floodplain district, variances issued, base flood elevations, elevation of the lowest floor, including basement, of structures within the floodplain district, the elevation to which the structure is flood-proofed and other administrative functions necessary for participation in the National Flood Insurance Program.

(Ord. 147, 8/11/2008, §1600)

§1602. Use and Occupancy Permits.

1. Permits Required.

A. No building or structure shall be constructed, erected or structurally altered, or demolished, nor shall any existing use of a building, structure or land be changed until a use and occupancy permit has been issued by the Zoning Officer.

B. When a building permit is required for the construction, erection or structural alteration of any building or structure, or a demolition permit for is required for the demolition of any building or structure, an application for a use and occupancy permit shall be made simultaneously with the application for a building or demolition permit. Upon completion of the construction, erection or structural alteration, or demolition, of the building or structure in conformance with the provisions of this Chapter, it shall be the obligation of the applicant to notify, in writing, the Zoning Officer. The Zoning Officer shall examine the building or structure within ten (10) days of such written notice of completion and if such construction, erection or structural alteration, or demolition, has been completed in accordance with the provisions of this Chapter, a use and occupancy permit, or a notice of non-compliance, shall be issued within an additional ten (10) days.

C. When any existing use of a building, structure or land is to be changed, an application for a use and occupancy permit shall be made

prior to the change of such use. Upon completion of the change of use of the building or structure in conformance with the provisions of this Chapter, it shall be the obligation of the applicant to notify, in writing, the Zoning Officer. The Zoning Officer shall make an examination and investigation as is necessary to determine whether the proposed change in use is in compliance with the provisions of this Chapter within ten (10) days of such written notice of completion, and if such proposed use is found to be in accordance with the provisions of this Chapter, a use and occupancy permit, or a notice of non-compliance, shall be issued within an additional ten (10) days.

D. A use and occupancy permit issued under this Section shall state that the use of the buildings, structures or land complies with the provisions of this Chapter.

2. Temporary Use and Occupancy Permits.

A. The Zoning Officer may issue a temporary use and occupancy permit that may permit the use or occupancy of a building or structure during structural alteration thereof or may permit the partial use or occupancy of a building or structure during its construction, provided that such temporary use and occupancy permit shall be valid for a period not exceeding ninety (90) days from its issuance and shall be subject to such restrictions and provisions as may be deemed necessary by the Zoning Officer to adequately insure the safety of persons using or occupying the building, structure or land involved.

B. Application for a temporary use and occupancy permit shall be made in the same manner as for a use and occupancy permit and the application for or issuance of such temporary use and occupancy permit shall in no way affect the obligation to apply for and obtain a use and occupancy permit.

3. Application Forms.

A. All applications for use and occupancy and temporary use and occupancy permits shall be made on forms to be furnished by the Zoning Officer and shall contain accurate information regarding the size of and location the lot, the dimensions of all yards and open spaces and such other information as may be required by the Zoning Officer as necessary to ascertain compliance with this Chapter.

B. No building permit or other permit for the construction, erection, repair or alteration of a building or structure shall be issued before application has been made for a use and occupancy permit.

4. Time Limitation on Permits. Every permit issued under this Section shall be valid only for a period of six (6) months from its date unless it is exercised or used within said period and unless once commenced it is continually exercised or used. If work under the permit ceases for a period of six (6) months, unless such cessation is for reasonable cause, the permit shall expire.

(Ord. 147, 8/11/2008, §1601)

§1603. Floodplain/Zoning Permits.

1. In addition to a building permit, use and occupancy permit or other permit which otherwise may be required, a zoning permit shall be required for

all construction and development of, or upon, property situated in a floodplain district including, without limitation, paving, filling, grading, excavation, mining, dredging or drilling operations.

2. All applications for a zoning permit shall be made to the Zoning Officer in writing on forms furnished by the Township and shall include all information necessary to enable the Zoning Officer to ascertain compliance with the floodplain provisions of this Chapter and other applicable Township ordinances, rules and regulations.

3. No zoning permit shall be issued until the Zoning Officer has certified that the proposed construction, development or disturbance complies with the floodplain provisions of this Chapter and other applicable Township ordinances, rules and regulations. Upon completion of the construction, development or disturbance and prior to the use or occupancy thereof, if any, the holder of the permit shall immediately notify the Zoning Officer of such completion. The zoning permit shall automatically become invalid after one (1) year from the date of issuance unless work authorized thereby has begun and is underway. In no event shall any fees paid to the Township for the zoning permit be refundable. Use and occupancy, if any, of the proposed construction, development and/or disturbance shall not be permitted until the Zoning Officer has certified that the work has been inspected and approved as being in conformance with the floodplain regulations of this Chapter and other applicable ordinances and rules and regulations and has issued a use and occupancy permit as provided in this Part.

(Ord. 147, 8/11/2008, §1602)

§1604. Fees and Expenses.

1. Permit Applications. Fees for applications for building permits, use and occupancy permits, sign permits, or similar permits shall be paid in accordance with a fee schedule adopted by resolution of the Board of Supervisors from time to time. Such schedule may be revised, as necessary, by resolution of the Board of Supervisors.

2. Applications or Appeals Before the Board of Supervisors or Zoning Hearing Board.

A. Upon submission of an application or appeal before the Board of Supervisors or the Zoning Hearing Board, the applicant shall deposit an amount of money in accordance with a schedule of applicant expenses, adopted by resolution of the Board of Supervisors from time to time. The Zoning Officer shall determine the category of application and, therefore, the amount due.

B. If, at any time, the charges then made against the applicant's deposit shall render the balance insufficient to ensure payment of all expenses that may accrue in the disposition of the pending appeal or application, the Township shall obtain from the applicant additional deposits to assure adequate funds to pay such expenses as they may accrue. Prior to final disposition of the appeal or application, the amount of the deposit shall not be less than fifteen percent (15%) of the initial deposit amount. The failure of the Township to require and obtain additional deposits from time to time shall not relieve the applicant from liability for expenses in excess of deposits.

(27, §1604(2)(C), cont'd)

C. All applications, appeals, or other matters to or before the Board of Supervisors or the Zoning Hearing Board shall not be considered complete and pending until all applicable fees and expenses, in accordance with the schedules thereof determined herein by the Board of Supervisors have been paid in full. The Board of Supervisors or the Zoning Hearing Board shall not take any action on any application, appeal or other matter until the applicable fees and expenses have been paid in full.

(Ord. 147, 8/11/2008, §1603)

§1605. Municipal Liability. The granting of any permit, application, or appeal under or pursuant to this Chapter by the Board of Supervisors, the Zoning Hearing Board, Zoning Officer, or other official, body or agency of the Township, for the use of land or structures or the erection, alteration, extension or enlargement of any structure, (A) shall not constitute a representation, guarantee or warranty of any kind by the Township, or any of its officials, bodies, agencies or employees, as to such use, erection, alteration, extension or enlargement, and (B) shall not create any liability upon, or a cause of action against, the Township, or any official, body, agency or employee thereof, for any damages or injury that may result from such use, erection, alteration, demolition, extension, or enlargement. (Ord. 147, 8/11/2008, §1604)

Part 17

Amendments

§1701. Power of Amendment. The Board of Supervisors may from time to time amend, supplement, change, modify or repeal this Chapter including the Zoning Map and its overlays, by proceeding in the manner prescribed in this Part and in accordance with the applicable provisions of the Municipalities Planning Code. (Ord. 147, 8/11/2008, §1700)

§1702. Initiation of Amendment Proposals.

1. Proposals Initiated by the Board of Supervisors or the Planning Commission. Proposals for amendment of this Chapter may be initiated by the Board of Supervisors on its own motion, or by the Planning Commission.

2. Proposals Initiated by Property Owners.

A. A petition to amend this Chapter may be submitted by one (1) or more owners of property affected by the proposed amendment. The petition shall be submitted in writing to the Board of Supervisors together with a fee in accordance with the fee schedule adopted by resolution of the Board of Supervisors from time to time. Any part of such fee shall not be refundable to the petitioner. Upon receipt of the petition, the Board of Supervisors shall transmit a copy of the petition to the Planning Commission and the Chester County Planning Commission in accordance with §1703.

B. A landowner may submit a proposed curative amendment, challenging, on substantive grounds, the validity of this Chapter, as provided by and in accordance with the provisions of the Municipalities Planning Code. The Board of Supervisors shall proceed and act upon any such proposal in the manner stipulated in the Municipalities Planning Code.

(Ord. 147, 8/11/2008, §1701)

§1703. Referral to Township and County Planning Commissions.

1. In the case of a proposed amendment other than one prepared by the Planning Commission, the Board of Supervisors shall submit the proposed amendment to the Planning Commission at least thirty (30) days prior to the public hearing upon the proposed amendment as provided in §1704. The Planning Commission shall consider whether or not the proposed amendment would be consistent with and in furtherance of implementation of the Comprehensive Plan. The Planning Commission shall submit its recommendations thereon, together with its reasons to the Board of Supervisors. The Board of Supervisors, in reaching its decision, shall take into consideration such recommendations and reasoning but shall not be bound thereby.

2. Every proposed amendment shall be submitted by the Board of Supervisors to the County Planning Commission for recommendations at least thirty (30) days prior to the public hearing upon a proposed amendment as provided by §1704. The Board of Supervisors shall not take any action upon

the proposed amendment until the recommendations of the County Planning Commission are received or until the said thirty (30) day period for such recommendations has elapsed without such recommendations having been received. The Board of Supervisors shall not be bound by such recommendations.

(Ord. 147, 8/11/2008, §1702)

§1704. Public Hearing and Notice. The Board of Supervisors shall fix the time and place of a public hearing on the proposed amendment and cause notice thereof to be given as follows:

A. By giving public notice (as defined in §202 of this Chapter and otherwise consistent with the Municipalities Planning Code) of the hearing. The notice shall state the particular nature of the matter to be addressed through the proposed amendment, a reference to a place in the Township where copies of the proposed amendment may be examined without charge or purchased at a charge not exceeding the cost thereof, and the time and place set for the public hearing.

B. If the proposed amendment involves a Zoning Map change:

(1) Notice of the public hearing shall be conspicuously posted by the Township at points along the tract deemed sufficient by the Township to notify potentially interested citizens. The notice of the subject tract or area shall be posted at least one week prior to the date of the hearing.

(2) In the case a property owner submits a petition for the Zoning Map Change, notice of the public hearing shall be mailed by the petitioner at least thirty (30) days prior to the date of the hearing by certified mail return receipt requested to the owners of all property within a radius of five hundred (500) feet of the tract(s) subject of the Zoning Map change. The mailing addresses of such owners shall be the addresses to which real estate tax bills are sent for their property, as evidenced by the tax records within the possession of the Township. The notice shall include the location, date and time of the public hearing. The petitioner shall also provide the Township a copy of the hearing notice and the return receipts for said certified mailing.

(3) In the case the Township initiates the Zoning Map change and the change impacts more than ten (10) properties, notice of the public hearing shall be mailed by the Township at least thirty (30) days prior to the date of the hearing by certified mail return receipt requested to the owners of all property within a radius of five hundred (500) feet of the tract(s) subject of the Zoning Map change. The mailing addresses of such owners shall be the addresses to which real estate tax bills are sent for their property, as evidenced by the tax records within the possession of the Township. The notice shall include the location, date and time of the public hearing.

C. At the public hearing, full opportunity to be heard shall be given to any resident and all parties in interest.

D. If after the public hearing held upon the amendment, the proposed amendment is changed substantially, or is revised to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice as provided in this Section, prior to proceeding to vote on the amendment.

(Ord. 147, 8/11/2008, §1703)

§1705. Enactment.

1. In addition to any public notice requirements for public hearing on amendments, notice of proposed enactment shall include the time and place of the meeting at which passage will be considered, a reference to the place within the Township where copies of the proposed amendment may be examined without charge or obtained for a charge not to exceed the cost thereof. The Board of Supervisors shall publish the proposed amendment once in one (1) newspaper of general circulation in the Township not more than sixty (60) or less than seven (7) days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary, prepared by the Township solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:

A. A copy thereof shall be supplied to a newspaper of general circulation in the Township at the time the public notice is published.

B. An attested copy of the proposed amendment shall be filed in the Chester County Law Library or other County office designated by the Chester County Commissioners.

2. The Board of Supervisors shall republish any proposed amendment, in accordance with this Section, where the scheduled date of enactment is more than sixty (60) days following the date of the last publication of the notice of enactment.

(Ord. 147, 8/11/2008, §1704)

Part 18

Enforcement

§1801. Enforcement Notice.

1. If it appears to the Board of Supervisors that a violation of this Chapter has occurred, the Zoning Officer, or such other officer or official of the Township (including, but not limited to, the Township Solicitor) as may be designated and authorized by the Board of Supervisors, shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section. By means of the enforcement notice, the Zoning Officer, or such other officer or official, as directed and authorized by the Board of Supervisors, may order discontinuance of illegal use of land or structures; removal of illegal structures or additions, alterations, or structural changes thereto; or discontinuance of any illegal work being done. The Board of Supervisors also may authorize the Township Manager, Solicitor, Chief of Police, members of the Township Police Department and/or other persons to enforce or to assist in the enforcement of this Chapter.

2. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

3. An enforcement notice shall, at a minimum, state the following:

A. The name of the owner of record and any other persons against whom the Township intends to take action.

B. The location of the property in violation.

C. The specific violation, with a description of the requirements that have not been met, citing in each instance the applicable provisions of this Chapter.

D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board, in accordance with the procedures set forth in this Chapter, within fifteen (15) days immediately following the date of the notice.

F. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with the possible sanctions clearly described.

(Ord. 147, 8/11/2008, §1800)

§1802. Causes of Action.

1. In case any building, structure, or non-permanent structure, hedge, tree, wetland, shrub, landscaping or other growth, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this Chapter, the Board of Supervisors or, with the approval of the Board of Supervisors, the Zoning Officer or other officer or official of the Township, or any aggrieved owner or tenant of real property

who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, or nonpermanent structure, hedge, tree, shrub, landscaping, or other growth, or use of land, or to prevent, in or about such premises, any act, conduct, business, or use constituting a violation.

2. Where any action, authorized in subsection (1), above, is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun, by serving a copy of the complaint to the Board of Supervisors. No such action may be commenced until such notice has been given.

(Ord. 147, 8/11/2008, §1801)

§1803. Enforcement Remedies.

1. Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township pay a judgment of not more than five hundred dollars ($500.00) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied, or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership, or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth day following the date of the determination of a violation by the district justice. Thereafter, each day that a violation continues shall constitute a separate violation. All judgments, costs, and reasonable attorney fees collected for the violation of this Chapter shall be paid over to the Township.

2. In addition to the above remedies, the Board of Supervisors may take other appropriate and available legal action, which may include equitable and injunctive relief, to enforce the provisions of this Chapter.

3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity, other than the Board of Supervisors and the Township, the right to commence any action for enforcement pursuant to this Section.

(Ord. 147, 8/11/2008, §1802)

Part 19

Nonconforming Uses, Structures and Buildings

§1901. Nonconforming Use. A nonconforming use shall have the same meaning as defined under §202 of this Chapter.

A. Continuation. Any lawful nonconforming use of land, buildings, or structures, or parts thereof, may continue as it existed prior to the effective date of this Chapter or the amendment thereto by which such use became a nonconforming use, provided, however, that any such use shall otherwise be and remain in compliance with any other applicable laws and regulations. [Ord. 166]

B. Discontinuance. Whenever a nonconforming use, in or on the land, or within a building or structure or portion thereof, has been discontinued for a continuous period of more than one (1) year, such discontinuance shall be deemed to be an abandonment of such nonconforming use and any subsequent use thereof shall conform to the applicable provisions of this Chapter or its amendments and the prior nonconforming use shall not thereafter be resumed, unless in accordance with the applicable provisions of this Chapter or its amendments.

C. Change of Nonconforming Use to Conforming. Whenever any nonconforming use shall have been changed or altered so as to conform to the provisions of this Chapter or its amendments, then such nonconforming use shall no longer be nonconforming to the extent to which it then conforms to this Chapter or its amendments, and the prior nonconforming use shall not thereafter be resumed. Provided, however, that if a later amendment to this Chapter should make the use as so changed or altered nonconforming with its provisions, then such use as changed or altered shall become a new nonconforming use to the extent of such nonconformance or noncompliance.

D. Expansion or Extension of Nonconforming Nonresidential Use by Variance.

(1) No nonconforming nonresidential use may be extended or expanded in any building or structure, or in or on the lot on which it is located, nor may any nonconforming nonresidential use be moved to a different position upon the lot on which it is located, so as to alter the use or its location which existed at the time that the use became nonconforming. Any person desiring to make any such change or alteration of a nonconforming nonresidential use shall apply for a variance from the provisions of this Chapter in accordance with applicable laws and ordinances and any such change or alteration in use shall be made only after authorization by the Zoning Hearing Board and in accordance with such reasonable conditions and safeguards as may be imposed by the Zoning Hearing Board. Provided that no variance may be applied for or obtained under this Section which would displace any residential use if the building, structure or lot is located in a residential district.

(2) A variance may not be granted under this Section which would extend a nonconforming nonresidential use beyond the area of

a lot which was in existence at the time such use became nonconforming. However, a variance may be granted to increase the area of a lot covered by such nonconforming nonresidential use if the Zoning Hearing Board shall make a finding that such expansion was within the contemplation of the owner of the lot at the time the use became nonconforming, in addition to the other findings necessary for the granting of a variance. Such expansion or extension shall not exceed fifty percent (50%) of the original building footprint occupied by the nonconforming nonresidential use.

E. Expansion or Extension of Nonconforming Residential Use. Except as otherwise provided in this Section, a nonconforming residential use may be enlarged, increased and/or extended in order to occupy a greater area of land than was occupied by such use on the effective date of this Section or on the effective date of a subsequent amendment hereto, provided that the area of land occupied by such expansion, increase and/or extension shall not exceed fifty percent (50%) of the original building footprint occupied by the nonconforming residential use on the effective date of this Section or the effective date of a subsequent amendment hereto. For purposes of the foregoing, the effective date of this Section shall apply where the nonconforming residential use existed as a lawful nonconforming residential use on such date and the effective date of a subsequent amendment to this Section shall apply where the nonconforming residential use first became a lawful nonconforming residential use as a result of the enactment of the amendment.

(Ord. 147, 8/11/2008, §1900; as amended by Ord. 166, 4/12/2010, §I)

§1902. Nonconforming Structure or Building. A nonconforming structure or building shall have the same meaning as defined under §202 of this Chapter, provided that, for the purposes of this Section, a nonconforming structure or building shall not include a nonconforming sign which is specifically governed under §1903 of this Chapter. [Ord. 166]

A. Continuation. Any lawful nonconforming building or structure may remain as it existed prior to the effective date of this Chapter or any amendment thereto by which such building or structure became nonconforming, provided, however, that any such building or structure shall otherwise be and remain in compliance with any other applicable laws or regulations.

B. Nonconforming Building or Structure Changed to Become Conforming. Whenever any nonconforming building or structure shall have been changed or altered to conform to the provisions of this Chapter or its amendments in effect at the time of such change or alteration, or whenever any amendment to this Chapter shall make such building or structure conforming with the provisions of this Chapter or its amendments, then thereafter such building shall remain in conformance with the applicable provisions of this Chapter or its amendments. Provided, however, that if a later amendment to this Chapter should make the building or structure, as so changed or altered, nonconforming with its provisions, then the building or structure as so changed and altered will become a nonconforming building or structure to the extent of such nonconformance or noncompliance.

C. Expansion or Extension of Nonconforming Nonresidential Buildings or Structures by Variance. A nonconforming nonresidential building or structure may not be expanded, extended or increased in size in any manner except pursuant to authorization for variance obtained from the Zoning Hearing Board, provided that (1) such alteration, reconstruction, extension or enlargement shall be only upon the same lot as in existence at the date the use(s) became nonconforming, and (2) such nonconforming use, or the building or structure in which it is conducted, shall not be enlarged more than fifty percent (50%) greater than the original building footprint occupied by such use at the time said use became nonconforming under the provisions of this Chapter or any amendments thereto.

D. Repairs, Renovation and Modernization of Nonconforming Building and Structure. Repairs, renovation and modernization of nonconforming buildings or structures such as renewal or replacement of outer surfaces, or windows, or addition of soundproofing or fire proofing materials, air conditioning and repair or replacement of structural parts or members of the building or structure, shall be permitted notwithstanding other provisions of this Chapter. Provided, that such repairs, renovations or modernization do not change or alter substantially the physical configuration of the nonconforming building or structure, or change its position on the ground; and, provided further that no increase in the size of or area covered by the said nonconforming building or structure nor any extension or expansion of the nonconforming use or area of such use within the building or structure, in or on the lot, where such nonconforming use is located shall be permitted or authorized by this Section. Provided further that areas of nonconforming use within a building or structure may be rearranged in connection with such repairs, renovation or modernization if there is not thereby an enlargement or expansion of the nonconforming use within said building or structure.

E. Reconstruction of Nonconforming Building or Structure. In the event that any nonconforming building or structure is destroyed or partially destroyed by fire, explosion or other cause, such nonconforming building structure may be reconstructed and the nonconforming use thereof continued if such reconstruction is commenced within six (6) months of the date of the destruction or damage thereto and is pursued diligently to completion. Provided, however, that in such reconstruction the said building or structure destroyed or damaged shall not exceed the size of the nonconforming building or structure destroyed or damaged and, shall be placed in the same location on the ground as the nonconforming building or structure destroyed or damaged and, the nonconforming use thereof shall not differ from that existing prior to such damage or destruction unless a variance is applied for and obtained under this Chapter, except that the repair, renovation or modernization of such nonconforming building or structure authorized by subsection (D) of this Part shall nevertheless be permitted. Any such reconstruction shall be subject to and in accordance with existing Building [Chapter 5, Part 1, §101], Electrical [Chapter 5, Part 1, §105], Fire and Plumbing [Chapter 5, Part 1, §102] Codes, safety regulations or laws. If reconstruction does not commence within six (6) months after the occurrence of the damage or destruction, or is not thereafter diligently

completed, then any further use, buildings or structures on the lot shall be in conformity with the provisions of this Chapter.

F. Expansion or Extension of Nonconforming Residential Buildings or Structures.

(1) Except as provided by subsection (F)(2), a nonconforming residential building or structure shall not be enlarged, increased, repaired, maintained or modified in any manner which will further violate any applicable area, yard and/or height regulation imposed by this Chapter.

(2) A principal residential building or structure which is lawfully nonconforming as to a yard requirement may have repairs, improvements, modifications and/or additions made to those portions of the structure or building within an area of the required yard, as to which the structure or building is lawfully nonconforming, subject to and in accordance with all of the following:

(a) The repair, improvement, modification, and/or addition to the nonconforming principal residential building or structure shall not cause the building or structure to be located closer to the lot line, from which the required yard is determined, than the nearest point of the building or structure as lawfully existed when the building or structure first became lawfully nonconforming as to the required yard.

(b) The repair, improvement, modification, and/or addition to the nonconforming principal residential building or structure shall not cause an increase in the ground floor area of the building or structure of more than forty percent (40%) over the ground floor area of the building or structure as lawfully existed when the building or structure first became lawfully nonconforming as to the required yard.

[Ord. 166]

(Ord. 147, 8/11/2008, §1901; as amended by Ord. 166, 4/12/2010, §§II, III)

§1903. Nonconforming Sign. A nonconforming sign shall be subject to the provisions of §1314(19) of this Chapter. (Ord. 147, 8/11/2008, §1902)

§1904. Identification and Registration of Nonconforming Uses, Nonconforming Structures or Buildings, and Nonconforming Lots.

1. The Zoning Officer shall identify and register nonconforming uses, nonconforming structures or buildings, and nonconforming lots, together with the reason why such uses, structures or buildings, and lots are nonconforming. Upon application, the Zoning Officer if he so determines shall issue certificates of nonconformity for such nonconforming uses, nonconforming structures or buildings, and nonconforming lots.

2. The Zoning Officer shall establish and make available at the Township office a form which shall require such information, as the Zoning Officer may deem necessary, to identify and register nonconforming uses, nonconforming structures or buildings, and nonconforming lots.

3. The Zoning Officer shall further establish and make available at the Township Office applications for certificates of nonconforming uses, nonconforming structures or buildings, and nonconforming lots.

(Ord. 147, 8/11/2008, §1903)

§1905. Temporary Nonconforming Use. A temporary nonconforming use, which will benefit the public health, safety, morals, general welfare and proper development of a zoning district in conformity with the intent and purpose of this Chapter, may be permitted for a period of not more than thirty (30) days, on the approval of the Zoning Officer, but any such use to be permitted for a longer period shall require a public hearing upon application for a special exception in accordance with other sections of this Chapter, after which the Zoning Hearing Board may issue its order permitting such use for any period it may deem best, but not exceeding one (1) year in any case. (Ord. 147, 8/11/2008, §1904)

§1906. Lots Nonconforming as to Area and Width Regulations, and Lots of Unusual Dimensions.

1. For any use permitted in a zoning district, a building may be erected on any lot lawfully held of record in single and separate ownership on the effective date of this Chapter which is not of the required minimum area or width or is of such unusual dimensions that the owner would have difficulty providing the required yard areas for the district in which the lot is situated. This provision shall apply even though such lot fails to meet all of the lot area and lot width requirements of the district in which the lot is located. However, all setback and lot coverage requirements shall be met unless variances are authorized pursuant to §§1506 and 1510 of this Chapter. [Ord. 166]

2. Unless otherwise provided by the Municipalities Planning Code, where two (2) or more contiguous developed or undeveloped lots are held in single ownership, which lots are individually not of the required minimum area or width for the district in which they are situated, such lots may be reconfigured, as a subdivision, with lot line changes in groups thereof in order to provide a greater lot area or frontage such that the original nonconformance(s) is not increased.

(Ord. 147, 8/11/2008, §1905; as amended by Ord. 166, 4/12/2010, §IV)

§1907. Nonconformities in Floodplain Districts.

1. Existing nonconformities of structures, buildings, and/or uses, located in the floodway portion of any floodplain district, shall not be expanded or enlarged unless the effect on flood heights by the proposed expansion or enlargement is fully offset by accompanying stream improvements.

2. Any modification, alteration, repair, reconstruction, or improvement of any kind to a nonconformity of a structure, building, and/or use, located in any floodplain district, to an extent or amount of less than fifty percent (50%) of its then present market value, shall be elevated and/or flood-proofed to the greatest extent possible.

3. Any modification, alteration, repair, reconstruction, or improvement of any kind to a nonconformity of a structure, building, and/or use, located in any floodplain district, to an extent or amount of fifty percent

(50%) or more of its then present market value, shall be permitted and undertaken only in full compliance with the provisions of this Chapter and any other applicable ordinances.

4. Uses or adjuncts thereof which are, or become, nuisances shall not be permitted to continue in any floodplain district.

5. Existing nonconformities of a structure, building and/or use located within any floodplain district shall comply with the provisions of Chapter 35 (providing for construction and development in floodplain districts) added to the BOCA National Building Code, 1996 edition, in and by §111(F) of Part 1 of Chapter 5 of the Township of East Coventry Code of Ordinances.

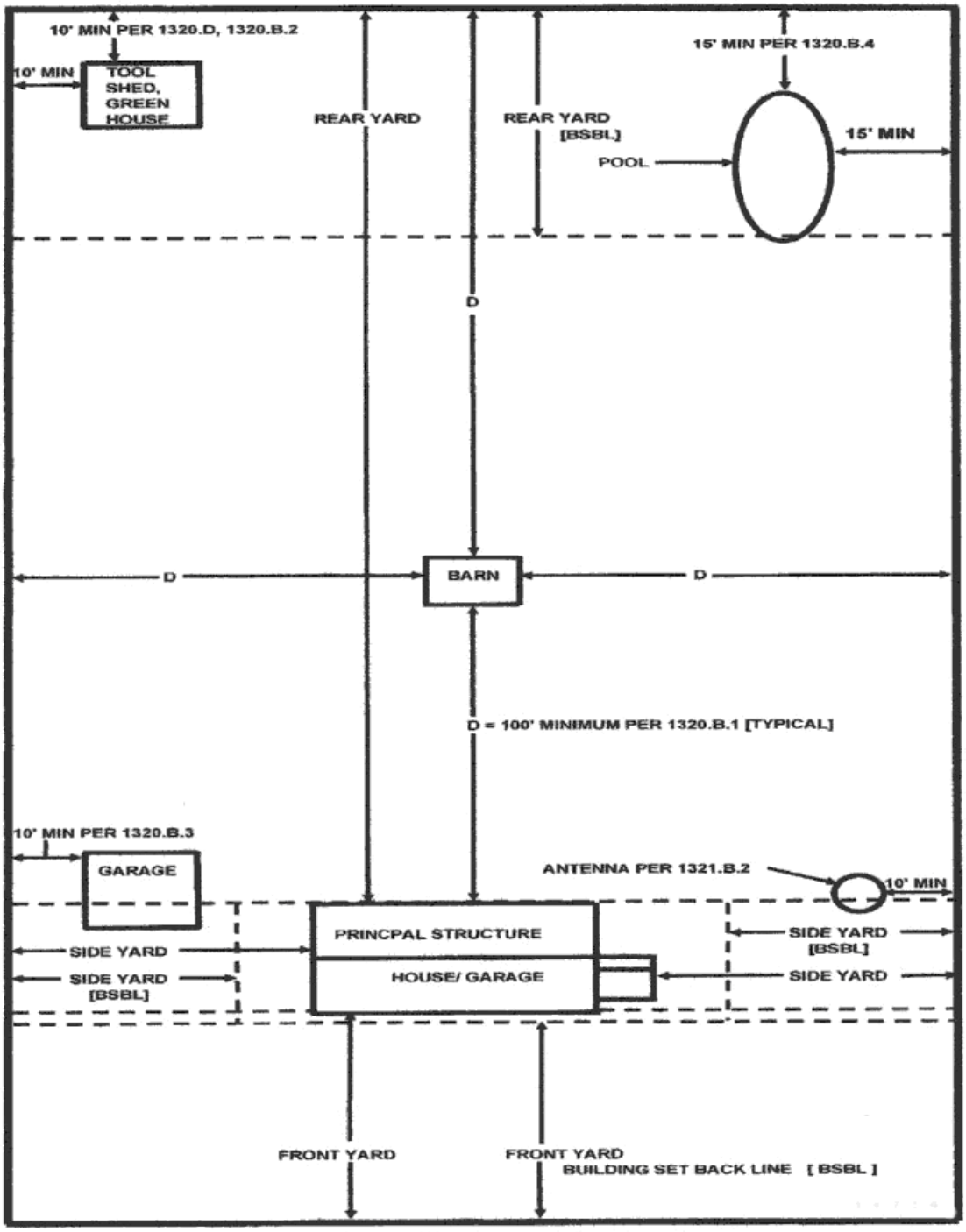
(Ord. 147, 8/11/2008, §1907)

Appendix A

[Reserved]

Appendix B

Developed Lot with Accessories



DEVELOPED LOT WITH ACCESSORIES

Zoning Map Amendments

Vicinity and Parcel No.	Current Zoning	Proposed Zoning	Property Owner	Propery Owner Street Address	City	State	Zip
Sanatoga and Saylors Mill Roads							
18-4-148	**R-3**	**R-2**	George Strutynski	1129 Schoolhouse Road	Pottstown	PA	19465
18-4-134.4	**R-3**	**R-2**	Kimberly A Dangelo	2667 East Cedarville Road	Pottstown	PA	19465
18-4-134.2	**R-3**	**R-2**	Lorra Jean Walters	2651 East Cedarville Road	Pottstown	PA	19465
18-4-134.1	**R-3**	**R-2**	Michael D Golas	1059 Sanatoga Road	Pottstown	PA	19465
18-4-134	**R-3**	**R-2**	Oscar and Linda Brunner	1031 Sanatoga Road	Pottstown	PA	19465
18-4-134.3	**R-3**	**R-2**	Bruce R and Bonita M Ottey	1015 Santoga Road	Pottstown	PA	19465
Zieber Road and Old Schuylkill Road							
18-5-114	**R-3**	**R-2**	Thomas and Mary A Holton	P.O. Box 423	Parkerford	PA	19457
18-5-114.2	**R-3**	**R-2**	Carla J Grosser	19 Zieber Road	Spring City	PA	19475
18-5-114.1	**R-3**	**R-2**	Nancy R Brancaleoni	P.O. Box 145	Parkerford	PA	19457
18-5-113	**R-3**	**R-2**	Eugene P and Ann R King	P.O. Box 141	Parkerford	PA	19457
18-5-112	**R-3**	**R-2**	Robert L and Nancy M Peiffer	55 Zieber Road	Spring City	PA	19475
18-5-111	**R-3**	**R-2**	David T and Elizabeth A Sheehan	71 Zieber Road	Spring City	PA	19475
18-5-110	**R-3**	**R-2**	William and Christine Gambone	P.O. Box 361	Parkerford	PA	19457
18-5-109	**R-3**	**R-2**	John R Curtis	109 Zieber Road	Spring City	PA	19475
18-5-108	**R-3**	**R-2**	George Hennessey Jr	P.O Box 41	Parkerford	PA	19457
18-5-107	**R-3**	**R-2**	George E Hennessey Jr	P.O. Box 282	Parkerford	PA	19457
18-5-106	**R-3**	**R-2**	Francis J Puleo and Helen Camptelli etal	27 Nutt Road	Phoenxiville	PA	19460
18-5-105.1	**R-3**	**R-2**	Ruth M Horwitz	50 Keokuk Road - Apt C12	Royersford	PA	19468
18-5-105	**R-3**	**R-2**	Leroy G Ames	2 King Road	Landing	NJ	07850
18-5-104	**R-3**	**R-2**	Robert L Manbeck	245 Zieber Road	Parkerford	PA	19457
18-5-103	**R-3**	**R-2**	Thomas P Hiland	P.O. Box 217	Parkerford	PA	19457
18-5-115	**R-3**	**R-2**	Philip W Fretz Jr and Susan Mary Fretz	P.O. Box 465	Parkerford	PA	19457
18-5-116	**R-3**	**R-2**	Clifford Kent Steinruck and Frederick M Steinruck	P.O Box 58	Parkerford	PA	19457
18-5-117.2	**R-3**	**R-2**	Kevin D and Pamela S Abbott	P.O. Box 422	Parkerford	PA	19457
18-5-117	**R-3**	**R-2**	Vita and Antonino Satiro	P.O. Box 472	Parkerford	PA	19457
18-5-117.1	**R-3**	**R-2**	Vita and Antonino Satiro	P.O. Box 472	Parkerford	PA	19457
18-5-118	**R-3**	**R-2**	Robert and Cornelia Hauschild	P.O. Box 373	Parkerford	PA	19457
18-5-119	**R-3**	**R-2**	Richard and Patricia Robinson	P.O. Box 287	Parkerford	PA	19457
18-5-120	**R-3**	**R-2**	Sandra L Martin	1500 Old Schuylkill Road	Spring City	PA	19475

(27, Zoning Map Amendments, cont'd)

Vicinity and Parcel No.	Current Zoning	Proposed Zoning	Property Owner	Propery Owner Street Address	City	State	Zip
18-5-121	**R-3**	**R-2**	Rodney B Varady	P.O. Box 801	Phoenxiville	PA	19460
18-5-122	**R-3**	**R-2**	Richard I and Doroth M Shantz	P.O. Box 146	Parkerford	PA	19457
18-5-123	**R-3**	**R-2**	Robert T Townsend III	P.O. Box 421	Parkerford	PA	19457
18-5-124	**R-3**	**R-2**	Thomas D and Leslie M Reichman	P.O. Box 26	Parkerford	PA	19457
18-5-125	**R-3**	**R-2**	Michael H Stringer	P.O. Box 374	Parkerford	PA	19457
18-5-126	**R-3**	**R-2**	Parkerford Baptist Church	62 Baptist Church Road	Parkerford	PA	19457
18-5-127	**R-3**	**R-2**	Parkerford Baptist Church	92 Baptist Church Road	Parkerford	PA	19457
Old Schuylkill Road and Wells Road							
18-5-86	**R-3**	**C**	Robert B McConnell	108 Bethel Road	Spring City	PA	19475
18-5-85.2A	**R-3**	**C**	Richard F Jr and Sarah Heylmun	P.O. Box 475	Parkerford	PA	19457
18-5-85.2	**R-3**	**C**	Richard W and Linda Kropp	2840 St. Peters Road	Pottstown	PA	19465
18-5-87	**R-3**	**C**	David A and Cindy L Kilgannon	P.O. Box 34	Parkerford	PA	19457
18-5F-2	**R-3**	**C**	Robert E Pletcher and Jennfer A David	P.O. Box 399	Parkerford	PA	19457
18-5F-3	**R-3**	**C**	Joseph C and Sharon L Maylen	P.O. Box 492	Parkerford	PA	19457
18-5F-1.1	**R-3**	**C**	Joan R Kocik	P.O. Box 198	Parkerford	PA	19457
18-5F-4	**R-3**	**C**	Edward A and Michelle J Covey	P.O. Box 318	Parkerford	PA	19457
18-5F-9.1	**R-3**	**C**	Rhoda A Thomas c/o Robert Walker	P.O. Box 118	Parkerford	PA	19457
18-5F-5	**R-3**	**C**	Russell D and Jennifer Balliet	1613 Old Schylkill Road	Parkerford	PA	19457
18-5F-6	**R-3**	**C**	James L Jr and Irene V Keeley	P.O. Box 303	Parkerford	PA	19457
18-5F-9.2	**R-3**	**C**	Daniel W Ganovsky	595 Pikeland Avenue	Spring City	PA	19475
18-5F-10	**R-3**	**C**	Thomas L and Marie F Pence	P. O Box 333	Parkerford	PA	19457
18-5F-11.1	**R-3**	**C**	Rick T and Barbara J Schaeffer	P.O. Box 379	Parkerford	PA	19457
18-5F-11	**R-3**	**C**	Jay F Raspen	P.O. Box 152	Parkerford	PA	19457
18-5F-12	**R-3**	**C**	F J Raspen	P.O. Box 152	Parkerford	PA	19457
18-5F-13	**R-3**	**C**	F J Raspen	P.O. Box 152	Parkerford	PA	19457
18-5F-9	**R-3**	**C**	Bell Telephone Co of PA c/o Verizon - Property Tax Dept	P.O. Box 152206	Irving	TX	75015
18-5F-8	**R-3**	**C**	Vito and Guiseppa Conigliaro	1272 W. Bridge Street	Spring City	PA	19475
18-5F-1	**R-3**	**C**	John and Elizabeth M Rudick	108 Pine Drive	Phoenxiville	PA	19460
Linfield Road							
18-5-30.1	**NC**	**C**	Philadelphia Electric Co	2301 Market Street	Philadelphia	PA	19101
18-5-31	**NC**	**C**	Nichlas and Anna G Tudor	1805 Old Schuylkill Road	Spring City	PA	19475
18-5-33	**NC**	**C**	Robert E Elliott	P.O. Box 196	Parkerford	PA	19457
18-5-35	**NC**	**C**	Robert E Elliott	P.O. Box 196	Parkerford	PA	19457

(27, Zoning Map Amendments, cont'd)

Vicinity and Parcel No.	Current Zoning	Proposed Zoning	Property Owner	Propery Owner Street Address	City	State	Zip
18-5-34	**NC**	**C**	Robert E Elliott	P.O. Box 196	Parkerford	PA	19457
18-5-36	**NC**	**C**	George R and Suzanne T Graham and Tracie M Graham	1713 Old Schuylkill Road	Spring City	PA	19475
18-5-37	**NC**	**C**	Robert H and Emma S Turner	P.O. Box 200	Parkerford	PA	19457
Ridge Road							
18-6-39	**FR**	**NC**	Frank and Barbara C Spera	1160 Bethel Church Road	Spring City	PA	19475
18-6-39.1	**FR**	**NC**	Frank and Barbara C Spera	1160 Bethel Church Road	Spring City	PA	19475
18-6-38	**FR**	**NC**	Sarah E Handwork	1188 Bethel Church Road	Spring City	PA	19475
18-6-37	**FR**	**NC**	Brian S and Susan J Seybert	1200 Bethel Church Road	Spring City	PA	19475
18-6-36	**FR**	**NC**	Matthew B Kulp and Denise M McKenna	1212 Bethel Church Road	Spring City	PA	19475
18-6-36.3A	**FR**	**NC**	Steve and Monica N Sharayko	1222 Bethel Church Road	Spring City	PA	19475
18-6-36.3	**FR**	**NC**	Jeffrey H King Sr and Laurie Keyes	328 Applebrook Drive	Malvern	PA	19355
18-6-36.2	**FR**	**NC**	William D Jr and Patricia A Moore	533 Ridge Road	Spring City	PA	19475
18-6-35	**FR**	**NC**	Steven M and Susan B Evans	2376 Beaver Hill Road	Chester Springs	PA	19425
18-6-36.1	**FR**	**NC**	Roland Kolb and Kathie E Young	547 Ridge Road	Spring City	PA	19475
18-6-61.1	**FR**	**NC**	562 Ridge Road LLC	562 Ridge Road	Spring City	PA	19475
18-6-61	**FR**	**NC**	562 Ridge Road LLC	562 Ridge Road	Spring City	PA	19475
18-6-67	**FR**	**NC**	Tri County Plasterers Inc.	510 Ridge Road	Spring City	PA	19475
18-6-66	**FR**	**NC**	Susan McCloud	493 Bethel Road	Spring City	PA	19475
18-6-64	**FR**	**NC**	Clarence W and Anna M Shantz	1348 Bethel Church Road	Spring City	PA	19475
18-6-63	**FR**	**NC**	Maria L Camp and Lauren Baxter	528 Ridge Road	Spring City	PA	19475
Cedarville Road and Spiece Road (Kulp Farm)							
18-1-96	**R-2**	**FR**	Harold R and Dawn M Kulp	32 Spring Creek Lane	Pottstown	PA	19475
18-4-18.1	**R-2**	**FR**	Harold R and Dawn M Kulp	32 Spring Creek Lane	Pottstown	PA	19475
Franklin Avenue							
18-5-69.1	**R-3**	**C**	Elvin S and Ruth E Kolb	P.O. Box 120	Parkerford	PA	19457
18-5-70	**R-3**	**C**	Joseph O and Carole Ann McCann	387 Hallman Mill Road	Phoenxiville	PA	19460
Old Schuylkill Road (Schollenberger)			**CURRENT ZONING: R-2 PROPOSED ZONING: FR**				
18-4-69	**LI**	**R-3**	Joy W and Jeff R Schollenberger	111 Old Schuylkill Road	Pottstown	PA	19465
18-4-69.1	**LI**	**R-3**	Joy W and Jeff R Schollenberger	111 Old Schuylkill Road	Pottstown	PA	19465
18-4-69.2	**LI**	**R-3**	Joy W and Jeff R Schollenberger	111 Old Schuylkill Road	Pottstown	PA	19465
East Cedarville Road							
18-4-32.1P	**R-3**	**R-2**	John J and Amy L McCormick	1963 East Cedarville Road	Pottstown	PA	19465

(27, Zoning Map Amendments, cont'd)

Vicinity and Parcel No.	Current Zoning	Proposed Zoning	Property Owner	Propery Owner Street Address	City	State	Zip
18-4-32.1J	**R-3**	**R-2**	Richard M and Irene Shambor	1981 East Cedarville Road	Pottstown	PA	19465
18-4-32.1L	**R-3**	**R-2**	Richard W Jr and Donna C Reedy	1997 East Cedarville Road	Pottstown	PA	19465
18-4-32.1K	**R-3**	**R-2**	Robert F Jr and Elaine C Preston	2013 East Cedarville Road	Pottstown	PA	19465
18-4-32.1H	**R-3**	**R-2**	Louis R and Robin A Scaringi and Jospeh N Scaringi	2029 East Cedarville Road	Pottstown	PA	19465
18-4-32.1G	**R-3**	**R-2**	Daniel J and Elizabeth Murphy	2045 East Cedarville Road	Pottstown	PA	19465
18-4-32.1D	**R-3**	**R-2**	Edward J and Lynn A Coffey	2061 East Cedarville Road	Pottstown	PA	19465
18-4-32.1E	**R-3**	**R-2**	Robert J. Carfagno	2077 East Cedarville Road	Pottstown	PA	19465
18-4-32.1F	**R-3**	**R-2**	Robert K and Christine M Moyer	2093 East Cedarville Road	Pottstown	PA	19465
18-4-36	**R-3**	**R-2**	Donald F. Rightnour	87 Harley Road	Pottstown	PA	19465
18-4-35	**R-3**	**R-2**	Ruth Anne Fullaway	286 Ellis Woods Road	Pottstown	PA	19465
18-4-41.4A	**R-3**	**R-2**	Thomas C and Joy C Moyer	295 Ellis Woods Road	Pottstown	PA	19465
18-4-41.4C	**R-3**	**R-2**	James I and Bonnie A Ehrhart	307 Ellis Woods Road	Pottstown	PA	19465
18-4-42	**R-3**	**R-2**	James I and Bonnie A Ehrhart	307 Ellis Woods Road	Pottstown	PA	19465
18-4-41.4B	**R-3**	**R-2**	Wesley and Lois A Boyer	2153 East Cedarville Road	Pottstown	PA	19465
18-4-41.4D	**R-3**	**R-2**	John E and Mary L Yusko	2169 East Cedarville Road	Pottstown	PA	19465
18-4-41.4E	**R-3**	**R-2**	John J and Marian Swist	2185 East Cedarville Road	Pottstown	PA	19465
18-4-41.3	**R-3**	**R-2**	Roger A and Sandra L Rentschler	2207 East Cedarville Road	Pottstown	PA	19465
18-4-41.5	**R-3**	**R-2**	Paul R Sr and Clara Barr	2223 East Cedarville Road	Pottstown	PA	19465
18-4-41.6	**R-3**	**R-2**	Benjamin T Irwin and Angela M Colasanti	2235 East Cedarville Road	Pottstown	PA	19465
18-4-41.7	**R-3**	**R-2**	David C and Christine M Wunder	2251 East Cedarville Road	Pottstown	PA	19465
18-4-41	**R-3**	**R-2**	Robert A Bealer	1930 Coventryville Road	Pottstown	PA	19465
18-4-41.1	**R-3**	**R-2**	Marie M Painter	2461 E High Street - E-1	Pottstown	PA	19464
18-4-41.2	**R-3**	**R-2**	Harold C and Jeanne L Haring	2323 East Cedarville Road	Pottstown	PA	19465
18-4-41.2A	**R-3**	**R-2**	Kenneth R and Terry L Smith	2377 East Cedarville Road	Pottstown	PA	19465
Old Schuylkill Road (south side)							
18-5-129.5	**NC**	**R-3**	Lauren E Geunes	P.O. Box 290	Parkerford	PA	19457
18-5-129.6	**NC**	**R-3**	Russell A and Sharon A Cossaboon	P.O. Box 182	Parkerford	PA	19457
18-5-129.1	**NC**	**R-3**	Dennis Nagy	P.O. Box 218	Parkerford	PA	19457
18-5F-14	**NC**	**R-3**	Peter A and Alice H Kurtas	P.O. Box 105	Parkerford	PA	19457
18-5F-15	**NC**	**R-3**	Mary E Brower	P.O. Box 105	Parkerford	PA	19457
18-5F-16	**NC**	**R-3**	Carl and Elizabeth Bean	P.O. Box 96	Parkerford	PA	19457
18-5F-17	**NC**	**R-3**	F J Raspen	P.O. Box 152	Parkerford	PA	19457
18-5F-18	**NC**	**R-3**	Barry A Corson	P.O. Box 317	Parkerford	PA	19457
18-5F-32	**NC**	**C**	Michael J and Lynn C Coine	1134 Schoolhouse Road	Pottstown	PA	19465

(27, Zoning Map Amendments, cont'd)

Vicinity and Parcel No.	Current Zoning	Proposed Zoning	Property Owner	Propery Owner Street Address	City	State	Zip
18-5F-33	**NC**	**C**	Clarence Floyd and Rebecca B Richmond	2716 Old Schuylkill Road	Pottstown	PA	19465
18-5F-34	**NC**	**C**	Richard D Buckwalter and Frderick A Falini	165 Red Corner Road	Douglassville	PA	19518
18-5F-35	**NC**	**C**	Carlos and Liliana Ruano	3605 Arrowood Drive	Raleigh	NC	27601
18-5F-36	**NC**	**C**	Kevin West	2740 New Schuylkill Road	Spring City	PA	19475
18-5F-37	**NC**	**C**	Robert H and Emma S Turner	P.O. Box 200	Parkerford	PA	19457
18-5-146.1	**NC**	**C**	Robert H and Emma S Turner	P.O. Box 200	Parkerford	PA	19457
18-5-146	**NC**	**C**	Robert H and Emma S Turner	P.O. Box 200	Parkerford	PA	19457
18-5F-20	**NC**	**C**	Adam D McGee and Kristy L Humma	44 Bethel Church Road	Spring City	PA	19475

North Coventry Township

South Coventry Township

Lower Pottsgrove Township
(Montgomery County)

Limerick Township
(Montgomery County)

East Vincent Township

East Vincent Township

WAS "R-2"

WAS "R-3"

WAS "R-3"

WAS "R-3"

WAS "LI"

WAS "R-3"

WAS "FR"

WAS "NC"

0 1,000 2,000 FEET

SCALE: 1" = 2,000

LEGEND:

R-1	RESIDENTIAL
R-2	RESIDENTIAL
R-3	RESIDENTIAL
FR	FARM RESIDENTIAL
C	COMMERCIAL
NC	NEIGHBORHOOD COMMERCIAL
C-1	COMMERCIAL / BUSINESS CAMPUS
LI	LIMITED INDUSTRIAL

AREAS OF PROPOSED ZONING CHANGES MAP

AREAS OF PROPOSED ZONING CHANGES.

PROPOSED ZONING CHANGES - 5-5-2008

ZONING

EAST COVENTRY TOWNSHIP

CHESTER COUNTY, PENNSYLVANIA

LAND USE PLANNING & DESIGN:
THE GRAFTON ASSOCIATION

5-5-2008

Page Revised 10/13/2008

APPENDIX

The following ordinances and resolutions are no longer of general interest, primarily because their provisions were carried out directly after their enactment. Since they are mainly of historical interest, it has not been considered necessary to include their entire text. Instead, they are arranged in groups, according to subject matter, and within each group listed by title in chronological order. The content of the ordinances and resolutions is indexed, in all necessary detail, in the general index at the end of this volume. The annual budget and tax ordinances have been listed only in the "Key to the Disposition of Ordinances." Any person who desires to read the full text of any of the ordinances or resolutions may do so by consulting the original Ordinance Books on file in the Township Offices.

The enactments included in this Appendix are grouped under the following headings:

A. . . . . Annexation of Territory

B. . . . . Bond Issues and Loans

C. . . . . Franchises and Services

D. . . . . Governmental and Intergovernmental Affairs

E. . . . . Plan Approval

F. . . . . Public Property

G. . . . . Sewers

H. . . . . Streets and Sidewalks

I. . . . . Water

J. . . . . Zoning; Prior Ordinances

Appendix A

Annexation of Territory

(Reserved to accommodate future ordinances)

Appendix B

Bond Issues and Loans

Ordinance	Date	Type of Action	Amount	Purpose
55	5/16/1988	Indebtedness Note	$350,000	Construction of a Township building
106	11/6/2000	General Obligation Note	$632,500.00	
131	11/1/2004	General Obligation Note	$1,000,000	1. Construction of an enlargement and improvements to Township building. 2. Plans for expansion of Township sewer system. 3. Improvements to public park. 4. Purchase of new traffic signals.
139	1/29/2007	Sewer Revenue Note	$7,825,000	Authorizing the issuance of and securing guaranteed sewer revenue notes, to be issued to Commerce Nank, N.A., to acquire and construct sanitary sewage system facilities.

Appendix C

Franchises and Services

(Reserved to accommodate future ordinances)

Appendix D

Governmental and Intergovernmental Affairs

D-1. Providing for the cooperation in the governmental function of police protection by and between the Township of East Coventry, Chester County, Pennsylvania, and the Township of Est Vincent, West Vincent, East Pikeland, West Pikeland, and the Boroughs of Phoenixville and Spring City, Chester County, Pennsylvania, and the Township of Limerick, Montgomery County, Pennsylvania; and further providing for the cooperation in the governmental function of police protection by and between the Township of East Coventry, Chester County, Pennsylvania, and North Coventry Township, Chester County, Pennsylvania, and Lower Pottsgrove Township, Montgomery County, Pennsylvania, and Upper Pottsgrove Township, Montgomery County, Pennsylvania, and West Pottsgrove Township, Montgomery County, Pennsylvania, and the Borough of Pottwtown, Montgomery County, Pennsylvania, which Municipalities are associated with each other in the Council of area governments. (Ord. 32, 9/7/1976)

D-2. Authorizing the Township to enter into a municipal drug task force agreement with the office of Attorney General of the Commonwealth of Pennsylvania and other Municipalities, providing for intergovernmental cooperation and participation in the enforcement of narcotics and illegal drug laws. (Ord. 76, 11/15/1993)

D-3. Authorizing the Township to enter into an intergovernmental cooperative agreement with other Municipalities in Chester County providing for mutual police aid across municipal boundaries to enforce provisions of narcotic and illegal drug laws. (Ord. 77, 11/15/1993)

D-4. Adopting, approving and authorizing the entry of East Coventry Township into the Pottstown Metropolitan Region Intergovernmental Cooperative Implementation Agreement for regional planning dated October, 2005, prepared by the Pottstown Metropolitan Regional Planning Commission; and repealing Part 1A, entitled “Pottstown Area Regional Planning Commission,” of Chapter 1 of the Township of East Coventry Code of Ordinances. (Ord. 136, 12/19/2005)

D-5. Electing to change the benefits it has in the Pennsylvania Municipal Retirement System under Article IV of the Pennsylvania Municipal Retirement Law: agreeing to be bound by all provisions of the Pennsylvania Municipal Retirement Law as amended and as applicable to member municipalities changing benefits under the provisions of this Article: stating which of certain options permitted under the said law are accepted by the Township. (Ord. 163, 2/8/2010)

D-6. Approving an amendment to the Pottstown Metropolitan Region Intergovernmental Cooperative Implementation Agreement for regional planning, amending Section IV: Definitions of the Intergovernmental Cooperative Implementation Agreement. (Ord. 167, 4/12/2010)

Appendix E

Plan Approval

E-1. Adopting the "East Coventry Township, Chester County, radiological emergency response plan and implementing procedures for incidents at the Limerick Generating Station" as part of the Township's Disaster Emergency Management Plan pursuant to Section 7503 of the "Emergency Management Services Code" (Act of 323 of 1978). (Ord. 45A, 9/9/1985)

E-2. Designating 754.7 acres of land situate in East Coventry Township, Chester County, Pennsylvania, as Agricultural Security Area No. 1 pursuant to the terms and provisions of Act 43 of 1981. (Ord. 45, 7/9/1985)

Appendix F

Public Property

F-1. Purchase property containing approximately seven acres located on the north side of Ellis Woods Road between Haldeman Road and Pughtown Road in East Coventry Township, Chester County, Pennsylvania. (Ord. 18, 7/26/1969)

Appendix G

Sewers

(Reserved to accommodate future ordinances)

Appendix H

Streets and Sidewalks

Name	Activity	Ord.
Ellis Woods Road	vacated, a portion	165, 3/8/2010
Ebelhare Road	name change from Pughtown Road	37, 2/4/1980
Fricks Lock Road	vacated, a portion	50, 4/6/1987
River View Road	name change from Fricks Lock Road	52, 11/2/1987
Spiece Road	vacated, a portion	130, 8/16/2004

Appendix I

Water

(Reserved to accommodate future ordinances)

Appendix J

Zoning; Prior Ordinances

J-1. The East Coventry Township Zoning Ordinance of 1968, as amended, and as further amended March 6, 1978, was completely revised, amended, and reenacted by Ordinance No. 47, adopted December 19, 1985, known as the “East Coventry Township Zoning Ordinance of 1985."

J-2. The East Coventry Township Zoning Ordinance of 1985, as amended by April 4, 1988, by November 20, 1989, by November 5, 1990, by December 17, 1990, by January 25, 1993, by July 18, 1994, by October 21, 1996, by October 6, 1997, by November 23, 1998, by October 16, 2000, by bruary 19, 2001, by October 7, 2002 by December 31, 2002, by November 3, 2003, by February 23, 2004, and as further amended June 21, 2004, was completely revised, amended, and reenacted by Ordinance No. 135, adopted September 19, 2005, known as the “East Coventry Township Zoning Ordinance of 2005."

KEY TO DISPOSITION OF ALL ORDINANCES

Ord. or Res.	Disposition	Number
1	Chapter 6	§§201, 202
2	Superseded by	14
3	Chapter 10	§§201-215
4	Repealed by	17
5	Repealed by	49
6	Repealed by	17
7	Chapter 1	§§101, 102
(§§5, 6	Repealed by	49
8	Chapter 24	§§101-104
9	Chapter 24	§§201-213
Res. 9	Reenacted by	13
10	Repealed by	17
11	Superseded by	75
Art. 5	Superseded by	72
12	Repealed by	49
13	Superseded by	49
14	Chapter 14	§§101-137
15	Superseded by	49
16	Superseded by	47
17	Superseded by	30
18	Appendix	F-1
19	Superseded by	49
20	Repealed by	24
21	Superseded by	49
22	Superseded by	49
23	Superseded by	30
24A	Superseded by	47
24E	Superseded by	49
25	Superseded by	49
26	Repealed by	49
27	Chapter 21	§§201-205

Ord. or Res.	Disposition	Number
28	Chapter 13	§§101-108
29	Chapter 10	§§101-106
30	Superseded by	96
31	Chapter 13	§§104, 106
32	Appendix	D-1
33	Superseded by	49
33A	Superseded by	49
34	Chapter 1	§§221-224
35	Chapter 6	§§101-107
36	Superseded by	85
37	Appendix	H
38	Superseded by	96
Ch. 22	Superseded by	75
Ch. 27	Superseded by	47
39	Chapter 24	§§301-303
40	Superseded by	49
41	Repealed by	70
42	Superseded by	49
43	Superseded by	101
44	Chapter 16	§§101-106
45	Appendix	E-2
45A	Appendix	E-1
46	Superseded by	89
47	Superseded by Appendix	135 J
48	Superseded by	49
49	Adopting Ord.	pg. ix.
Ch. 5, §§101-105	Superseded by	96
Ch. 15, §§101-604	Superseded by	161
Ch. 21, §111	Superseded by	101
Res. 11/3/1976	Repealed by	Res. 4/6/1992
50	Appendix	H
51	Chapter 24	§§401-412

Ord. or Res.	Disposition	Number
52	Appendix	H
53	Superseded by Appendix	135 J
54	Superseded by	75
55	Appendix	B
56	Chapter 4	§§101-105
57	Superseded by Appendix	135 J
58	Superseded by Appendix	135 J
59	Superseded by	161
60	Superseded by	161
61	Chapter 10	§§301-303
62	Superseded by Appendix	135 J
63	Superseded by	75
64	Superseded by	96
65	Superseded by Appendix	135 J
66	Superseded by	75
67	Superseded by	75
§2	Superseded by	72
68	Chapter 24	§103
69	Chapter 1	§§211-217
70	Chapter 1	§§201-207
71	Superseded by	161
72	Superseded by	75
73	Chapter 26	§§101-107
Res. 4/6/1992	Fee Res.	pg. x-v
74	Superseded by Appendix	135 J
75	Repealed by	128
76	Appendix	D-2
77	Appendix	D-3
78	Superseded by	161

Ord. or Res.	Disposition	Number
79	Chapter 1	§§501-507
80	Chapter 11	§§101-105
81	Number not used	
82	Superseded by Appendix	135 J
83	Superseded by	96
84	Chapter 1	§§601-604
85	Chapter 13	§201
86	Superseded by	161
87	Superseded by	161
88	Superseded by	161
89	Chapter 1	§401
90	Repealed by	128
91	Superseded by Appendix	135 J
92	Superseded by	96
93	Chapter 1	§§701-710
94	Superseded by Appendix	135 J
95	Chapter 18	§§101-112
96	Chapter 5	§§101-104
97	Superseded by Appendix	135 J
98	Repealed by	128
99	Superseded by Appendix	135 J
100	Superseded by Appendix	135 J
101	Repealed by	129
102	Superseded by Appendix	135 J
103	Chapter 9	§§101-160
104	Repealed by	128
105	Chapter 18	§§201-209
106	Appendix	B

Ord. or Res.	Disposition	Number
107	Superseded by	135
	Appendix	J
108	Repealed by	136
109	Repealed by	136
110	Chapter 22A	§§101-502
111	Chapter 1	§§801, 802
112	Chapter 9	§121
113	Superseded by	135
	Appendix	J
114	Superseded by	135
	Appendix	J
115	Superseded by	135
	Appendix	J
116	Repealed by	128
117	Repealed by	128
118	Superseded by	134
119	Superseded by	135
	Appendix	J
120	Chapter 1	§§901-915
121	Repealed by	128
122	Superseded by	135
	Appendix	J
123	Superseded by	135
	Appendix	J
124	Repealed by	128
125	Superseded by	134
126	Superseded by	135
	Appendix	J
127	Chapter 5	§§201-208
128	Chapter 22	§§101-706
129	Chapter 21	§§101-112
130	Appendix	H
131	Appendix	B
132	Superseded by	134
133	Chapter 22	§301
134	Chapter 18	§§301-311

Ord. or Res.	Disposition	Number
135	Chapter 27	§§101-1907
136	Appendix	D
137	Chapter 1	§1001
138	Chapter 18	§302
139	Appendix	B
140	Chapter 27	§§201, 302, 403, 1907
141	Chapter 5	§111
142	Chapter 22	§§601-A-603-A
143	Chapter 9	§§102, 103, 111, 112, 161-166, 171-176
144	Chapter 18	§302
145	Chapter 18	§210
146	Chapter 9	§106
	Chapter 21	§113
147	Chapter 27	§§101-1908
148	Not adopted	
149	Chapter 13	§202
150	Chapter 24	§§501-514
151	Chapter 22	§406
152	Chapter 27	§§102, 202, 419, 1306, 1314, 1317, 1330
153	Chapter 27	§1314
154	Superseded by	161
155	Chapter 18	§310.1
156	Chapter 9	§§112, 121, 133, 134, 144
157	Chapter 1	§§1101-1108
158	Chapter 27	§§202, 1319, 1335, 1336
159	Chapter 5	§103
160	Chapter 27	§§502, 602, 802
161	Chapter 15	§§101-604
162	Not adopted	
163	Appendix	D
164	Chapter 15	§§201, 209, 402

Ord. or Res.	Disposition	Number
165	Appendix	H
166	Chapter 27	§§1333, 1901, 1902, 1906
167	Appendix	D

TOWNSHIP OF EAST COVENTRY

INDEX

SUBJECT	CHAPTER	SECTION
ADMINISTRATION AND GOVERNMENT		
appointment of elected tax collector as delinquent tax collector		
appointment	1	801
powers of delinquent tax collector	1	802
delaware valley workers' compensation trust		
authority for part	1	915
commonwealth approval of trust	1	905
conditions to township participation in trust	1	907
definitions	1	901
delaware valley workers' compensation trust agreement	1	902
delegation of authority to pay claims	1	904
effective date of township participation in trust	1	912
further conditions to township participation in trust	1	914
group insurance and employee benefits	1	911
organizational structure of trust	1	909
purpose of township participation in trust	1	903
responsibility of trust to pay claims	1	906
source of funds to create and operate trust	1	910
term of township participation in trust; withdrawal from trust	1	908
township appropriations for contributions and assessments	1	913
ADOPTING ORDINANCE	Intro.	pg. ix
AGRICULTURAL SECURITY AREA	Appendix	E-2
BOARD OF SUPERVISORS,		
compensation of	1	401
BOND ISSUES AND LOANS	Appendix	B
BUILDING CODE, see CODE ENFORCEMENT		
BUILDINGS		
building numbers		
building number system	4	102
definitions	4	101
notification of assignment and reassignment of numbers; responsibility to place		

SUBJECT	CHAPTER	SECTION
and maintain of numbers	4	103
penalties for violations	4	105
placement and maintenance of numbers	4	104
CABLE TELEVISION FRANCHISE		
grant of rights and privileges to operate catv facilities		
grant of license and franchise; suburban cable tv company, inc.	13	201
grant of license and franchise; verizon pennsylvania, inc.	13	202
CODE ENFORCEMENT		
building code		
BOCA code/1996, adoption of	5	101
building codes, amendments to code enforcement officer,	5	111
duties of	5	107
definition	5	109
electrical code, adoption of	5	105
entry, right of	5	108
established, fire limits	5	110
interpretation	5	112
mechanical code, adoption of	5	104
office of code enforcement official, establishment of	5	106
plumbing code, adoption	5	102
property maintenance code, adoption of	5	103
uniform construction code		
board of appeals	5	206
building code	5	204
definitions	5	202
election to administer and enforce construction code act and regulations	5	203
existing ordinances, regulations and policies	5	207
fees	5	208
methods of administration and enforcement	5	205
purpose	5	201
CURFEW		
arrest without warrant	6	105
certification of case to court	6	107
definitions	6	102
detention/release	6	105
exceptions	6	104
hours in effect	6	103
parental liability	6	103
penalties	6	106
DISABILITY		
see FIREMENS RELIEF ASSOCIATION		
see RETIREMENT BENEFITS		
DISTURBING THE PEACE	6	201, 202

SUBJECT	CHAPTER	SECTION
DRIVEWAYS, see STREETS AND SIDEWALKS		
EMERGENCY MANAGEMENT PLAN	Appendix	E-1
EXCAVATIONS		
definitions	10	101
notice to fill	10	104
penalties	10	106
time restrictions	10	102
extensions of time	10	103
Township may do work	10	105
FALSE ALARMS, see HEALTH AND SAFETY		
FEE RESOLUTION	Intro.	pg. xiii
FIREMENS RELIEF ASSOCIATION	1	301-303
FLOOD PLAINS (amends BOCA Bldg code)		
definitions	5	2501
design and construction standards	5	2503
elevation standards	5	2502
nonresidential structures	5	2502.2
residential structures	5	2502.1
existing structures	5	2505

[Text continued on following page.]

SUBJECT	CHAPTER	SECTION
FLOOD PLAINS, cont'd		
liability, warning	5	2508.1
mobile homes,		
damage control provisions	5	2504
performance standards	5	2500.2
plan requirements	5	2507.2
plan review	5	2507.2
permits, special	5	2507.6
utilities, design	5	2503
variances	5	2506
FRANCHISES		
see Appendix C		
see CABLE TELEVISION		
GRADING AND EXCAVATING		
stormwater management		
comprehensive stormwater management procedures		
comprehensive stormwater management plan related to building construction	9	133
comprehensive stormwater management plan subdivision or or land development	9	132
comprehensive stormwater management plan requirement	9	131
stormwater management plan content	9	134
comprehensive stormwate management standards		
land disturbance, standards during	9	122
permanent stormwater management, standards for	9	121
stormwater best management approaches and practices, selection of	9	124
stormwater management districts, special	9	123
definitions		
definitions, specific	9	112
general	9	101
enforcement, violations and penalties		
enforcement	9	173
general	9	171
noncompliance with approved comprehensive stormwater management plan and/or maintenance plan	9	175
penalties	9	176
public nuisance	9	172
suspension and revocation of permits and approvals	9	174
fees and costs		
comprehensive stormwater management plan approval and other associated fees	9	151
general provisions		
applicability	9	104
authority	9	103
goals	9	101

SUBJECT	CHAPTER	SECTION
GRADING AND EXCAVATING, cont'd		
ordinance requirements, compatibility with other	9	105
purpose	9	102
waiver	9	106
maintenance and inspection of permanent stormwater management facilities		
corrective measures, need for	9	142
fees associate with inspection		145
land disturbances not related to subdivision or land development	9	144
land disturbances related to subdivision or land development, inspection of	9	143
maintenance responsibilities	9	141
prohibited discharges and connections; erosion and sediment controls; post-construction stormwater runoff controls		
application of provisions of subpart	9	161
definitions	9	162
erosion and sediment control	9	165
post-construction runoff control requirements	9	166
prohibited connections	9	164
prohibited discharges	9	163
GOVERNMENTAL AFFAIRS	Appendix	D
HEALTH AND SAFETY		
false alarms		
charges for false alarms	10	302
definitions	10	301
penalty for failure to pay false alarm charges	10	303
HISTORICAL COMMISSION		
appointment; term; vacancy	1	504
assistance	1	507
creation and purpose	1	502
definitions	1	501
membership	1	503
organization; meetings; conduct of business	1	505
powers and duties	1	506
HOLDING TANKS, see SEWERS AND SEWAGE DISPOSAL		
HOLES, see EXCAVATIONS		
HOUSING		
tenancy reports		
annual tenancy reports	11	104
definitions	11	101
initial tenancy reports	11	102
interim tenancy reports	11	103
penalties	11	105

SUBJECT	CHAPTER	SECTION
INFESTATIONS	10	207
MOBILE HOME PARKS		
Certificate of Registration	14	109
change in management, notification of	14	115
commercial waste creating activities	14	125
definitions	14	101
emergency powers	14	136
garbage containers	14	135
general regulations for park operation	14	128
ground cover	14	117
grounds, drainage/maintenance	14	116
hearings	14	113
incorporation of other law	14	131
inspections	14	114
monthly plumbing installations	14	129
lot dimensions	14	121
lot requirements	14	119
nonresidential uses prohibited	14	118
notice of violation	14	113
notice to correct conditions	14	112
office building	14	120
parking areas	14	121
park register information	14	127
penalties	14	137
permit required	14	102
application for	14	103, 104
fees	14	105, 108
investigation	14	106
not transferable	14	111
posting of	14	120
renewal of	14	107
suspension of	14	112
roadways		
lighting of	14	123
signs	14	124
scale/disposal of interest in	14	110
screening at property lines	14	126
septic systems	14	132, 133
utilities	14	119
water lines, protection from contamination	14	134
water supply, private	14	122
MOTOR VEHICLES, see also PARKING; or TRAFFIC		
general parking regulations	15	401-409
general regulations	15	101-107
impoundment procedures	15	501-510
traffic regulations	15	201-210
weight/size restrictions	15	301-304

SUBJECT	CHAPTER	SECTION
NUISANCES		
see EXCAVATIONS		
see PROPERTY MAINTENANCE		
PARKING; see also TRAFFIC		
general parking regulations		
parking of trucks, busses and certain other vehicles prohibited in certain locations	15	404
parking prohibited at all times in certain locations	15	402
parking prohibited in specific locations, certain days and hours	15	403
parking time limited in certain locations, certain days and hours	15	405
penalties for violation	15	409
special purpose parking zones established; parking otherwise prohibited	15	406
standing or parking on roadway for loading or unloading	15	407
temporary parking	15	408
vehicles to be parked within marked spaces	15	401
general regulations		
definitions and interpretation	15	101
enactment of permanent traffic and parking regulations	15	102
enforcement	15	106
experimental regulations	15	104
temporary and emergency regulations	15	103
traffic control signal preemption equipment	15	107
traffic on streets closed or restricted for construction, maintenance or special events	15	105
removal and impoundment of illegal parked vehicles		
applicability and scope	15	501
authority to remove and impound	15	502
tow away zones designated	15	503
designation of approved storage garages; bonding; towing and storage	15	504
payment of towing and storage charges	15	505
reclamation costs	15	506
records of vehicles removed and impounded	15	507
restrictions upon removal of vehicles	15	508
penalties	15	509
reports and disposition of unclaimed vehicles	15	510

[CONTINUED ON PAGE I-5]

SUBJECT	CHAPTER	SECTION
PARK REGULATIONS		
availability of use	16	101
liability	16	102
penalties	16	106
posting of regulations	16	105
prohibited behavior	16	104
vehicular restrictions	16	103
PARKS, RECREATION AND CONSERVATION COMMITTEE		
acceptance of grants, gifts, etc.; entering into contracts and incurring obligations	1	1105
disbursal of funds	1	1106
duties	1	1102
establishment	1	1101
membership; compensation; vacancies	1	1103
officers; rules and regulations; meetings	1	1104
powers and responsibilities	1	1108
reports; fiscal year	1	1107
PEDDLERS		
definitions	13	101
license required	13	102
application requirements	13	104
exceptions	13	103
exhibition of	13	106
period of; renewal	13	107
waiting period	13	105
penalties	13	108
PLAN APPROVALS	Appendix	E
PLANNING COMMISSION		
township planning commission		
creation/membership	1	101
powers and duties	1	102
POLICE		
authority of	15	108
cooperation agreement w/ certain municipalities	Appendix	D-1
warrantless arrest guidelines	1	1001
PROPERTY MAINTENANCE		
abandoned refrigerators	10	208
application	10	204
authority	10	202
buildings and structures	10	205
definitions	10	203
infestation, prevention/control	10	207
inspections	10	215

SUBJECT	CHAPTER	SECTION
PROPERTY MAINTENANCE, cont'd		
notice of violations	10	211
compliance	10	212
open areas/yards	10	206
owner's responsibilities	10	210, 214
penalties	10	213
roof drainage, prohibitions	10	208
PUBLIC PROPERTY, purchase of	Appendix	F-1
RECREATION AREAS, see PARKS		
RETIREMENT BENEFITS		
Municipal Retirement System (PMRS) - Municipal Employees		
authorization	1	206
certified copies	1	207
credit for prior service	1	203
effective date	1	207
improvement of benefits	1	201
membership	1	202
payments	1	204
Municipal Retirement System (PMRS) - Police Officers		
adoption	1	211
authorization	1	216
benefits	1	215
certified copies	1	217
credit for prior service	1	213
effective date	1	217
membership	1	212
payment	1	214
Social Security program	1	221-225
SEWERS AND SEWAGE DISPOSAL		
holding tanks		
definitions	18	102
granted, rights and privileges	18	103
legislative intent, declaration of	18	101
rules and regulations	18	104
management of individual and community onlot sewage systems		
decommissioning of on-lot sewage disposal systems	18	210
definitions and interpretation	18	202
enforcement and appeals	18	208
fee schedule	18	209
health department, report to	18	206
onlot sewage system maintenance and operation	18	204
regulations, promulgation of	18	205
requirements	18	203
short title; introduction; purpose	18	201
violation and penalties	18	209
public sanitary sewage systems		
charges, connection	18	309

SUBJECT	CHAPTER	SECTION
SEWERS AND SEWAGE DISPOSAL, cont'd		
connection with and use of public sewers	18	303
district, sanitary sewer	18	308
fee, sewer rental	18	310
interpretation; definitions	18	302
privy vaults, cesspools, etc.	18	305
reservation of public sanitary sewage system and treatment plant capacity	18	310.1
sewer, extensions of public	18	307
sewers and connections with public sewers, building	18	306
short title; purpose	18	301
violations and penalties	18	311
wastes, prohibited placements, deposits and discharges of sanitary sewage and industrial	18	304

SUBJECT	CHAPTER	SECTION
SNOW AND ICE EMERGENCY,		
declaration of snow and ice emergency	15	601
parking prohibited, driving motor vehicles restricted, on snow emergency routes	15	602
penalties for violation	15	604
snow emergency routes designated	15	603
STANDARD CONSTRUCTION AND MATERIAL SPECIFICATIONS FOR PUBLIC IMPROVEMENTS, see SUBDIVISION AND LAND DEVELOPMENT		
STORMWATER MANAGEMENT, see GRADING AND EXCAVATING		
STREETS AND SIDEWALKS		
driveways		
appeals	21	112
definitions	21	103
indemnification of the township	21	110
inspections	21	108
maintenance	21	107
permit requirements for driveways	21	105
penalties and remedies for violations	21	111
preamble and intent	21	102
scope	21	104
short title	21	101
standards for driveways	21	106
requirements for subdividers	21	109
waiver	21	113
street excavations		
excavation permits		
application for	21	202
approval/disapproval	21	203
completion; inspection	21	204
penalties	21	205
record of activities	Appendix	H
SUBDIVISION AND LAND DEVELOPMENT		
administration		
amendments	22	706
appeals	22	705
enforcement	22	701
fees and costs	22	703
modifications and waivers	22	704
records	22	702
construction and acceptance of improvements		
as-built plans	22	605
construction required	22	601
dedication and acceptance of improvements	22	606
inspections	22	602
liability insurance	22	608
maintenance guarantee	22	607
maintenance responsibilities	22	603
release from performance guarantee	22	604
definitions		
definitions	22	202
general interpretation	22	201

SUBJECT	CHAPTER	SECTION
SUBDIVISION AND LAND DEVELOPMENT, cont'd		
development design standards		
acceleration, deceleration and turning lanes	22	412
curbs	22	416
general	22	401
increase of rights-of-way width	22	407
land requirements	22	402
landscaping, screening and buffering	22	428
lot design	22	403
monuments and markers	22	404
natural and historic features protection	22	429
other utilities	22	423
outdoor lighting requirements and standards	22	427
park, recreation and open space	22	426
parking areas	22	419
private driveways	22	415
private streets	22	414
sewage treatment and disposal	22	421
shade trees and screen planting	22	420
sidewalks	22	418
single access streets/cul-de-sacs	22	411
stormwater management	22	424
street alignment	22	409
street construction	22	413
street grades	22	408
street intersections	22	410
street names and signs	22	417
street rights-of-way widths	22	406
street system	22	405
stripping, piling, replacement or removal of topsoil	22	425
water supply	22	422
mobile/manufactured home parks		
access requirements	22	505
community buildings	22	514
density, area and dimensional standards	22	504
discontinuation of use	22	503
electrical distribution system	22	509
fire protection	22	515
fuel supply and storage	22	511
maintenance of common areas and facilities	22	516
open space, landscaping, screening and buffering	22	513
outdoor lighting requirements and standards	22	508
permits, inspection and fees	22	502
refuse disposal and recycling	22	510
sewage treatment and disposal	22	506
stormwater management	22	512
submission of application and review of plans	22	501
water supply	22	507

SUBJECT	CHAPTER	SECTION
SUBDIVISION AND LAND DEVELOPMENT, cont'd		
plan processing and content		
accompanying data	22	306
commencement of development	22	311
final plan submission, resubmission review and content	22	305
performance guarantees	22	310
plan amendments	22	312
plan classification and public notification	22	301
preliminary plan submission, resubmission review and content	22	304
recording of final plan	22	307
resubdivision plan submission, review and content	22	308
review by chester county and other agencies	22	302
sketch plan submission, review and content	22	303
agreement	22	309
preamble		
control	22	104
interpretation	22	103
purpose	22	102
short title	22	101
standard construction and material specifications for public improvements		
inconsistencies	22	601-C
Standard specifications	22	601-A
supplemental nature of standard specifications	22	601-B
TAX, REAL PROPERTY		
discounts		
levy	24	302
penalties	24	301
TAXATION; SPECIAL	24	303
earned income & net profits tax		
administration	24	408
authority for enactment	24	403
collection at source	24	407
declarations, returns and payments of tax	24	406
definitions	24	402
effective date	24	412
fines & penalties for violations of this part	24	410
impositions	24	405
incorporation of statute	24	404
interest and penalties	24	409
severability	24	411
short title	24	401
local services tax		
administration of tax	24	511
dates for determining tax liability and payment	24	507
definitions	24	502
duty of employers to collect	24	505
exemption and refunds	24	504

SUBJECT	CHAPTER	SECTION
TAXATION, SPECIAL		
local services tax, cont'd		
individuals engaged in more than one (1) occupation or employed in more than one (1) political subdivision	24	509
interpretation	24	514
levy of tax	24	503
nonresidents subject to tax	24	510
returns	24	506
self-employed individuals	24	508
short title	24	501
suits for collection	24	512
violations and penalties	24	513
per capita tax		
authority for enactment	24	101
collection of	24	104
levy	24	103
"resident" defined	24	102
real estate transfer tax		
authority for enactment	24	201
certain documents require affidavit	24	208
definitions	24	202
evidence of payment	24	205
liens against property	24	212
payment and liability	24	204
penalties	24	213
prohibited acts	24	209
tax collector		
authority of	24	207
duties of	24	206
tax rate	24	203
unpaid taxes		
constitutes lien on property	24	212
interest added to	24	210
TENANTS/LANDLORDS, see HOUSING		
TOWNSHIP MANAGER		
amend or repeal this part, right to	1	710
appointment	1	702
board of supervisors, relationship to	1	707
bond	1	704
compensation	1	705
office, creation of	1	701
powers and duties	1	706
qualifications	1	703
removal	1	709
the Township manager, disability or absence of	1	708
TRAFFIC; see also PARKING		
general regulations		
definitions and interpretation	15	101
enactment of permanent traffic and parking regulations	15	102
enforcement	15	106
experimental regulations	15	104

SUBJECT	CHAPTER	SECTION
temporary and emergency regulations	15	103
traffic control signal preemption equipment	15	107
traffic on streets closed or restricted for construction, maintenance or special events	15	105
restrictions on size, weight and type of vehicle and load		
restrictions as to weight and size of vehicles on certain streets and bridges	15	303
restrictions on size of vehicles on certain streets and bridges	15	302
truck traffic restrictions on certain streets	15	304
vehicle weight limits established on certain streets and bridges	15	301
traffic regulations		
intersections where turn prohibited on red signal	15	206
maximum speed limits established for certain vehicles on hazardous grades	15	203
maximum speed limits established in parks	15	204
maximum speed limits established on certain streets	15	201
maximum speed limits established on certain bridges and elevated structures	15	202
no passing zones established	15	208
one-way streets established	15	207
stop intersections established	15	209
traffic signals at certain locations	15	205
yield intersections established	15	210
TRANSPORTATION IMPACT FEES		
definitions; previously adopted documents		
definitions	22A	202
general	22A	201
previously adopted documents	22A	203
title; purpose; general findings and conditions; construction; effects		
construction	22A	104
development of land and building permits, effect on	22A	106
findings and conditions, general	22A	103
purpose	22A	102
title	22A	101
zoning, subdivision and prd regulations, effect on	22A	105
retroactive application and retroactive transportation impact fees		
retroactive application	22A	501
transportation impact fees on land developments, subdivisions and prds subject to retroactive application	22A	502
transportation impact fees		
credits	22A	310
exemptions	22A	312
refunds	22A	311

SUBJECT	CHAPTER	SECTION
TRANSPORTATION IMPACT FEES, cont'd		
large land developments and subdivisions	22A	307
traffic studies, special, for new nonresidential land developments and subdivisions	22A	303
transportation impact fee, payment of, as condition to issuance of building permit	22A	305
transportation impact fees, administration of	22A	308
transportation impact fees, calculation of	22A	306
transportation impact fees, imposition of	22A	301
transportation impact fees, time, method and procedure of payment of	22A	309
transportation impact fees, uniform applicability of	22A	304
transportation impact fees, uses of	22A	302
transportation service areas; transportation impact fee schedule for each transportation service area		
transportation impact fee schedule for each transportation service area, establishment of	22A	403
transportation impact fees, use of	22A	404
transportation service areas, establishment of	22A	401
transportation service areas or subareas, additional	22A	402
VOLUNTEER FIRE DEPARTMENT		
designation of official volunteer fire department	1	601
duties and activities	1	603
entitlement to workers' compensation benefits	1	602
special fire police	1	604
WATER		
water conservation		
definitions	26	103
general policy; applicability; interpretation	26	102
penalties	26	107
review and modifications	26	106
short title	26	101
special provisions	26	105
water conservation performance standards and restrictions for plumbing fixtures and fittings	26	104

SUBJECT	CHAPTER	SECTION
ZONING		
administration		
fees and expenses	27	1604
floodplain/zoning permits	27	1603
municipal liability	27	1605
use and occupancy permits	27	1602
zoning officer	27	1601
amendments		
enactment	27	1705
initiation of amendment proposals	27	1702
power of amendment	27	1701
public hearing and notice	27	1704
referral to Township and County planning commissions	27	1703
C-1 commercial and business campus district		
area, bulk and dimensional standards	27	1004
other requirements and standards	27	1005
single-family detached dwelling use of certain lots in the C-1 commercial district and business campus district	27	1003
specific intent	27	1001
use regulations	27	1002
conditional use process		
additional requirements for specified conditional uses	27	1402
clustered single-family detached residential development open space and other open space design standards	27	1404
continuation by conditional use of certain nonconformities resulting from the taking of portion of a lot for public road purposes	27	1406
criteria for review of conditional use applications	27	1403
requirements and procedures	27	1401
standards for communications towers and communications antennas permitted as conditional uses	27	1405
definitions		
definitions	27	202
interpretation	27	201
developed lot with accessories	27	Appendix B
enforcement		
causes of action	27	1802
enforcement remedies	27	1803
enforcement notice	27	1801
FR farm residential district		
area, bulk and dimensional standards	27	503
specific intent	27	501
use regulations	27	502

SUBJECT	CHAPTER	SECTION
general and supplemental regulations and design standards		
access, highway frontage and interior circulation	27	1305
accessory uses and accessory buildings	27	1319
antennas accessory to dwellings - general regulations	27	1320
certain nonconformities resulting from the taking of a portion of a lot for public purposes	27	1333
clear sight triangles/obstructions to vision	27	1318
conservation plan	27	1327
conversion of buildings or dwellings	27	1312
exemptions to height restriction	27	1303
fire suppression devices	27	1323
height limitation of fences and walls	27	1324
home occupations	27	1315
interior lots	27	1321
keeping of domestic animals	27	1325
landscape design, installation, and maintenance standards	27	1310
landscape screens	27	1309
minimum habitable floor areas	27	1311
municipal landfill	27	1328
municipal uses	27	1334
off-street loading	27	1307
parking standards	27	1306
physical performance requirements	27	1330
prohibited uses	27	1304
projections into required yards	27	1322
public utilities	27	1317
purpose	27	1301
reduction of lot area and front yard	27	1302
sign regulations	27	1314
single principal use	27	1329
solar energy equipment	27	1335
storage of vehicles and junk	27	1331
stream bank restriction	27	1326
swimming pools	27	1313
temporary structures	27	1332
timber harvesting requirements	27	1316
traffic impact study requirements	27	1308
wind energy equipment	27	1336
historic resource protection standards		
bonus provisions	27	1209
certified historic districts	27	1210
demolition of historic resources	27	1205
East Coventry Township historical commission	27	1204
general provisions	27	1202
historic resources map	27	1203
modification to use, area and bulk regulations	27	1206

SUBJECT	CHAPTER	SECTION
review of proposed rehabilitations, enlargements or alterations	27	1207
standards for rehabilitation	27	1208
statement of intent and purpose	27	1201
introductory provisions		
interpretation	27	103
other applicable regulations	27	105
scope	27	104
short title	27	101
statement of community development objectives	27	102
LI limited industrial district		
Specific intent	27	1101
use regulations	27	1102
single-family detached dwelling use of certain lots in the LI limited industrial district	27	1103
area, bulk and dimensional standards	27	1104
other requirements and standards	27	1105
natural features protection		
administration of the steep slope conservation district regulations	27	415
FA general floodplain district regulations	27	406
FF flood fringe floodplain district regulations	27	405
floodplain district warning and disclaimer of liability	27	408
floodplain districts	27	401
FW floodway floodplain district regulations	27	404
general floodplain regulations	27	403
landscaping, screening and buffering	27	420
purpose	27	402
riparian buffers	27	419
seasonally high water table soils and wetlands	27	418
special provisions for certain types of development within floodplain districts	27	407
standards and criteria for review of special exceptions in the steep slope conservation district	27	416
steep slope conservation district	27	409
steep slope conservation district; general provisions	27	410
steep slope designation and interpretation of district boundaries	27	411
uses and/or structures rendered nonconforming by adoption of the steep slope conservation district	27	417
uses permitted by right in the steep slope conservation district	27	412
uses permitted by special exception in the steep slope conservation district	27	413
uses permitted by variance in the steep slope conservation district	27	414

SUBJECT	CHAPTER	SECTION
NC neighborhood commercial district and C commercial district		
area, bulk and dimensional standards	27	904
other requirements and standards	27	905
single-family detached dwelling use of certain lots in the C commercial district	27	903
specific intent	27	901
use regulations	27	902
nonconforming uses, structures and buildings		
identification and registration of nonconforming uses, nonconforming structures or buildings, and nonconforming lots	27	1904
lots nonconforming as to area and width regulations, and lots of unusual dimensions	27	1906
nonconforming sign	27	1903
nonconforming structure or building	27	1902
nonconforming use	27	1901
nonconformities in floodplain districts	27	1907
temporary nonconforming use	27	1905
[Reserved]	27	Appendix A
R-1 residential district		
area, bulk and dimensional standards	27	603
specific intent	27	601
use regulations	27	602
R-2 residential district		
area, bulk and dimensional standards	27	703
clustered single-family detached residential development standards	27	704
specific intent	27	701
use regulations	27	702
R-3 residential district		
additional design standards for the R-3 residential district	27	806
adult communities	27	805
area, bulk and dimensional standards	27	803
clustered single-family detached residential development standards	27	804
specific intent	27	801
use regulations	27	802
zoning districts and boundaries		
boundary use tolerances	27	305
establishment of districts	27	301
federal, state, county or municipal owned property	27	304
municipal uses	27	306
zoning district boundaries	27	303
zoning map	27	302
zoning hearing board		
appeals and applications to the zoning hearing board	27	1506
appeals to court	27	1513
burden of proof; conditions	27	1511
decision on appeals and requests	27	1512

SUBJECT	CHAPTER	SECTION
establishment and membership	27	1501
expiration of special exceptions and variances	27	1514
hearing procedures	27	1508
jurisdiction	27	1503
meetings	27	1505
notice of hearing	27	1507
organization of the zoning hearing board	27	1502
rules of procedure, expenditures and fees	27	1504
standards for review of a special exception	27	1509
standards for review of a variance	27	1510
zoning map amendments		
zoning map		